



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

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

**MEMBERS**  
ANGELA IPPOLITO, CHAIR  
GEORGE POTTS, VICE CHAIR  
BETH ISLER  
BILL QUINN  
JR YOUNG

**STAFF**  
S. PETER KANE, DIR. OF COMM. DEV.  
ANDREW LEVIN, ASSISTANT TOWN PLANNER

# MARCH 3, 2017 MEETING MINUTES

**Time:** 7:17pm – 10:22 pm  
**Location:** Swampscott High School, Room B129, 200 Essex Street  
**Members Present:** B. Quinn, G. Potts, A. Ippolito  
**Members Absent:** J.R. Young, B. Isler  
**Others Present:** Pete Kane (Dir. of Community Development), Andrew Drew (Assistant Town Planner), Chris Drucas (Attorney), James Dennis (Petitioner), Kenneth Shutzer (Attorney), Ernest DiMaio (Architect), Bill DiMento (Attorney), Andrea Franklin (Petitioner), Martin Bloom (Swampscott Associates LLC.), Will Hoffman (Swampscott Associates LLC.)

Chairwoman of the Board, A. Ippolito called the meeting to order at 7:17 PM.

A. Ippolito began by welcoming the residents and petitioners present.

## MEETING MINUTES

A. Ippolito asked the Board members present if they had reviewed the January 9<sup>th</sup>, 2017 meeting minutes, which were previously circulated to the Board members, which they had. There were no comments.

MOTION : by B. Quinn, seconded by G. Potts - the January 9<sup>th</sup>, 2017 meeting minutes were unanimously approved.

## SITE PLAN REVIEWS

### PETITION 17-04

141 HUMPHREY STREET

A. Ippolito called forth the representatives for Petition 17-04.

Petition 17-04 is a request by SWAMPSCOTT ASSOCIATES LLC. for a special permit (nonconforming use/structure), special permit (sign), and a site plan special permit. The Applicants are seeking an amendment to their original special permit for the addition of a new sign on The Cove café, the extension of an entertainment permit to midnight for the roof deck, and the addition of a structure and retractable awning on the roof deck.

A. Ippolito explained to the petitioner the role of the Planning Board in a site plan review, and that the Planning Board will only be making comments the site plan special permit request, regarding the addition of structure and retractable awning, and the amendment of the entertainment permit. A. Ippolito explained that the Planning Board is not the permit granting authority in this case, but that the Planning Board will make comments on the petition and pass these comments and recommendations along to the Zoning Board of Appeals, who are the permit granting authority. A. Ippolito explained this to all three petitioners and their representatives present for their respective site plan reviews.

A. Ippolito then explained the characteristics that the Board will review during the meeting.

Martin Bloom, co-owner and petitioner for 141 Humphrey Street, was present and would be presenting the application to the Board.

Mr. Bloom began by asking the Board what section or part of the proposal they wish to begin with. B. Quinn asked if this petition had to go through Humphrey Street Overlay District review (HSOD). Director of Community Development Peter Kane explained that it did not need one, and that the petition only needs a special permit.

A. Ippolito asked Mr. Bloom about the roof deck project in the proposal. Mr. Bloom explained to the Board that there have been many requests from patrons to use the roof deck for events, but that due to concerns and issues presented by the weather, they could not grant these requests, because there is no covering on the roof. Mr. Bloom mentioned to the Board that the use of the roof deck has been a learning experience.

Mr. Bloom explained that the request also includes a request for an extension of the entertainment permit (to extend the close time from 10pm to midnight) and that this request is in conjunction with the requests for private functions.

Mr. Bloom then attempted to show the Board a video of the proposed structure and retractable awning on an IPAD. G. Potts asked if this structure will be permanent, Mr. Bloom explained it will be seasonal. A. Ippolito then asked for Mr. Bloom to clarify the plans that were submitted. G. Potts asked if the structure will be up for the whole summer. Mr. Bloom explained that it would, and if possible into the fall, and that the plan is to use it as long as the weather allows.

The Board and Mr. Bloom continued to review the specifics of the submitted plans. Mr. Bloom used the plans to explain and show to the Board the proposal for the roof deck and what it will look like.

A. Ippolito asked if the structure and retractable awning will be like a tent on the roof deck. Mr. Bloom responded that it would, and that it will be anchored onto the deck extremely well, and that there is a lot of engineering being put into the structure. A. Ippolito then asked if the structure will be completely rolled back when not in use and then asked what the structure will look like without the retractable awning on it. Mr. Bloom explained that you will see the frame of the structure, to which A. Ippolito asked if it would be like a skeleton. Mr. Bloom responded yes. Mr. Bloom continued to explain that the awning will cover the structure only during periods of bad weather. G. Potts asked if there will still be open space on the roof deck, to which Mr. Bloom explained that there would be and used a plan of the building to show the areas that will remain open.

The Board and Mr. Bloom continued to review the specifics of each plan and what the deck area will look like. A. Ippolito asked if the bar on the roof deck will be covered. Mr. Bloom explained that the temporary awning will cover the bar as well. The Board and Mr. Bloom continued to review the proposal's plans.

Mr. Bloom explained that the structure is not meant to encumber the view and that when the weather is beautiful, the awning will be retracted and it will be barely visible.

Mr. Bloom and A. Ippolito then discussed the specificity of this proposed structure, and if it can be characterized as permanent or temporary. Mr. Bloom explained that they will try and leave the structure up all year, but dependent on the weather. Mr. Bloom explained that in terms of style, the structure will look comparable to what you would see on the back of a country club. A. Ippolito mentioned that due to it being temporary, it will fall under the awning bylaw language and guidelines.

