

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, August 26, 2013**

7:45 PM

Mayor's Conference Room, 2nd Floor, City Hall, 562 Main Street

PRESENT: Carla Morelli, Anne DeSouza-Ward, Michael Cassavoy, Ed Cassidy, Paul King, Robert Mercado, Sharon Petrillo, John Sadowski, and Jack Welch

ABSENT: None

Denise Gaffey, Director and City Planner, and Adam Duchesneau, Assistant Planning Director, were present.

The meeting was called to order at 7:50 PM by Ms. Morelli.

MINUTES

Special Meeting, July 29, 2013

Ms. DeSouza-Ward MADE a MOTION to accept the minutes of July 29, 2013. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed, Mr. Sadowski was absent from the vote.

At this time, Mr. Sadowski arrived at the meeting.

BOARD OF APPEALS

Case # 13-018, 108 Waverly Avenue, Jillian Natale

The Applicants, Jillian and Jerry Natale, were in attendance to discuss their application. Ms. Natale explained that the original deck that came with the house was very close to the neighbor's property line. This old deck was being removed and the Applicants are currently building a deck that is more within the confines of the property by going deeper into the lot. Mr. Natale added that the abutters to the property are comfortable with the project and one of the neighbors submitted a letter indicating this, which Mr. Natale distributed to the Planning Board. Ms. DeSouza-Ward indicated that the project was worth a neutral or favorable letter to the Board of Appeals based upon the plans and the fact that it is close to zoning compliance. Mr. Mercado confirmed that the deck construction had begun without the appropriate permits and the Applicants indicated this was correct. Ms. Natale went on to apologize to the Planning Board that they began the project with the appropriate approvals which they were unaware they needed.

Mr. Mercado noted that the new deck can almost be seen above the privacy fence along the property line and asked why it was being constructed so high. Ms. Natale explained that by extending the deck deeper into the lot they would be losing some of the usable space in their backyard. She went on to explain that by raising the deck up a bit they would be able to use more yard space. Mr. Mercado confirmed that the neighbors had no objection to the proposal and Mr. Natale confirmed that was correct. Ms. Petrillo asked if there was a height restriction for decks and Ms. Gaffey indicated that there was not, but if a deck is below a certain height it could be closer than the standard setback to a property line. Mr. Mercado indicated that this is the first time he has seen a deck like this that is so high. Ms. Natale pointed out that the deck under construction is simply attached to the existing deck.

Ms. DeSouza-Ward then MADE a MOTION to send a neutral letter to the Board of Appeals. Ms. Petrillo SECONDED the MOTION. The motion passed with seven members voting in favor and Mr. Mercado voting against. Mr. Sadowski abstained from the vote.

Document: - ZBA Application Case # 13-018
 - Letter of Support from Denise Boisvert, 236 Laurel Street

Case # 13-019, 16 Stevens Road, Ian and Colette Maher

The Applicants, Ian and Colette Maher, were in attendance to discuss their application. Mr. Maher stated that the appeal they are seeking is in regard to their proposed deck as it is only five feet from the rear property line. He went on to indicate that the four closest abutters to the project are comfortable with the proposal. Mr. Maher also noted that the deck is four feet tall at its highest point. Mr. Mercado confirmed that the deck could not be seen around the neighborhood as it is located in the rear yard and the Applicants indicated this was correct. Mr. Sadowski indicated that he thought a standard letter to the Board of Appeals would be appropriate in this instance. Ms. DeSouza-Ward, Mr. Cassidy, and Mr. Mercado agreed. Mr. Mercado went on to state that there are houses in the surrounding neighborhood that have decks similar to this proposal.

Mr. Sadowski then MADE a MOTION to send a standard letter to the Board of Appeals. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-019

The Planning Board then debated the order in which they wanted to discuss the three applications for the property at 880-894 Main Street. After some discussion, the Board determined they would hear the wall signs application first, then discuss the blade signs application, and then the pylon sign application.

Case # 13-022, 880-894 Main Street, Charter Melrose LLC

Ms. Gaffey pointed out to the Planning Board that the appropriate denial letter for the wall signs was passed out to them at the beginning of the meeting. The Applicant had accidentally included the denial letter for one of their other applications in with the wall sign application in their original submission. Ms. Gaffey noted that the existing signage on the building is above the roof line but the structure is currently undergoing a renovation. The new signage will be on the new parapet of the façade and above the roofline, according to the Building Commissioner, however, the signage will still be below the top of the parapet. Karen Johnson from Charter Melrose LLC and Scott Spaulding from ViewPoint Sign and Awning were present to discuss the application.

Ms. Johnson began by stating that they are excited to have the new tenant, Whole Foods, open and operating in the plaza. She also noted that they are in the process of doing a significant façade renovation to the entire structure which began with demolition and is now in the process of constructing the new façade. Mr. Spaulding noted that the new tenant wall signs, when interpreted literally under the zoning ordinance, are above the roof line. He went on to note that the denial letter from the Building Commissioner also indicates the signs are not the same height or size. Mr. Spaulding pointed out that the site is a strip mall plaza with an anchoring tenant and the existing or old signage was far less attractive. He then indicated that a stationary fixture with upward lighting would be used to illuminate the signage. Mr. Spaulding also indicated that PVC and vinyl would be used to construct the actual signs. Ms. Gaffey pointed out that the application also needed a Special Permit for the Honey Dew Donuts signage because they are proposing to have two signs on the corner of the building for the one business.

