

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, November 26, 2012**

7:45 PM

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

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

ABSENT: None

Denise Gaffey, Director and City Planner, and Jessica Mitchell, Zoning Board of Appeals Clerk, were present.

The meeting was called to order at 7:52 PM by Ms. Morelli.

MINUTES

Regular Meeting, October 22, 2012

Mr. Cassidy MADE a MOTION to accept the minutes of October 22, 2012. Mr. Sadowski SECONDED the MOTION. All members voted in favor. None were opposed.

SITE PLAN REVIEW & SLOPE PROTECTION SPECIAL PERMIT

Case # 12-003, 42 Sylvan Street, Eric Kenworthy (public hearing)

The Applicant, Eric Kenworthy, was in attendance with Attorney Steve Singer, engineer Rick Salvo, and architect Dan DiLullo. Mr. Kenworthy began by stating that the existing structures at the property, a single-family dwelling and two accessory garage structures will be raised. The new proposed structure would be a 2½ story building with four dwelling units. Mr. Kenworthy stated that they will need a Special Permit for the proposed residential use from the Board of Appeals which they will seek after this Site Plan Review and Slope Protection Special Permit process. The project would have 8 parking spaces accessed from two separate entryways to the site. Mr. Kenworthy also noted that there are no wetlands at the property, the parcel is not located in a floodplain, and there is some existing exposed bedrock at the rear of the site. He continued on to note that the raw square footage of the property meets the minimum lot area per dwelling unit requirements for the UR-B zoning district. However, the sloped area at the rear of the site triggers the need for a Slope Protection Special Permit to allow the entire lot area count towards the minimum lot area requirement. Mr. Kenworthy stated that without the square footage of the slope protection lot area at the rear of the property, the proposed project would not meet the minimum zoning requirements. He added that there is no construction being proposed for the slope protection area at the rear of the property.

Engineer Rick Salvo then gave a summary of the proposed drainage and construction activities for the property. He noted that there is currently a single-family dwelling and two accessory garages located at the property. Mr. Salvo stated that the property is around 17,630 square feet, but there is approximately 4,100 square feet of area on the lot which exceeds a 25% slope over a distance of 30 feet. There is also an existing driveway at the property with retaining walls and there is about 6,000 square feet of impervious area at the site.

Mr. Salvo noted that they will be seeking a Special Permit from the Planning Board to establish a multi-family use in the UR-B zoning district. He indicated that the UR-B district calls for 7,500 square feet of lot area plus an additional 3,000 square feet for each dwelling unit more than one, which means that the proposed four unit project would require 16,500 square feet of lot area to meet the minimum

requirements. Mr. Salvo stated that they are proposing to construct four townhouse style units with two of the units being located within the footprint of the existing residential dwelling and a third unit being located where the existing driveway is currently. He noted that there will need to be some ledge hammering to make space for the fourth unit, but this should be limited to a small area of the project site. Mr. Salvo stated that he did not think any blasting would be required for the project. He continued on to note that there would be a porch across the front of the proposed structure with stairs leading down to ground level. Utilities would be connected to the existing infrastructure on Sylvan Street and the building would be sprinklered.

In terms of stormwater runoff, Mr. Salvo noted that there is a substantial amount of impervious area at the site now. He noted that the existing structure may direct some of the runoff down the driveway and there is an existing drywell at the property which does not appear it has been well maintained. Mr. Salvo noted that upon project completion, a depression will be created with a 12 inch perforated underdrain which will help direct water towards Sylvan Street. He stated that the City Engineer appeared to be in agreement with this proposed stormwater drainage approach. Mr. Salvo indicated that the roof water runoff would be directed into four, 500 gallon drywells and noted that the proposed retaining walls at the property would all be approximately 6 feet in height.

Architect Dan DiLullo then described the proposed four unit building for the property. He noted that each townhouse unit would be slightly staggered from the ones next to it. The two units to the west would be approximately 2 feet lower than the two units to the east and therefore the units would be staggered vertically as well as horizontally. Each unit would have two stories of living space as well as an unfinished attic space on the third floor. Mr. DiLullo noted that the living area on the first floor would open out to the back yard and the entire structure would resemble the town houses to the east of the project site. He noted that the units would be modular construction built by KBS Homes in Portland, Maine. Mr. DiLullo pointed out that these modular homes would require less on-site construction and would be similar to some of the duplexes on Vinton Street. He pointed out that only the foundation of each unit would need to be constructed on-site, but the units would come outfitted with siding, plumbing, and heating utilities almost ready to go.

