

MELROSE PLANNING BOARD

Regular Meeting

Monday, October 22, 2012

7:45 PM

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

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

ABSENT: Mike Cassavoy

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

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

MINUTES

Regular Meeting September 24, 2012

Ms. DeSouza-Ward MADE a MOTION to accept the minutes of September 24, 2012. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

ASSENT CALENDAR

Case # 12-033, 16 Summer Street, Brincheiro

Ms. Morelli recognized the Applicant, Mr. Brincheiro, who was present at the meeting and explained that his case has been placed on the Assent Calendar because the Board believes that his case involves judgments that can best be determined by the Board of Appeals based on the input of the abutters at the public hearing. Ms. DeSouza-Ward MADE a MOTION to approve the item on the Assent Calendar and send a standard letter to the Board of Appeals. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Document: ZBA Application Case # 12-033

Case # 12-034, 288 Franklin Street, Elia

Ms. DeSouza-Ward MADE a MOTION to approve the second case on the Assent Calendar and send a standard letter to the Board of Appeals. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Document: ZBA Application Case # 12-034

BOARD OF APPEALS

Mr. Welch MADE a MOTION to move Case # 12-035 up on the agenda ahead of Case # 12-031. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Case # 12-035, 61 School Street, Gilligan

The Applicant, Ms. Gilligan, was in attendance with her contractor to present her application to the Board. The members discussed the details involved with the case. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted that the Board complimented the Applicant on the presentation of their application and recommended granting the necessary zoning relief associated with the proposed addition. With respect to the Applicant's garage proposal, the Board noted the potential maintenance and safety issues associated with the proximity of the proposed garage to the side lot line. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Document: ZBA Application Case # 12-035

Case # 12-031, 160 Green Street, Kenworthy

The Applicant, Mr. Kenworthy, was in attendance with his business partner, Mr. Ingemi, to present his application to the Board. Mr. Kenworthy explained the zoning relief that is required for his proposed six unit townhouse project. Ms. Gaffey provided the members with a brief history of the site and summarized the mixed use proposal that was previously approved by the Board. Ms. Gaffey stated that Applicant's proposal would trigger one of the units to be designated as an affordable unit. The members noted that the slope of property and its location on a dangerous corner offer considerable challenges for commercial use. Mr. Kenworthy expressed his view that the project is only financially feasible if a monetary contribution is made in lieu of designating one of the six units as an affordable unit. Alternatively, Mr. Kenworthy discussed the possibility of splitting one of the units in two to create a seventh unit so that an affordable unit can be provided. Ms. Gaffey noted that the seven unit plan is not currently part of the application that is in front of the Board of Appeals. For the purpose of providing their recommendation to the Board of Appeals, the Board asked the Applicant to clarify whether he intends to revise his ZBA application to include seven units. Mr. Kenworthy confirmed his intention to stick with the six unit plan as originally proposed.

After a detailed evaluation of the Applicant's proposal by members, Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted the application involves a request for zoning relief to allow for the construction of a six-unit condominium townhouse building on a 9,938 square foot parcel in the BA-1 zone. Due to the commercial zoning designation and the zoning requirement that assigns the density and dimensional criteria for the nearest residential district for new residential uses in a commercial zone--the UR-B zone in this instance--the Applicant is confronted with some significant zoning challenges. Residential use is not permitted in the BA-1 zone without a variance. Furthermore, the six-unit project lacks sufficient lot area, front setback, and open space, and exceeds the height and story dimensions stipulated for the UR-B zone. Consequently, due to the sheer number of variances required, the Applicant has chosen to seek zoning relief from the Zoning Board of Appeals with preliminary plans for a townhouse development prior to undergoing a more extensive Site Plan Review process with the Planning Board. Back in 2005, the Planning Board granted approval to a different Applicant for a mixed-use building consisting of four (4) residential units on two floors above first floor commercial space on this same parcel of land. The current proposal shares a similar site layout and parking scheme to the one approved in 2005 and the building appears to be roughly the same size in terms of floor area and height. Yet, the original proposal did not require any zoning relief and the mixed-use building was allowed as of right in the BA-1 zone. While the Planning Board endorsed the mixed-use building and appreciated the attempt to encourage additional commercial uses in the Franklin Square area, the market has clearly not supported this notion. The site has sat vacant since it was initially cleared back in 2005 and has been a nuisance to the City and the neighborhood since that time. With this as a backdrop, and acknowledging the prior residential use on the site and the close proximity to two residential zoning districts, the Planning Board supports the request for a use variance to permit a townhouse development. The Board is comfortable with the density and dimensional relief that is requested in this instance, given the representations in the application materials, an initial review of their preliminary design plans and the understanding that the development proposal will undergo extensive design review by the Planning Board during Site Plan Review. The need for dimensional relief is mitigated by the fact that the proposed townhouse building would otherwise conform to the dimensional requirements in the underlying zoning were it a mixed use building and, as stated above, appears to be roughly the same size if not slightly smaller than the previously approved building. Furthermore, while the project at six units is clearly dense for the modest sized site, it accommodates adequate parking and site circulation and can be designed to fit well within the context of the surrounding area. The housing meets a need in the market and the application of the Affordable Housing Special Permit, which is required in this instance, will allow for a

contribution to the City's stock of affordable housing. Notwithstanding the comments received by the public at the Zoning Board's public hearing, we support the zoning relief requested to permit a six-unit townhouse development at 160 Green Street. We look forward to refining the site design and architectural details during Site Plan Review should the project be approved. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Document: ZBA Application Case # 12-031

