

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, April 26, 2010
7:45 p.m.
Mayor's Conference Room

PRESENT: Richard Connolly, Bob Mercado, John Sadowski, Anne DeSouza-Ward, Mike Cassavoy, and Carla Francazio

ABSENT: Tom Pawlina and Ed Cassidy

Denise Gaffey, Planner, and Matt Hennigan, Assistant Planner, were present.

The meeting was called to order at 7:50 p.m. by Mr. Connolly.

MINUTES

a) Draft Annual Meeting & Public Hearing, March 22, 2010

Mr. Mercado MADE a MOTION to accept the minutes of March 22, 2010. Ms. Francazio SECONDED the MOTION. All voted in favor with the exception of Mr. Cassavoy who abstained due to absence. None opposed.

BOARD OF APPEALS

Case 10-009, 51 Reading Hill Avenue, Drago

The Applicant, Mr. Drago, was present to describe the application to the Board. After a detailed evaluation of the Applicant's proposal by the members, Mr. Cassavoy MADE a MOTION to send a letter to the Board of Appeals that noted that while the Board is typically reluctant to endorse encroachments of this nature due to potential maintenance and safety concerns, the members acknowledged that the Applicant's property is unique with respect to its topography. The Board viewed the Applicant's proposal as an infilling of a cavity created by his abutter and noted the positive safety benefits associated with the application. The Board also noted that the Applicant indicated his intent to amend the plot plan included in the application to show the proposed deck. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

SITE PLAN REVIEW

SP-10-002, 894 Main Street, Patel (public hearing)

The Applicant, Hetal Patel, was present with her representative, Rajesh Patel. Mr. Patel presented the application to the members and indicated that business hours for the variety store are proposed to be 5 AM to 9 PM, seven days a week. Mr. Connolly opened the meeting for public comment.

Diane Quigley (Representative for the Melrose Towers Condominium Board), 49 Melrose Street

Ms. Quigley Board submitted a letter with photographs to the Board, in addition to verbally expressing concern about the potential for noise, litter, and traffic. Ms. Quigley voiced concern that the Applicant's business would become an attractive gathering place for local teenagers and feared that the rear access to the shopping plaza would become a dangerous cut-through for store customers. Ms. Quigley pointed out that there are already multiple convenience stores in the area.

Joan Leighton, 49 Melrose Street

Ms. Leighton highlighted to the members how close the rear of the shopping plaza is to a residential area. Ms. Leighton pointed out that a considerable amount of noise is generated from idling deliveries trucks and during trash pick-ups.

Rod Eddy, 49 Melrose Street

Mr. Eddy expressed that traffic along the back of the shopping plaza is a concern. Mr. Eddy pointed out that there already two 24-hour establishments in the area.

Abby Macgillivray, 49 Melrose Street

Ms. Macgillivray also expressed concern regarding the existing traffic along the rear of the shopping plaza and stated that the Applicant's establishment would likely be an attractive spot for teenagers to congregate.

Susan Rotondi, 49 Melrose Street

Ms. Rotondi pointed out the proximity of the Applicant's location to the McCarthy House crosswalk. Ms. Rotondi stated that a lot of kids already hang-out in the area and emphasized that the trucks that travel along the rear of the shopping plaza generate a lot of noise.

Joan Conroy, 49 Melrose Street

Ms. Conroy informed the members that the shopping plaza complex generates a lot of police calls.

David Bayer, 49 Melrose Street

Mr. Bayer expressed his concern regarding the applicant's proposal.

George McCarthy, 49 Melrose Street

Mr. McCarthy stated that he supports the position of the Condominium Association.

Mr. Mercado MADE a MOTION to close the public hearing. Ms. DeSouza-Ward SECONDED the MOTION. All in favor with the exception of Mr. Cassavoy who was opposed.

Mr. Mercado inquired regarding the types of deliveries that are anticipated. Mr. Patel stated that he projects trucks arriving in the morning between 9 AM and noon. Mr. Patel indicated beverage deliveries would take place once a week. Mr. Patel voiced to the members that he has made efforts to share a dumpster with one of the existing tenants. If unsuccessful, Mr. Patel indicated that he would contract with one of the waste management companies that presently service the existing commercial tenants. Mr. Patel stated that no food preparation will take place on-site. Mr. Patel expressed his intention to position a trash receptacle outside the front entrance of his establishment to minimize litter. The members discussed the issue of loitering and the need for "No Loitering" signage at the north side of the shopping plaza.

