

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, September 23, 2013**

7:45 PM

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

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

ABSENT: Michael Cassavoy

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

The meeting was called to order at 7:54 PM by Ms. Morelli.

MINUTES

Regular Meeting, August 26, 2013

Mr. Cassidy MADE a MOTION to accept the minutes of August 26, 2013. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

BOARD OF APPEALS

Case # 13-023, 25 Russell Street, Richard Ciulla, Jr.

Richard Ciulla, Jr. was present to discuss the application with the Planning Board. Mr. Ciulla indicated that his property is a corner lot and therefore has two front setbacks, two rear setbacks, and no side setbacks. He is proposing to put a one-story addition on the back of his house with a deck on top. The addition would allow for the creation of a workout room for Mr. Ciulla's wife who has numerous health issues.

Mr. Sadowski noted that to the extent the Applicant is proposing to extend the existing structure, he would question the impervious area calculation indicated on the Site Plan. Other than that, Mr. Sadowski felt the proposed plan did not seem objectionable. Ms. Gaffey noted that the Site Plan is indicating 30% building coverage but it appears that this figure is not counting everything on the site. Mr. Sadowski stated that he sees the civil engineer's stamp but not a land surveyor's stamp, and therefore he questioned the setback distances of the existing and proposed structures. Mr. Mercado noted that the engineer's stamp and the surveyor's stamp are two very difficult verifications. Ms. DeSouza-Ward indicated that she was not sure if the Building Commissioner required a land surveyor stamp on the plans. Mr. Ciulla indicated that this is the original Site Plan drawing from 6-7 years ago and he had the plans adjusted per the instructions of the Building Department. He went on to note that the architect then used this plan to draw up the rest of the proposed plans for the project.

Mr. Sadowski noted that the issue is that the addition is drawn as an extension of the house so it is very important that setbacks on the Site Plan are accurate. Ms. Morelli informed the Applicant that the Planning Board was debating the amount of actual building coverage on the lot compared to what is permitted in the zoning ordinance. She added that the calculations indicated on the Site Plan appear to be a little off. Ms. DeSouza-Ward noted that the Building Commissioner's letter references a 5 foot rear setback and asked where this dimension is located on the Site Plan. Ms. Gaffey stated that the 5 foot rear setback is located opposite of Cottage Street where there is an existing stairway. Ms. DeSouza-Ward then pointed out that the Site Plan does not appear to show the new staircase. Mr. Sadowski indicated that he felt the drawings were a bit misleading. Mr. Ciulla stated that he had visited the Building Commissioner

several times about this project and the Commissioner indicated that he was comfortable with the current plan set.

Mr. King confirmed that the access to the addition really comes from the basement level and Mr. Ciulla indicated that was correct. Ms. DeSouza Ward indicated that she felt this project deserved a neutral letter to the Board of Appeals as it is a difficult property being a corner lot with two front and two rear setbacks. She also noted that the addition follows the line of the existing house. Mr. Sadowski asked if the location of the stairs was moving and felt that if they were, this change should be called out. Ms. Gaffey asked if the stairs could be located in a different spot. Mr. Ciulla stated that the proposed location for the stairs seemed to be the only spot that made sense. He went on to indicate that the deck will only be about 6 feet higher than the existing grade and the rest of the addition would be dug down. Mr. Cassidy asked if the decking is running perpendicular to the slope of the roof and wondered if that would work well or not. He suggested that it may be better to run the decking in the opposite direction. Mr. Cassidy indicated that the bottom line was that the drainage needed to be thought through here. Mr. Ciulla indicated that the decking and drainage would be done correctly.

Mr. Sadowski then suggested making a motion for a standard letter to the Board of Appeals. He went on to note that a careful comparison review should be made between the Site Plan and the architectural plans. Mr. Sadowski stated that the existing external stairs, while remaining in the same orientation, are proposed to be relocated alongside the new addition which will create a slightly smaller rear yard setback opposite Cottage Street than is shown on the Site Plan. Mr. Mercado noted that the Building Commissioner cites that a 7,500 square foot lot is needed in the UR-A district and this property only has 6,000 square feet. Mr. Sadowski then stated that the Building Commissioner was simply listing the zoning district requirements in his denial letter. Mr. Mercado then stated that he was surprised the Building Commissioner did not pick up on the land surveyor item.