Mr. DiLullo then noted that the landscape plan was prepared by Steve Cefalo and called for the hedges along the western property line to remain. There were also several arborvitae proposed along the eastern property line to provide some additional vegetative screening. Mr. DiLullo noted that trees would be planted on the eastern side of the property and the area where the garages were located would be treated with loam and seed. Additionally, privacy fences would be erected between each of the rear patios and along the rear property line as well.

Mr. Cassavoy then MADE a MOTION to open the public comment portion of the hearing. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Alderman Gail Infurna stated that she was pleased to hear that no blasting would be required for this project. She noted that she had substantial concerns about the stormwater drainage for the project as the property is at a higher elevation than those located on Mount Vernon Avenue and she asked about the possible erection of a wall to redirect the flow of stormwater. Alderman Infurna also noted that the drywell at the property is not working and this is currently causing issues during bad storms. Mr. Kenworthy noted that the new drainage system will be much more effective at handling the stormwater runoff from the site. Mr. Salvo added that they are proposing something much more sustainable with a depression area which will channel water to an underdrain. He noted that this is described in greater detail in their Stormwater Management and Infrastructure Report and also that the Operation and Maintenance Plan will become the responsibility of the property's condominium association. Mr. Salvo continued on to

note that precipitation currently landing on the upper portion of the lot collects and goes over the retaining wall, but loam and seed should help address this along with the depression and underdrain.

Alderman Infurna also asked about snow storage capacity at the site and Mr. Kenworthy noted that they would store some snow on-site, but for snowfalls over 4 inches it would be removed off-site. Mr. Kenworthy also pointed out that there would be no snow removal from the back of the property as this area would only consist of lawn and greenspace. Aldermen Infurna then asked if there would be any drainage issues for the residents on Mount Vernon Avenue because the two western units would be situated approximately 16 inches lower than the other two units at the site. Mr. Kenworthy indicated that this will not change the drainage calculations at all. He also noted that he had discussed this aspect of the project with the neighbor to the west. Mr. Salvo indicated that they still needed to submit revised drawings to show the change in elevation across the site. Mr. Kenworthy also reconfirmed that only some small amount of ledge hammering would be required to create space for the foundation of the new structure. Alderman Infurna then stated that this project needs to respect the Mount Vernon Avenue neighbors and wanted to make sure there is enough screening for the abutters. She noted that the City Engineer had cited concerns regarding water drainage issues related to this other projects on Sylvan Street and the neighbors in this area have already been through a lot. Mr. Kenworthy indicated that he has spoken with many of the neighbors already and will do his best to accommodate their wishes.

Richard Waelde of 70 Sylvan Street asked that the hedges at the edges of the property not be disturbed if possible and Mr. Kenworthy stated that the hedge rows would remain in place. Mr. Kenworthy did note that some of them may need to be relocated slightly as they are on the 42 Sylvan Street property but they can keep them in the same area.

Ken Flint of 64 Sylvan Street asked if the property line along the right side of 42 Sylvan needs to be adjusted per the request of the adjacent condominium owners. He indicated that the former owner of the 42 Sylvan Street property had encroached onto the adjacent condominium property to the east. A survey was done last summer to confirm the exact boundary line. Mr. Kenworthy noted that he had had a survey completed before he purchased the property and he plans to keep the row of arborvitae along the eastern property line. Ms. Morelli then clarified the purpose of the meeting and noted that the exact location of property lines are a private legal matter between two property owners that needs to be worked out by attorneys from both sides.

Jennifer Strong of 68 Sylvan Street stated that the previous owner had extended their project over the lot line but the condominium owners did not know this. Therefore the berm of arborvitae needed to be moved accordingly. Mr. Salvo indicated that he realized that there appeared to be an encroachment as the as-built plans for the adjacent project to the east appeared to show that the landscaping was encroaching onto the property at 42 Sylvan Street. Mr. Singer noted that it appeared that the previous owner of the 42 Sylvan Street property had addressed this issue but they could look into it further.