The Board and Mr. Bloom then discussed what the structure will look like when it is retracted compared to when it is out. G. Potts asked if there will be letters or graphics on it, Mr. Bloom replied there would be none. A. Ippolito asked what color it will be, Mr. Bloom replied blue. P. Kane asked what the material will be, Mr. Bloom could not state the name of the material off the top of his head, but that it would be fire retardant and not vinyl. B. Quinn asked it will be mostly clear panels on the awning, A. Ippolito mentioned it looked like there will be windows. Mr. Bloom explained that it will not be totally clear, but act more like doors.

Mr. Bloom and the Board continued to discuss the proposed structure and its characteristics laid out in the plans. Mr. Bloom mentioned to the Board that the structure is supposed to last for 8 to 10 years.

B. Quinn asked if the Board needs to decide if this is an awning or a structure, and if it is classified as an awning then the materials of it are important, and mentioned that it would not fall into an awning classification if it is vinyl. P. Kane mentioned that something with sides cannot be classified as an awning, and that the Board must look at the top and any valance, if they believe it to be an awning. Mr. Bloom and the Board continued to discuss the plans and the characteristics of an awning. P. Kane mentioned that it would be interesting to see something comparable in size and in proportion to the restaurant where the structure is proposed. Mr. Bloom showed the Board an awning that was larger than the proposed awning as an example. The Board and Mr. Bloom discussed the characteristics of this awning example.

G. Potts mentioned that the key is to make sure the awning is safe in a wind storm. A. Ippolito asked how the clear sides (windows) will be attached. Mr. Bloom explained that you will be able to zip the windows, to which P. Kane asked if they will always be visible when rolled up. Mr. Bloom responded that they would be visible and that the windows can be rolled up and possibly zipped off. A. Ippolito asked about extra lighting in the structure and where the electrical wires will be run. Mr. Bloom explained that there will be lighting under the awning, which he explained would be comparable to festive lighting, such as something like Christmas lights. A. Ippolito asked if the lights will be attached to the frame, to which Mr. Bloom mentioned they probably will be. Mr. Bloom further explained that there is and will be a sufficient amount of light, but will need lights in certain pockets. The Board and Mr. Bloom then discussed the lighting further.

Mr. Bloom explained that it will be possible to put TVs under the structure. B. Quinn asked if there will be heaters put under the structure, to which Mr. Bloom mentioned could be possible. A. Ippolito mentioned, that in terms of an awning, that the plans do not show that it doesn't comply with awning regulations, and that it is not applicable to the extension or valance regulations. The Board then further discussed what the structure will be recognized as.

G. Potts mentioned that from the plans it looks like the structure would not really be seen from the street, Mr. Bloom agreed and showed the Board on the map what it will look like. A. Ippolito asked if the structure will rise above the mechanicals, Mr. Bloom responded yes. A. Ippolito and Mr. Bloom continued to discuss what the roof should look like dictated from prior decisions, and that the mechanicals should be screened from view. Mr. Bloom stated that he could screen the mechanicals. Mr. Bloom and the Board then further discussed the plans and the characteristics of the proposal. A. Ippolito asked the Board if there was any concern about the view from the street, considering the structure does not add much height. G. Potts mentioned that the roof deck currently is only really viewable from the Lynnway, to which Mr. Bloom agreed. A. Ippolito asked if the structure's skeleton will be powder-coated steel. Mr. Bloom stated that it will be black. A. Ippolito then asked about the railing made of the clear material around the deck and if it will stay. Mr. Bloom stated that it will remain. B. Quinn asked if the occupancy changes, Mr. Bloom stated that it will not. P. Kane mentioned that this will expand the usable timeframe of the roof deck, to which Mr. Bloom agreed with. B. Quinn asked about the hours, Mr. Bloom mentioned they will not really change. Mr. Bloom explained they can go to 10pm currently, but did not use it. A. Ippolito asked if they will still be seeking an amendment and extension to midnight, to which Mr. Bloom explained yes. A. Ippolito and Mr. Bloom then continued to discuss the roof deck further. Mr. Bloom explained that they will not be looking to bring bad types entertainment to the roof deck, and will be restrictive of what is allowed. A. Ippolito mentioned that there is an issue with parking because of the expanded usage time, and asked about different parking solutions, to which Mr. Bloom stated he is open to any solutions.

A. Ippolito mentioned some solutions that she had thought up to help with parking. A. Ippolito proposed the use of the town hall lot for cars to park. Mr. Bloom mentioned that he was open to that, and P. Kane explained the usage regulations of using the public lot.

A. Ippolito brought up the possibility of having valet parking, to which Mr. Bloom mentioned this idea had been discussed, and that the issue is, they would have to charge. Mr. Bloom also asked where cars would be parked, if a valet service was offered. A. Ippolito stated that they could possibly park the cars at the temple, and G. Potts mentioned possibly the church as well. P. Kane mentioned that the temple would be far from the property. Mr. Bloom explained that the logistics of setting up a valet amenity is very difficult and expensive due to insurance, employees, and renting lots. A. Ippolito asked about local North Shore valet services, to which Mr. Bloom mentioned there are none in the area and that many of the services are only in Boston. A. Ippolito and Mr. Bloom continued to discuss the potential for valet, and Mr. Bloom mentioned that he would be open to exploring valet, but would need a company to run it, because it is a lot of work.

