



TOWN OF SWAMPSCOTT

PLANNING BOARD

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

MEMBERS
ANGELA IPPOLITO, CHAIR
GEORGE POTTS, VICE CHAIR
NEW GUY
BILL QUINN
DAVID ZUCKER

STAFF
MARZIE GALAZKA, DIR. OF COMM. DEV.
MOLLY O'CONNELL, SENIOR PLANNER

MARCH 9, 2020 MEETING MINUTES

Time: 7:11 P.M. – 10:21 P.M.

Location: Swampscott High School, Room B129, 200 Essex Street

Members Present: A. Ippolito, B. Quinn, M. Proscia, D. Zucker, G. Potts

Members Absent: None

Others Present: Jill Mann (attorney), Molly O'Connell (Senior Planner)

This meeting was video recorded.

Chairwoman of the Board, A. Ippolito called the meeting to order at 7:11 p.m.

1. Approval of past meeting minutes

MOTION: D. Zucker to approve the minutes from February 2020; seconded by B. Quinn; all in favor (with G. Potts in abstention).

2. CONTINUED - DISCUSSION: DEFINITIVE SUBDIVISION PLAN (19SUB3), Archer street, 54 foster road, cushing avenue

Chair Ippolito gave a brief overview of the project. She noted that the public hearing portion was closed at the last meeting so there will be no more public comment. The goal for tonight's meeting is for the Board to discuss all of the information provided and come to a decision

Chair Ippolito started with her own statement. She has been vocal about her opposition to this project and her position has not changed. She thanked Ms. Mann for her professionalism and willingness to work with the Board. She has always viewed this application as a new plan, not as providing access to a previously approved plan for 15 units. She does not think the plan is in line with the master plan or the open space plan. While we do support senior housing, the goal is compact, integrated developments geared towards connectivity and community and that is not met here. In terms of open space, the goal is to protect the environment. This proposal would clear cut and blast in an already dense neighborhood and she is not convinced we can adequately mitigate against the damage. Overall, she is not convinced that this plan is aligned with the goals of the Town. Additionally, there are safety issues and the purpose of the subdivision control law is to protect the safety and welfare of citizens. In hearing resident comments and reviewing staff comments, she is not convinced that the proposal is safe.

Chair Ippolito also pointed to the multiple requested waivers and the fact that the proposal needs additional zoning relief – which means the proposal does not currently comply with the regulations. Despite efforts of the petitioner, she is not convinced to approve this project. Additionally, no



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environmental impact statement was provided, which would show how profound the impacts of this proposal would be. She is firmly against the project.

B. Quinn noted that the Chair brings up some good points. The Board has looked at each of the waivers and been provided with details, however is the Board viewing the waivers in isolation to one another or as a whole. For safety, he thinks the project falls slightly short of the 50/50 line. For suitability, looking at the density of the neighborhood and traffic conditions he does not think this project is suitable.

D. Zucker is struggling with the role of the Board and the decision whether or not to allow a road or whether or not to allow a development. He will focus on the safety and suitability of the road as a part of the conversation. He noted the Board cannot tell the applicant that they cannot build their project, so should the Board be considering impacts? It is a cat and mouse discussion.

Chair Ippolito noted that the bylaw talks about road creation and suitability and system of ways – the creation of a road is tied to a development and the Board would never approve a road that went to nowhere. There will be an impact to the proposal.

D. Zucker noted the decision needs to be made on a rational basis.

G. Potts stated that the sight lines still seem to be compromised, which is a rational basis for safety concerns. The Board discussed the sight line issue and the information provided by the applicant and the Board's third-party consultant. While the consultant would not give a determination as to safety, it was pointed out that not all sight lines met the standard criteria. Point of order: Ms. Mann clarified that this would be the case if a car was parked in the adjacent driveway.

The Board members discussed the staff comments received, and whether or not staff concerns and/or requests were addressed. The Board also discussed their authority over the subdivision approval process, and whether they are looking at the entire use or just the access point of Cushing Avenue. D. Zucker thinks the Board should focus on the safety and suitability of the proposed road.

The Board discussed the secondary emergency access through Vaughn Place. Point of order: Ms. Mann reiterated that the applicant would install the gate and provide access to relevant departments, and the condo association would be responsible for maintaining the road.

M. Proscia pointed to DPW's comments about a crosswalk from Cushing across Foster Road and their concerns about safety and visibility for pedestrians. He noted the petitioner did provide an alternative access path, which would need additional detail during site plan review. D. Zucker and M. Proscia discussed the comments in more detail. Point of order: Ms. Mann noted that the right of way is available should the Board/Town want to use it to create a sidewalk on that side of Foster Road.

Chair Ippolito moved on to review the rest of staff comments from prior hearings, including the Police Departments concerns about safety. The Board reviewed the rest of the staff comments.



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The Board members discussed process and next steps.

The Board members discussed the subdivision regulations and the requirements for the fire department. Point of order: Ms. Mann noted to meet those requirements they have provided a hammerhead that can accommodate the largest vehicle, but the larger development also has a cul-de-sac to turn around.

The Board members discussed the alternative (Archer Street) should this request not be approved. Point of order: Ms. Mann noted that the intention is to create the required frontage, and they did not intend to connect to Archer Street.

The Board turned to discussing the waivers.

M. Proscia stated the road has a hammerhead and a turnaround and a layby area, all to accommodate the needs of the Fire Department, which wouldn't necessarily be needed in other situations. Point of order: Ms. Mann noted that they provided a refuge area at the request of the Fire Department.

The Board discussed waiver #1 and debated the location constraints. Chair Ippolito opined that the Board's job is to figure out if this is a safe road and if the Board is willing to waive the requirements. Point of order: Ms. Mann said the traffic reviewer determined the waiver was ok.

