



# TOWN OF SWAMPSCOTT

## PLANNING BOARD

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

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JR YOUNG

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

## MAY 8, 2017 MEETING MINUTES

**Time:** 7:03pm – 9:57 pm  
**Location:** Swampscott High School, 200 Essex Street, Room B129  
**Members Present:** B. Quinn, G. Potts, A. Ippolito, J.R. Young  
**Members Absent:** B. Isler  
**Others Present:** T. Ruskin (resident), Carl Haarer (resident), Bruce Gordon (resident), Peter Kane (Director of Community Development), Andrew Levin (Assistant Town Planner)

Chairwoman of the Board A. Ippolito called the hearing to order at 7:03pm and began by introducing herself and welcoming the audience in attendance.

A. Ippolito moved to the first item on the meeting's agenda, the reviewing and voting on previous meeting minutes. The Board reviewed meeting minutes from their March 3<sup>rd</sup> and March 28<sup>th</sup> meeting. On a motion by G. Potts, and seconded by B. Quinn, both meeting minutes were unanimously approved.

## TOWN MEETING ZONING WARRANT ARTICLE DISCUSSION AND VOTE

A. Ippolito explained that Peter Kane, Director of Community Development, will be presenting a slide show and explaining information on each article, and then at the end of each articles presentation, take questions and comments. A. Ippolito continued that, when the presentation is finished and the Board has heard a sufficient amount of comments and questions, the Board will close the public hearing and discuss the comments and questions among themselves. A. Ippolito then explained the next steps that the Board could take, including voting favorably or against each article.

A. Ippolito then handed off the presentation to P. Kane.

P. Kane began the presentation by stating that this hearing is a public review of the zoning articles, to allow the Planning Board to take into consideration the public input they hear and to help the Planning Board decide how to respond at Town Meeting, in respect to the zoning articles. P. Kane explained that the Planning Board is responsible for all considerations on zoning articles. P. Kane stated that no vote taken by the Planning Board at the hearing is binding in regards to the articles, Town Meeting will have the final determination.

P. Kane then introduced the Planning Board members, as well as the Assistant Town Planner, Andrew Levin, who was also present.

P. Kane then explained how the hearing would work and what actions the Board can take after hearing public comments and discussion.

P. Kane began the presentation by explaining what zoning is, and gave a brief overview of each of the three zoning articles being proposed.

The first article presented was a proposal regarding inclusionary zoning, and P. Kane explained what this meant in terms for Swampscott. P. Kane explained that the Commonwealth of Massachusetts states that 10% of each city and town's housing should be affordable. P. Kane stated, that as of 2010, Swampscott's affordable housing was 3.75%, but this proposed article will help the Town get to 10%.

P. Kane explained this proposal came from a part of the 2025 Town Master Plan, as well as the Town's Housing Production Plan. P. Kane explained to the audience the definition of affordable housing (housing, at or below median area income, which the median area income in Swampscott is \$96,000). P. Kane explained that the marketing of affordable housing units has to fall under Fair Housing guidelines. P. Kane explained that affordable units will be deed restricted to ensure they are affordable.

P. Kane then outlined the key points of the proposed article. They include that any development of 10 or more units, subdivision of 6 or more, or an Independent/Assisted Living Facility of 5 or more, must have 15% of total units be affordable. P. Kane explained that there were three areas of potential modification that could be made to the current article. The first is to change the affordable unit requirement from 15% to 10%, the latter is the state model. Second, modifying who determines the "fee in lieu" (developers can make a payment, instead of building affordable units), changing the value determination from the Special Permit Granting Authority, to the responsibility of the Swampscott Affordable Housing Trust. The third potential modification was to change the responsibility of who decides if developers can have units on site, pay a fee in lieu, or construct affordable units off-site, from the Special Permit Granting Authority to the Swampscott Affordable Housing Trust. P. Kane then opened up the hearing to questions.

An audience member asked who the Swampscott Affordable Housing Trust consists of, P. Kane explained the Trust was created by a general Bylaw in the previous year, but that members haven't been appointed yet, but that they will be selected by the Board of Selectmen. P. Kane explained the Trust controls the affordable housing funds (received from fee in lieu payments) and they administer the funds.

P. Kane asked for more questions, there were none.

P. Kane then moved on to the next article, the proposed rezoning (downzoning) of certain areas.

P. Kane began by explaining what this will mean for residents. P. Kane explained in the packets, that were available for audience members at the hearing, were the lists of properties and a map of the areas, as well as the language of the proposed article.