Attorney William DiMento approached the Board from the audience and asked about what the change in mass would be from the addition of the structure, as well as what the view from the Hawthorne parking lot will be. Mr. Bloom and Attorney DiMento discussed the proposed plans. Attorney DiMento asked about height, to which Mr. Bloom showed Attorney DiMento on the plans. Attorney DiMento, Mr. Bloom and the Board continued to discuss the plans and the proposed view and what will be on the deck and where the frame will be going.

A. Ippolito asked the Board to continue the review and make comments and recommendations as they see fit. B. Quinn mentioned that he has some comments and feedback regarding height, and that the tower currently on the roof is higher than it was supposed to be, and that the mechanicals are still in view. Mr. Bloom reiterated that he is willing to screen the mechanicals. B. Quinn also mentioned that the front delivery area on the property is not in line with the district. Mr. Bloom mentioned that he would look into it. B. Quinn also mentioned the shed on the property, to which Mr. Bloom replied that the shed is where trash goes, but the stuff put outside is cardboard. B. Quinn mentioned it is not a Planning Board concern, but that he thought it should be mentioned, and that he has noticed trash overflowing. The other co- owner of the property, Robert Hoffman, from the audience mentioned that trash had been delayed (the day of the meeting). B. Quinn mentioned that if additional screening is to be needed, then it should be added.

A. Ippolito asked in terms of when the structure is out, would the canopy be extended. Mr. Bloom explained that he hopes the weather is nice, but if it is not, then the canopy would be used. A. Ippolito asked how long it takes for the canopy to be deployed. Mr. Bloom replied very quickly. P. Kane asked if the structure will be there during the winter months. Mr. Bloom stated it would, but was unsure what to do with the canvas. B. Quinn asked if the structure had been reviewed by the Fire Department yet. P. Kane replied it had, and A. Ippolito explained the Fire Department stated they wanted it to be sprinkled. Mr. Bloom mentioned they are required to have sprinklers.

A. Ippolito mentioned that in the report from the awning manufacturer, it describes the material, which is a type of fabric, very well. A. Ippolito continued to state that the canopy will be considered an awning and that's why they are in front of the Planning Board. P. Kane mentioned that the Building Inspector as well called it an awning.

A. Ippolito asked if the Board had any more questions, there were none.

A. Ippolito explained that the Planning Board was to only look at the structure and make comments and give those comments and notes to the Zoning Board. A. Ippolito mentioned that these comments will include parking, the covering of mechanicals, and trash.

MOTION : by G. Potts to recommend favorable action and that the Planning Board does not consider it an awning but an awning structure, and that the Planning Board thinks it is appropriate, and recommends the following conditions: change the front door for deliveries, screen the mechanicals, and moderate the trash outside and to make sure it does not stay there for too long of a time period, seconded by B. Quinn, unanimously approved.

## PETITION 17-05

## 20 PURITAN PARK

A. Ippolito called forth the representatives and petitioner for Petition 17-05 (20 Puritan Park).

Petition 17-05 is a request for a special permit (nonconforming use/structure), use special permit, and a site plan review. The Applicants are seeking to add a second story addition to the existing home.

A. Ippolito mentioned to the petitioner present that the Planning Board will read over the proposal and then ask questions. P. Kane clarified that this is just a review. The petitioner had previously mentioned to the Board that her husband had been taking care of many of the things related to the petition, but due to circumstances out of their control he could not make it.

A. Ippolito mentioned to the petitioner that in their proposed plans, the project calls for the addition of essentially, an accessory apartment. P. Kane clarified to the petitioner what this means and entails. P. Kane explained that the proposed door at the top of the stairs is what makes the addition an accessory apartment, and that this needs to be clarified to the ZBA. P. Kane also explained that if the door was to be removed then it would not be an accessory apartment any more.

P. Kane also mentioned to the Board and the petitioner he had comments on the façade on the front, and that the home is currently brick but that the proposed façade for the upper floor will be different. The petitioner present explained that the material for the second-floor addition will be a cement type material and will look like clapboard. P. Kane and the petitioner further discussed the submitted plans.

P. Kane mentioned that it would be favorable to use brick consistently on the first floor. P. Kane pointed out that the submitted plans make the proposed second floor look like there is an overhang. P. Kane mentioned that there is a shift of materials used and that it would make sense to use brick on the first floor for the new entry area. P. Kane and the petitioner then further discussed the characteristics of the plans, discussing the front of the home and the stairway into the home. P. Kane mentioned that these design recommendations for the façade will help with continuity. P. Kane asked if the plans will be revised for the hearing in front of the Zoning Board, the petitioner said they would.

B. Quinn asked if the property is in an A1 district. P. Kane explained it is and that A1 districts require 30,000 sf lots. The petitioner and the Board then discussed the plans and what the home will look like. The Board discussed the entrance to the property. The petitioner mentioned there is a deck currently there, and then used a map to show this and stairs coming off of it. P. Kane mentioned that the proposal also shows an expansion of the driveway, and that this will leave very little room between the petitioner's property and an abutter, and should expand the driveway in the opposite direction, to maintain the buffer.

The representative mentioned that if the driveway was to be expanded in the opposite direction then it will be very close to the home and it would not look nice. The representative then used the map to show this.