Chair Ippolito still has outstanding concerns about the road in action. The Board continued to discuss the other waivers requested. G. Potts stated he thinks waiver #2 is problematic. D. Zucker stated the waivers aren't his biggest question; he goes back to the safety of the turn which does not necessarily have anything to do with the waivers. Chair Ippolito thinks that the proposal is just making things work, but not making things safe. Point of order: Ms. Mann stated the radius allows for turning movements, which should be noted in the third-party review.

M. Proscia notes that granting the waivers makes a road that can work, but not necessarily the ideal road the Board would want. B. Quinn stated the Board would grant waivers because they would see a benefit by doing so. This appears to fall short. Board members discussed whether or not concerns have been addressed.

M. Proscia restated his point that every department has worked with the applicant, but the outcome is not necessarily something the Board would want. While the surrounding roads are also substandard in terms of things like width, they would never be built like that nowadays because of the current regulations.

D. Zucker asked how the Board would look at other neighborhood roads – would they insist that any new roads be built to new standards even if it wouldn't fit in the neighborhood? G. Potts noted it is also hard to put a road on this steep grade.



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The Board came back to the discussion of suitability and safety. Chair Ippolito stated her opinion is it does not meet the standards of the by-law or correspond to the goals of the master plan.

The Board discussed how waivers might be considered in different situations, such as a TOD development.

D. Zucker stated that he has an opinion on safety, but now looking at suitability of the ways in context of the master plan has him thinking differently. The Board members discussed the project in context of the master plan, including Foster Road as a green corridor.

Point of order: Ms. Mann stated that the existing permit approved by the ZBA goes through Vaughn Place. The ZBA cannot deny another access point; the applicant is only seeing a modification of ZBA approval. If not approved for 22, then they would build 15 units. The goal is to use Foster but if not, they will use the only other alternative.

The Board continued to discuss the implications of the master plan. D. Zucker questioned whether or not the alternative access should be considered in the discussion, but other members feel that is not on the table as a part of this request.

The Board briefly discussed the Archer Street alternative.

The Board decided to vote on the waivers and then vote on the main motion of whether or not to approve the subdivision plan.

Chairman Ippolito called for a vote on each of the waivers:

1. Waive the requirement to create a circular turn-around having an outside roadway diameter of at least 100 feet at end of subdivision way under the following sections of the Regulations:

- Section III (Suitability of System of Ways)
- Section IV (Dead End Streets)

Allow instead a hammerhead turnaround area and a graveled emergency drive that connects to Vaughn Place.

Chairman Ippolito made a motion to grant Waiver #1. Three (3) members vote in favor (M. Proscia, B. Quinn, D. Zucker) and two (2) members voted in opposition (G. Potts, A. Ippolito); therefore, the motion carried.



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2. Waive the requirement that the intersection of ways and property lines at street intersections be rounded with a curve at each corner having a radius of at least 30 feet or be cut back to provide for a curb radius of not less than 30 feet, under the following sections of the Regulations:

- Section III (Intersection Ways); and
- Section IV (Streets – Location and Alignment)

Allow instead radii of 18' that is consistent with the other roads intersecting with Foster Road. Chairman Ippolito made a motion to grant Waiver #2. All five (5) Board members voted in opposition; therefore, the motion failed.

3. Waive the requirement that a subdivision roadway have 44-foot width, curb faces that are located not closer than 28 feet face to face, a 28 foot paved and travelled way that is bounded on each side by 6" granite curbs, and 18" grass strips and 6' sidewalks on both sides under the following sections of the Regulations:

- Section III (Width and Grade of Ways); and
- Section IV (Width); and
- Section V (Street and Roadway); and
- Section V (Sidewalks); and
- Section V (Grass Strips).

Allow instead a variable width way that will be of the same quality and width as Foster Road and will vary from 38 feet to 40 feet; a paved surface of 24 feet with granite curbing and curb faces that are separated by a distance of 24'; a 5 foot sidewalk on one side and no grass strip (consistent with Foster Road).

Chairman Ippolito made a motion to grant Waiver #3. All five (5) members voted in favor; therefore, the motion carried.

Chairman Ippolito called for a motion regarding the Applicant's request for Subdivision Approval.

MOTION: M. Proscia to approve Subdivision Request 19SUB-3; motion seconded by D. Zucker. All five members voted in opposition to the motion, so the motion failed.

The Planning Board then discussed and made findings:

- The proposed roadway and the development is not in conformance with the goals of the master plan
- The layout of the proposed road is unsafe and not pedestrian friendly
- The plan as proposed would inhibit public safety



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- The proposed mitigation actions are not sufficient to reasonably reassure or guarantee safety, and therefore the road is not a suitable way
- The radii of the proposed road intersection makes it difficult to maneuver, slow down, or see other cars or pedestrians and makes the approach unsafe
- Road is not suitable for pedestrians and the proposed crosswalk location was not supported by DPW
- The creation of the road itself, including extension of Cushing Avenue, will require significant impingement upon the natural environment to the detriment of the neighborhood, in opposition to the Open Space and Recreation plan
- Comment #4 from TEC notes that the location of Cushing Avenue may be less desirable due to the roadway's grade and crash history
- Staff comments from the Police Department, DPW, and Fire Department express caution but not confidence that the road can be made safe year-round. The Board cannot establish within reason and confidence that the roadway would be safe.

MOTION: D. Zucker to adopt the findings as stated by Chair Ippolito; seconded by M. Proscia.
Unanimously approved.

3. Other Business

The Board members briefly discussed other business including progress of the school building committee and the ongoing open space and recreation plan update.

The meeting was adjourned at 10:21 pm.

Molly O'Connell
Senior Planner