



TOWN OF SWAMPSCOTT
SELECT BOARD REGULAR SESSION MINUTES
MAY 4, 2022 – 6:00 P.M.
SWAMPSCOTT HIGH SCHOOL, 200 ESSEX STREET, ROOM B129

SELECT BOARD MEMBERS PRESENT: Neal Duffy, Mary Ellen Fletcher, David Grishman, Katie Phelan, Peter Spellios

OTHER TOWN OFFICIALS PRESENT: Sean Fitzgerald, Town Administrator; Angelica Noble, Police & Liquor License; Marzie Galazka, Director of Community & Economic Development; John Picariello, ERAC, Max Kasper, Facilities Director

PUBLIC: Oscar Guerrero & Abraham Gallego, Owners of Pomona III, 128 Humphrey St.; Atty. Jason Panos, Representatives of Hayes Engineering re: Atlantic Bayview Residences 40B Project

A. Public Comment: Comments heard during public hearings

B. New and Old Business:

- 1. Announcement of Beach Passes and Artist:** Peter discussed the Beach Pass design program and the idea to have passes designed by local artists. This year, Ryan Townsend, a visual arts teacher at Swampscott High School. Ryan didn't ask for any direction and just showed up with a beautiful design for the 2022 beach stickers. Peter presented Mr. Townsend with the 0001 beach pass as he has done for the last three artists. Mr. Townsend thanked the Town for the opportunity and hopes everyone enjoys his design.
- 2. Swearing in of two new Firefighters: Brittany Coppinger & Dennis Berry:** TA Fitzgerald welcomed two new members into the community stating that the Town has worked carefully to transition from civil service to non-civil service & have the ability to recruit for excellence & diversity. After extensive outreach & recruitment, the Chief feels they've settled on two good candidates and have hired the best people we could find. The Board thanked them for their service adding that just under 100 applicants took test and they were selected.
- 3. Continuation of Liquor License hearing for Pomona, 128 Humphrey St.:** Abraham Gallego & Oscar Pomona, Co-Owners as well as Angelica Noble, Swampscott Police were in attendance.

Upon **Motion**, duly made by Peter Spellios, seconded by Mary Ellen Fletcher, it was unanimously **voted** to re-open the public hearing for a liquor license application for Pomona III, 128 Humphrey Street: All in favor Yes. Any opposed No. Motion passes.

Oscar Pomona, co-owner of Pomona III, located at 128 Humphrey St. stated that this is a new concept for Pomona. They will be open seven (7) days per week for breakfast at 8:00 A.M. through 9:00 P.M. and are seeking a beer, malt & cordials liquor license. They understand that there is a school nearby and are willing to work with the Town to have barriers outside to promote safety & let the Town know they are responsible. They will have 2-3 tables out front. David commented that he is fully in support of beer, wine, cordials, that the Town wants small businesses to thrive & grow and to find their place here. He feels we need to be better at supporting local businesses.

Upon **Motion**, duly made by Peter Spellios, seconded by Katie Phelan, it was unanimously **voted** to close the public hearing at 6:35 P.M. for the liquor license application for Pomona III, 128 Humphrey Street: All in favor Yes. Any opposed No. Motion passes.

Upon **Motion**, duly made by Peter Spellios, seconded by David Grishman, it was unanimously **voted** to grant a beer, wine & cordial license to Pomona III, 128 Humphrey Street, for the listed times and with the conditions that outdoor seating contain screening: All in favor Yes. Any opposed No. Motion passes.

4. **6:30 P.M. Public Hearing for the Earth Removal Permit request for sitework and building construction for the New Swampscott Elementary School at the existing Stanley School site located at 10 Whitman Road.**

Upon **Motion** duly made by David Grishman, seconded by Mary Ellen Fletcher, it was unanimously **voted** to open the public hearing for the Earth Removal Permit for 10 Whitman Road at 6:36 P.M.: All in favor Yes. Any opposed No. Motion passes.

