

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



APPROVED

KR 5-17-21

Minutes
May 3, 2021

Members Present: Chairman: Scott Adams
Clerk: Tim Cabral
Jonathan Carreiro
Greg Denis

Absent: James Hanley

Staff: John Hansen – Town Planner

Chairman Adams opens the regular Planning Board meeting at 6:30 PM.

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.

Chairman Adams announced all board members present who were present remotely.

Scott Adams – Present
Tim Cabral – Present
Greg Denis – Present
Jonathan Carreiro – Present

New Business:

Reorganization of the Board/Board Appointments – 2021-2022 SPREDD

Appointment:

MOTION by Tim Cabral to NOMINATE Scott Adams as Chairman. SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro Yes.

MOTION by Jonathan Carreiro to NOMINATE Tim Cabral as Vice Chairman: SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Jonathan Carreiro Yes, Greg Denis and Tim Cabral Abstained.

MOTION by Tim Cabral to NOMINATE Jonathan Carreiro as Clerk. SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Jonathan Carreiro Yes and Greg Denis Yes.

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MOTION by Greg Denis to APPOINT Scott Adams and Tim Cabral to the Soil Conservation Board. SECONDED by Jonathan Carreiro. Roll Call: Scott Adams yes, Jonathan Carreiro Yes, Greg Denis Yes and Tim Cabral Yes.

MOTION by Tim Cabral to APPOINT James Hanley to the Community Preservation Committee. SECONDED by Jonathan Carreiro. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro Yes.

MOTION by Tim Cabral to APPOINT John Hansen to SRPEDD. SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro Yes.

MOTION by Tim Cabral to APPOINT Robert Medeiros to the Waterfront Board. Seconded by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro Yes.

Form A:

1 & 2 Summit Avenue – Map: 42 Lots: 94 & 95:

Mr. Hansen stated at the last Planning Board meeting the board requested an opinion from Town Counsel regarding ownership of the reserve strip. The following is the e-mail response from Town Counsel.

As discussed, the original subdivision plan from 1908 does in fact show the 2-foot reserved strip and this plan was recorded as a registered land plan in 1980 – Book 1, Page 39; Cert. #15; Court Case 1836, Plan C. Without a detailed title review going back over a hundred years, it would be impossible to know whether 1 Summit Avenue had obtained ownership of this reserved strip. But the original intent appeared to be to keep it separate from any buildable lots, with the likely purpose to ensure that no connection could be made to Summit Avenue from the adjacent land, keeping Summit Avenue a dead end. I don't see enough here at this point to justify spending the time on the title review, given the limited nature of the ANR endorsement process. The Assessor's records are not dispositive, especially when it comes to registered land. In fact, the Assessor's map is almost definitely inaccurate, since it does not show the strip, but also does not show 1 Summit Avenue bumping out to incorporate the strip. The Assessor's map simply acts as though the strip, and its impact on dimensions via-a-vis the lots and street, never existed.

Brian J. Cruise, Esq.

MOTION by Tim Cabral to APPROVE the ANR Plan as submitted. SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro.

Exhibits:

1. Email from B. Cruise to J. Hansen dated 4-9-21 – Re: Town Counsel Request
2. ANR Plan 1 & 2 Summit Ave Plan dated 3-5-21

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MOTION by Tim Cabral to RECESS the regular Planning Board meeting and OPEN the Public Hearing. SECONDED by Greg Denis. Roll Call: Scott Adams Yes, Tim Cabral Yes, Greg Denis Yes and Jonathan Carreiro Yes.

Public Hearings:

Mr. Carreiro reads the following:

In accordance with the provisions of MGL Chapter 40A, Sections 9-11, and the Swansea Zoning By-law, Section 5.2.B, the Swansea Planning Board will hold a public hearing via Zoom on May 3, 2021, at 6:45 PM on the application of Richard and Michelle Levesque, for the approval of a Special Permit for a Hammerhead Lot shown on a plan entitled "Special Permit and Approval Not Required Plan", located on Map: 10 Lot: 3, 0 Bark Street, Swansea, Massachusetts, which proposes the creation of one (1) hammerhead lot.

Mr. Adams stated that this is the first time that this has happened during a Planning Board meeting but there is a limit of time for this meeting. There is a time limit with a countdown that has already started. The Town Administrator set up the account. I don't know why there is a time limit. We have been holding Zoom meetings since the COVID pandemic and have never had this issue. Mr. Adams could not apologize enough to the number of participants present for the public hearing. Mr. Adams stated that he is going to set up another zoom account and announced the number meeting code of: 975 -337 2914 with the pass code of: 283740. Mr. Adams stated that I am trying to do my best and if we did something incorrectly, I am sure that our Town Counsel will advise us. Again, this is the first time that we have ever experienced technical difficulties with a zoom meeting. The zoom meeting turned off at 6:57 PM.