P. Kane mentioned that essentially, the rationale from the Planning Board in regards to this proposal was to correct a blanket change made in 2009, which allowed the creation, by special permit, of multi-family units, up to 8 units. P. Kane explained that the idea to correct this change from 2009, came after looking at maps of the areas, and going through the Master Plan process. P. Kane explained that based on the parcel sizes and streets in these areas, it didn't make sense to have multi-families. P. Kane stated this came out of a part of the Master Plan which stated the preservation of neighborhoods. P. Kane showed a zoning-table, outlining the different regulations for the two (A3 & A2) zoning districts.

P. Kane stated that there are 118 properties that will be going from A3 to A2. P. Kane explained that if the proposal was to be adopted, then 115 of the 118 properties, would not see their setback requirements change. P. Kane stated the largest change will be the permitted use. P. Kane explained that there is no special permit allowance of multi-families in A2 districts, but if the proposal passes, then multi-family units already existing will be grandfathered in. P. Kane explained home owners will still be able to expand and add to the buildings, but cannot make the structures more non-conforming, by doing something such as adding another unit. P. Kane stated that this proposal will not mean that these structures will be “stuck in time” P. Kane explained pieces of compiled data, related to the proposed article. P. Kane stated that currently, when looking at lot sizes in these proposed areas, 89% of lots are non-conforming, if the article was to pass, then that number will increase to 97%. P. Kane then explained that under current zoning, there are zero lots with nonconforming uses, if the article was to pass, then that number would go to 48%. P. Kane showed a map of the Winnepisekitt Hill neighborhood and a map of the Fisherman’s beach neighborhood. P. Kane explained these areas were chosen due to the areas topography and small streets (Winnepisekitt) and the ocean flooding (Fisherman’s). P. Kane then opened up the hearing for questions and comments.

Carl Haarer, Sculpin Way, asked if there were any suggested modifications for this proposal, to which P. Kane replied the proposal is map based, and not language based. Mr. Haarer asked if there could be favorable action with modification voted on, P. Kane explained that could happen for any. G. Potts explained that residents can object to their property being added, and ask to be taken off the list, but that the Planning Board would have to decide if it makes sense to allow the elimination of their property. G. Potts hypothesizes that properties on the edges of the zones would be more likely to be agreed upon to take the properties off.

A resident from Rockland Street stated that he sees this proposal as being very specific on which areas were chosen, and wondered why the neighbor located below his property is not included. The resident stated, that if the idea or concept is to mitigate overcrowding, then why not select all neighborhoods, and mentioned he sees this proposal as selective and felt as if his property is being punished. In response to the resident’s comment regarding his neighbors below him, P. Kane explained the Terraces are part of the Humphrey Street Overlay District, because they have arterial access. The Rockland Street resident asked why the properties at the end of Rockland Street weren’t included, P. Kane explained that those properties are already zoned A2. The Rockland Street resident asked if Rockland Street will have any areas zoned A3, P. Kane stated that if the article is approved, then no. The resident stated that he also has a problem with what could potentially happen to property values. P. Kane explained that zoning has no direct effect on property values, P. Kane explained a hypothetical situation where zoning could have an indirect effect, but reiterated that zoning does not have a direct effect on value or assessed value. The resident stated that when potential uses are limited, this could possibly affect the value. G. Potts stated that they are proposing to restrict the ability to build large multi-unit homes, which could also help improve property value. A. Ippolito mentioned a hypothetical situation, where it would not affect the value, explaining that oversized homes in certain areas can diminish values of smaller homes. The resident mentioned the process to build a large multi-family is to go through the Special Permit process, A. Ippolito agreed, but stated that it could be possible to combine two lots, and meet all the dimensional requirements, and there would be no plausible reason for the ZBA to deny. The resident mentioned the bylaw change that occurred in 2009, and stated that rather than rezone, why not fix that problem. A. Ippolito explained that the 2009 change was to the use table, and that more density was allowed. A. Ippolito continued to state that the areas zoned A3 is a large district, and that if A3 was not allowed, then it would affect areas where there should be density. A. Ippolito mentioned that members of the body that made the change in 2009 now agree that the change could do damage to smaller neighborhoods, specifically regarding parking, drainage, and view corridors.

The resident stated that he feels as if he is being penalized, that there was a change in 2009, but the Board is not fixing the change, but rezoning. A. Ippolito clarified his question and concern. P. Kane mentioned that the 2009 change added