Max Kasper, Director of Facilities has been coordinating with the Earth Removal Advisory Committee (ERAC) and is here to give an overview of the permit & recommendations. Design members are on zoom for tech support. Peter reached out to the State Ethics Commission due to his being on other boards and filed appearance disclosures with the Town Clerk. Max has met multiple times with ERAC, has gone through all of the details and worked through every detail as outlined in the permit, coming to a consensus with ERAC on large majority of items. There is one item on the permit that he is not in total agreement with ERAC on - the particle velocity limitation (PPV). ERAC advised 1.0 while the state limitation is 2.0. The distinction between the two limitations is that the duration of our blasting operation is how high the level of human annoyance is going to be. Less of a PPV means a longer, perhaps double, duration of blast operations. This may not be the best for the town or neighborhood. ERAC grappled w this. Jay Perkins, P.E., Brierley Associates, Cambridge, MA, has advised for the town in the past, recommends 2.0 peak particle velocity. Most blasts will be well under 2.0 although there will be a few areas that need to be at the 2.0 limit which is not likely to cause property damage. If those areas can't be blasted at a PPV of 2.0 there may be a need for jackhammer. Retired Chief Breen did some research and, when the High School was being built, there was one blast close to the 2.0 PPV limit. There was no property damage at the property closest to blast site even at 1.8. Hill International, project overseers, will have someone on site at all times to ensure that the blaster is following guidelines. The contractor and blaster have not been chosen yet so they cannot go into specifics as to an exact plan to remove the rock. There was a discussion about the difference between the quarry blasting, which is an on-going operation, all year vs blasting in a neighborhood, which will conclude in a few months. Mike Carroll, Hill International is the project manager for Town and explained that two things can affect neighbors— ground shaking, which you hear & noises (measured in Dbs.). They are looking for safe & effective limits that will protect neighbors and surrounding property but will also allow the contractor to move ahead. Noise is typically equal to a blast of thunder. Lower PPV measures will result in smaller size blasts for the same amount of material and will require more, smaller blasts. A PPV of 2.0 will mean more intense blasts but over a shorter duration of time. Max is pleased with the rest of permit and feels it is fair to the neighborhood & town. TA Fitzgerald stated that this is a town project and the town is going to represent you as project moves forward, will meet with you, will visit site. We understand your concerns and want the neighborhood to be supported. We need to move forward as carefully & mindfully as possible and he will work with the contractor to build the best school. **Kevin Breen**, retired FD Chief, is on the School Building Committee. He addressed the PPV limit discussion – 2.0 is statutory, if blaster goes above that limit, no matter what the project is, (or 133 Dbs), that is a reportable offense and there will be repercussions. A firefighter will be there to read the seismographs in real time. He pulled records from the High School on 8/2/05. There were multiple shots that day all under the PPV of 2.0. There was no damage at one shot at 1.64. If PPV limit is dropped to 1.0, the blast design will be well below 1.0 & will increase the amount of time needed to blast. Chief Breen recommends going to 2.0 stating that the blaster can't exceed that limit. There was a discussion about the quarry blasting, why it is different as well as how weather conditions, including low cloud cover, affect blast noise. A low cloud deck makes perception seem worse.

Residents are concerned with the impact blasting will have on their homes and foundations and having pre-blast surveys done on their homes. There were comments about the hours of operation (7:00 A.M. – 4:00 P.M., typical construction hours), blasting times (on current permit as 9:00 A.M. – 4:00 P.M.), the truck routes through town (these will be determined when a contractor and blaster are hired. Traffic may go as far as Burrill.), the need to keep streets clean (the contractor, DPW and Town Administrator will decide how often and when the street sweeper will be used), and contaminated soil on the property and where it will be removed to.

Contaminated soil: Per Max Kasper - test pools identified some contaminated soil but not at a concerning level and that doesn't require DEP reporting. This is being managed by a Geo Tech engineer who will ensure contaminated soil is brought to appropriate places. They have done additional test pits, size of contaminated

areas has dropped drastically and there is very little contaminated soil. There is no threat to human health at current levels and as such has been reduced to soil management. Depending on the classification, some soil can go to a landfill with no liner while some has to be brought to a landfill that is lined. There will be a licensed site professional, (LSP), on site at all times – they are experts in contamination, understand the different types of contaminations, will write specs & will enforce. Contaminated soil will be addressed. Tested/contaminated sites are in the Earth Removal Permit on the website along with the soil management plan.