Mr. Connolly explained to the public in attendance that the Applicant's purposed use is a permitted use and added that it is beyond the scope of the Planning Board to prohibit the use. Mr. Connolly reviewed the purpose of the Site Plan Review process along with the associated criteria under the purview of the Board. Mr. Sadowski pointed out that the Applicant is a tenant rather than the landlord and as a result somewhat limited with respect to what can be accomplished on the shopping plaza site. Mr. Sadowski noted that the Applicant is willing to reduce the hours of operation for the establishment. The members discussed the need for signage that will limit traffic and noise along the rear of the shopping plaza and impressed upon the Applicant the need to make a best effort to bring the issues involved in this case to the attention of his landlord. The members came to the conclusion that it would be best for the

Applicant to maintain his own small dumpster and contract pickups to take place between 7 AM and 9 PM. Ms. DeSouza-Ward emphasized the importance of lighting beneath the shopping plaza canopy.

Ms. Gaffey reviewed the requested waivers with the members. Mr. Sadowski MADE a MOTION to grant the necessary waivers pertaining to the submission of required application materials. Mr. Mercado SECONDED the MOTION. All voted in favor. Ms. Gaffey reviewed the Staff Report with the members. Mr. Connolly pointed out that the Applicant's use is a commercial use in a business zone and suggested that concerned members of the public contact the Mayor or their Ward Alderman. Mr. Mercado MADE a MOTION to re-open the public hearing. Mr. Sadowski SECONDED the MOTION. All in favor. None opposed.

Susan Rotondi, 49 Melrose Street

Ms. Rotondi emphasized the need for the installation of "No Thru Traffic" signage along the rear of the shopping plaza.

George McCarthy, 49 Melrose Street

Mr. McCarthy inquired regarding what kind of recourse is available for concerned citizens. Mr. McCarthy stated that there appears to be an enforcement issue with respect to noise.

Diane Quigley (Representative for the Melrose Towers Condominium Board), 49 Melrose Street

Ms. Quigley also expressed interest in possible recourse.

Ms. Gaffey explained that an appeal of a Site Plan Review case is considered an administrative appeal, which is heard by the Zoning Board of Appeals. Mr. Sadowski MADE a MOTION to close the public hearing. Mr. Cassavoy SECONDED the MOTION. All in favor. None opposed. Mr. Cassavoy MADE a MOTION to approve the Site Plan Review application for SP 10-002, 894 Main Street with the following conditions:

1. The Applicant shall ask the landlord for permission to install the following signage:
 - a. "No Loitering" (To be installed on the exterior of the building in front of the Applicant's establishment.)
 - b. "No Idling" (To be installed in the rear of the building at the loading area.)
 - c. "Deliveries Only – No Thru Traffic" (To be installed at the entrance to the vehicle access along the rear of building.)
2. The hours of operation for the establishment shall be limited to opening not earlier than 5:00 AM and closing not later than 9:00 PM.
3. The recessed plaza lighting fixtures on either side of the signage shall be maintained at the highest wattage.
4. Trash receptacles for use by patrons shall be installed in front of the store entrance as well as within the interior of store just inside the door. The Applicant shall be responsible for emptying these trash receptacles on a daily basis.
5. Dumpster pick-up times shall be arranged by the Applicant to be not earlier than 7:00 AM and not later than 9:00 PM.

Ms. Francazio SECONDED the MOTION. All voted in favor. None opposed.

ZONING SUBCOMMITTEE REPORT

Expedited Permitting

Ms. Gaffey reviewed with the members the Planning Board's Report to the Board of Aldermen for the Expedited Permitting Zoning Amendment in connection with the Green Communities Program. The members suggested minor revisions to the report. Mr. Mercado MADE a MOTION to approve the report as revised. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Floodplain District

Ms. Gaffey informed the members regarding the upcoming Floodplain District Zoning Amendment. Ms. Gaffey explained that the City is required by the Federal Emergency Management Administration (FEMA) to adopt floodplain management regulations that meet the standards of the National Flood Insurance Program (NFIP) and adopt the reissued Flood Insurance Rate Maps (FIRMs) as conditions of continued eligibility in the NFIP. Ms. Gaffey indicated that the boundaries of the flood hazard areas in the City reportedly have not changed since the maps were last issued in 1986. Ms. Gaffey stated that a joint public hearing with the Board of Aldermen has been scheduled for Monday, May 3, 2010.

Signage

Ms. DeSouza-Ward informed the Board that the Zoning Subcommittee has started working towards revising the Signage section of the Zoning Ordinance. Ms. DeSouza-Ward indicated that the Zoning Subcommittee has met with the Building Inspector for his input and has scheduled a site visit for Sunday, May 2, 2010 to view the signage in the downtown area.

DESIGN REVIEW SUBCOMMITTEE REPORT

SP-09-005, 478 Main Street & 40-42 West Foster Street, TD Bank

Mr. Cassavoy updated the members regarding the TD Bank Design Review Subcommittee meeting that took place on April 15, 2010. Mr. Cassavoy indicated that the Subcommittee approved the final site lighting plan along with the details associated with the drive-thru canopy and the roof-top screening.

The meeting adjourned at 10:15 PM.