in the use, and that for some areas density is wanted, but for other areas it did not make sense, and these areas are a majority of the A3 district. The resident asked if this was part of the Master Plan or if rezoning was just decided upon. P. Kane mentioned an action plan in the Master Plan is to preserve neighborhoods, but not to rezone specific areas. The resident stated that he feels like the input is a waste, because he feels as if the decision was already made, and believes this is getting thrust upon people. A. Ippolito mentioned that from a Planning perspective, it is for the Board to protect these areas. G. Potts mentioned that he has spoken with three residents of Rockland Street, and they mentioned the problems with traffic, and that people park on sidewalks. The resident mentioned that even if the Town is to rezone, people will still park on sidewalks. G. Potts mentioned that an 8-unit development would make a lot more cars. The resident stated that they would have to provide parking, to which P. Kane explained they could seek relief from the ZBA for reduction in parking and then said, they do not wish to make the traffic and parking worse. The resident stated that G. Potts had only spoken with three residents on Rockland and not the whole street. Mr. Haarer mentioned that there is a big difference between 8-families and 2-families. Mr. Haarer wondered if it would be possible to allow 2-families by special permit. P. Kane explained that the article is map specific, and not language, A. Ippolito explained they cannot change the intent of the proposal, and P. Kane explained the moderator at the Town meeting will not allow that change. B. Quinn asked the resident if he believes there still to be room on Rockland to allow for more development, the resident mentioned that he believes there is and mentioned some properties at the top of Rockland have some big units, and that his property has plenty of land and parking, but with this change he will not be able to go back to his homes original use as a three-family. The resident stated that he has been on Rockland for 50 years, and that first they tried to force historic guidelines and now it is this proposal, which he believes will hurt him financially. The Board thanked the gentleman for his comments. P. Kane asked for more comments, there was none. The next item being proposed was the Tourist Lodging Overlay District.

P. Kane explained the concept of the proposal and that currently the Bylaws are highly restrictive and discourage Bed and Breakfasts (BnB's). P. Kane mentioned this idea was recognized in the Master Plan and that these lodging developments will lead to additional income for the Town. P. Kane used a map on the screen to show the three areas identified for the overlay district. These include the entrance to the Town from Lynn, that front onto Humphrey Street, and the second area is the Sandy Beach and area, and Sculpin Way to Lincoln House road area. The third area includes the properties running along Phillips Beach, North to Marblehead along the water. P. Kane then asked B. Quinn to give more details on the overlay definitions.

B. Quinn read the Warrant article text and then mentioned the definitions of the lodging establishments and what each are allowed to have. B. Quinn explained that there are four different types: hotels, motels, inns, and BnB's and that each one has different rules and regulations. B. Quinn mentioned that this does not mean large commercial hotels, but smaller ones with limited number of units. B. Quinn explained that hotels are allowed to have ancillary services, while motels are more restrictive and not allowed to have amenities that hotels will have such as offering meals to outside people, as well as other restrictions. B. Quinn continued that inns will be smaller versions of hotels and will have a limited number of units and amenities. B. Quinn explained inns will be required to have equal parking spaces for units. B. Quinn explained BnB's will be between 0-4 rooms and all of the types will have to have an on-site manager present at all times. BnB's are not allowed a restaurant and only allowed to serve breakfast to guests and are allowed a small gathering room. B. Quinn mentioned that AirBnB is not mentioned, but that technically they are required to fall into the Bylaw, and that the hope is that AirBnB users will step up and get certified, if the proposal is passed, and then the Town could get financial amenities from their operation. P. Kane clarified for the audience.

An audience member asked if AirBnB is only allowed in the overlay areas. P. Kane explained BnB's are allowed by special permit in all zoning districts, but that this Bylaw proposal better regulates and that AirBnB's would now be defined and have regulations. P. Kane mentioned that the bylaw cannot mention AirBnB by name but can define something like it.

An audience member asked if residents can have AirBnB anywhere in Swampscott, P. Kane explained that the current Bylaws lack of definition on the subject. The audience member asked if the proposal passed, would it define what AirBnB's are, P. Kane stated yes. G. Potts stated that the Board does not have the right to regulate, and P. Kane mentioned AirBnB's currently don't require a special permit. Audience member asked if this will change if passed, P. Kane agreed. An audience member asked if the proposal passed, will the use be restricted in those areas, P. Kane said no, they would need approval first, A. Ippolito mentioned AirBnB would function under the Bylaw and would require the owner to be present at the home at all times. P. Kane then clarified for the audience. An audience member mentioned that people do not live in their homes when they are renting it, and another audience member asked for clarification, if it will require someone to be on-site, P. Kane agreed. An audience member asked about regulations on renting your home for a year, P. Kane mentioned that would be under a lease, the audience member then asked about for a month, P. Kane explained that is also allowed, and considered a regular rental period. An audience member stated that currently Town restrictions on AirBnB is unclear, but if the proposal is passed, now all over the Town, residents would need a special permit for AirBnB. P. Kane agreed, but mentioned only in places AirBnB allowed.

Another audience member mentioned that if big units are to go up, that the streets are small, and mentioned a hypothetical situation and possible problems it could bring. The audience member then read the definition of the hotel type, and stated that it will bring lots of traffic, and mentioned lots of people will be going in and out, and that this could deflate her property value. P. Kane mentioned there can be negative and positive impacts. P. Kane mentioned these areas were identified because of their access to arterial roads. P. Kane explained the Master Plan suggested originally a hotel for Marian Court property, but that the Planning Board looked at the maps and saw it was well off main roads, and if Marian Court was to be added, you would have to add a lot of other small neighborhoods, if going with the same rationale. P. Kane mentioned the Planning Board pulled back on many areas, and only looked for areas with direct access.

