

Swansea Planning Board
Virtual Zoom Meeting
68 Stevens Road
Swansea, MA 02777



APPROVED

10/19/20
KH

Minutes
September 9, 2020

Members Present: Chairman: Scott Adams
Vice Chairman: Robert Medeiros
Greg Denis

Absent: James Hanley – Clerk
Tim Cabral
John Hansen – Town Planner

Chairman Adams opens the public meeting at 6:35 PM.

Roll Call Vote:

Scott Adams – Present
Robert Medeiros – Present
Greg Denis - Present

Chairman Adams reads the following:

The Swansea Planning Board will record the proceedings of its meeting via zoom this evening. Any member of the audience who wishes to do so, also, should state his intention at this time.

Form A:

Timothy Rose, Keith's Circle & Purchase Street – Map: 34 Lots: 32 & 47:

Mr. Scott Adams stated that he just received this plan about an hour ago and has not had time to properly review the submitted documents. Mr. Adams stated that he did briefly look at the submitted documents and feels that they are still incomplete and the as-built submitted is not an official as-built drawing because there is no stamp. In my opinion, there is not enough information for me to make a decision based on the submitted documents stated Mr. Adams. The easement is not adequately defined on the plan stated Mr. Adams. The board is not opposed to what they are proposing but we need proper information before we make any vote or decision stated Mr. Adams.

MOTION by Mr. Robert Medeiros to POSTPONE the Form A to the next scheduled Planning Board meeting. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

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Discussion:

Tess Abigail Estates – Underground Utility Waiver:

Mr. Adams stated that there is still not enough information for the board to make a decision. The board is still waiting on comments from Mr. Anderson, Town Engineer. The pricing has been received as previously requested by Mr. Hanley. The board stated that they should continue this discussion until we receive comments from Mr. Anderson and Mr. Hanley can review the documents that he requested.

MOTION by Mr. Robert Medeiros to CONTINUE discussion to the next scheduled Planning Board meeting. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Discussion:

Touisset Point – Winslow Way – Acceptance Recommendation/Surety Reduction:

Mr. Adams stated that we are still waiting on comments from Mr. Anderson, Town Engineer. MOTION by Mr. Robert Medeiros to CONTINUE to the next scheduled Planning Board meeting. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Minutes:

August 3, 2020:

MOTION by Mr. Robert Medeiros to ACCEPT the minutes of August 3, 2020. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

August 17, 2020:

The board CONTINUED to the next scheduled meeting.

MOTION by Mr. Robert Medeiros to RECESS the regular Planning Board meeting at 6:45 PM and OPEN the public hearing. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Public Hearing:

MOTION by Mr. Robert Medeiros to WAIVE the reading of the public hearing. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

There was no one in attendance via zoom from the public for this public hearing.

Amendments to Zoning Provisions for Lot Irregularity:

To see if the Town will vote to amend Subsection 5.2.C of the Zoning Bylaw by deleting the third sentence thereof and by adding the following after the final sentence thereof:

Any application for a special permit for either an Open Space Residential Design subdivision pursuant to Subsection 4.4, or a hammerhead lot(s) pursuant to Subsection

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5.2B, may include a request that the substantial irregularity provisions not apply to one or more lots in the proposed development, which request the Special Permit Granting Authority may allow in its discretion as part of the approval of the special permit, but only upon a determination that:

1. Such allowance will not result in harm to the neighborhood;
2. Such allowance will further the stated purpose(s) of Subsection 4.4A or 5.2.B(1), respectively, as applicable;
3. At least one of the following factors exists:
 - a. There are topographic features, such as wetlands, sloping or soils conditions, that render impracticable that creation of a lot or lots compliant with the Regularity Factor;
 - b. Allowing a lot or lots to be substantially irregular will result in the most efficient division of land;
 - c. For Open Space Residential Design subdivisions, allowing a lot or lots to be substantially irregular will maximize the size, connectivity, utility of and access to, preserved open space; or
 - d. For hammerhead lots, allowing a lot or lots to be substantially irregular will minimize the impact upon abutters of the placement, orientation, width and length of the lot handles and buildable areas; and
4. The proposed Regularity Factor for the substantially irregular lot(s) is no lower than is necessary in order to ensure development of said lot(s) when considering the existing factor(s) as described in #3.

Amendment to Zoning Provisions for Hammerhead Lots:

To see if the Town will vote to amend Subsection 5.2.B(2)(c) of the Zoning Bylaw by deleting the first sentence thereof and replacing it with the following:

A hammerhead lot may only abut one (1) other hammerhead lot.

And further, to amend Subsection 5.2.B(2)(c) by adding the following sentence:

No more than two (2) hammerhead lots may be created from land that, within the past 10 years, was part of commonly held land. For the purposes of this provision, commonly held land shall include all contiguous land in which the same party has some type of ownership interest in each portion thereof, including, without limitation, as an individual, as a partner of a partnership, as a beneficiary of a trust, or as a controlling or minority owner of a corporate entity.

And further, to add a new Subsection 5.2.B.(p) as follows:

No hammerhead lot may be created from any land within a preexisting subdivision for which the definitive plan was approved by the Planning Board and recorded in accordance with the provisions of Massachusetts General Laws, Chapter 41,

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Sections 81K through 81GG; provided, that nothing shall preclude the application for, and issuance of, a special permit for hammerhead lots concurrent with, and as part of, the approval of any such definitive plan.