A. Ippolito mentioned that typically, driveways are not constructed so close together. B. Quinn asked the length of the current curb cut on the petitioner's property. The Board and P. Kane discussed the dimensions presented on the plans. The representative mentioned that there were some questions regarding the curb cuts previously, and then asked what the maximum length for a curb cut is, and that they wish to only take some. B. Quinn asked if there is a pole on the curb near the driveway, the representative stated there is. P. Kane explained that if there is a pole, then there should not be any curb cut done near the pole, to buffer for safety. A. Ippolito and the petitioner discussed solutions to not extending the curb cut and ideas on how to not expand the hot top. A. Ippolito mentioned that the Planning Board always recommends using pervious materials to petitioners. The Board continued to discuss the driveway. B. Quinn asked if the petitioner is seeking a side by side driveway, the petitioner stated that they are. A. Ippolito mentioned that the Planning Board will make a note to the Zoning Board as a suggestion, regarding the driveway plans.

B. Quinn asked if there are rules regarding how wide driveways need to be. P. Kane explained that there are and mentioned the language is in the Bylaw. P. Kane asked the petitioner the measurement of the driveway expansion, the petitioner mentioned eight feet, and P. Kane explained this is not wide enough to be considered a parking space.

B. Quinn stated to the representative that their plans need to be detailed and clarified for their hearing in front of the Zoning Board. P. Kane explained to the petitioner that their architect should be at the Zoning Board hearing as well, to present the proposal and answer any technical questions.

A. Ippolito asked if the Board had any more questions for the petitioner. B. Quinn asked for more clarity on the proposed door at the top of the stairs to the second floor, to which the Board and P. Kane clarified.

The Petitioner asked if the proposed second floor exterior material needed to be uniform with the first, A. Ippolito explained that the Planning Board can make suggestions but it will be the Zoning Board with the final say.

G. Potts, then using his phone, brought up a Google Maps image of the home, the petitioner and G. Potts discussed the proposed curb cuts and possible solutions.

The Board then discussed the motion, and possible conditions and recommendations to add to it.

MOTION : by B. Quinn for favorable action, but with the conditions and recommendations that the proposed door at the top of the second floor stairs be removed, attempt to unify the siding on the first floor, that the curb cuts required to make the driveway be done toward the center line, not near the telephone pole. Seconded by G. Potts, unanimously approved.

A. Ippolito called forth the petitioners and representatives of Petition 17-06.

Attorney Chris Drucas introduced himself to the Board and stated that he is representing the petitioner, James Dennis (who was present), and mentioned that the project architect, Ernest DiMaio is also present to help explain the proposal. Attorney Drucas stated that Attorney Kenneth Shutzer is also present, as he is representing the current owner of the property.

Attorney Drucas mentioned that his client (the petitioner) has a Purchase and Sales agreement with the current property owners, contingent on getting the approval of an independent living facility (ILF) for residents over 55. Attorney Drucas stated the plan is to make the units in the structures condominiums, but have not purchased the condominium certifications yet.

Attorney Drucas explained to the Board that the two structures on the property are approximately 90 feet apart and that both structures were built a very long time ago. Attorney Drucas mentioned that at one time there was a medical office in the back structure, and the owner at the time acquired building permits to turn the rear structure into living areas. Attorney Drucas mentioned that there are questions regarding the legality of the living units.

Attorney Drucas explained that the proposal of the petition is based off looking at the needs of the Town and the Town Master Plan, that an ILF of five units (3 units in one structure, 2 in the other) would be an appropriate use for the property. Attorney Drucas mentioned to the Board that the Town Master Plan recommends it.

Attorney Drucas then handed the Board revised maps that showed the revised parking on the property. Attorney Drucas explained that the new map shows the revised plans for parking spaces 7 and 8, and that the proposal is to add pervious pavers to a grass area. Attorney Drucas mentioned there are no changes to the site or exterior. Attorney Drucas then on the map clarified what was shown to the Board.

Attorney Drucas then handed the presentation off to project architect, Ernest DiMaio.

G. Potts asked if a there was a new unit being added. Mr. DiMaio explained there was not and at the moment no changes to the exterior or the footprint were being made. Mr. DiMaio stated that there are no plans at the moment to change the exterior or footprint, but when an analysis of the home is done to make sure it can comply with code, some interior changes could be made. A. Ippolito asked if anything is being demolished. Mr. DiMaio replied there was none. P. Kane clarified that based on the plans there were some changes to the exterior. The Board then discussed the plans for the property.

Mr. DiMaio explained his understanding of the past history of the property is that the shortest term of anyone living on the property is two years, and that some residents have lived on the property for multiple years. Mr. DiMaio explained that transitioning from the current use of the property to an ILF will be seamless. A. Ippolito asked how many people are currently living on the property. Attorney Shutzer stated that he believes there to be four leased but does not know how many people are currently living there. The petitioner, Mr. Dennis, stated that there are six people living at the property.

Mr. DiMaio then stated that he would begin by walking the Board through the maps of the property, starting with an existing structure plan. Mr. DiMaio explained that the back structure on the property has two living units on the first floor, and a common hallway in the middle separating the two. Mr. DiMaio explained there is an egress out towards the pool, and then explained the location of a second egress and pathway. Mr. DiMaio then helped clarify this for the Board, using the plans. B. Quinn asks for more clarity on the hallway, to which Mr. DiMaio explained using the floorplan.

Mr. DiMaio then moved the presentation on to the second floor, which showed a bedroom and porch, and mentioned that there is also a stairway to continue to the attic level, and that due to a steep roof there is some head height space in the attic. G. Potts asked if "head-height" meant the legal height of 7'3", to which Mr. DiMaio replied it did.