Mr. Cassavoy asked if the signs were in conformance with the ordinance as he did not see the dimensions of the signage on the drawings and he also asked what the maximum permitted size of the signage is. Mr. Spaulding indicated that they are permitted to have signage as large as 10% of the façade of each commercial space or 50 square feet, whichever is the lesser. Mr. Mercado asked if they were in conformance with this regulation and Mr. Spaulding indicated that they were. Mr. King then asked if all

the letters are individual and Mr. Spaulding indicated that was correct as each one would be mounted directly to the façade. Ms. Morelli asked if there would be upward or downward lighting and Mr. Spaulding indicated that they are proposing to use upward lighting due to the shape of the awnings. Ms. Johnson stated that the lighting would be directed at the signage on the façade. Ms. Morelli then asked about the lighting between each of the awnings and Ms. Johnson indicated that these would be sconces with downward lighting for public safety. Ms. Johnson also indicated that the proposed upward lighting is not shown on the plans or the renderings. Ms. Morelli asked if the Applicants had thought about using gooseneck lighting and Ms. Johnson indicated that they had but they wanted a cleaner look to the façade of the building. Mr. Spaulding added that they also do not have space for gooseneck light fixtures between the top of each sign and the top of the parapet.

Ms. Morelli then asked if the lighting was going to be built into the canopy and Ms. Johnson indicated that this was not the case. Instead the Applicant was proposing to use a linear fixture just above each awning for the length of each sign. Mr. Sadowski asked if the lighting could be shrouded or shielded in some manner. Mr. Spaulding stated that they (the signage company) are not responsible for the fixtures but they can make sure the lighting is shielded towards the signage. Ms. Johnson then stated that the intent is for the fixture to blend into the façade and to illuminate only the signage. Mr. Sadowski stated that he would defer those Planning Board members that helped to craft the most recent signage ordinance. Ms. DeSouza-Ward stated that she thought the height and size of the signage does not look out of proportion with the façade. She went on to note that the awning helps to anchor all of the signage on the façade. Mr. Spaulding stated that the color of each awning is going to be a matte black as opposed to the green color that is displayed on the drawings. Mr. Sadowski noted that the Tower Plaza Variety sign seems to be a bit large but that the size of the other signs did not bother him.

Mr. Sadowski asked if the Whole Foods sign would be illuminated and Ms. Johnson indicated that it would be with upward lighting. Mr. Sadowski then asked if the proposed lighting for the Whole Foods signage was something that the Applicant wanted to include in this application. Mr. Spaulding stated that there is no relief required for the proposed lighting for the signage. Ms. Johnson added that Whole Foods installed compliant signage and then went to the Board of Appeals to seek relief for a larger sign. Mr. Sadowski noted that the Planning Board saw the Whole Foods signage application as well as part of the Board of Appeals review process. Mr. Cassidy confirmed that the façade itself would not be illuminated and the Applicant indicated that was correct. Mr. Cassidy then confirmed that there would be “hot spots” of lighting on the façade where the signage would be located, which the Applicant also indicated was correct. Ms. Johnson also added that wall sconces would be situated where the awning breaks are located. Mr. Cassidy indicated that he preferred an illuminated façade with signage as opposed to signage that is illuminated with “hot spots” of lighting on an otherwise dark façade. Ms. Johnson stated again that the areas between the awnings will be illuminated and also that she wanted to keep the Planning Board focused on the matter at hand as there is no relief required for the lighting of the signage. Mr. Sadowski indicated that to him the lighting is part of the overall application and he felt it was fair to discuss and understand the proposed lighting of the signage.

Mr. Cassidy confirmed that the color of the EFIS façade was tan or something similar to the façade on the Whole Foods or the Rite Aid, and the Applicant confirmed this was correct. Mr. Cassidy noted that a cool fixture, a white light, will likely not look good on the façade of the building. Mr. Cassavoy pointed out the Building Commissioner’s letter and how it references the signage being above the roof line. He went on to note that lots of buildings in Melrose have signage that is above the roof line but not above the roof line of the parapet. Ms. DeSouza-Ward stated that she agreed that the proposed signage would look good. She went on to note that the Honey Dew Donuts signs seemed rather small and that the Special Permit for two signs for one business space was designed for two signs that complement one another, but she did not strongly oppose the proposed signage. Ms. Gaffey pointed out that the Special Permit allows an Applicant

to split the square footage of the total square footage of the signage for a storefront. Mr. Welch stated that he thought aesthetically it would look odd to only have one sign on the Honey Dew Donuts space. Mr. King agreed and stated that he thought it would look off balance since the store is located on the corner of the building. Mr. Cassidy noted that this property is the only strip mall in Melrose and the signage is approximately 150 feet from the roadway. He also added that he thought the proposal was fine.