All board members signed into the new zoom meeting ID along with the number of participants. Mr. Adams again apologized to the public for the inconvenience and will give adequate time for all participants that were part of the original zoom meeting to log onto the new zoom meeting. Mr. Adams stated that this is a nightmare for any chairman to have this happen during a meeting.

MOTION by Tim Cabral to RECESS the regular Planning Board meeting at 7:15 PM and OPEN the public hearing. SECONDED by Jonathan Carreiro. Roll Call: Scott Adams yes, Tim Cabral Yes, Jonathan Carreiro Yes and Greg Denis. Yes.

Public Hearing

Special Permit – Richard and Michelle Levesque – Hammerhead Lot:

Bob Berube of Pro-Line Engineering was present to represent the applicant. Mr. Berube stated that this property is located on Map: 10 Lot: 3 which is located on Bark Street. This property is located on the east side of Bark Street about 450 to 500-feet from Bark Circle. 1,98 feet of frontage on 16.5 acres of land. We hired Brandon Fanoff, Botanist to do the wetland delineation. Mr. Fanoff flagged the wetlands. Mr. Berube stated we placed the 25-foot no touch zone and 100-foot buffer zone on the plans. We are proposing to divide the property to create two lots. One lot will be a hammerhead lot and the remaining land, which will be labeled as Parcel 2, will be labeled as non-buildable.

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Mr. Levesque is looking to donate the land to the Town of Swansea Conservation Commission. The lot has had a perc test done that was witnessed by the Board of Health. We are proposing to construct one single-family dwelling. Mr. Berube stated that the site distance from the north is over 2,000-feet, which carries to Chace Street and is very flat and straight road. Going towards the south, you can see to the intersection of Stevens Road. Mr. Berube stated that we meet all the requirements for a hammerhead lot.

Mr. Hansen stated in reviewing the proposed plan, they appear to have met all conditions and requirements of a hammerhead lot with the exception of approval from the Conservation Commission. The Fire Chief submitted his boilerplate language with regards to the width of the driveway and turnaround radius.

Attorney Matt Aspin was present to represent an abutter to this property Karl & Lisa Almond. Attorney Aspin stated that he respectfully disagrees with Mr. Berube that the applicant meets all requirements of a hammerhead lot. Attorney Aspin stated that if you refer to Sub-Paragraph "F" which Attorney Aspin read regarding lot sufficient area and suitable for building. Attorney Aspin stated that if you look at the circle around the dwelling that Mr. Berube has proposed, it does not comply with the provision. It has to all sit in there with the circle around the dwelling stated Attorney Aspin. The side yard is 75-feet from the corner of the dwelling and the front yard is 50-feet from the boundary. If you look at the bylaw it states buildable area stated Attorney Aspin. I respectfully disagree. This plan does not comply with the provision stated Attorney Aspin. This is also very close to the wetlands so that is why Mr. Berube placed the circle where he did stated Attorney Aspin. Attorney Aspin stated that my clients have several areas of concerns with this plan and would like to know why this plan does not comply with the bylaw and how can the board approve?

The following are concerns of my clients stated Attorney Aspin:

- Line of site is not compliant with the bylaw. There are solid double lines and there have been a couple of fatalities in this area. Chapter 40A Section 9 states serve the public good and my clients concerned with traffic in this area and this is a straight away and they speed on this roadway.
- The plan clearly delineates wetlands. The Wetland Protection Act protects the wetlands. My clients showed me pictures of this property that had 6 deer just grazing. Bark Street has been developed extensively and my client is also concerned with privacy. Sore point with my clients is that there were contractors down at this site when performing the perc test and they went onto my clients property with machines and they stated that they were given permission by Mr. Levesque to go on my client's property.
- My client never spoke with Mr. Levesque. This is a big concern of my client.
- 40A allows this board not to approve this plan stated Attorney Aspin

- My clients, should this get approved, request an evergreen buffer to be placed along the easterly and southerly border 50-feet from the right-of-way.
- My clients would also see if there is a potential to pave the right-of-way where it jets out and heads north if allowed by the Conservation Commission to help with the dust.

Exhibit:

1. Special Permit Plan & Approval Not Required of property located at 0 Bark St (AP 10, Lot 3) for Richard & Michelle Levesque created by Pro-Line Engineering, Inc.

Mr. Adams stated that another message has come up that there is a time limit and is counting down. Mr. Adams stated that I don't want to feel rushed and I want to give the people the best ability to voice their opinion. The town system is limiting us to ½ hour time frame.

Mr. Cabral suggested holding a special meeting for the public hearing.

The zoom meeting went out and the board could not adjourn the meeting or motion to a date certain.

Respectfully Submitted



Jennifer Howard
Planning Minutes Clerk