Ms. DeSouza-Ward wanted to be sure the letter to the Board of Appeals indicated the Planning Board is concerned about the Site Plan's indicated measurements, setbacks, and lot coverage figures for the zoning district and these items should be double checked. Ms. Morelli asked if the Applicant might be better served by getting a land surveyor's Plot Plan. Ms. DeSouza-Ward noted that he will likely need a Plot Plan to get a Building Permit. Mr. Sadowski added that if the measurements are accurate on the Site Plan he felt the Planning Board would be comfortable issuing a standard letter to the Board of Appeals.

Mr. Sadowski then MADE a MOTION to send a standard letter to the Board of Appeals which notes that the Planning Board has concerns about the Site Plan prepared in 2006 as it was prepared by a civil engineer. Specifically the Planning Board is concerned about the setback dimensions and other indicated measurements, the accuracy of the pre and post construction lot coverage figures, and that the existing external stairs, while remaining in the same orientation, are proposed to be relocated alongside the new addition which will create a slightly smaller rear yard setback opposite Cottage Street than is shown on the Site Plan. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-023

Case # 13-024, 585 Lebanon Street, SiriusXM Radio

Peter Cooke from Peter Cooke-Wellman Associates was in attendance on behalf of SiriusXM Radio to discuss the application with the Planning Board. Mr. Cooke indicated that SiriusXM Radio is looking to upgrade the existing wireless communication service facility at the Melrose-Wakefield Hospital. Mr. Cooke went on to indicate that since Sirius and XM Radio have merged, they need to be able to support both cellular and satellite radio equipment at their facility locations. Currently there are roof style antennas with an existing satellite dish on the hospital. Mr. Cooke indicated that the new proposal would

decommission a larger whip style antenna on the building and install two new panel antennas, a satellite dish, and an equipment cabinet. He went on to note that the application materials include some photo simulations which display the before and after views for the proposal. In View #1, you can see the new panel antennas and part of the new satellite dish. View #2 is much closer and in this photo simulation the new panel antennas and the top part of the new satellite dish are visible. Mr. Cooke noted that the new satellite dish is setback about 18 to 20 feet from the edge of the building and efforts were made to locate the dish as far back from the edge as possible.

Mr. Sadowski asked questions regarding the federal law regulations, how the Melrose Zoning Ordinance addresses this particular project, and what use category the project falls into. Mr. Cooke indicated that the use is a two-way communication device, a repeater. He went on to indicate that he had spoken with the Building Commissioner and the Commissioner felt that the use fell under the City's Wireless Communications Service Facilities Ordinance. Mr. Cooke also noted that this application is a request to modify a previously approved Board of Appeals application for this site back in the early 2000s. Mr. Sadowski noted that most of the equipment seems to be setback a bit from the edge of the roof. Mr. Cooke indicated that was correct with the exception of the two panel antennas which will be mounted to the façade of the building. He went on to note that the application drawings will likely need to be updated before the Board of Appeals hearing to show that they are complying with the 12 inch off set detail.

Mr. Sadowski noted that the satellite dish looked rather large and asked if it would be visible from the ground level. Mr. Cooke indicated that the dish had a 6 foot diameter and would be visible even though it is setback from the edges of the building. Mr. Sadowski then noted that these wireless communications service facilities need to be viewed on a case by case basis to attempt to regulate these devices on various structures. Ms. Morelli asked if the proposal called for the removal of any existing equipment and Mr. Cooke indicated that the whip antenna at the front of the building would be removed. Mr. Cassidy asked why no photo simulation was provided for the view from Lebanon Street. Mr. Cooke indicated that the engineers did not believe any of the proposed equipment would be visible from this particular view. Mr. Cassidy stated that he felt the proposed equipment would be visible from Lebanon Street if you were far enough away. Mr. Cassidy also asked if there would be cable trays or raceways for the equipment and Mr. Cooke indicated that there would be and they would connect to a cabinet at the back of the roof. Mr. Cassidy then asked if any of the trays would dive over the side of the building and Mr. Cooke indicated that new cable trays would run across the roof and connect with an existing downward chase way.