Mr. Cassidy then asked what the exact wording was of the signage lighting language in the zoning ordinance. Ms. Gaffey then read the signage lighting language from the zoning ordinance to the Planning Board. Mr. Cassidy indicated that he did not want to sign off on the wall signage proposal without a detail of the lighting being provided and Ms. Morelli agreed. Ms. DeSouza-Ward asked when the application would be discussed by the Board of Appeals and it was stated that the application was scheduled for September 11, 2013. Ms. Gaffey noted that the Applicant could ask for a continuance from the Board of Appeals to allow all three cases to go at the same time of their next meeting on October 9, 2013. Ms. Johnson noted that the lighting is not part of the relief that is required from the Board of Appeals. Mr. Cassidy indicated that he had not seen enough detail regarding the proposed lighting and therefore he did not have enough information to make a determination on the proposal. Mr. Spaulding indicated his concern that the façade of the building would be completed and there would be no signage to put on the building. Ms. Gaffey pointed out that the Planning Board is meeting again on September 9, 2013.

Mr. Spaulding then confirmed that the Planning Board wanted to see a cut sheet of the proposed light fixtures and lighting for the length of the façade of the building. Ms. Morelli indicated that the Planning Board would like to see the light fixtures in section, where the fixtures will be applied to the façade relative to the signage, and how the lighting will be used to wash the façade. Mr. King added that he would like to see how the lighting works with the architecture of the new façade. Mr. Spaulding confirmed that he understood what the Planning Board was looking for and Ms. Gaffey confirmed that the case could be continued to the Planning Board's September 9, 2013 meeting.

Ms. Johnson then asked if the Planning Board had any other comments on the signage. Ms. DeSouza-Ward noted that she thought the two Honey Dew Donut signs and their location on the façade seemed fine. Mr. Sadowski indicated that he supported those signs as well. Ms. DeSouza-Ward then stated that it seemed no one wanted to vote on the proposal until the lighting of the signage had been confirmed. Mr. Cassidy added that it was his sense from the Board that all the signage was acceptable and that the signage being considered to be above the roofline was more of a misunderstanding than anything. He went on to note that he would view the parapet as being the top of the roofline. Mr. Spaulding stated that he felt the proposal was in the spirit of the signage ordinance. Ms. Gaffey then added that Planning Staff did not want to see cookie cutter signage and that individuality of signage is encouraged. Mr. Sadowski asked if the new parapet would be extending the existing façade upward and Ms. Johnson indicated that was correct. Ms. Johnson went on to note that the new façade would be above the existing façade but it would be no higher than the height of the existing Rite Aid parapet. Ms. Gaffey pointed out that it appeared Sheet A 200 needed to be updated and Ms. Johnson indicated that the architectural drawings would be updated for the next Planning Board meeting.

Ms. DeSouza-Ward then MADE a MOTION to continue the 880-894 Main Street case (# 13-022) to the Planning Board's meeting on Monday, September 9, 2013. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-022

Case # 13-020, 880-894 Main Street, Charter Melrose LLC

Karen Johnson from Charter Melrose LLC and Scott Spaulding from ViewPoint Sign and Awning were present to discuss the application. Ms. Gaffey began by pointing out that because blade signs are not addressed in the signage ordinance they are therefore prohibited. Mr. King added that signage is specifically not allowed to project perpendicularly off the façade of a building. Ms. Johnson noted that the proposed blade signs are for pedestrian orientation for people walking along the sidewalk. Mr. Sadowski asked if the proposal was for each business to have a blade sign and Mr. Spaulding indicated that was correct with the exception of Honey Dew Donuts which would have two blade signs for a grand total of seven proposed blade signs. Ms. DeSouza-Ward indicated that she had sympathy for the businesses located on the north side of the building due to their limited storefront visibility, but she was not convinced about the blade signs for the east side of the structure. Mr. Spaulding noted that the existing blade signs on the north side of the building need to be replaced. He went on to indicate that blade signs are common in many strip mall plazas in the northeast and that they are geared for pedestrians.

Ms. Morelli asked what the retailers had planned in the form of decals for their front windows. Ms. Johnson indicated that their signage plan is for the entire building and that anything beyond this, the tenants would need to seek the necessary approvals. Mr. Spaulding indicated that the tenants may do something subtle on their main entrance doors such as having the business name and the hours of operation. Ms. Johnson added that they would like to have a uniform sign package. Mr. King stated that any window signage would need to conform to the zoning ordinance. Ms. Morelli stated that she was trying to think of an existing pedestrian level sign that is under a canopy in Melrose. Ms. DeSouza-Ward indicated that she was opposed to the blade signs. She did not think they were necessary and there was not any need for additional signage at the plaza.

