

**MELROSE PLANNING BOARD  
MEETING MINUTES  
Regular Meeting and Public Hearing  
Monday, December 17, 2012**

**7:45 PM**

**Mayor's Conference Room, 2<sup>nd</sup> Floor, City Hall**

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

**ABSENT:** Sharon Petrillo

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

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

**BOARD OF APPEALS**

Case # 12-036, 20 Meadowview Road, Stephen G. Curry, Jr.

The Applicant's Representative, Jason Happel, Esq., described the application to the Board. The Applicant is seeking to build a small shed with a bathroom and sink with only three feet of setback from the right side property line near the pool at the rear of the property. The Applicant, Stephen Curry, was also present at the meeting. Currently, individuals need to go into the existing dwelling to use a bathroom. Putting this proposed structure into the middle of the yard where it would be conforming to the zoning requirements would make it difficult for adults to perform lifeguarding duties when inside or near the existing dwelling as their visibility would be blocked by the proposed shed. There was some discussion about possibly putting the proposed shed between the existing shed and the pool, but Applicant's Representative indicated that this was not feasible. This location would add substantial additional cost to the project by running the sewage pipe from the shed a longer distance to the roadway and would detract from the use of the existing pool. Mr. Cassidy indicated that he felt the impact of the proposed shed would be minimal on surrounding properties and did not feel that this particular case was something the Planning Board should be concerned about. Ms. DeSouza-Ward felt that the shed was small and relatively low and therefore MADE a MOTION to send a standard letter to the Board of Appeals regarding this application to install a shed three feet from the right side lot line. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None opposed.

Document: ZBA application Case # 12-036

Ms. Morelli then recused herself as she is the architect for the 165 Trenton Street Board of Appeals application. Anne DeSouza-Ward became the acting Chairwoman for this particular case.

Case # 12-037, 165 Trenton Street, Melrose Housing Authority

Frank Giso, Chairman of the Melrose Housing Authority (the Applicant), described the application to the Board. The proposal would convert the existing single-family dwelling into a two-family structure. No exterior alterations would be made to the building except for the removal of an ADA chair lift at the rear of the structure. One dwelling unit would occupy the first floor and a second dwelling unit would occupy the second floor. Some additional paving would be implemented at the rear of the property to accommodate for four (4) independently operating parking spaces at the site. Once the project is completed, the property will be sold and the proceeds will be split between the Melrose Housing Authority and the Melrose Affordable Housing Corporation to maintain and upgrade existing affordable units in City, as well as to create new affordable units. The Applicant will be seeking zoning relief from

the Board of Appeals from the required minimum lot size and frontage for the district. Mr. Mercado raised a question about the existing driveway situation and the Applicant indicated that it is a shared driveway. The portion of the driveway pavement to the left at the rear of the property belongs to the neighbor. Mr. Sadowski indicated that he was sympathetic to the cause behind the application but felt that the Board should be clear about their support for the application. Mr. Cassavoy felt that the proposed use for the property as a two-family dwelling was appropriate for the context of the surrounding neighborhood. Mr. Cassidy stated that he felt the Board should do whatever they can to facilitate more affordable units in the community and pointed out that the project is reasonably close to public transit. Mr. Cassidy also thought that a letter of support to the Board of Appeals would be appropriate. Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals in support of the application with the condition that the paving at the subject property be implemented as shown on the Proposed Site Plan for the application which displays four (4) independently operating parking spaces. Mr. Mercado SECONDED the MOTION. All members voted in favor. None opposed.

Document: ZBA application Case # 12-037  
Photographs of the existing structure and surrounding neighborhood