A resident from Northstone Road mentioned that Northstone is a narrow dead-end street and that 8 of 9 residents are opposed, and asked the Planning Board why they selected this area. The resident mentioned that he wanted to know how the area was selected. P. Kane explained that its location off of Atlantic is why it was chosen. P. Kane stated that a development or proposal for a lodging unit(s) must meet special permit requirements, and has to go through the Special Permit Granting Authority, and that the ZBA can deny an application.

Another audience member mentioned Blodgett Ave would be the worst use of a BnB, this is because the road is so skinny, and mentioned it's obvious because of its beach access it was chosen, but there are other areas that could have been included instead. The audience member wondered where people would park if there was a BnB. The audience member mentioned a hypothetical situation regarding parking, P. Kane explained that parking is required to be on site, and if the proposal can't get enough space for the correct parking, they need to limit the number of rooms. The resident then mentioned that Blodgett Road is not near any shopping districts and that it doesn't make sense to be included. The resident also mentioned that the Board seemed to be concerned with taxes, and mentioned another property that shut down in that area. P. Kane stated that the Town cannot force a business to stay. The Board and audience briefly discuss this other complex situation regarding the property mentioned.

P. Kane mentioned that Marblehead has 70 BnB's, and that they are all over the Town. P. Kane mentioned that people like BnB's because it feels like a getaway. P. Kane then clarified that a lodging use would have to go through a special permit process, and mentioned some of the regulations. The resident mentioned the neighborhood is not a commercial neighborhood.

Bruce Gordon, of 29 Northstone road, stated that he is strongly voicing his opposition, and that the Planning Board would not be maintaining the fabric of his neighborhood, but blowing up the neighborhood for a few dollars in taxes.

Mr. Gordon mentioned that these are 24/7 operations and cannot imagine this idea, and stated that this will destroy the neighborhoods. P. Kane clarified that this is just a zoning proposal and that the Planning Board or Town is not pushing for a proposal to be built. P. Kane stated that lodging unit(s) would also have to get approval through a special permit. A resident mentioned that he understands, but that proposed article would be paving the way for a development to happen, and then stated that the proposal will add large developments to some of, as the resident stated, “nicest neighborhoods” and then mentioned that a large contingent of Northstone road residents were present and are in opposition. An audience member then asked if there had been a study done on the potential tax revenue from a lodging establishment, P. Kane responded that these studies are done when a development is proposed, the audience member then asked if assumptions can be made, P. Kane responded that, definitively, cannot say what revenue would be. An audience member stated that this proposed article is making a lodging development feasible, P. Kane responded that it would still go through a special permit process.

G. Potts then asked which neighborhoods were present, and stated that the Planning Board was not picking Northstone Road specifically, but going off the Master Plan with stated the Board should act on improving tourist lodging. G. Potts explained the Board was tasked with creating a zoning proposal that makes the definitions of lodging establishments feasible, and that originally the map was Town wide. G. Potts explained that due to the size of Town Meeting last year the Board of Selectmen asked the Planning Board to limit the map more, and to work with resident feedback, G. Potts stated that this is where the map came from. G. Potts mentioned that the article defines what the establishments are, and outline what is allowed, but that the second part of the proposal is the map, which G. Potts reiterated was once much more encompassing.

An audience member asked what amenities Blodgett Ave is close too, G. Potts stated that vicinity to amenities was not the criteria, but vicinity to entrances (to the Town) was. P. Kane clarified that waterfront and arterial access was the criteria. An audience member mentioned that the Planning Board can redefine what a bed and breakfast is, aside from this article, P. Kane agreed. An audience member proposed the Planning Board change the language for BnB’s and if there was to be rezoning, rezone the entire community. The audience member then mentioned that sometimes your town representatives make regulations even if people do not want them. The audience member then stated that the areas he has heard at the meeting are inappropriate, and that he does not believe the assumption that this will not have a negative financial effect on the neighborhood, but believes that it will. P. Kane asked this member of the audience his background, the audience member mentioned that he is a cardiologist. The audience member then stated that this will be a hurtful impact on everyone involved.

An audience member mentioned that if this article transpires, then research should be done in comparable places to Swampscott to look at its effects on neighborhoods, property values, and tax revenues, and then stated that the Board and Town must get the facts before a vote. The audience member mentioned that it seemed like an illogical thought process on how the map was made smaller, and does not think the article should go before Town Meeting before more research is done, especially looking at the neighborhoods so well represented at the meeting.