Mr. Mercado asked if the zoning ordinance currently regulates signage inside windows and Ms. Gaffey indicated that the ordinance did. Mr. Cassavoy indicated that he is not compelled by the blade signs as everyone in the community knows what is in that shopping plaza and the businesses could easily thrive without the blade signs he felt. Mr. Cassidy indicated that he understood the motivation behind the blade signs, but he thought it would be unfortunate to see them implemented. He then asked, rhetorically, what if all the businesses on Main Street wanted to have blade signs? Mr. Spaulding indicated that it seemed like an apples to oranges type of comparison because the signs on Main Street would be over a public way while these blade signs would not. He went on to note that he felt strongly that the tenants are having a lot of visibility taken away from them and the proposed blade signs are already much smaller than what is currently there. Mr. Welch asked if the tenants would be able to put any signage in their windows if they were permitted to have the blade signs. Ms. Johnson stated that they would not allow any tenant signage other than what is proposed on the plans. She went on to note that the tenants on the north side of the building do not have good visibility and these blade signs would help with that.

Mr. Cassavoy indicated that he had issue with the blade signs. Ms. DeSouza-Ward stated that she could be convinced to permit the blade signs on the north side of the building. Ms. Johnson then stated that they could bring in photographs of other blade signs they are having implemented in other locations if it would be helpful. Mr. Cassidy stated that he would like to propose a neutral recommendation letter to the Board of Appeals. Mr. Spaulding then asked what would be a good compromise on this topic. Mr. Sadowski indicated that he disagreed with Mr. Cassidy and stated that he was concerned about setting a precedent with this particular case, but he did note that the property was very unique. Mr. Sadowski went on to state that he felt the Planning Board should come to some kind of consensus on the topic. Mr. Welch stated that he did not like the blade signs but he also did not prefer more signage in the windows of each business.

Mr. Sadowski stated that it is important to see the tenants do well because the property owner could sell the property the next day. Ms. Johnson indicated that their track record is that they are long term owners.

Mr. Sadowski suggested that conditions be recommended in any letter to the Board of Appeals. Ms. DeSouza-Ward pointed out that the Building Commissioner cannot keep up with the 99 cent coffee signs that are up in windows one week and removed the next. Mr. King noted that no one can go by the stores on the east side of the building without seeing what is there. However, the businesses on the north side of the building are much less visible as they are tucked away from Main Street. Mr. King went on to note that he did not feel it was necessary for the businesses that faced Main Street to have blade signs but he could see how the blade signs would be helpful to the businesses on the north side of the building. Ms. Johnson added that Honey Dew Donuts has a walk up window on the north side of the building and therefore one blade sign for them would be helpful. Mr. Sadowski asked what the limitation was on window signage in the zoning ordinance and Ms. Gaffey confirmed that it was 30% of each window panel. Mr. Mercado recommended a condition be added to any letter to the Board of Appeals that limits window signage.

Mr. Cassidy then MADE a MOTION to send a letter to the Board of Appeals which recommended endorsing the blade signs for the businesses on the north side of the building, including one (1) blade sign for Honey Dew Donuts, but also recommend that no blade signs be permitted along the east (Main Street) side of the building. The motion also included a recommendation to the Board of Appeals that a condition be included which prohibited window signage in all of the businesses except signage which indicates the business name and hours of operation on the front door of the establishment. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-020

Case # 13-021, 880-894 Main Street, Charter Melrose LLC

Karen Johnson from Charter Melrose LLC and Scott Spaulding from ViewPoint Sign and Awning were present to discuss the application. Mr. Spaulding began by indicating that they are trying to carry the architectural theme of the building out to the pylon sign. Whole Foods is the new long term tenant and as a compromise with Whole Foods they are attempting to rebrand the plaza as "Whole Foods Plaza". Ms. Johnson added that they are trying to relate to people with how they identify with the plaza by renaming it, as well as reinforce the branding. Mr. Spaulding indicated that the "Whole Foods" signage wording is push through acrylic with stencil letters and he was not sure how they were going to get around internally illuminating the sign.

Ms. Morelli asked how/why Eastern Bank was now going to be added to the pylon sign. Ms. Johnson indicated that the bank would like to encourage people to access their business through Main Street and they are trying to give the bank a Main Street presence. Mr. Mercado asked if the proposed new pylon sign was going to be higher than the existing pylon and Ms. Johnson indicated that was correct, but really only the cornice was going to be higher. Ms. Morelli asked if the Applicants were planning on altering the base of the sign and Mr. Spaulding indicated that he was not planning on it. Ms. Morelli then indicated that she was surprised to see the size of the nearby street tree compared to the size of the pylon sign. She noted that the extra 12 inches of height would not be too much and the updated architecture of the sign would be an improvement. Ms. DeSouza-Ward stated that she had changed her mind and now felt that since it is a bigger shopping plaza a larger pylon sign is warranted. However, she went on to indicate that she felt the sign was rather busy and inquired if the wording "Photo Center" could be removed. Ms. Johnson indicated that the "Photo Center" wording is written into the lease for Rite Aid and their signage is protected. Therefore the wording has to remain in the pylon sign shown in their lease exhibit. Ms. DeSouza-Ward then noted that the "Eastern Bank" wording does not really need to be in the pylon sign. Mr. Cassavoy noted that he like the idea of renaming the plaza to "Whole Foods Plaza" because very few people call it "Tower Plaza" anymore, which is its current name.