Mr. Mercado stated that he did not like the look of the dish at all and asked if there were any other dishes of this size in the city. Mr. Sadowski indicated that he did not believe so and then inquired about the size of the RX unit. Mr. Cooke stated that they could ask the company to look at a slightly smaller size dish prior to the Board of Appeals hearing. Mr. Mercado asked if SiriusXM had facilities in other locations in the area and Mr. Cooke indicated they have facilities in Winchester, Newton, Belmont, Boston, and Marblehead, among others. Mr. Sadowski then asked if any existing equipment would be removed and Mr. Cooke indicated that the existing cabinets would be swapped out and the old GPS antenna would be removed.

Ms. DeSouza-Ward stated that it appeared the satellite dish could only be viewed from certain angles and Mr. Cooke confirmed that it would depend upon the angle of the view. Ms. DeSouza-Ward then asked where the cabinet would be located for the equipment and Mr. Cooke stated that it would be situated on the lower roof area. Ms. DeSouza-Ward responded by asking if the cabinet was as far back from the Grove Street side of the building as possible. Mr. Cooke indicated that they will try to set it back as far as they can and noted that they do have flexibility in terms of the color of the cabinet so that should help to camouflage it as well. Mr. Cooke continued on to note that he would like to call out the mounting details a little more clearly in the drawings. Ms. DeSouza-Ward stated that she was glad the equipment would

primarily only be visible from the backside of the building. Mr. Mercado indicated that he would like to see photo simulation views from Lebanon Street and East Emerson Street. Mr. Cassidy indicated that he would not be surprised if you could see the wireless equipment headed southbound on Main Street and asked if the equipment could be screened in any way. Mr. Cooke indicated that they would have to see if the screening would potentially interfere with the operations of the equipment, but noted that it could possibly be done.

Ms. DeSouza-Ward stated that the standards for wireless communications service facilities in the Melrose Zoning Ordinance talk about minimizing the impact on the surrounding neighborhood. She went on to indicate that she thought the Board of Appeals should explore the possibility of screening of the equipment, potentially moving the equipment, and making the equipment as small as possible. Mr. Sadowski noted that the wireless equipment devices are getting quite large and screening them is becoming more necessary.

Mr. Cassidy then MADE a MOTION to send a letter to the Board of Appeals which expressed the Planning Board's concern and disappointment with this latest proposal for wireless communication devices on the Melrose-Wakefield Hospital. The Board is particularly concerned about the visual impact of this expanding device farm on the surrounding neighborhood. The proposed satellite dish is very large and highly visible from the surrounding residences. The Board requests that screening be installed to block the view from Lebanon Street and Rowe Street, through the use of parapets or fencing, and encourages a modification to the size, angle, and placement of the satellite dish if it can be accomplished without interfering with the functionality of the equipment. This wireless communications device farm has long had an adverse effect on the surrounding neighborhood and this plan not only continues the proliferation, but exacerbates it with an outsized satellite dish which the Board views as unacceptable. The Planning Board therefore cannot recommend approval of this requested Special Permit to add to and alter the wireless communications service facility unless modifications are made to reduce the size and visual impact of the devices. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-024

The Planning Board then took a brief recess so that the Design Review Subcommittee could hold their meeting regarding the project at 185 Essex Street which was supposed to occur prior to the start of the Planning Board meeting but the Applicant was not in attendance at that time.

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case # 12-004, 160 Green Street, Eric Kenworthy (continued Public Hearing)

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. Mr. Kenworthy began by noting that they have put an angle on the rear balcony which is closest to the exit driveway to make it easier for larger vehicles to make the turn. He also noted that there were questions at the last meeting about the details of the mansard roof. Mr. Kenworthy spoke to this item by describing the detail plan he had brought and by indicating that trim would be placed around the windows and trim panels would be used above and below each window.