A. Ippolito then asked for more questions.

An audience member mentioned that, regarding property values, the tourist lodging establishments will hold special events (i.e.; weddings and other functions) which will disrupt the neighborhoods, and cause noise issues. Another audience member asked about the certain definitions, P. Kane explained and clarified. The audience member then asked who polices the different regulations, P. Kane explained that it is up to the Building Department, as in most communities. The audience member stated there is only one, P. Kane explained there are multiple people in the department. The audience member asked how it would be done, P. Kane explained that it could be policed through spot checks and reports. An audience member mentioned the guidelines are general and see issues arising, and mentioned

the seafront access and area they have in their neighborhood and the issues this could bring. A resident mentioned the street she lives on (in the proposed area towards Marblehead) is not a commercial area, and there are many children who play on the street.

Another audience member asked about AirBnB and asked if there was a way to tap into AirBnB revenue, and if it was possible then it AirBnB could be done in a way to preserve the neighborhoods. A. Ippolito mentioned that AirBnB is not allowed or permitted, P. Kane stated it is in a grey area, and that the Town sometimes acts on some cases and issues cease and desists to some problematic properties. An audience member mentioned AirBnB is an asset the Town should tap into. A. Ippolito mentioned some previous issues that residents have stated, regarding AirBnB. A. Ippolito explained both sides.

Mr. Haarer pointed out that the tourist overlay district towards the middle of the waterfront, begins on Sculpin, A. Ippolito mentioned the map will be revised and those locations will be removed. Mr. Haarer stated that he respects the previous article which proposed to help preserve neighborhoods, but now this proposal will allow his neighbor to build a hotel. Mr. Haarer and A. Ippolito further discussed the proposal and its relation to zoning dimensions and requirements, and why some lots were chosen and others not.

P. Kane explained that this proposed article is for a potential overlay district, and that it will not change the underlying zoning, and that the different zones are still controlled by different zoning regulations. B. Quinn mentioned that the goal is to preserve neighborhoods and that BnB's would have to be subordinate to the original structure, and that no changes to the home can be made, unless for safety. An audience member asked for clarification on the definition. G. Potts read the language, and P. Kane explained that if a home was single-family it is to remain mainly a single-family with less than 50% used for the BnB. The audience member then stated a hypothetical situation, B. Quinn explained that you would not be able to add onto the house. B. Quinn mentioned that many of the lots are filled by homes currently, and does not want residents adding onto homes for hotels. P. Kane then clarified the definitions. The audience member hypothesized about a potential situation and explained how the definitions related. Another audience member asked how much weight public comment has on the Boards decision, both G. Potts and A. Ippolito stated a lot. P. Kane mentioned that Town Meeting will also take into account public comment, A. Ippolito mentioned that each precinct at Town Meeting will hold a caucus and mentioned it is important to find your Town Meeting member and have their voice be heard. An audience member asked if the Planning Board will be present at Town Meeting, A. Ippolito stated they would be there to present recommendations. G. Potts asked if anyone present had questions on the map areas not near Marblehead. There was none. An audience member asked about potential expenses to the Town, regarding increased traffic, noise complaints. P. Kane mentioned that as part of development for a hotel or inn, there would need to be a development impact statement made which shows expenses to the Town and financial gains, as well as a traffic study, and recommendations could be made. An audience member asked if impact statements take into effect impact on property values, P. Kane stated that they do not look at different properties, only the ones in question.

A Northstone road resident mentioned that he believed Preston Beach was not maintained by the Town, P. Kane clarified that the area in front of Northstone is not. A. Ippolito asked if that meant the seawall or the beach, a resident stated both, and then mentioned that this area isn't maintained by the town and now issues will increase if the proposal is approved. An audience member asked how many residents have inquired about building a hotel, P. Kane mentioned none, but that there have been proposals for BnB's but because of the strict restrictions, they were not successful, G. Potts mentioned many residents have asked about more lodging establishments. An audience member asked why the former location of Captain Jacks was not made a lodging establishment. P. Kane stated, that transaction was market based, and the Town can't decide, A. Ippolito stated it was a private transaction and clarified some concerns. An audience member mentioned the point of this proposal is to have lodging proposals go through the Zoning Board of

Appeals, and then mentioned some of the issues the proposal could cause, including disruption and congestion. The audience member also mentioned that he feels it should be mandatory that the Town do a study looking at tax revenue and effects on the neighborhood before there is a vote. The audience member also mentioned that Fire and Police should also weigh in, and mentioned there could be safety issues. The audience member then thanked the Planning Board for listening and asked them not to vote on the article.

A. Ippolito then closed the public hearing and opened up the discussion to the Board members, and started with discussing the tourist lodging overlay district.