Rock crushing on site will mean fewer trucks in & out of the site. Rock crushing can start at 8:00 A.M.

Pre-Blast Surveys: Many residents are concerned that 300' from the blast site is not enough and asked that the area for pre-blast surveys be extended out to 500'. Mike Carroll, Hill Int'l: the state requires a pre-blast survey, within 250'. The Town has proposed surveys be done out to 300'. There will be three mailings by blast contractor asking for permission to enter your property and conduct a pre-blast survey by taking photographs and/or videos of the inside and outside and documenting existing conditions. These surveys help the contractor understand the condition of surrounding properties prior to blasting. We feel comfortable at 2.0 that there will be no damage. In addition to representatives from Hill on site, the contractor will be there and as well as a firefighter on site recording the seismograph readings and making sure they do not exceed a PPV of 2.0. There are a lot of steps and checks & balances to make sure blasting is done as safely as possible. The contractor will be held accountable for damages. For homes outside of the pre-blast radius, residents should contact the Fire Dept. for a property damage form. Contact information will be on the website once a contractor has been chosen.

Residents in attendance (in person & via Zoom): **Sheila Billings, 14 Laurel Rd.**, feels hours of operation will be disruptive, especially during summer vacation; **Tasia Vasiliou, 16 Lewis**, is concerned about the damage to homes that blasting can cause because of their field stone foundations and asked what recourse anyone living outside of the 300' radius has. **Steve Amotica**, questioned truck route, contaminated soil route. **Gail Brock, 12 Laurel Rd.**, feels the human annoyance and possibility of property damage is huge and asked the Board to give careful thought to mitigating human annoyance. **Charlie Donoghue, 19 Orchard**, has concerns with blasting hours, pre-blast surveys/property damage, street cleaning and truck routes. **Donald Granger, 194 forest** – asked about getting a pre-blast survey even though he is outside of the 300' radius. Mike Carroll will have the contractor put his house on a list. **Steve Rosenberg, 60 Lewis Rd** – feels the Town has a communication problem and should work with neighbors to make this project work perfectly. He also had questions about the pre-blast survey and contaminated soil. **Cindy Cavallaro, 85 Pine St.**, feels this project is further reaching than the immediate area, citing traffic concerns. Also asked about pre-blast alerts. **Angel Fagundo, 184 Forest St.**, concerned with PPV of 2.0 and street sweeping. **Doug Dubin, 36 Orchard Rd.**, (his son is at 28 Orchard Rd. and he also owns a house at 46 Orchard Rd.) thinks the audience should listen to Kevin Breen as he knows blasting and doesn't want to hold up the project with lesser blasts. Blasting will be faster & more effective. He also feels the budget will go through the roof with the contaminated soil. **Rupert Deese, 26 Lewis** – Questioned how a 2.0 blast at the quarry differs from a 2.0 blast in a residential neighborhood (size/depth of holes). **Nancy Burns, 3 Laurel Rd.** asked to limit blasting hours to 9:00 A.M. – 3:00 P.M. **Mary Dechillo, 7 Rockland St.** – commended the ERAC, need technical knowledge but don't get a lot of recognition. Asked Board to be mindful of truck traffic and not to create further divisiveness within the town. **Ted Smith, 19 Laurel Rd.**, concerned with radius of pre-blast survey. **Sara Brogna, 58 Sherwood Rd.**, via email – feels the bigger concern is property damages and asked what the Town will offer if there is structural damages. **Charlie Pastios, 130 Atlantic Ave.** claims there is a DEP report not signed by an LSP that the Town took the full 120 days to report on. He is concerned about trucking which he thinks will cause particles to become airborne and would prefer on-site rock crushing.