Mr. Flint asked what the distance was between the property line and the porch. Mr. Salvo stated that it was 10 feet but the minimum requirement is only 8 feet. Mr. Flint noted that the existing arborvitae are not near the actual property line. Mr. Salvo stated that when the 42 Sylvan Street project is completed, there will be arborvitae along the eastern property line. Mr. Singer added that they will plant the arborvitae as required by the former owner of the property. Mr. King asked if the arborvitae berm followed the property line and Mr. Kenworthy noted that the property line adjustment had already been made.

Robert Grover of Stoneham stated that he was a civil engineer related to the Cohans who are direct abutters and he asked Mr. Salvo to explain how the proposed drainage at the property was going to work.

Mr. Salvo explained the proposed stormwater drainage system for the property. He indicated that there would be a depression with a perforated underdrain to collect stormwater at the property and explained the section drawing that was in the plan set. Mr. Grover asked if there was an invert on the pipe and Mr. Salvo explained that the pipe would be perforated for its entire length. Mr. Grover also asked if the intent was to recharge the groundwater and Mr. Salvo indicated that was correct. Mr. Grover then asked what would stop pressure from gathering on the wall. Mr. Salvo indicated that the pipe will be free draining about 15 feet away and the water should push to a free discharge. Mr. Grover asked what would happen when the ground is frozen and Mr. Salvo indicated that a crushed stone and perforated material would encompass the pipe, which should relieve any pressure from the water. Mr. Grover inquired as to why there was no passive connection to the Sylvan Street drainage system. Mr. Salvo indicated they could have done that but they thought a free system would be more beneficial. He added that the City was not against a connection and they could investigate this possible solution further. Mr. Grover also noted that the proposed trees against the wall are a concern because of their root system which could create issues for the stability of the retaining wall. Mr. Salvo noted that this should not be a major issue as they are dogwood trees.

Carolyn Cohan of 11 Mount Vernon Avenue noted that they have an 80 foot long wall at the rear of their property which acts as a retaining wall to the 42 Sylvan Street property. She noted that the wall has been there for 60 years, their paved patio for 13 years, and she was concerned about the drainage and soil conditions that might impact these items. Ms. Cohan noted that a previous developer did the last project two lots away and there was a good amount of damage that had occurred to their property. She asked that a pre-blast survey be conducted. She noted that they had filed a claim regarding the damage to their property but they could not collect on it. Ms. Cohan asked who stands behind these projects and noted that they often cost neighbors time and create aggravation.

Ms. Morelli asked the Applicant to please reiterate their plans with regard to blasting for the project. Mr. Kenworthy stated that will not be doing any blasting at the property and noted that he has spoken to Ms. Cohan before and they will do what makes her comfortable. Ms. Cohan stated that she wanted to have a pre-blast survey completed for the project and some level of comfort from the Applicant that they will stand behind their work. She continued on to note that she wanted some kind of survey and guarantee about the work even if there was only going to be hammering of ledge at the site. Ms. Cohan noted that digging across the street in the past had caused their house to shake. She also noted that Rockwood Street did not exist in the past as the area was used as a quarry and when other projects have gone in on Sylvan Street a lot of blasting has occurred. Ms. Cohan also noted that the low point in the area was their street, Mount Vernon Avenue.

Ms. Morelli noted that the Planning Board can impose conditions on decisions that can require different items of compliance. She stated that the Planning Board could require additional studies for the area to be able to evaluate all of the information at once before rendering a decision. Mr. Mercado noted that Planning Board has worked with a number of developers in the past and they will work to address Ms. Cohan's concerns about the project.

David Cohan of 11 Mount Vernon Avenue indicated that his biggest concern was the drainage at the property. He noted that the directional intent of the pipe looked good but how can anyone be sure without taking any borings or samples. He was curious to know what the elevation of the ledge was below ground. Mr. Salvo indicated that there is approximately 9 to 10 feet of soil above the ledge and therefore they should only have to cut into the ledge about one foot. He noted that they are not going to try to change the topography significantly but they will be addressing the stormwater runoff over the retaining wall. Mr. Salvo noted that the re-grading of the property is not meant to be an imposition but it is meant to reduce the burden of the stormwater runoff.