## TOURIST LODGING OVERLAY DISTRICT

G. Potts mentioned his thoughts on the comments and objections, and mentioned there is issues with definitions of BnB's and that currently people rent their homes for weekends now. G. Potts also mentioned that from the three areas specified for the overlay, there seems to be one area with the most contention, the zoned area nearest Marblehead. B. Quinn mentioned that Swampscott currently does not have a tourist lodging bylaw, and believes there needs to be one. B. Quinn asked for what changes could be made, P. Kane stated only floor changes can be made, which meet intent. J.R. Young mentioned that there should be something done, especially after hearing the concern. But also mentioned he does not see a hotel happening in some neighborhoods unless all the residents move out. J.R. Young mentioned many fears were stated, but that both sides need to do more research. A. Ippolito recommended to postpone the vote indefinitely and research the issues, and find out how to rework the article. A. Ippolito mentioned that she believes there is a way. B. Quinn asked if the article could go through without zones, P. Kane stated it could not. G. Potts asked if the Board could pick one zone, P. Kane stated they could pick one zone. The Board then discussed the current regulations.

B. Quinn mentioned the regulations are important, and finds that the regulations are solid, but the location is the issue. A. Ippolito mentioned that the article could come back for the Fall Town Meeting, G. Potts mentioned they would receive the same objection. The Board discussed some potential recommendations, such as adding Humphrey Street to it. G. Potts mentioned the overlay district already on Humphrey Street is why it is not included. A. Ippolito asked for clarification, P. Kane stated that if the proposal is adopted, at another Town Meeting, the Humphrey Street overlay could be amended. The Board continued discussions, and P. Kane mentioned it would help to book the Humphrey Street area. A. Ippolito mentioned a potential motion would be to eliminate a specific section, B. Quinn stated the areas near Marblehead, and that there was more questions on the location then definitions. B. Quinn then reiterated some of the points he heard, and A. Ippolito mentioned that she is worried these same points will be made again. B. Quinn mentioned there could be a study done in a certain area, P. Kane clarified. The Board discussed potential modifications and the possibility of performing a study. B. Quinn mentioned the size regulations and parking requirements are pretty well written and covered by Zoning, and the permitting process, and stated that the rules are good, but the map needs modification.

**MOTION :** By G. Potts to recommend favorable action, but eliminate properties on Blodgett Ave and near Marblehead, including Shepard, Atlantic and only keep the two other areas, and to eliminate the two properties on Sculpin Way, Seconded by B. Quinn, vote was 3-0-1 in favor.

A. Ippolito abstained.



## DOWNZONING OF CERTAIN A-3 DISTRICT PARCELS TO A-2 DISTRICT

A. Ippolito then moved on to Town Meeting Warrant Article 25, which included the downzoning of certain neighborhoods.

A. Ippolito stated that she would like to find a different way to protect the properties in question, rather than “wholesale” downzoning. G. Potts agreed with A. Ippolito, and mentioned that he thinks it makes sense to rethink the proposal, rather than make all the homes be single-families.

A. Ippolito mentioned that a proposed change to the article could be in the use table, rather than a large general change. P. Kane added that, it could be possible to maybe add a permit process for two-families. A. Ippolito continued to explain that she could possibly see a new zoning district being added. The Board then discussed what a fourth zoning area would be and how it would exist. A. Ippolito mentioned that she believed there needs to be a fourth zoning district, because there is too many questions on use and lot size. G. Potts mentioned a fourth district could get away from certain issues the proposed downzoning brought up. A. Ippolito reiterated the concerns she heard, and mentioned this new possible proposal could be a better way to fix them. A. Ippolito explained that a separate zone could be a “cleaner” way to help protect these neighborhoods.

A. Ippolito then stated that she wants the article to be postponed, and to look into doing it a different way, G. Potts agreed.

B. Quinn asked for clarification. P. Kane hypothesized what could possible happen if there was to be another zoning district added. P. Kane continued to explain that the current bylaw could not be changed at Town Meeting.

B. Quinn brought up a hypothetical situation regarding changing the language of the article, P. Kane and J.R. Young both explained that the article would run into the same opposition. P. Kane mentioned that what is allowed in different zoned areas could be specified. The Board then discussed potential modifications and changes. G. Potts mentioned that he thinks it is “absurd” that 89% of properties are nonconforming currently. P. Kane explained in brief the history of what lead to these neighborhoods.

B. Quinn mentioned that the biggest piece from the data is that only 6 properties are between 10-20,000 square-feet, G. Potts added that the area does not have many large lots.

The Board then discussed certain hypothetical situations involving dividing lots and the issues it could raise.

A. Ippolito moved to indefinitely postpone the article to the Fall Town Meeting, seconded by G. Potts, the Board voted all in favor (4-0).

## INCLUSIONARY HOUSING REGULATIONS

Next the Board moved on to discussing the inclusionary zoning proposal.