Amendment to Zoning Provisions for Common Driveways:

To see if the Town will vote to delete Section 4.0.G of the Zoning Bylaw in its entirety and replace it with the following:

A use denoted by SP/ZBA may be permitted by a special permit by the Zoning Board of Appeals. A use denoted by SP/PB may be permitted by a special permit by the Planning Board. A use denoted by SP/PB/ZBA may be permitted by a special permit by either the Planning Board or the Zoning Board of Appeals, depending upon specific circumstances as detailed in the provisions of the Zoning Bylaw relative to that use.

And further, in the Table of Principle and Accessory Uses in Section 4.0 of the Zoning Bylaw, to amend the listing in Accessory Use, A. Accessory Uses that is labeled as “7. Common driveway” by changing each instance of “SP/ZBA” to SP/PB/ZBA”.

And further, to amend Subsection 4.1.F of the Zoning Bylaw by deleting the second sentence under the heading for Common driveway (1), and replacing it with the following sentences:

Common driveways are allowed only by special permit. The Planning Board shall be the Special Permit Granting Authority whenever the common driveway would be part of a development for which a special permit is also being sought for hammerhead lot creation pursuant to Subsection 5.2.B, whenever the common driveway would be part of a development for which site plan review is required pursuant to Section 9.1, and whenever the common driveway would be part of a development for which the approval of a definitive plan is required under the Subdivision Control Law. In all other instances, the Special Permit Granting Authority shall be the Zoning Board of Appeals. In its discretion, the Special Permit Granting Authority may only allow a common driveway when it determines that the following conditions have been met:

And further, to amend Subsection 4.1.F of the Zoning Bylaw by adding the following new subsections under the heading for Common driveways (1), as follows:

- g. Whenever a common driveway travels at least 150 feet from a public or private way to a dwelling, then the common driveway must be at least 20 feet wide along its entire length and provide.
- h. Common driveways shall be constructed so as to provide an adequate turnaround and hold and withstand the imposed load of the largest fire apparatus in service (or purchased and intended for service) with the Town at the time of the special permit application, as determined by the Fire Chief.

- i. It has been demonstrated to the satisfaction of the Special Permit Granting Authority that each lot will be accessed by the common driveway is otherwise capable of being served by an individual driveway that could be built in compliance with all local and state requirements and standards for the same, including, without limitation, with respect to zoning, wetlands and stormwater.

And further, to amend Subsection 4.1.F of the Zoning Bylaw by deleting the phrase “Zoning Board of Appeals” from the final sentence under the heading for Common driveways (2), and replacing the same with “Special Permit Granting Authority”.

And further, to amend Subsection 5.2B(2)(h) of the Zoning Bylaw by deleting the words “the Zoning Board of Appeals and”.

Amendments to Zoning Provisions for Construction on Lots Smaller than Required

To see if the Town will vote to delete Subsection 5.2.E.3 of the Zoning Bylaw in its entirety.

Amendment to Zoning Provisions for Siting of Accessory Buildings and Structures

To see if the Town will vote to delete Subsection 5.2.D of the Zoning Bylaw in its entirety and replace it with the following:

5.2.D Accessory structures:

- (1) Roadside stands shall have side and rear yard setbacks of 10-feet, but need not have any front yard setback.
- (2) All other accessory buildings and structures shall have side and rear yard setbacks of 10-feet, and shall be placed in the rear and side yards only; provided, that the Zoning Board of Appeals may grant a special permit to allow placement of the same up to four (4) feet into the front yard so long as a 10-foot front yard setback is maintained.

Amendment to Zoning Provisions for Non-Conforming Buildings and Structures

To see if the Town will vote to create a new Subsection 3.2.A of the Zoning Bylaw as follows:

3.2.A Whenever the reconstruction of a nonconforming single-or two-family residence increases a nonconformity, the footprint of the reconstructed building shall not be more than 50 percent greater than the footprint of the original building.

And further, to create a new Subsection 3.2.B of the Zoning Bylaw as follows:

3.2.B On a nonconforming lot, a special permit is not required in order to increase only the height of a single-or two-family residence, so long as the new height does not

exceed the average height of all other single and two-family residences within 500-feet of the lot on which the reconstructed residence will be built; provided, that the new height shall not be greater than is otherwise allowed in the zoning district.

MOTION by Mr. Robert Medeiros to CLOSE the Public Hearing. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Exhibit:

1. Draft Amendments to Zoning Provisions Subsection 5.2.C, 5.2.B, 4.0.G, 4.1.F, 5.2.E.3, 5.2.D, 3.2.A & 3.2.B

MOTION by Mr. Robert Medeiros to APPROVE the proposed zoning bylaws as presented. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Meeting Adjourned:

MOTION by Mr. Robert Medeiros to ADJOURN the meeting at 7:09 PM. SECONDED by Mr. Greg Denis. Roll Call: Scott Adams Yes, Robert Medeiros Yes and Greg Denis Yes.

Respectfully Submitted:



Jennifer Howard
Planning Minutes Clerk