Case # 12-032, 585 Lebanon Street, Metro PCS Massachusetts, LLC

The Applicant's Representative, Bryan Wilson, was in attendance to present the application to the Board. After a detailed evaluation of the Applicant's proposal by members, Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that noted that the Board confirmed with the Applicant that the dish antenna shall not extend beyond the façade of the building greater than 12 inches pursuant to §235-73 paragraph D of the zoning ordinance despite the representation in the plans (specifically Sheet S-1 Details 1 & 2), which contradict the Applicant's representation. The Board emphasized the importance of adhering to this provision as a requirement for approval. To minimize the appearance of the antenna and associated wall mount, the Applicant's Representative agreed to paint the new rooftop equipment to blend with the background color of the building. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor with the exception of Mr. Cassidy who voted opposed.

Document: ZBA Application Case # 12-032

Case # 12-029, 348 Main Street, Melrose LLC

The Applicant, Roseanna Francis (representative from Dunkin Donuts), the Applicant's Representative, Stephanie Kiefer, the Applicant's Engineer, Chris Sparages, and the Applicant's Architect, John Aharonian were in attendance. Ms. Kiefer briefly summarized the Board's comments from the September meeting and invited the Applicant's Engineer and Architect to present the revised plans to the Board. The members evaluated the Applicant's revised proposal. Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that stated that the above referenced application involves the construction of an 898 square foot addition onto the front of the existing Dunkin Donuts building to accommodate 24 additional seats. The Building Commissioner has determined that zoning relief is required to modify the special permit that was granted by the Board of Appeals in 1990. Otherwise, the Applicant's proposed addition is in compliance with the dimensional and parking requirements established in the Zoning Ordinance. During our initial review at the Planning Board's September meeting, we identified several elements of the Applicant's proposal with respect to drainage, landscaping, and the architectural design that required additional information and/or consideration. The Applicant agreed to request a continuance from the Board of Appeals in order to return before the Planning Board with their architect to allow for a more complete evaluation of their application. The Applicant's design team presented a revised site plan dated October 15, 2012 and architectural elevations dated October 22, 2012. The site plan illustrates a modified planting plan for the rear of the property and the installation of an infiltration trench, which the Board feels adequately addresses our earlier landscaping and drainage concerns. The Board finds the proposed addition to be well designed and supports the Applicant's effort to modernize the building and create a more pleasant customer experience. The Board recommended a minor modification to the design to continue the cornice where it meets the screening for the rooftop equipment and return it parallel to the south elevation enough to create a miter joint. With respect to signage, the Board noted that the new proposed wall sign must comply with the Zoning Ordinance. In addition, the Board confirmed with the Applicant that the proposed awnings shall not be utilized for the purpose of signage. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Document: Revised ZBA Application Case # 12-029

OTHER

Schedule Joint Public Hearing with Board of Aldermen for Medical Marijuana Treatment Centers Zoning Amendment

Ms. Gaffey informed the members regarding the meeting schedule for the Board of Aldermen with respect to the upcoming Joint Public Hearing for the Medical Marijuana Treatment Centers Zoning Amendment. The members decided to notify the Aldermen that they are available to meet for the joint public hearing on November 19th.

99 Essex Street Project – Construction Update and Revised Landscape Plan

Ms. Gaffey informed the members that the Applicant has submitted a revised landscape plan that takes into account the location of the transformer and the relocation of the trash storage area. The members determined that the new landscape plan warranted review by the Design Review Subcommittee and scheduled a meeting for Friday, October 26th.

Stone Place Development – Signage to be Reviewed

Ms. Gaffey stated that she has been contacted by the developer for Stone Place regarding the signage for the development. Ms. Gaffey noted that review of the signage by the Design Review Subcommittee was included among the conditions of approval in the decision for the project and indicated that she would include this item on the agenda for the Subcommittee's meeting on October 26th.

NEXT MEETING

November & December Meeting Schedule

Ms. Gaffey confirmed that the November Planning Board meeting for November 26th. The members decided to move the December meeting up to the third Monday of the month (December 17th) due to the upcoming holidays.

Meeting adjourned at 10:50 PM.