P. Kane brought up the potential modifications that he mentioned during the power-point presentation earlier in the meeting.

G. Potts asked if there was already a Housing Authority in Town. P. Kane explained that a Housing Authority is different than a Housing Trust, but that there is no local Housing Authority, but one run by the State. A. Ippolito explained that

the Trust is voted in by the Board of Selectmen, which is “fine”. A. Ippolito then moved to the third potential modification which was in regard to who determines if a developer pays the fee-in-lieu or provides onsite or offsite affordable units. A. Ippolito mentioned that she believes the Special Permit Granting Authority should make that decision. A. Ippolito stated that in regards to who determines the fee amount, the Housing Trust should be the ones. A. Ippolito then stated that she believed the percentage of affordable housing units in new developments should change from 15% - 10%. The Board then discussed Massachusetts General Law 40B.

J.R. Young mentioned that if the Town does not keep 15% then they are not showing good faith to get to the state required 10%. G. Potts asked if this proposal is to protect against 40B’s, P. Kane clarified that the 10% is regulated and required by the State.

G. Potts asked if changing to 10% will make a difference, P. Kane clarified that to help get to the 10% the Town needs to increase .1% annually, which 10% will help them do.

P. Kane then clarified what each modification is proposing to do. P. Kane also echoed A. Ippolito’s point about who decides on the fee. P. Kane stated that he believes second modification, regarding who determines the fee should be kept.

B. Quinn asked where the modifications came from, P. Kane stated the Board of Selectmen. B. Quinn stated that he has opposition with who decides the value, P. Kane helped clarify the modification and what it entails to B. Quinn.

The Board then discussed who and what the permit granting authority would do, as well as the other modifications. Regarding modification number 3, who decides what the developers can do instead of providing onsite units, P. Kane mentioned that procedurally it wouldn’t work having the Trust decide this, and J.R. Young added the Trust members have not been decided yet. The Board then continued to discuss. B. Quinn made certain points regarding who decides the value of the “fee-in-lieu”.

B. Quinn asked how the Trust will determine the value, P. Kane clarified it is based on time of value, and then went into further detail on how it is determined. B. Quinn made a point that it is not needed for a finance person to look at Zillow.com to determine the values. P. Kane clarified that whoever determines the value needs to show data to back it up, and have the documentation. The Board and P. Kane then continued to discuss the potential modifications and controls regarding to the inclusionary zoning article.

A. Ippolito stated that Town Meeting had voted to establish a Trust, and that this has already been decided. B. Quinn mentioned that this was rushed, to include the Greenwood Trust, and mentioned if the opportunity now is to decide how to use it. P. Kane mentioned that the Special Permit Granting Authority should stay in charge of determining the amount of the “fee-in-lieu”. B. Quinn mentioned his concern with the “final determination” being made by the Special Permit Granting Authority, but feels “ok” that the ZBA can control it.

P. Kane then clarified some hypothetical situations.

A. Ippolito mentioned that if hypothetically, the determination of the value was put in front of her, she would not want to have to decide the amount. P. Kane clarified the documentation that needs to be provided. G. Potts mentioned some hypothetical situations and concerns they brought, and then mentioned what the Trust could potentially do with the money. P. Kane explained it could be facilitated through public and private combinations.

B. Quinn asked if the money could be used to help private developers meet affordability threshold, P. Kane and A. Ippolito stated the money can only be used to increase affordability.

MOTION : by J.R. Young for favorable action on the first two modifications, seconded by A. Ippolito, Board voted all in favor (4-0).

## **VOTE – RAIL TRAIL TOWN MEETING WARRANT ARTICLE**

A. Ippolito began by explaining that at the last Planning Board meeting, the official vote was not publicized on the agenda so the Board did not vote, but that tonight it is, and they will be able to.

The Board discussed the potential location of where the path will go, along with the concerns and issues that abutters to the trail had raised. B. Quinn brought up the money that the article is asking for. A. Ippolito mentioned that she believes the Town can afford this to make open space. B. Quinn mentioned that the article states that this has been tried since 1979. P. Kane explained that once before \$45,000 was approved to take certain areas of land for a portion, but that the Town never went through with it, and that this happened a very long time ago.

B. Quinn mentioned the SPIRIT group, which P. Kane explained is still in existence and that they still raise money, but that it is hard to raise money for something that cannot be done yet. P. Kane explained that enough money has been raised for two proposals. G. Potts asked if the Town is buying the land, P. Kane stated that they are not.

P. Kane explained that the newspaper mis-framed the information, and that the Town already knew National Grid was not going to allow it, because they could not. P. Kane explained the Town will have access, and explained that the cost to build the path will come from in-kind donations and grants. P. Kane mentioned that there is already a contingency of Townspeople to help with the money, even without getting grants.