#### **SITE PLAN REVIEW & SLOPE PROTECTION SPECIAL PERMIT**

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

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi and Attorney Steve Singer. Mr. Kenworthy presented the changes to the project design since the last time the project was before the Board. The proposed four unit building has been revised and somewhat scaled down. The project now only has four (4), one-car garages under the building and four (4), exterior surface level parking spaces. There is also now only one curb cut for the project which is centered on the property's frontage. Mr. Kenworthy indicated that they are still debating whether or not they will hook into the City's wastewater system. Mr. Cassavoy indicated that he has concerns about the collection of snow and water and where all of this liquid will go when the snow melts off of the raised area at the rear of the property. Mr. Mercado indicated that he thought the swale along the left side of the property would only create additional drainage issues at the property. Mr. Sadowski asked if the Applicant was seeking any other zoning relief besides the Site Plan Review and Slope Protection Special Permit in front of the Planning Board and the Special Permit required for the proposed use at the property. Mr. Kenworthy indicated that these were the only forms of zoning relief they are seeking. Ms. Gaffey indicated that they would need to go before the Board of Appeals for the townhouse use and also if they choose to make the third floor of the building habitable space.

Mr. Cassidy asked the Applicant to discuss the grading at the rear of the property which is along the wall on the west side of the subject property. Mr. Kenworthy indicated that the existing wall is about four feet high and is in fairly good shape. The Applicant is proposing to tie into this existing wall at the site and to extend the wall while attempting not to damage the existing vegetation along this left side property line. It was noted by the Applicant that there are issues that need to be taken into consideration with regard to the drainage in the back left portion of the property.

Ms. Morelli asked the members of the public who were present if they would like to comment.

Bob Grover, a neighbor to the project, indicated that he thought the vegetative swale at the back portion of the property was a good idea, but he also thought that a perforated pipe would need to be retained as part of the design for this proposed drainage improvement measure.

Carolyn Cohan, the abutter to the northwest, indicated that her wall abuts this property along its left side property line. She stated that her wall follows a particular path due to the amount of ledge in this area

which creates substantial drainage problems in this location. Ms. Cohan also indicated that her backyard has almost no percolation currently and she will often find puddles of water accumulated there after a substantial rainfall.

David Cohan, Carolyn Cohan's husband, also commented on the proposed project. Mr. Cohan also indicated that the primary concern in this area of the site is the amount of ledge located there. Another concern Mr. Cohan raised was the amount of old vegetation that had been accumulating on the site over the years and how this debris has become trapped between the existing old garage and the wall along his property line. Mr. Cohan had concerns that this debris could be a fire hazard at the property.

Mr. Kenworthy indicated that the site would be very well maintained by the condo association and that most, if not all, of this debris would be removed when the existing old garage structure is taken down.

Yat-Cheong Yip of 40 Sylvan Street asked if a fence was going to be put on top of the retaining wall along the left side of the property and how he would be able to maintain the vegetation on his property if a retaining wall was going to be put right against his property line.

Mr. Kenworthy indicated that they could put a four foot or six foot fence along the top of the retaining wall as a safety measure to prevent people from falling onto Mr. Yip's property. Additionally, Mr. Kenworthy pointed out that the retaining wall along the left property line will be pulled back onto the subject property a few feet so there should not be an issue of Mr. Yip being able to maintain the vegetation on his property.

Mr. Mercado asked the Applicant to please develop a cross section of the proposed swale at the rear of the property to show how it will be constructed. Mr. Cassidy also asked the Applicant to bring back elevations and sections to the Board to show how the wall along the left property line will be constructed. Ms. Morelli asked the Applicant to please come to the next Board meeting with more refined engineering drawings for the project. The Board then provided general comments about the site plan design and the architecture of the building itself. While the Board felt that a more creative layout could be developed for the project, they also indicated the Applicant was moving in the right direction in many areas in regard to the project's design. The Board was supportive of the design having the four exterior surface level parking spaces, one curb cut off of Sylvan Street, narrower units, the proposed roof pitch and dormers on the building, the Victorian design notion for the structure, and the stairs for the project being located internally. Mr. Cassavoy indicated he would also like to know how far away the neighboring structures are from the subject property. Upon inquiry by the Board, Mr. Ingemi responded that the structure is no longer intended to be a prefabricated building.

The Board then went through a list of items that they had requested the Applicant to address at the previous hearing on November 26, 2012. This list of items and the status of each item being addressed adequately for the Board is as follows:

1. Illustrate height and use of buildings on either side of the proposed project – Still needs to be addressed. Please show the massing of the surrounding buildings.
2. Extend contours beyond the property line; include spot elevations and ½ foot contours to street – Please show ½ foot contour lines in the area where the swale will be located.
3. Provide photos of existing retaining wall and height of existing wall – Still needed. Please submit photos of the existing wall.
4. Provide information on snow removal needed – Still needed.
5. Provide details on lighting needed – Still needed.