Mr. DiMaio then used elevation maps of the property and structure to show the elevations of each. Mr. DiMaio mentioned that the height from the median elevation to the median roof height complies with the Town Bylaws. Mr. DiMaio explained that from the Puritan Road side of the property to the other side, that it is fairly flat. B. Quinn asked if the Puritan Road side is higher than the

other, Mr. DiMaio replied that from the front of the property to the back it decreases by four feet. A. Ippolito stated that this means that property slopes towards conservation land in the back of the property. Mr. DiMaio used maps to show the back of the property.

Mr. DiMaio then transitioned to discussing the rear structure on the property. Mr. DiMaio stated that both the first-floor units have means to exit the residences. Mr. DiMaio explained that there is an opening off of a back deck, and currently there are no stairs from that exit, but mentioned that the Fire Department could ask for a way down from the deck to be added. Mr. DiMaio then mentioned to the Board that the structure is under 2,000 sf. A. Ippolito asked if the Fire Department had spoken to the applicant and their representatives yet, Mr. DiMaio mentioned that they had, but had not had a full conversation yet.

Mr. DiMaio then showed on the plans the exterior views of the rear structure. Mr. DiMaio stated the height of the structure is less than 21 feet. A. Ippolito asked if there is a basement. Mr. DiMaio replied there is none. B. Quinn asked for clarification on the units in the structure. Mr. DiMaio used the plans to show B. Quinn the units.

G. Potts asked about a stairway in the structure. Mr. DiMaio used the plans to help clarify. The Board and Mr. DiMaio continued to look at the plans and discuss the layout. Mr. DiMaio used the plans to show and explain that the roof of the structure rises and creates an almost “knee wall”. Mr. DiMaio stated that the caveat to working and making changes on the exterior of the structure will come down to adhering to code and safety. Mr. DiMaio then used the plans to show a staircase that will lead to a storage area. Mr. DiMaio also used the plans to show the pool on the property, and explained the pool is located on an at-grade area. A. Ippolito asked if the pool will be common-use, to which Mr. DiMaio stated it would.

Mr. DiMaio then moved on to showing plans of the front structure on the property, explaining to the Board the first-floor plans, and the unit layouts. Mr. DiMaio then moved onto the second-floor plans, and explained the second-floor will only have one unit. Mr. DiMaio explained there are stairs from the second floor that lead to an attic, and reiterated there is some legal head room in the attic.

Mr. DiMaio explained the plan is to get the use special permit first, then Mr. DiMaio explained he and the petitioner will look into what needs to be altered. Mr. DiMaio explained he does not believe the alterations will include a complete gut of the interior, but possibly that some things might be done to make the building safer. B. Quinn mentioned that the Planning Board does not make findings on the interior of proposals. Mr. DiMaio then moved on to show pictures of the structures and their facades.

A. Ippolito asked what the common amenities of the property will be, and asked if there will be pool storage. Mr. DiMaio agreed there would be, and explained that residents will have storage needs for chairs and other items, and the lower level of the front building is where there will be room. A. Ippolito mentioned that the points of an independent living facility match up with the Town Master Plan. A. Ippolito asked the petitioner if they will be living at the property. The petitioner explained they will be, but that they are not currently 55, but they will be when the project is ready, and also explained they have older children who will not live there. A. Ippolito asked if the proposed stairs will be an issue, as the proposed use will be for the older community, and also mentioned that conceptually the plans make sense, and believes it to be a good use for the property.

A. Ippolito reiterated that the property bumps up to a conservation area, and mentioned that there is a lot of impervious material on the property and asked if there is an issue with the property being near the beach and conservation land. G. Potts asked if there are any plans for handling water on the property, or if the proposal is just to leave it as is. Attorney Drucas mentioned they are leaving it as is. A. Ippolito mentioned that there could be potential issues, but that the Fire Department could explain. P. Kane mentioned that he believes because the structure has three units that it needs to be sprinkled. The petitioner stated that he had previously spoken with the Fire Department and that it does in fact need to be sprinkled.

A. Ippolito also mentioned that she believes there to be an issue with all of the asphalt from the parking lot and the parking area in front of the beach. A. Ippolito used the plan to show a possible solution to help reduce asphalt and where the proposed spaces could possibly also go. Attorney Drucas mentioned that the area pointed out by A. Ippolito is an easement. The petitioner, Mr. Dennis will work with the neighbor to landscape the buffer around the easement, but that long term, would like to work with the neighbor to cut down on pavement. A. Ippolito asked Attorney Shutzer why the spots were previously put in front of the beach view, to which Attorney Shutzer replied he is unsure if any new impervious material will be added. Attorney Shutzer mentioned to the Board that if additional parking was needed, as there is no current parking for the five units, that Millennium Realty (current owner

of the property and owner of the abutting property) would give an easement if the new owners of 96 & 96A needed it. P. Kane asked Attorney Shutzer to use the plans and clarify the parking areas and pavement. A. Ippolito mentioned that there is a lot of pavement and that she does not want to see more pavement being added. Attorney Drucas stated that in an area A. Ippolito mentioned as a possible parking area, that there is a wall there. A. Ippolito explained that it is unattractive to have the parking in front of the units and a better job should be done to add greenery and move parking to the back of the structure. P. Kane used the map to show a potential idea to help cut down on the pavement. A. Ippolito mentioned that she finds the flooding to be a serious issue. Attorney Drucas used an elevation map to show how the water will run, and mentioned there is a drain on the property. P. Kane mentioned that the drain leads to a storm system that gets backed up. The Board then discussed more possible ideas with the petitioner and their representatives. Mr. DiMaio explained, using the plan, the potential for a pervious parking area to be added that would still be close enough to access the unit. Mr. DiMaio also mentioned that there is a willingness to investigate different parking ideas to mitigate flooding and help the view.