Mr. Spaulding noted that the new pylon sign is a refurbishment and they are trying to make the sign simply look better. Ms. Johnson added that the electricity to the sign has been temporarily shut off while the electricity at the site is being upgraded. Ms. DeSouza-Ward indicated that she is ok with the proposed height of the new pylon sign and she did not oppose the new sign enough to not recommend approval of the Variance. Mr. Cassidy indicated that he was comfortable with the proposed sign. Ms. Morelli stated that she wanted to know if the color of the pylon illumination was going to be the same as the awning lighting. Mr. Spaulding indicated that fluorescent Daylight High Output (DHO) lamps will be used to illuminate the pylon sign. Mr. Cassidy asked if the posts of the pylon were a yellow color and Mr. Spaulding indicated they would be a tan color to match the façade of the building. Ms. Gaffey noted that some of the panels in the pylon sign looked to be new and Mr. Spaulding indicated that was correct as all of the panels were going to be new. Ms. Gaffey then asked if the Tower Plaza Variety panel had to be colored yellow and Mr. Spaulding indicated that is what they have currently. Ms. Morelli noted that the letters in the word "Variety" are very large and due to the fact that the Planning Board was willing to compromise on the blade signs, she felt that the yellow background should be removed from the Tower Plaza Variety panel. Mr. Cassidy noted that coloring each panel could become an issue in the future and pointed out the issue if future tenants wanted to have different colored panels as well. He went on to note that he would like to reserve approval of the final colors on the signage. Mr. Spaulding then confirmed that they would be returning before the Planning Board to discuss the pylon sign with color samples and updated drawings for the wall signage.

Mr. Cassidy then MADE a MOTION to continue the 880-894 Main Street case (#13-021) to the Planning Board's meeting on Monday, September 9, 2013. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-021

At this time Ms. Petrillo left the meeting.

SITE PLAN REVIEW & SLOPE PROTECTION SPECIAL PERMIT

Case # 13-004, 985 Main Street, Nelson Pan, DDS, and Debra Hong Pan, DMD, MS

The Applicants' Attorney, Thomas Mullen, P.C., Engineer James Hanley, and Architect William Sloan, were all present to discuss the application, in addition to one of the Applicants, Dr. Nelson Pan. Mr. Mullen began by indicating that he is representing the Applicants who are trustees of the 985 Main Street property. Mr. Mullen noted that the Applicants have owned the property for about 20 years as well as the abutting property at 8 Reading Hill Avenue. Mr. Mullen then provided a brief summary of the proposed project to the Planning Board. He noted that in the Applicants' first proposal for the L-shaped addition in 2011, the abutters appealed the approval decision that was rendered by the Board of Appeals. Subsequent to the appeal, the Applicants' reached a settlement agreement with the abutters, the bulk of whom were in attendance at the Planning Board meeting this evening. Mr. Mullen noted that translucent windows on the north side of the building, keeping the addition 5 feet below the roof peak of the existing building, and limiting the hours of operation were all concessions the Applicants made as part of the settlement agreement. Mr. Mullen then stated that as a result of the litigation and agreements with the neighbors, the Applicants need to seek additional relief from the Board of Appeals.

Mr. Mullen continued on to note that the existing conditions at the site are somewhat complicated. The garage that straddled the property line of 985 Main Street and 8 Reading Hill Avenue has recently been demolished. There is a timber retaining wall that surrounds the parking area that will need to be removed. An easement over the property at 8 Reading Hill Avenue will need to be put in place to provide access to the proposed 985 Main Street parking area. Additionally, two new spaces will need to be implemented at the front of the 8 Reading Hill Avenue property to replace the garage that was removed. Mr. Mullen also

indicated that the Applicants would like to retain the right to remove the boulder at the site behind the building, but they would prefer to leave it in place if at all possible. Mr. Mullen also noted that there would be no increase in stormwater discharge from the site as a result of the project and the proposal easily meets the requirements of the relief requests for slope protection at the site.

Mr. Hanley noted that the existing sewer service for the property is from Main Street. He also noted that the City's Engineering Department indicated that during construction, the utilities at 8 Reading Hill Avenue will need to be assessed and if determined to be inadequate, they will need to be replaced. Mr. Hanley continued on to note that the proposed retaining wall will meet specifications and should not shift. Overall, the Applicants feel the project is an improvement to the property and the four proposed parking spaces will have back out capability. Mr. Sloan then reiterated that the Applicants have agreed to keep the addition 5 feet below the height of the existing structure and will step the addition around the boulder at the rear of the property.

Mr. Mercado then MADE a MOTION to open the public comment portion of the hearing. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

August Niewenhous, Esq. of 6 Valdora Drive in Stoneham, MA spoke on behalf of the numerous abutters he was representing for the project. He noted that the abutters and the Applicants came to an agreement on July 12, 2012 and the numerous abutters in the room are here to simply observe and ensure that the Applicants are moving forward with a proposal under the terms that were agreed upon.

