

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

PRESENT: Richard Connolly, Tom Pawlina, Ed Cassidy, Bob Mercado, John Sadowski, Anne DeSouza-Ward, Mike Cassavoy, Carla Francazio, and Jack Welch

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

The meeting was called to order at 8:10 p.m. by Mr. Connolly.

MINUTES

a) Draft Regular Meeting & Public Hearing, June 28, 2010

Mr. Pawlina MADE a MOTION to accept the minutes of June 28, 2010. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Mr. Sadowski MADE a MOTION to move items #4 and #3 up on the agenda ahead of item #2. Mr. Cassavoy SECONDED the MOTION. All voted in favor. None opposed.

SITE PLAN REVIEW-AFFORDABLE HOUSING SPECIAL PERMIT

SP-09-001, Blueberry Hill Lane, Delta Fairfield Corporation (continued public hearing)

Patrick McAvoy, the representative for the Applicant, was present. Mr. McAvoy stated that the Applicant has hired a new Architect and has experienced some difficulty coordinating with the new Architect and the Engineer. Mr. McAvoy requested a continuance to the Board's August meeting so that the Development Team could better address the Board's comments and requests for additional information. The Board denied the Applicant's request for a continuance to the August meeting citing not all the members will be able to be in attendance. The Applicant requested a continuance to the September meeting and Mr. Pawlina MADE a MOTION to continue the public hearing to September 27, 2010. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

SITE PLAN REVIEW

SP 08-002, 42-44 Grove Street, 42-44 Grove Street Realty Trust – Request for Extension

The Applicant's Representative, Bob Bell, was present to request that the Board grant the Applicant a month extension of the Site Plan Review approval and the Affordable Housing Special Permit for Case 08-002, 42-44 Grove Street. Mr. Bell explained that Philbins were unable to attend tonight's meeting. The members expressed that the Planning Board requires more information in support of a longer extension and looks forward to meeting with the Philbins at their next meeting on August 23, 2010 to review their request for extension. Mr. Mercado MADE a MOTION to extend the Site Plan Review and Affordable Housing Special Permit approval for one month. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed.

BOARD OF APPEALS

Case 10-014, 470 Lynn Fells Parkway, Scrivanos

The Applicant's Representative, Judy Clark, was present with the Applicant's Traffic Engineer to describe the application to the members. Ms. Clark explained that the Applicant requests a use variance to permit the addition of a drive-through window at the Dunkin Donuts located at 470 Lynn Fells Parkway. Ms. Clark indicated that the Applicant was previously before the ZBA in 1999 with an application that included a similar request for relief and decided to withdraw the drive-through portion of the application. Ms. Clark acknowledged that the Applicant's proposal includes a reduction in parking

spaces to accommodate the provision for stacking of eleven (11) cars for the drive-through. Ms. Clark explained that Applicant's motivation for the proposed drive-through stems from the prospect of losing a projected 30% of his business to the new Dunkin Donuts that is currently being constructed on the Fellsway in Stoneham. Ms. Clark noted that if the Applicant's request for relief is granted this case would come before the Planning Board for Site Plan Review. Ms. Clark introduced the Traffic Engineer, Mike O'Donnell to present the Applicant's traffic study. Mr. O'Donnell explained that the traffic study projects nine (9) additional trips generated by installation of the drive-through. Mr. O'Donnell indicated that no changes in the level of service are anticipated along the Fellsway or exiting the driveway as a result of the installation of the drive-through.

The members emphasized their concern for public safety and noted a lack of consideration in the traffic study to the close proximity of the Applicant's establishment to the High School/Middle School campuses and the large volumes of vehicle traffic and pedestrian circulation on site and in the surrounding area. The members pointed out that customers often pull onto the curb along Lynn Fells Parkway, which also creates a safety issue. Some members commented that the lay-out of the drive-through is confusing and could create conflicts with vehicles in the parking area. Mr. Welch noted that the site is very tight and does not present much space for snow storage. Ms. DeSouza-Ward inquired whether the drive-through would offer only a limited menu to facilitate the flow of drive-through customers. Mr. Cassidy noted that the Applicant's establishment is located at the worst possible intersection configuration and suggested that the Planning Board defer from issuing a recommendation to the ZBA until the members had the benefit of hearing from the key stakeholders such as traffic enforcement officials and members of the School Department who could best comment on the impacts associated with the proposal. Mr. Cassidy noted the potential need for the Applicant to hire traffic enforcement officials during peak hours of operation. The members expressed the need for the Applicant to expand the scope of the traffic study to include the nearby intersections and pedestrian circulation. Some members expressed that their concerns with the drive-through could be potentially worked out during Site Plan Review, while other members disagreed and found it very difficult to envision a drive-through functioning successfully in this location. Ms. Gaffey reviewed with members the criteria in the zoning ordinance for granting a variance and noted that these conditions do not appear to be met by the Applicant. Mr. Connolly invited the Aldermen present the opportunity to comment.