A. Ippolito asked if the Board had any more questions. B. Quinn asked about the current owners of the property. P. Kane explained the background of the owners and the property. B. Quinn furthermore asked for more clarification on the properties. B. Quinn then asked which unit the new owner would be living in. The petitioner replied they will be living in the second-floor unit in the front structure. A. Ippolito mentioned that the Planning Board is to look at the appropriateness of the proposal and the site plans. B. Quinn asked what the parking numbers are based off, P. Kane explained that the ILF use is based on the Zoning Board's decision. B. Quinn clarified that the proposal does not need to follow parking requirements to which P. Kane agreed and Attorney Drucas mentioned there will be five spaces. P. Kane explained that the Deed and the home owner's association need to specify the age requirements that all residents need to be over 55 years old. B. Quinn asked if the deed restricted the age to over 55, the Board and petitioner agreed. B. Quinn then asked if regular units (non-age restricted) could be put in, the Board and petitioner said no. B. Quinn asked if the whole property can be considered an Independent living facility, to which A. Ippolito explained the whole property could be thought of as one large condo association. B. Quinn asked if ILF designation will make the units affordable. P. Kane and A. Ippolito replied it will not. A. Ippolito clarified that the residents will not be allowed to have children live at the units. P. Kane clarified that the proposed use is not assisted living. A. Ippolito reiterated that no one under the age of 55 may live there. Attorney Drucas explained the proposed use is not to increase the burden on the Town, P. Kane mentioned i.e; Town Schools. The Board then continues to discuss the layout and structures on the property. B. Quinn and A. Ippolito continued to discuss the easement and property. B. Quinn asked if the easement is restricted to the footprint, Attorney Drucas stated that is what is proposed in the sale.

A. Ippolito mentioned her recommendation is to move the parking and make sure that the ILF covers everything they need in terms of fire access and safety, and is cognizant of the fact there is low lying beach in the front of the property and conservation land in the back.

Attorney Drucas mentioned that he has asked for waivers for his client. A. Ippolito asked if an impact will be more cars on the property. Attorney Drucas mentioned there cannot be more than eight vehicles, and there will be one space per unit, and three visitor spaces. This design was chosen for simplicity, but other areas to put parking have been discussed as well. Mr. Dennis mentioned an idea to have the spaces be in the back and add a detached garage that would not be seen from the street. Mr. Dennis mentioned that after the use permit is granted they will look more into the parking. A. Ippolito mentioned that the spaces will be contingent on code and if they will be considered safe. Mr. DiMaio mentioned that a turn-around space may be needed for an ambulance, but then mentioned that these are issues that as they need to be addressed, they will.

The Board and the petitioner and his representatives continued to discuss the plans. A. Ippolito mentioned that any materials that are added to the landscape should be pervious, and that landscape (in terms of pervious materials) should not be made worse, but made better. Attorney Drucas agreed.

B. Quinn asked if a locus map was needed, to which P. Kane replied that the petitioner is not asking for permits for construction, so one is not needed. B. Quinn asked for clarification on an abutting property, to which the Board helped clarified.

Attorney Drucas mentioned that the petitioners proposed property is entirely fenced in, and the pool is as well.

**MOTION** : by A. Ippolito to recommend favorable action on the development of the existing two structures on the lot as five units under Independent Living Facility (ILF) zoning with a deed restriction that all occupants must be 55 and up, that contingent on



approval of the Fire Department and other departments, any changes to the surface area of either the easement or the actual lot be done with pervious material, and that consideration be given to moving the four new proposed parking spaces to a less visible area, G. Potts seconded, unanimous.

## WHITE COURT TASK FORCE UPDATE

G. Potts asked if the newly formed White Court Task Force had their first meeting yet. A. Ippolito mentioned they had. A. Ippolito mentioned the task force met the week previously to the Planning Board meeting. P. Kane mentioned there was around 15 people who attended. A. Ippolito read the names of the attendants and mentioned that the task force had discussed a game plan, including next steps that need to happen, so that they are ready for Town Meeting. A. Ippolito explained the task force wants to go to Town Meeting and ask for the permission to begin engaging in negotiations with the Sisters of Mercy (the property's current owner). P. Kane mentioned the Board of Selectmen has the ability to engage in negotiations, but A. Ippolito mentioned that they wish to formalize and secure the permission to negotiate. G. Potts stated it is a good idea to bring it before Town Meeting first. A. Ippolito then read an email from Board of Selectmen Chair Naomi Dreeben, explaining what the ask would be at Town Meeting. A. Ippolito then explained some comments regarding the "ask" such as the task force putting together a pro-forma. P. Kane clarified that the "ask" would include potential costs and incomes from the property. A. Ippolito explained that the task force is looking at the possibility of purchasing the property through probate and investment. A. Ippolito mentioned Linscott Park. P. Kane explained that an entity could buy the property and then sell the property to the Town, at a lower cost. A. Ippolito mentioned that the logistics of purchasing still need to be put together. P. Kane explained the possibility of purchasing the property and running it, in a way similar to how the old senior center will be operated as a new cultural center. A. Ippolito explained the task force broke down the next steps including researching topics such as: seasonal use, off-season use, how money will be raised, benefits of open space statement, donor cultivation, renovation costs, and continuing to study other similar properties and uses. A. Ippolito mentioned that this is like one big research project, outlining the feasibility of using the property.

G. Potts asked about the current deal that the Sisters have, to which P. Kane clarified the Sisters are in the midst of talks. The idea of subdividing the lot was brought up. P. Kane explained why subdividing and making single family homes would not work with subdivision regulations. P. Kane mentioned that the task force had given attendants tasks to work on before their next meeting on March 21<sup>st</sup>, 2017.