Upon **Motion** duly made by Peter Spellios, seconded by David Grishman, it was unanimously **voted** to close the public hearing for the Earth Removal Permit for 10 Whitman Road at 8:55 P.M.: All in favor Yes. Any opposed No. Motion passes.

Board: **Mary Ellen** appreciates everyone's comments and concerns, feels extending pre-blast parameter is absolute. She would like more information re: the High School build and what does the blasting expert say as far as how far someone could experience damage; Personally, Mary Ellen would like to see the PPV at 2.0 so as to finish the project faster. **Katie Phelan** – asked what the repercussions will be should they exceed 2.0. David

Grishman asked how many houses are in the 300' radius for pre blast surveys? (44 within 300'). He also asked about notifications and the number/time of blasts per day: Mike Carroll stated that everyone will be notified via public meetings; blast schedule depends on the blaster and geology but are typically mid-morning & another in afternoon. Will there be a reduction in traffic because of onsite processing? Per Max, it depends on how much fill is needed but he anticipates it should reduce truck traffic by close to 50%. **Peter Spellios** commended John (ERAC) for the permit which is a by-product of many hours of research. Have ER permits every few years. He also asked if Jay Perkins's letter makes him feel better about 2.0 PPV? John is fully in favor of Perkins's expertise. Peter suggested that there be two tiers for pre-blast surveys: one entitled to have one and a tier II that residents could ask to have one within 500'. There was a brief discussion about pre-blast survey radii and traffic as well as a whether there is an agreement with the Church (no). Peter asked for the following conditions to be put on the permit:

- i. require pre blast survey to include complaint form with all information
- ii. increase radius so that anyone within 500' can request a pre blast survey
- iii. town is to notify residents who live within 300'-500' that a pre blast survey is available should they want one by mail
- iv. Street sweeping – add that the Town Administrator and DPW director can also require street sweeping.
- v. There be no less than one meeting within 30 days while blasting is ongoing with the contractor/blaster & neighbors. John will make contacts available as soon as the contractor is hired.
- vi. Use a PPV of 2.0

Peter would like to have the permit by the end of this week for discussion at next week's meeting. David agrees with the street sweeping requirement, supports expanded radius & having a specific point person to contact. He is comfortable with a PPV of 2.0 for this project. Katie has concerns that the community be heard during blasting and is also comfortable with a PPV of 2.0; Mary Ellen has concerns with the radius and asked for more data as to how far from the blast site damage can happen. Mary Ellen also asked that we change the blast time to 9:00 A.M.-3:30 P.M. understanding that once explosives have been set, they can't leave it and it needs to be set off. Neal is also comfortable with the PPV of 2.0 and is open to recommendations/suggestions based on past projects. There was a brief discussion about whether to notify residents daily of blasting (there will be horn blasts beforehand) or if sending an email at the beginning of the project and another at the end is enough.

5. **Discussion of impact and comments related to the Atlantic Bay View Residences (Foster Road/Archer Street) 40B Proposal.** Representatives from Hayes Engineering & Atty. Jason Panos showed a presentation of the new proposal details. Jason Panos, 246 Andover St, Tony Capecceti, Hayes Engineering, and Thad from SP Design. They are currently at the in-site eligibility phase before Mass Housing and the Municipal comment period ends 5/15. They listened to neighborhood and Select Board comments and retained the hill. The scale of the homes is similar to what is in the neighborhood.