David Ingemi, Eric Kenworthy's business partner, noted that there is very little stormwater drainage occurring at the property now. Mr. Cohan indicated that the retaining wall at the rear of his property may already be leaning toward his house and he was concerned about any additional pressure that may be placed on it. He noted that he did not want any proposed trees to put additional structural pressure on the wall. Mr. Cohan also noted that he would like the proposed retaining wall that will face his paved patio to match the existing stone wall along his rear property line. Mr. Kenworthy indicated that they currently have arborvitaes proposed for that area but they can put in a fence or whatever the neighbors prefer for that location. Mr. Salvo indicated they are proposing to install a fence on top of the wall to prevent people from falling down onto the paved patio. Mr. Kenworthy reiterated that whatever the neighbors preferred was fine and they could install something that provided privacy. Mr. Cohan asked if they could get a detailed landscape plan for the project and Mr. Kenworthy stated he could provide that.

Ms. Strong asked if the driveway was sloped toward the proposed structure or toward the street. Mr. Salvo indicated that the driveway area would be pitched slightly toward Sylvan Street and there should be less stormwater runoff from the site with their proposed design.

At this time the Planning Board decided to keep the public comment portion of the hearing open.

Mr. Sadowski inquired about the Applicant's request to have the traffic study application requirement waived. He also asked the Applicant to reiterate the locations of the existing and proposed structures for the property. Mr. DiLullo explained the various elevations of the proposed structure, indicated that it would be 2½ stories in height, and about 34 feet in height, but 40 feet to its roof peak. Mr. Sadowski noted that it is helpful to see the Site Plan to understand the magnitude of the proposed structure relative to the adjacent buildings. He went on to stated that it would be helpful to have the contour lines on the Site Plan extend beyond the project's property lines and to indicate there intervals. Mr. DiLullo noted that they will be doing some spot grading at the site but he understood Mr. Sadowski's point about the need to understand how the proposed building relates to the existing structures in the area. Mr. Sadowski noted that he is concerned about the ledge that is at the site and that he may need to fully understand the topography at the site to know what will need to be done for this project. He also indicated that he expected that test pits would be dug and percolation tests would be performed.

There was also conversation about the why building was so high off the ground and how the front porches contributed to this high appearance. It was suggested that perhaps the porches should be adjusted to alter the appearance of the building from the street. The topics of snow removal, site lighting, paving, and vehicular maneuvering at the site were also discussed. It was noted that the structure would contain drainage on-site into a permanent drywell and this would help to reduce the strain on the City drainage services.

Mr. Mercado asked about the stormwater system and noted that the area of the steep slope at the rear of the site should be factored into the calculations. He suggested that perhaps a stormceptor or cultic system should be used to capture the stormwater drainage at the site. Mr. Sadowski noted the surcharge concern that the neighbors had and this could be significant if the retaining walls are high. Mr. Mercado stated that the foundation could need up to 8 feet of excavation to be created and this might be a substantial amount of vibration and noise. Mr. Kenworthy stated that the excavation should not take more than a week or two to complete. Mr. Mercado noted that with 9 feet of fill a high retaining wall would be required. Mr. Cassavoy questioned some of the calculations in Appendix D of the Stormwater Management Report. He also noted that there is so much ledge at the site and wondered if the dry wells at the front of the property could be made larger. Mr. Cassavoy asked the Applicant's engineer to look into the possibility of water freezing around the foundation and causing drainage problems.

Mr. Cassavoy also asked if the width of the proposed curb cuts could be reduced. Mr. Salvo stated that they were more comfortable having 18 foot wide curb cuts and noted that they went by what the Zoning Ordinance indicated. Ms. Morelli stated that the Applicant should figure out how to reduce the curb cuts but not require the cars to have to back out onto Sylvan Street. Mr. Cassavoy asked the Applicant to also find a better style of garage door and Mr. Kenworthy noted they could find something that has more detail. Mr. Cassavoy asked about the details of the shingle style and the siding materials. Mr. DiLullo indicated that they were proposing to use vinyl clapboards for the siding. Mr. Kenworthy added that they are proposing to use a composite material for the stairs and architectural shingles on the roof. Mr. Cassavoy asked that these details be added to the plans.