B. Quinn mentioned that he has a problem with some of the discussion regarding White Court. B. Quinn specified that he had an issue with the idea of the Town purchasing the White Court property being pushed as a Planning Board initiative, and that it was described as this during a Board of Selectmen meeting. P. Kane asked if he meant that at the Board of Selectmen meeting the idea this is a Planning Board initiative was alluded to, and B. Quinn mentioned it has been called a Planning Board initiative multiple times, and that he has received calls about this. B. Quinn stated that the Planning Board needs to state that they are not behind this initiative, even though there might be favorable thoughts, nothing has been voted on yet, and that it needs to be clarified that there is a separate task force. P. Kane asks the Board about a letter that was sent from the Planning Board to the Board of Selectmen in December, the Board then discussed this letter. A. Ippolito explained that a letter from the Open Space Committee recommended to the Board of Selectmen that the Town purchase the property, while the Planning Board's letter was to help mitigate Father Andrew's (Representative of the previous proposal) proposal for use of the property. The Board continued to discuss the property.

B. Quinn reiterated that he wants it to be known that the Planning Board has not voted and that the Planning Board is not pushing this initiative. G. Potts asked how the subcommittee was formed. P. Kane clarified that the group is a task force and not a subcommittee of any particular board or committee. A. Ippolito explained that based off discussions with the Board of Selectmen and previous discussion at Planning Board meetings, this idea for a task force was born. A. Ippolito further explained that if the Board of Selectmen believed it is a good idea to create a task force, then she did too. A. Ippolito explained the Board of Selectmen previous comments made about the property, and mentioned that she has said the idea is to try and generate outside funds as well as to research if it is even a feasible idea for the Town to own it. A. Ippolito explained that this is why the task force was created. A. Ippolito and P. Kane explained how the task force members joined, explaining some residents had contacted A. Ippolito. A. Ippolito reiterated that the task force had discussed if the idea was even feasible.

B. Quinn and A. Ippolito both agreed that there was a misunderstanding and that there was no vote. B. Quinn mentioned that he is on board with the proposal of the Town receiving the property for nothing, but mentioned he did not like that residents believed the ownership of White Court by the Town is a Planning Board initiative. P. Kane asked B. Quinn what his concern is and why he wishes there to be a formal vote. B. Quinn mentioned that he wants the process of a formal vote. A. Ippolito asked B. Quinn to forward public comments and concerns to her. A. Ippolito clarified that the Board did not take a vote on the project, but she personally, had taken this project on. B. Quinn mentioned that if the Board wishes to keep speaking on the matter then a formal vote should be taken. P. Kane clarified that the task force is still discussing the project and that it could come from task force that the idea is not feasible. P. Kane recommended that before Town Meeting, any articles that the Board wants to take a vote and stance on be done, one of which could be on White Court, and then as A. Ippolito explained it could be public knowledge, the results of the vote for Town Meeting. B. Quinn asked if the task force is on the agenda for Town Meeting. A. Ippolito explained the task force is on, but that they are not asking for money. They are only asking for permission to begin talks with the Sisters of Mercy. A. Ippolito explained there will be a letter explaining what the next steps are, and explained how a formal vote by the Planning Board would make the feelings of each Planning Board member public.

The Board then discussed some of the research they found on similar properties run by municipalities.

## **ZONING WARRANT ARTICLES**

The Board moved discussion to the three potential Zoning Warrant Articles they might sponsor for Town Meeting. P. Kane explained to the Board that he had authored the articles, but he believes they should be sponsored by the Planning Board.

### **DOWNZONING**

P. Kane began his review of the articles to the Board, starting with the proposed downzoning article (from A3-A2).

P. Kane explained that the article states the specific parcels listed in the area of interest are all zoned as A3, with some A3/A2. P. Kane then presented the Board with a map A. Ippolito had created showing the parcels and area.

P. Kane explained to the Board that he had looked at the first 79 properties on the parcel list, taken the current lot square footage and then using this measurement, determined if it is currently non-compliant and if the zoning changes, will it become non-compliant. He did the same thing for "use." P. Kane explained the results of this sample showed that of the 79 properties, 91% of the properties lots are non-compliant, and if the zoning changes 95% of the homes become non-compliant. P. Kane then explained that under current use of the 79 properties, none are non-compliant, but if the zoning was to change, then 45% of the properties will become non-compliant.

G. Potts asked if a majority of the lots are two-families, to which P. Kane replied there are many two-families and some multi-family. A. Ippolito asked if these lots will be grandfathered, to which P. Kane replied they would be, and explained that legal uses are grandfathered.

P. Kane explained to the Board that they will need to answer the question to, why are so many properties becoming non-compliant?

B. Quinn asked if this downzoning would only affect new developments, to which P. Kane stated it would. P. Kane and the Board then continued to discuss the implications of downzoning this proposed area. P. Kane explained that currently three units are allowed by right and up to eight by special permit.

B. Quinn asked if the 79 properties sampled by P. Kane, does he believe this to be indicative of all the parcels. P. Kane explained that he is unsure, and that the 79 parcels were in a dense area, but would be interested to look at all the parcels.

P. Kane explained to the Board that he would be against putting the Counties neighborhood and Paradise Road properties in the proposed area. P. Kane mentioned there is nothing wrong with the current zoning designation, and that the areas should not be downzoned due to their current uses and proximity to the train station.