Mr. Cassidy asked Mr. Kenworthy to explain how the gutter system would tie into the mansard roofline. Mr. Kenworthy indicated that the gutter would go along the fascia of the building, across the front of the structure. The downspouts would be located where one portion of the building is slightly offset from the other. Mr. Cassidy asked if the trim would be white and Mr. Kenworthy indicated this would likely be the case. Mr. Kenworthy went on to note that they may try to do a copper-look with the gutters for the building. Mr. Cassidy asked if AZEK would be used for the siding of the structure. Mr. Kenworthy stated

that they would use AZEK or HardiePlank, but they would like to work with the Design Review Subcommittee on these specific details. Mr. King stated that he thought the gutters should be at the top of the mansard roof and not the bottom of the fascia. He thought the gutters should be located where the pitch of the mansard roof changes. Mr. Kenworthy stated that he thought it would be odd to put gutters in this location. Mr. Cassidy asked if there would be porch roof coverings over the front entrances. Mr. Kenworthy indicated that the originally proposed first floor roof coverings may be too much but they would like to talk to the Design Review Subcommittee about this detail. Mr. Ingemi added that they did not want to have bay windows on the first floor due to privacy concerns.

Mr. Kenworthy then pointed out that condensers are not covered under the plumbing code and therefore there is no requirement that they have specific access provided to them on the roof of the structure. He went on to indicate that condensers are typically replaced only once every 20 years and rarely require maintenance. Mr. Kenworthy also noted that most three story buildings simply use ladders to access the condensers on their roofs. Mr. Cassidy stated that he felt the Planning Board was less concerned about the access to the condenser units. Mr. Welch indicated that he felt the condensers would need to be accessed more than once every 20 years. He noted that the fans of the condensers wear out and a 20 year estimate is for a perfectly functioning device. Mr. Kenworthy stated that maintenance issues could always arise but roof hatches are expensive and the condensers would likely only need to be accessed in the summer. Mr. Cassidy then asked how tall the condensers are and Mr. Kenworthy indicated they are approximately 24 to 30 inches in height. Mr. Cassidy stated that if the Applicant would prefer to access the condensers via ladders, that was fine with him.

Mr. Kenworthy then spoke to the issue of handicap access to each of the units and indicated that because he is constructing townhouse units he would not have to make any of the units handicap accessible. Ms. Morelli and Mr. Cassidy conferred with one another if that was the correct interpretation of the regulation. Ms. Morelli felt the project might fall into a category that would require one of the units to be accessible. Mr. Kenworthy stated that since the project has no elevator and no ground level unit, the project is not required to have an accessible unit. Mr. Cassidy confirmed that this is due to the exception for townhouse style units because they are multi-story and Mr. Kenworthy indicated that was correct. Ms. Morelli added that the worst case scenario would be that the Applicant would have to add an internal wheelchair lift. Mr. Cassidy stated that if the units were flats, one of them would be required to be accessible. Ms. Morelli stated that it did not seem like someone could challenge these units for being required to have an accessible unit. Mr. Cassidy noted that his concern is that the site plan of the project would potentially need to be revised to accommodate an accessible unit. He went on to say that he was not sure if this particular project applied to the Federal Fair Housing Act. There was then a brief conversation about the rooftop penetrations for the HVAC system.

Mr. Salvo stated that the site plan alterations included removing the saw tooth style curbing in the rear parking area and bringing the concrete sidewalk right up to the front of the building. He continued on to say that a poured-in-place concrete wall would be implemented along the western property line as a modular block wall would not be sturdy enough if any vehicles hit it. Mr. Salvo also noted that there will be a bit of space between this retaining wall and the walkway to the food store. He also indicated that he had met with the City Engineer who is now comfortable with this proposed construction. Mr. Mercado noted that the retaining wall along the western property line looks pretty high. Mr. Salvo stated that the wall is 3 feet high but it is only 2 feet higher than the exit driveway and there will be no more than 3 feet of wall height on the food store walkway side. Mr. Mercado confirmed that the wall is about 9 feet in height but only 3 feet will be exposed material and Mr. Salvo indicated this was correct. Mr. Mercado also confirmed that the exit driveway would be paved right up to this wall and Mr. Salvo stated this was also correct.