Grace Carriere of 984 Main Street indicated that she was in favor of the project because she felt it would be an improvement to the area. She also stated that she felt the project would improve real estate values in the neighborhood and hoped that the Applicants would take care of the steep slope at the rear of the property at 985 Main Street.

Mr. Cassidy then MADE a MOTION to close the public comment portion of the hearing. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Mr. Welch indicated that the boulder the Applicants are referencing at the rear of the property is extremely large and he asked the Applicants to elaborate on its situation. Mr. Hanley indicated that test pits were dug at the site and the results show it appears to be a boulder as opposed to ledge. Once the foundation hole is dug for the addition, the project team will have a better understanding of the boulder's situation. Mr. Mercado asked if the test pits could have been dug closer to the boulder and Mr. Hanley stated that they did not want to get too close and risk potentially undermining the boulder's stability. Mr. Mercado then asked what type of block they were proposing for the cement block retaining wall. Mr. Hanley indicated they were going to use a Shea block, which is a type of concrete block, for the wall. Mr. Mercado then asked where the wall will drain out and Mr. Hanley indicated that there are 4 inch weep holes in the seams of the wall which will prevent hydrostatic pressure from building. Mr. Mercado also noted that the retaining wall is fairly high and it seems that a fence will be needed at the top of it. Mr. Hanley stated that a fence or barrier of some type will be necessary for the top of the wall. He went on to note that it is not shown on the plans, but a 4 foot high black PVC fence will be installed. Mr. Mercado then inquired about snow storage and Mr. Hanley stated that there is not much room for snow storage at the site so snow removal will likely be required. The Applicants are also exploring the option of having a heated driveway.

Mr. Mercado then asked if the sidewalks adjacent to the project would be modified and Mr. Hanley stated that they will be reconstructing the sidewalks to Public Works Department standards with vertical granite curbing and concrete sidewalk areas. Mr. Hanley went on to note that they will be providing an ADA accessible parking space and some shifting of the parking spaces was required to meet the necessary walkway widths. Mr. Mercado then asked what the existing curb cut configuration dimensions are and Mr. Hanley indicated that the one existing curb cut is approximately 35 feet wide. He went on to note that they will be creating two curb cuts as part of the project, one that is 24 feet wide and another that is 17 feet wide. Mr. Mercado then asked about the drainage of the existing parking lot and Mr. Hanley stated that the property currently drains with overland flow towards Main Street but the proposed project would not be increasing the on-site runoff. Lastly, Mr. Mercado asked if the Applicants were proposing to increase landscaping anywhere on the site. Mr. Hanley indicated that they were not because there is already so much landscaping at the rear of the property and some at the front along Main Street.

Mr. Cassavoy asked Planning Staff to summarize the Staff Report that had been provided to the Planning Board. Ms. Gaffey summarized sections of the report covering the property's zoning history, the department head meeting that was held to discuss the project, the waivers the Applicants are requesting, and how Planning Staff is recommending approval of the project with associated conditions. She went on to note that the Applicants have retained the slope of the property as much as possible and then went over each of the conditions at the end of the Staff Report. Mr. King asked if they needed to get zoning relief for the front yard parking request at 8 Reading Hill Avenue or if those spaces were somehow grandfathered. Ms. Gaffey indicated that the Applicants would still need to go before the Board of Appeals to seek zoning relief for those proposed spaces. Mr. King then noted that it seems the 985 Main Street parking space layout would not allow for cars to pull out of the lot in a forward manner.

Mr. Cassavoy then MADE a MOTION to grant the Applicants' requests for the listed waivers from the Site Plan Review Submission Criteria. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Mr. Cassidy inquired about the slope of the parking area at 8 Reading Hill Avenue and Mr. Hanley responded by stating that they are trying to satisfy the clients' needs and retain as much of the slope as possible. Mr. Cassidy then brought up the small sliver of landscaping separating the 985 Main Street parking area from the two proposed spaces at 8 Reading Hill Avenue. He noted that this landscaped area is not curbed and questioned if this small landscaped area is sensible. Mr. Hanley indicated that they are trying to better define and separate the two parking areas with this small landscaped area. Mr. Cassidy then confirmed that the south elevation is brick and the gable areas are clapboard, which Mr. Sloan indicated was correct. Mr. Cassidy also confirmed that the only exterior lighting on the addition would be the two wall sconces which Mr. Sloan also confirmed was correct. Ms. DeSouza-Ward confirmed the addition would be 5 feet below the existing building and asked what the second story of the addition would be used for. Mr. Mullen indicated the top floor of the addition, attic space, would be used for storage.

Mr. Mercado asked how much of the slope would be disturbed to install the new retaining wall and Mr. Hanley indicated that they would be cutting about 10 feet into the slope to establish the new wall. Mr. Mercado followed this by indicating that he had concerns about the amount of hammering that may need to be done to construct the addition. He stated that it would be good to have that information for the Planning Board to consider. Mr. Cassidy asked if the proposed addition created a side yard setback violation and Mr. Mullen indicated that this necessary relief had been obtained at an earlier Board of Appeals hearing. Ms. DeSouza-Ward asked if the Site Plan Review approval request was for the two properties and Ms. Gaffey indicated that yes, it technically was, as the Site Plan Review would cover the two properties.