A. Ippolito mentioned that the Transit Oriented Development district will bump up against the proposed downzoning area, to which the Board then began to discuss this. P. Kane mentioned that the Counties neighborhood currently is right at the train station, and that there are multi-families there. A. Ippolito then asked if Elmwood Road should be included. P. Kane mentioned it is a possibility, but that Elmwood Road is very tight. P. Kane then explained his thoughts on different streets in the proposed area. P. Kane mentioned that he will look at all 304 parcels in the proposed area, to show what the implications will be of downzoning. B. Quinn asked if the results P. Kane came to were good or bad, to which P. Kane stated he is unsure. B. Quinn then asked about the current uses of the parcels, to which P. Kane explained. P. Kane explained even if the area is downzoned, there will still be the possibility to receive special permits for use, and that the shift will primarily be seen in residential uses.

P. Kane explained that A2 zoning only allows single-family, and that the change in square-footage would not be bad, but would like the Board to understand the changes completely and be ready for Town Meeting.

The Board then discussed hypothetical situations that could arise with downzoning as well as certain areas that could be of issue. P. Kane helped clarify to the Board ways in which changes to homes could be made through the special permitting process.

The Board then took a vote.

**MOTION** : by A. Ippolito that the Planning Board should sponsor the article, and that the Counties neighborhood and Paradise Road properties should be removed from the proposal, but to keep the tail end of Elmwood Road, G. Potts seconded, the motion was unanimously approved.

## INCLUSIONARY ZONING

The Board then moved on to discussing the proposed inclusionary zoning article. A. Ippolito stated that she believes P. Kane should sponsor the article, citing the housing production plan, and that housing falls under the Community Development Department, to which P. Kane agreed.

B. Quinn asked what the inclusionary zoning article is. P. Kane explained that inclusionary zoning allows affordable housing to be required in residential developments of 10 or more. P. Kane explained that sometimes subdivisions are made to bypass the zoning. P. Kane mentioned that for assisted living regulated number, it should be decreased, which A. Ippolito agreed with. G. Potts asked for clarification regarding cul-de-sacs and the article, which P. Kane clarified that they are handled through the subdivision rules & regulations.

B. Quinn asked about downsides of the Planning Board sponsoring the article. A. Ippolito and P. Kane explained there would not be any, but A. Ippolito further explained her explanation of why she believes Community Development should sponsor the article. A. Ippolito explained that she believes it makes sense, regarding the Master Plan and Housing Production Plan, and how it speaks to affordable housing stock in Town. B. Quinn made the point that the article is a zoning item, and because it is zoning, then it could be Planning Board who sponsor it.

P. Kane mentioned there are some areas the article excludes, and that the special permit granting authority would be the ones to set the fee. P. Kane explained that the article is based off of the state model for inclusionary zoning.

A. Ippolito mentioned that she is not opposed to the Planning Board sponsoring the article.

**MOTION** : by B. Quinn that the Planning Board sponsor the inclusionary zoning bylaw, G. Potts seconded, the motion was unanimously approved.

P. Kane mentioned that there should be public meetings to educate the public on what the articles are, and to get feedback. B. Quinn asked when the articles need to be locked in by, to which P. Kane explained that they need to be finalized by the time the time the warrant is printed, around mid-April.

## TOURIST LODGING OVERLAY DISTRICT

The Board then moved on to discussing the last potential article to sponsor, one regarding a Tourist Lodging Overlay District. P. Kane mentioned his only concern is where the Humphrey Street Overlay District and the proposed tourist lodging area overlap. P. Kane explained a recommendation on how to adjust this, and explained that it would be one overlay district over the other, and it could present issues. B. Quinn stated he expects the article to run into the same opposition it saw previously.

The Board then discussed the parts of the article.

B. Quinn asked if the article should be kept as is, if it should even be brought forward, and what would happen if the proposed article loses. P. Kane explained that if the article loses then it could not come back for two years with it. G. Potts recommends putting it on the Board of Selectmen meeting scheduled for later that week, to see if any Board of Selectmen member shoots it down. P. Kane stated a hypothetical problem this could cause, and B. Quinn stated there will still be concern about bars and restaurants.

B. Quinn stated that he is for the article. A. Ippolito mentioned that she believes the article should be taken out, unless every member is a hundred percent on it. B. Quinn asked what should be changed. The Board then discussed the article further, and potential concerns with it.

P. Kane mentioned some recommendations to the article that could be made possibly, as well as different avenues that could be taken to get an inn or hotel. The Board and P. Kane further discussed the article and concerns. P. Kane mentioned that the article is already in the warrant as written, and asks who from the Board would present and discuss the article at the upcoming Board of Selectmen meeting. B. Quinn mentioned that they will need to explain that it will (if a hotel or inn could open) be controlled by a ZBA decision.

B. Quinn asked how modifications to the article could be made. A. Ippolito explained that the Board would have to modify the article and then bring it back in November. A. Ippolito explained that the slightest issue might get the article shut down, because the warrant is already filled with other articles. B. Quinn mentioned that this overlay district is Master Plan driven, which P. Kane and A. Ippolito agree.

B. Quinn explained some potential points to be made to the Board of Selectmen, and stated that he could make them at the upcoming Selectmen meeting.

MOTION : by B. Quinn for the Planning Board to sponsor the Lodging Overlay District to be put into the Town Meeting warrant, G. Potts seconded, the motion was unanimously approved.

A. Ippolito motioned to close the meeting, seconded by G. Potts, meeting was adjourned at 10:22pm.

Andrew Levin  
Assistant Town Planner