Mr. King stated that he would like to see the contours and grade changes on the adjacent parcels shown on the plans because he currently cannot clearly understand the topography for the site. He also asked if the impervious area at the property would be increased as a result of the project and noted that the drainage calculations need to reflect the regulations for a 24-hour storm event. Mr. King also stated that using seed and loam is not the most conducive means for establishing a lawn at this site. It was also noted that it appeared the back of the property would be cut off from the front of the site due to the retaining walls and grading at the site. Mr. Kenworthy stated that they could take a look at moving around some of the landscaping to make the rear yard a bit more accessible but no large vehicles would be able to access the rear of the property. Mr. Salvo added that it may be difficult for someone to walk around the right hand side of the property to the rear yard area.

Mr. Welch noted that the project appears to be somewhat “urban” looking due to its roof line and it might be a good idea to mitigate the look of the front of the building. He also stated that the building appears to be a full 3 story structure. Mr. Kenworthy stated that they could look at changing the roof lines of the structure. He also stated that they would like to put a bedroom on the third floor of the building but there is an issue with the interpretation of the half story definition in the zoning ordinance. Ms. Gaffey noted that the top floor would be considered a half story so long as there is no human occupancy of the space. Once human occupancy space has been created on a floor, it is considered a full story. Ms. Gaffey indicated that putting a bedroom on the third floor would require a Variance from the Board of Appeals. Ms. Morelli noted that aesthetically speaking, the use of a dormer on this floor to create additional habitable space would look fine. Ms. Gaffey stated that there has been a different interpretation of this definition by previous Building Inspectors, but the current Building Inspector has interpreted the definition very literally.

Mr. Ingemi asked for further clarification about the interpretation of the half story definition. Ms. Morelli stated that if it is purely aesthetic and the space is not occupied, it is considered a half story. Mr. Sadowski asked the Applicant to adjust the roof lines for the structure by adding dormers or changing the pitch of the roof. He noted that the space below the roof would be convenient to have even if it was only used for storage. Mr. DiLullo noted that if dormers were added knee walls would be created and this would likely make the space a full story floor level. Mr. Kenworthy reiterated that they would like to make the third floor a bedroom which would require a Variance from the Board of Appeals, but they had to come through this Site Plan Review process first. He stated that they will look at pulling the roof down and adding more detail.

Mr. Cassidy indicated that he had some reservations about the project. He noted that some of the windows are asymmetrical which is unfortunate, because it creates some odd blank spaces on the façade of the building. He also noted that the window arrangement is rather random and it makes the building look like it is prefabricated construction. Mr. Cassidy stated that the dormers were a good suggestion for the roof line, but the currently proposed stairs around the garages in the front was very odd and the front elevation

needs to be dramatically improved. He then stated that he thought the development would work much better if it was only a three unit project. Mr. Cassidy also noted that he would not be supportive of the requested Slope Protection Special Permit if any of the steeply sloped land at the rear of the property was proposed to be altered. He also asked the Applicant to see if they could reduce the amount of pavement at the front of the property.

Mr. Mercado asked if the intent was to remove snow off site and Mr. Kenworthy indicated that would be the plan in instances of heavy snowfall. Mr. Salvo added that the only places to store snow on site are at the sides of the property and between the curb cuts in the front yard. Ms. DeSouza-Ward indicated that she liked Mr. Cassidy's point about how the project could work well as a three unit project and seek a Variance to make all of the units three bedrooms with habitable space on the third floor. She thought this type of a project would be more economically viable and she would also consider recommending approval of a Variance for this type of project, especially because it would have a smaller footprint. Ms. Morelli indicated that the Applicant should do a cost-benefit analysis for a three unit project. She also noted that there is clearly a lot of work to be done on a variety of issues for this project.