Mr. Cassidy suggested that the Planning Board prepare conditions for the proposed project. Mr. King asked if there were any zoning violations with regard to the proposed parking spaces at 985 Main Street. Mr. Hanley noted that three of the parking spaces should not have any issues making a three point turn and exiting the lot in a forward manner. The last parking space will have a little bit of difficulty making a three point turn and getting out. Mr. King pointed out that the Applicants may want to reshape the landscaped divider between the two parking areas. He went on to note that it will be difficult for anyone to get into and out of the 985 Main Street parking space furthest from Main Street. Ms. Morelli noted that the landscaped divider area is a subjective dimension and this could be adjusted slightly yet still provide some way to divide the two parking areas. Mr. King indicated that he was a little more concerned with a vehicle getting into the parking space furthest from Main Street. Mr. Mullen noted that part of the rationale for implementing the small landscaped divider area was to appease the neighbors and to help separate the two distinct uses. Ms. Morelli agreed and also thought there should not be just one large curb cut for the two parking areas. She also noted that every little bit of green space will help separate the two uses.

Dr. Pan indicated that his staff currently parks in the rear lot as far onto the property as they can as well as along Main Street and he stated that this would continue. Mr. Sadowski asked if the impervious area at the site would be increased and Mr. Hanley indicated that it would by a small amount. Mr. Sadowski then asked if the Applicants had thought about using wheel stops in front of the granite curbing at the site and the project team said they would look into this. Mr. Sadowski followed this by asking if a structural engineer would be designing the retaining wall and Mr. Hanley indicated that would be the case.

The Planning Board then turned to a discussion of the conditions for the project. Mr. King indicated that he would like the Applicants to demonstrate the ability to get into all of the parking spaces at 985 Main Street. The Planning Board was comfortable with the suggested conditions in the Staff Report but also decided to add three conditions. The Planning Board wanted the Applicants to adjust the landscaped divider area approximately two feet on Sheet C-4 to accommodate for a better turning radius into the parking spaces at 985 Main Street, to show a 5 foot wide handicap accessible walkway to the building and shift the 985 Main Street parking spaces accordingly, and to submit an Erosion Control Plan for review and approval prior to the issuance of a Building Permit which displays erosion control measures to be installed during construction.

Ms. DeSouza-Ward then MADE a MOTION to grant the Applicants' request for a Slope Protection Special Permit with the conditions that were discussed. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Mr. Cassavoy then MADE a MOTION to approve the Applicants' request for Site Plan Review approval with the conditions that were discussed. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Documents: Site Plan Review and Slope Protection Special Permit Application Case # 13-004

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case # 12-004, 160 Green Street, Eric Kenworthy

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. Mr. Kenworthy began by indicating that the structure would be a townhouse style modular construction building by KBS Building Systems, Inc. with three levels approximately 32 feet in height. He pointed out that on the rear elevation they had added entry doors as a means of egress to supplement the originally proposed garage doors. Mr. Kenworthy also noted that the building would have

six decks, one for each dwelling unit, with five along the rear elevation and one on the southeast side. He then went over the floor plan for each of the units and pointed out the location of the flue vents and condensing units for the project.

Mr. Cassidy asked if the garages would be private and Mr. Kenworthy indicated that there would be five private garaged parking spaces and seven outdoor surface level spaces. Mr. Welch pointed out that the location of the flue vents at the front of the building could create a lot of water vapor to be released along the sidewalk on cold days. Mr. Kenworthy responded by saying that the vents distribute the vapor pretty evenly and this should not be too much of an issue. Additionally, the landscaping at the front of the structure should help to screen the vents from the sidewalk area. However, Mr. Kenworthy went on to indicate that he would check with his HVAC contractor to see if the air could be vented out the back of the building or possibly through the roof. Mr. Welch added that if the building was not so close to the sidewalk this would likely not be an issue. Mr. Kenworthy then noted that they will either use a transformer or overhead lines to bring power to the building.

Mr. Welch noted that the slope of each of the driveways was a big topic of discussion at the last Planning Board meeting and Mr. Salvo spoke to how the project team addressed this concern of the Planning Board. Mr. Salvo noted that 15% is the maximum slope that a driveway should have and this is only used on the entrance driveway, but both driveways are within the permitted slope range. Mr. Salvo went on to indicate that the gas meters will be located on the southeast side of the building and should be screened by the landscaping in this area. This would also be the area at the site where a transformer could be implemented if necessary. Mr. Salvo continued on to say that catch drains have been added at the base of each of the driveways to collect any sand, salt, or debris that may collect at the base of each of driveway.

Ms. Morelli then opened up the discussion to any members of the public who wished to speak.