G. Potts asked if there is already a drafted letter from the Board, P. Kane explained there is, just need to add in the slight change of the vote. B. Quinn asked if the vote could make the support not bound to the fiscal part, and mentioned not in the Planning Boards purview to vote on money related items, and mentioned the letter does not need to say that. A. Ippolito mentioned that the letter states the Board supports the article and the creation of the rail-trail.

P. Kane mentioned that other Boards have voted in favor, and that they are not fiscal, including the Board of Selectmen. P. Kane clarified that the Town is not taking property, but that they are getting an easement, but P. Kane clarified that B. Quinn is correct, eminent domain will be used to get the easements. P. Kane helped clarify that the Town is taking the easement from National Grid, and went further to explain the process. J.R. Young asked who owns the land, P. Kane explained that National Grid pays the taxes on the land, but there are questionable portions. J.R Young asked if the Town is creating an easement with eminent domain, P. Kane helped clarify what the Town is doing.

The Board and P. Kane further discussed how the Town will get the land.

G. Potts asked if the width of the trail is 35-feet, P. Kane clarified 35-feet is the width of the corridor, but that the Town only needs 10-feet of width for the trail.

B. Quinn asked for clarification if the Town is creating an easement, P. Kane stated yes, for the general public. G. Potts asked if National Grid will still pay taxes, P. Kane helped clarify who will be paying taxes on the land.

G. Potts asked if the \$850,000 is the max amount, P. Kane agreed, and then clarified how the money will be spent.

G. Potts asked if the Town can recoup legal fees incurred while getting the eminent domain, P. Kane explained that he did not believe so. B. Quinn asked a question regarding the engineering of the path, P. Kane explained that he is unsure because there has not been plans made yet, and that the engineering will determine what and where it is needed.

A. Ippolito mentioned a hypothetical situation with a potential area that the path could be placed. The Board then further discussed potential locations and areas the trail could go. P. Kane stated that it will be up to the engineers.

B. Quinn asked about patrolling the path, P. Kane mentioned that the Police stated they will use bikes to patrol the path. B. Quinn then asked about hours of operation on the path, P. Kane stated it will be like any public park, from dusk to dawn.

MOTION : by A. Ippolito that the Planning Board votes in support of Article 18 for the development and creation of a rail trail in the Town of Swampscott, the Board voted in favor (4-0).

B. Quinn asked if the vote at Town Meeting needs to be a 2/3<sup>rd</sup>'s majority or 50/50 majority, P. Kane stated that it needed to be 2/3<sup>rd</sup>'s.

## **VOTE – WHITE COURT TASK FORCE**

A. Ippolito mentioned that the agenda item should say “update” and not vote. P. Kane explained that the task force has not met again since their April meeting, but are planning to have another meeting soon. P. Kane mentioned that someone from the Trust for Public Land is going to speak about procedures at the next meeting. A. Ippolito mentioned that she would like someone from Historic to speak to the task force members, as well as at the next meeting break the group up and go over what they had been researching and working on

## **ERAC REPRESENTATIVE FROM PLANNING BOARD (UPDATE)**

G. Potts mentioned that he is the representative from the Planning Board. P. Kane explained the item is on there because G. Potts had not been going to the meetings. G. Potts explained the meetings have been the same as the Planning Board meetings. P. Kane stated that G. Potts needed to state that to the members that he would not be able to make the meetings, A. Ippolito asked G. Potts to resolve this.

P. Kane stated that it is important that the Planning Board work with the Earth Removal and Advisory Committee (ERAC), and that their meetings should not conflict.

A. Ippolito mentioned that there needs to be research done into how much earth is allowed to be added to a property.

B. Quinn proposed that this could be added to the regulations for ERAC.

## **REVIEW AND COMMENT ON MASSWILDLIFE DRAFT PRIORITY HABITAT PLAN**

B. Quinn mentioned that he had looked at the letter, and that it mentioned Swampscott does not have protections for Terns (a type of bird), B. Quinn mentioned that Marblehead did. P. Kane hypothesized that this could be because Swampscott does not have a Tern habitat.

A. Ippolito asked if this letter was sent to the Open Space Committee as well, P. Kane stated the letter was looking for comments from Planning Boards. B. Quinn mentioned the website, the letter refers to, was not very user friendly and mentioned that it looked like a map of Tern (a type of bird) areas, had Swampscott left out.

The Board continued to discuss the letter, and the issues and potential situations that could arise from it. B. Quinn mentioned there are many questions with the letter and what they want.

J.R. Young moved to not do anything regarding the letter, G. Potts seconded, unanimously approved.

Motion by A. Ippolito to end the meeting, seconded by J.R. Young, meeting adjourned at 9:57 PM.

Andrew Levin  
Assistant Town Planner