Mr. Kenworthy stated that he could not get financing for a three unit project at this site. With the land costs and construction costs, a three unit project would not have a profit margin. He indicated that he might have to resell the property if he could not get approval for a four unit project at the site. Additionally, Mr. Kenworthy stated that he was hoping to get three bedrooms in each of the units to help the project's overall value. Ms. Morelli then went over the following items which the Applicant needed to address before the next meeting which were as follows:

- Provide the elevations of the adjacent homes in the area, extend the contour lines beyond the boundary lines of the project site, include spot elevations, and use ½ foot contour intervals near the street;
- Provide photographs of what the proposed retaining walls would look like and indicated the height of the existing retaining wall;
- Provide a clarified plan for snow removal and site lighting;
- Examine the possibility of decreasing the width of the curb cuts at the front of the property;
- Dig test pits at the site to find out where the ledge is actually located and conduct percolation tests;
- Revise the window design on the garage doors;
- Provide more information on the building materials that will be used;
- Review and revise the stormwater management calculations;
- Aesthetically improve the roof line of the project by adding dormers or changing the pitch of the roof;
- Address the asymmetrical aspects of the elevations by aligning windows on the façade of the building;
- Reduce the amount of pavement at the property;
- Ensure that the proposed stormwater system at the rear of the property will function appropriately and;
- Provide cross sections of the property to show topography change at the site.

Mr. Kenworthy stated even as a four unit project, this development will incur a number of project costs. Ms. Morelli stated that the Planning Board would like to have more information about the adjacent buildings before they make a determination about the project. Mr. Cassidy stated that he would have trouble supporting a four unit project at this site as the building is quite large and is located on a rather small lot. Mr. Kenworthy stated that the project is not as dense as it looks and that it contains more open space area than many existing multi-family projects. He then asked if he would be required to dig some

test pits prior to the next Planning Board meeting as he did not want to dig around on the site and make a huge mess. Mr. Cassavoy noted that the geometry of the structure's front is rather tight and could be improved. Mr. Welch added that the problem seems to be that the building has a very broad front.

Ms. DeSouza-Ward indicated that she is not opposed to a four unit project at this site but she agreed that a three unit project might make everything work much better from a design perspective. She stated that she would like to have more information about the ledge and drainage situation at the site for the next Planning Board meeting. Mr. Cassidy indicated that he would like more engineering and architectural information about the project to be able to make a more informed decision. Mr. Sadowski noted that the Planning Board has to take a long term view of these projects because the community is going to have to live with this development for possible 100 years. He wanted to know if the Applicant planned on retaining ownership or sell the project for a return. Mr. Sadowski also noted that seemed to be a somewhat negative reaction to the proposed modular construction and that the Applicant should do everything they can to make it not appear modular.

Mr. Mercado stated that he thought the project looked too tall for the area from the front and indicated that he felt it looked like a 4 story building from Sylvan Street. Mr. Kenworthy stated that most Sylvan Street has structures of this style and he was simply trying to keep in the context of the neighborhood. Mr. Ingemi indicated that he would prefer to have some dormers on the building as well. Mr. Mercado stated that the Applicant should engage a consultant to look at the cost-benefit analysis of the project. Mr. King noted that if the project was three units instead of four, it might not look so cramped into the site, but he did not have a huge issue with the project being four units. He also asked the Applicant to dig some test pits at the site to figure out how much ledge there is at the site where the proposed foundation will be located. Mr. King did note that the project could look odd if the buildings had to be substantially rearranged.

Ms. Petrillo stated that she also did not support four units at the property. She noted that she was very concerned about the drainage and the ledge at the site. In regard to the ledge, she indicated there was probably no definitive way to address the neighbor's concerns because no one will know how to deal with the ledge until they actually begin digging at the site.

There was then some conversation about whether the project should be continued to the Planning Board's December 2012 meeting or its January 2013 meeting.

Mr. Ingemi stated they would really like to do this project and he felt comfortable that the neighbors will not have any issues as the project moves forward. He continued on to note that he grew up and lives in Melrose and would like to do a project that the community is proud of. Mr. Ingemi also indicated that he was motivated to present a more aesthetically pleasing building and one that the abutters are satisfied with. Ms. Morelli noted that the Planning Board would like to work with the Applicant on this project but they will need more information. She also noted that Applicant needed to comply with the Slope Protection Special Permit criteria and they may want to consider some different building configurations.

Ms. DeSouza-Ward MADE a MOTION to continue the hearing to the Board's next meeting on Monday, December 17, 2012. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

The meeting adjourned at 10:30 PM.