Residents in person & via Zoom: Residents feel this project is too big for the area, that the streets are too narrow, and are dangerous, especially in the winter. They also feel that they are constantly fighting a project in their neighborhood that does not fit and will be a public safety issue. **Jim Drumheller, 5 Archer St.** discussed set-back requirements and what the developer will ask the ZBA for; **Kenny Washburn, 104 Foster Rd.,** Feels this does not fit in with the neighborhood and asked how it will benefit the Town; **Mary Dechillo, 7 Rockland Rd.** discussed traffic concerns, how the project will not fit in with the neighborhood and how it will affect the Town's 40B requirements; **Reggie Pagan, 60 Foster St.,** she abuts where they are going to cut Foster Rd. and feels the neighbors are always fighting something. There are storm water issues and flooding. This will have a major impact on environment & neighborhood. Will there be Fire truck access? The Traffic Impact Study sites that the segment crash rate is well above the District 4 average; **Mary Murphy, 40 Roy Rd.,** is concerned about traffic, safety issues, citing the lack of sidewalks; **Laura Caradonna-Dubiel, 50 Foster Rd.,** has spent hours attending meetings, 2-3 years, one project was finally denied. There is a safety risk coming out of Foster Rd. – the new road will come into her driveway. **Sergai Sokal, 82 Foster St.,** agrees with his neighbors and feels this project is ruining the

neighborhood by cramming houses in. He also has safety concerns; **Mitali Bose, 55 Foster Rd.**, proposal of making access road will open right in front of her house. Cars will be coming straight to her driveway and it's a downhill slope. It's difficult for her to leave driveway if road not salted. She is worried about safety, wildlife being displaced and blasting; **Ana Lanzilli, 18 Nichols St.**, supporting neighbors, feels they are constantly dealing with possible development plus Aggregate blasting; **Ryan Brady, 6 Archer Rd.**, they about the access road and agree with the neighbors that this is not right type of development. He also discussed drainage issues, the street turns to ice and is narrow; **Angela Ippolito, Planning Board Chair**, this project came before the Planning Board in 2019. They applied to the ZBA to modify plan and proposed demolishing 54 Foster St. The plan was denied because the road is unsafe, narrow and there are no sidewalks. The Subdivision Control Act requires the applicant to create roads where access is adequate, safe, and accessible. 54 Foster is still inadequate. Access is the most critical part where there is none.

Board: **David Grishman, 55 Samson Ave.**, understands the dangers of Foster Rd., there is a lack of visibility on a good day, during inclement weather – traffic can't pass, the width of road can't accommodate parked traffic or two way traffic. The Town's Housing Plan calls for walkable developments which are close to amenities – this project lacks both. This project as proposed won't be supported by the Town or him. **Peter Spellios**, the applicant doesn't have to sit & listen to all this. This is the 2nd time that this applicant has proposed something that will impact the neighborhood. He should come before the board and listen to the neighbors. Mary Ellen and Neal concur, residents who are impacted said it all. This project is less offensive than previous one. These are great comments for the Select Board to go with. Peter and David will work with Marzie to draft a letter to Michael Busby, Mass Housing. Residents should send their own letters to Marzie by email and addressed to Michael Busby at Mass Hsg. Marzie will compile one package, including the Select Board's letter and send it to him.

C. TOWN ADMINISTRATOR'S REPORT: Tabled until May 11, 2022.

D. VOTES OF THE BOARD/CONSENT AGENDA:

Upon **MOTION**, duly made by Mary Ellen Flether, seconded by David Grishman, it was unanimously **VOTED**: To approve the Consent Agenda: All in favor Yes. Any opposed No. Motion passes.

E. SELECT BOARD:

1. Neal Duffy: Went to Earth Fest, thanked Marzie, Dianne & Danielle for their work putting it together. It was a great start for many more community events.
2. Mary Ellen Fletcher: Thanked the Clerk's office and everyone who helped with the election for their hard work. Also thanked people who voted for her. She appreciates the hard work.
3. David Grishman: Attended Earth Fest and gave a shout-out to the Girl Scouts of Ocean Bay and the Solid Waste Advisory Committee for providing great knowledge; Hazardous Waste Day details are on the website. Registration is required.
4. Katie Phelan: Nothing to add.
5. Peter Spellios: Welcomed Mary Ellen and Katie.

Upon **MOTION**, duly made by David Grishman, seconded by Katie Phelan, it was unanimously **VOTED**: To adjourn at 10:27 P.M.: All in favor Yes. Any opposed No. Motion passes.

True Attest,



Dianne Marchese, Executive Secretary to the Town Administrator & Select Board