David Henry of 180 Green Street asked how high the retaining wall was going to be at the rear of the property and Mr. Salvo stated that it would be seven feet tall. Mr. Henry then asked if there would be a fence on top of this wall and was curious to know the distance from the base of the retaining wall to the rear property line. Mr. Salvo stated that there would be a fence on top of the wall and that the base of the wall is approximately 5 to 10 feet from the rear property line. Mr. Henry lastly asked what the retaining wall would be constructed out of and Mr. Salvo indicated it would be a modular block wall.

Gerard Cantin of 164 Green Street stated that the meeting was not noticed and that this case was not listed on the posted agenda for the meeting until August 22, 2013, which he felt was unfair to abutters or other interested parties. Mr. Cantin then noted that he had some conversations with the Applicant and indicated the Applicant had worked hard to address the concerns of the abutters. However, he still had concerns about the traffic and pedestrians interacting where the driveways meet Green Street.

Winnie Cantin of 164 Green Street then spoke about her concerns regarding fire apparatus access to the building. She wanted to know if a fire truck could get behind the building or if a truck was even required to have access to the rear of the site. She also asked about visitor parking, snow removal, and had concerns about the porch on the southeast side of the building along the entrance driveway. She lastly noted that people are currently respectful of not parking in front of other people's businesses on Green Street, but she was worried that would not continue if this project were to be constructed.

Ms. DeSouza-Ward stated that the two big outstanding questions for her were the number of proposed units for the site and how the affordable housing component of the project was going to be handled. Mr. Kenworthy stated that anything less than six dwelling units at the site would make the project infeasible from a financial perspective, but he also felt that a six unit project here would fit well into the surrounding

neighborhood. Ms. DeSouza-Ward asked the Applicant if he had considered making some of the units two bedrooms instead of three. Mr. Kenworthy indicated that by his estimation, if he reduces the units to two bedrooms then the marketability of the units will reduce drastically. He also reiterated that if he were to only construct four or five units at the site, he would lose money on the project. Mr. Kenworthy then stated that he would like to make a contribution to the Affordable Housing Trust instead of making one of the units an affordable dwelling unit. Ms. DeSouza-Ward asked if the project was already over the permitted density allowed by the zoning district and Mr. Kenworthy indicated that was the case if you look at it purely from the zoning district perspective. However, Mr. Kenworthy went on to note that if the original mixed use project that had been approved for the site had been constructed, it would have had more of an impact on the area due to the commercial component.

Ms. Morelli then indicated this was a good stopping point in the discussion and Mr. Salvo asked if the rest of the items could be handled by the Design Review Subcommittee. Ms. Morelli stated that the items that are being covered by the Planning Board are general site plan items and that the Design Review Subcommittee would typically only handle smaller detail items associated with the design of the building. Mr. Ingemi indicated that they are running out of time on the agreement for this property and they cannot wait another 30 days until the next Planning Board meeting. Mr. Kenworthy added that if the project is noted voted on by the Planning Board in the immediate future the financing will not go through and the project will have to be abandoned.

Mr. Cassavoy then MADE a MOTION to continue the 160 Green Street (Case # 12-004) hearing to the Planning Board's meeting on Monday, September 23, 2013. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Mr. Henry then stated to the Planning Board that if this project does not go through the abutters will have to start all over again at the beginning of the process when a new developer comes along. Mr. Kenworthy pleaded with the Planning Board and stated that he would never extend himself like this but his project team really needs some assistance from the Planning Board in this instance. Mr. Cassidy suggested that perhaps the Planning Board could meet at 7:00 PM before its next meeting on Monday, September 9, 2013. Ms. Gaffey supported that idea and thought the Planning Board could take up the 160 Green Street case from 7:00 PM to 8:00 PM and then continue with their regularly scheduled plan to hear the 2 Washington Street case at 8:00 PM.

Mr. Cassavoy then MADE a new MOTION to continue the 160 Green Street (Case # 12-004) hearing to the Planning Board's meeting on Monday, September 9, 2013 at 7:00 PM. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Documents:

- Site Plan Review and Affordable Housing Special Permit Application Case # 12-004
- Figure 7-36. Vertical Driveway Profile Diagram
- Elevations, Floor Plans, Section, Foundation Layout, and Roof Layout (Sheets P2, P2a, P3, P4, P4a, P16, P19a and P21)
- Landscape Plan (L-1)
- AutoTURN Figure: Passenger Vehicle
- Site Development Plans (Sheets C-1 – C-6)

OTHER

Partial Release of Bond for Boardman Avenue Subdivision

Mr. Duchesneau explained that the Applicant for the Boardman Avenue Subdivision was nearing completion of the project and wanted to have a substantial amount of the bond released. Mr. Duchesneau

also informed the Planning Board that the Engineering Department had reviewed the current status of the subdivision and were comfortable with a bond reduction down to \$25,000.00.

Ms. DeSouza-Ward then MADE a MOTION to approve a partial release of the bond for the Boardman Avenue Subdivision down to \$25,000.00. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Mr. Duchesneau then informed the Planning Board members about their next two upcoming meetings which were a Site Visit to 2 Washington Street on Wednesday, August 28, 2013 at 6:30 PM and a Special Meeting on Monday, September 9, 2013 at 7:00 PM.

The meeting adjourned at 12:00 AM.