Mr. Mercado then inquired if they were proposing to pave the sidewalk right up to the front of the building. Mr. Salvo stated that granite curbing would be placed in front of the building and the sidewalk would be paved right up to that. Mr. Mercado then pointed out that there is already a granite curb along Green Street and this may need to be reset or fixed during the construction process. Ms. DeSouza-Ward pointed out that proposed Condition #6 in the Staff Report notes that any damage caused as a result of project construction will be required to be repaired to Public Works Department standards. Mr. Salvo indicated that the sidewalk is in such good condition that they are hoping to not have to rip it up. Mr. Cassidy noted that on Sheet C-3 it indicates that the existing granite curbing will remain. Mr. Mercado then stated that he felt the removal of the saw tooth curbing in the rear parking area will make it easier for plowing and snow storage.

Ms. Morelli then reopened the public comment period in light of the new materials that had been submitted by the Applicant.

Gerard Cantin of 164 Green Street asked if there was going to be any green space along the front of the property. Mr. Salvo stated that there will still be landscaping at the front of the property and the sidewalk along Green Street in front of the development will be as wide as 9 feet in some places. Mr. Kenworthy added that they would like to keep the green space at the front of the property. Mr. Cantin then asked how far down the exit driveway the 2 foot wall would extend. Mr. Salvo indicated the 2 foot high wall would extend the length of the exit driveway along the property line. Mr. Cantin then indicated that he did not have any other concerns as he felt the 2 foot wall would help to contain any water or vehicles on the project site.

Carol McKinley of 407 Washington Street reminded the Planning Board that this property was once the site of the Carol Green House. Ms. McKinley continued on to say that she looked at the site and did not see anything organic there. She indicated that she felt the site was a giant sponge right now and the runoff from this project will have to go somewhere. Ms. McKinley also asked who would be maintaining the proposed vegetation at the site. Mr. Salvo indicated that the condominium association would be maintaining the property. He went on to note that the sand, salt, and debris that is on the site will be handled with trench drains, particle separators, and a cul-tech system. Additionally, the pervious pavers would make up the entire rear parking area which should allow for increased percolation at the site. Ms. McKinley then asked how oil contaminants and particles will be kept from entering the soil and she also wanted to know the size of the pervious pavers. Mr. Salvo indicated that an Eco-Stone pervious paver system would be used. The oil drippings will be handled through the layers of the paver system and will be filtered through natural processes at the site. Mr. Salvo also provided dimensional specifications of the pavers and noted that they have a very high percolation rate.

Ms. Morelli pointed out that Applicants are required to take care of their own stormwater runoff on site in the most environmentally sound way. She continued on to say that the Planning Board was satisfied with the Applicant's responses to all of their stormwater and drainage questions. Ms. McKinley indicated that she was still concerned about how the pervious pavers would respond to a heavy rainfall as there does not seem to be much pervious area on the site. Mr. Sadowski stated that the pervious pavers at the rear of the property would actually make the site more pervious than its current state and the Applicant has provided the engineering calculations to show this. Mr. Salvo added that they have provided calculations for the 2-, 10-, and 100-year storm events. Ms. Morelli then indicated that numerous City Departments have also reviewed the plans and signed off on them. Mr. Cassidy then stated that the area is transforming from open space to an urban/semi-urban environment which is permitted by the zoning code. He continued on to say that the Planning Board is convinced this site has been properly designed. Mr. Sadowski noted that the comments and questions are appropriate. Ms. Morelli stated that the Best Management Practices and the specifications of the pervious pavers are listed in the Stormwater Management Plan.