Alderman Infurna recalled the outcry in 1999 when the Applicant first purposed the drive-through. Alderman Infurna acknowledged that the Applicant's site is located at a dangerous intersection, which is frequent topic of discussion for the Traffic Commission. Alderman Infurna expressed that the nine trips created by the drive-through are nine trips too many and that the safety of the students and commuters should be the top priority. Alderman Wright stated that this application is a public safety issue. Alderman Wright expressed that he does not see why the City needs to take the risk of permitting a drive-through at this location. Alderman Wright noted as a former member of the ZBA, he did not hear much discussion with respect to the basis for granting a variance from a legal perspective. Alderman Tramontozzi stated that his concern is for the public safety of the students and noted the dangerous configuration of the intersection.

After an extensive evaluation of the Applicant's proposal by the members, Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted that the Planning Board discussed the proposal in great detail and the members were of mixed opinion regarding the virtues of the drive-through window, as proposed. It was noted that there was no presentation either in the meeting or in the application clearly addressing how the proposal meets the specific conditions for granting a variance that are outlined in the zoning ordinance (§235-64). In addition, the Planning Board acknowledged that it did not have the benefit of hearing from the key stakeholders who could best comment on the potential

detrimental impacts associated with a drive through window, including traffic enforcement officials and members of the School Department.

Over the course of the Board's evaluation of the proposal, we identified numerous issues and concerns that require careful consideration, including:

- The overriding concern for public safety with respect to vehicle traffic and pedestrian circulation on site and in the surrounding area given the close proximity to the Middle School/High School Campus as well as the complex configuration of nearby intersections;
- The potential need for the business to hire traffic enforcement officials during peak hours of operation;
- The installation of a barrier system along the frontage of the property to prevent the parking of vehicles along the Lynn Fells Parkway;
- Design measures to ensure the prevention of any cross-over traffic with respect to the parking area and the drive-through lane;
- Improved signage to facilitate enhanced site circulation; and
- Additional site details, including lighting, trash/snow storage, fencing, and materials (notwithstanding the requirement for Site Plan Review should the ZBA grant the required use variance).

On the basis of the foregoing, we recommend that the ZBA defer its decision on the Applicant's request for a variance until the ZBA and the Planning Board have had sufficient opportunity to hear from stakeholders and review all the information required. The Planning Board cannot recommend approval of this application without further review and evaluation of the issues and concerns raised herein. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Documents: ZBA application Case 10-014

Case 10-015, 445 Upham Street, DeVita, Jr.

The Applicant, Mr. DeVita, was present to describe the application to the Board. After a detailed evaluation of the Applicant's proposal by the members, Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that stated that the Board does not object to the Applicant's proposal. The Board noted that the application does not involve a permanent structure and finds the proposed shed location to be favorable from an aesthetic perspective. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed.

Documents: ZBA application Case 10-015

OTHER

Design Review Subcommittee Report – Stone Place

Mr. Cassidy provided an update on the design modifications requested by the Applicant for Stone Place, which included the following:

- Relocation of four (4) podium parking spaces to surface parking spaces;
- Location of condensers with associated screening and landscaping in front of Building C;
- Replacement of the existing slate roof to accommodate new roof insulation.

Mr. Cassidy expressed that the members have no objection to the relocation of the parking spaces. Mr. Cassidy indicated that the Applicant will be returning before the Design Review Subcommittee to present additional information pertaining to the screening for the condensing units and potential options for shingles to replace the existing slate roof.

Zoning Subcommittee Report

Ms. DeSouza-Ward informed the Board that the Zoning Subcommittee recently met to discuss the finding from their signage survey. Ms. DeSouza-Ward indicated that the Planning Staff is currently performing additional research in an effort to formulate potential amendments to the ordinance for review by the subcommittee.

Meeting adjourned at 10:40 PM.