Mr. Mercado then MADE a MOTION to close the public hearing. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Kenworthy then stated that he would like to finish off the utility room that is located in the basement of each of the units and he was hoping to have the Planning Board write something into the decision for this application permitting this to be done. He went on to note that the Building Commissioner does not like to have finished space in the basement of structures due to occupancy concerns. Ms. Morelli indicated that she felt this item was not part of the Planning Board's purview.

Mr. Sadowski then inquired about the type and size of the proposed trees at the site as well as other landscaping features. Mr. Kenworthy indicated that there were cherry and oak trees with calipers between 2.5 and 3 inches. He went on to state that there will be a variety of shrubs at the site including hostas, rhododendrons, azaleas, and lilacs. Mr. Sadowski then stated that he thought the hostas at the rear of the property were weak in terms of landscaping. Ms. DeSouza-Ward disagreed and thought that they actually made a lot of sense in this location.

Ms. Gaffey then went over the most up to date plan set and read the proposed conditions of the decision to the Planning Board. Ms. Gaffey then indicated that one remaining item of the decision that still needed to be ironed out is the affordable housing component. Ms. DeSouza-Ward indicated that she would be inclined to allow a monetary contribution to the Affordable Housing Trust in lieu of one affordable dwelling unit in this instance. Ms. Gaffey stated that she felt the Planning Board should craft a condition to require that a 2% payment be made into the fund after the sale of each dwelling unit. Mr. Sadowski then indicated that if he had the ability to vote he would vote favorably for this application with the associated conditions. He also added that he felt this project has been a long time coming.

Mr. Mercado then MADE a MOTION to approve the Applicant's 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 and Mr. Sadowski abstained from the vote.

Mr. Mercado then MADE a MOTION to approve the Applicant's request for an Affordable Housing Incentive Program Special Permit by making a payment into the Melrose Affordable Housing Trust equivalent to 2% of the total sales price of all of the units. The motion also included a requirement that the each time a unit sold, the Applicant would make a payment of 2% of the sales price of the unit into the Melrose Affordable Housing Trust. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo and Mr. Sadowski abstained from the vote.

Documents: - Updated Elevations, Floor Plans, and Roof Plan (Sheets P2a, P3, and P21)
 - Mansard Roof Detail
 - Updated Site Development Plans (Sheets C-1 – C-6)

ZONING AMENDMENTS

Ms. Gaffey explained to the Planning Board that the three recent zoning amendments the Board had worked on (a moratorium on Medical Marijuana Treatment Centers; modifying the definitions of "Basement", "Story", and "Story, Half; and alterations to the Notice of Violation & Order and Violations & Penalties sections of the zoning ordinance) had all been passed by the Board of Aldermen with no amendments or changes.

OTHER

Update on Tremont/Essex Street TOD Study

Ms. Gaffey indicated that the Metropolitan Area Planning Council was wrapping up the Tremont Street/Essex Street Corridor Report and as such the Planning Board should schedule their next Zoning Subcommittee meeting to begin a conversation about the zoning changes for this particular area. Ms. Gaffey also noted that the author of this report has offered to come and speak with the Zoning Subcommittee about the report. She continued on to say that per the recommendations of the report, it appears the zoning changes may come in the form of an overlay district in one area with changes to the base zoning in other areas.

Zoning Reform Legislation

Ms. Gaffey then discussed with the Planning Board how there is zoning reform legislation that is being considered that would bring substantial changes to zoning at the state level. She noted that the planning community has been talking about these changes for many years, but now it seems the topic may be moving towards a vote. Ms. Gaffey also indicated that Mayor Dolan is looking for feedback on these proposed changes as he is the Chairman of the Massachusetts Municipal Association's Municipal and Regional Policy Committee, which votes on whether the MMA will endorse particular legislation or make recommendations for changes. Some of the proposed changes would cover the Approval Not Required applications, zoning approval changes, and Special Permit and Variance permit lifetimes, among other topics. Ms. Gaffey noted that Planning Staff could put together some comments for the Planning Board if they would like and Ms. Morelli indicated that she would be more comfortable with this approach than having the Planning Board itself draft comments.

Meeting adjourned at 10:35 PM.