6. Correct calculations in the Stormwater Management Report (Appendix D?) – Still needs to be updated.
7. Reduce width of curb cuts – Has been addressed by the Applicant.
8. Reduce pavement in front yard – Still needed. Please pull back the pavement on the left side of the property closer to the structure and please increase the landscaping along the street.
9. Provide results from test pits and perk tests – Still needed. It is imperative that there is a clear understanding of where the ledge is located on the site. Please look at using probing to generate this information.
10. Design drainage to handle five year 24 hour storm events – Still needed.
11. Reconfigure parking to eliminate backing out onto Sylvan – Has been addressed by the Applicant.
12. Lower the height of the building, looks too urban and like a 3-story – Has been addressed by the Applicant.
13. Rethink building aesthetics: asymmetry of elevations and window alignment, use of stairs up from the garage; industrial looking garage door – Has been addressed by the Applicant.
14. Provide details on the plans of proposed building materials – Still needed.
15. Provide cross sections of the proposed building – No longer needed.
16. Consider the feasibility of 3 units versus 4 – The Applicant seems to be moving in an appropriate direction with the most recently proposed design.

Mr. Cassavoy MADE a MOTION to continue the hearing to the Board's next meeting on Monday, January 14, 2013. Mr. Mercado SECONDED the MOTION. All members voted in favor. None opposed.

Documents: Site Plan Review – Slope Protection Special Permit Case # 12-003  
Revised Floor Plans, Elevations, and Perspectives dated December 14, 2012

Ms. DeSouza-Ward left the meeting at the end of the discussion on 42 Sylvan Street.

## **ZONING SUBCOMMITTEE REPORT**

### **Proposed Medical Marijuana Zoning Amendment**

Ms. Gaffey explained that this item was listed on the agenda to discuss the Joint Public Hearing that was held on this topic on November 19, 2012. At the Joint Public Hearing there was some public comment but not a substantial amount. Planning Staff did not get a strong sense that the public was opposed to the proposed zoning amendment. Based upon the testimony of the professionals at the hearing, it seems prudent to be proactive with this amendment now. If there is a challenge to the amendment by someone later, the City and the Board can address it at that time. Ms. Gaffey indicated that Ms. DeSouza-Ward had recommended that the Board recommend support of the proposed amendment to the Board of Aldermen. Mr. Mercado asked Ms. Gaffey if the Board's recommendation was strictly that the City did not want the use to be permitted and, if so, how would an Applicant attempt to seek to appeal this amendment if it were approved? Ms. Gaffey indicated that an Applicant could apply for a use variance for this particular use in front of the Board of Appeals. The Board of Aldermen needs to vote on this topic by February 15, 2013 for it to become official and the Planning Board needs to provide some type of recommendation for the Board of Aldermen to be able to act on this amendment. Mr. Cassavoy MADE a MOTION to provide a supportive recommendation to the Board of Aldermen. Mr. Cassidy pointed out that the Board listened to the public testimony and there was not overwhelming testimony against the amendment, there are no regulations, and the use is still in violation of Federal Law. Mr. Cassidy then SECONDED the MOTION. All members voted in favor. None were opposed and Ms. DeSouza-Ward was absent from the vote.

## **OTHER**

### Colucci Estates, 9-lot Subdivision off of Hillside Park

The property owner, Tom Kennedy, came before the Board to have an informal discussion about a proposed project in an area off of Hillside Park. The property is located near Swains Pond. Mr. Kennedy indicated he originally contemplated a 40B project with 96 units but is now leaning more towards something in line with the original 9-lot subdivision that was approved by the Planning Board in 1998. Mr. Kennedy was looking for feedback and some direction on this project from the Planning Board. Mr. Sadowski indicated that the original approval was a challenge, especially with the road layout, but now the project will also be subject to the Slope Protection Ordinance which will make approval of this project even more difficult. Mr. Sadowski went on to indicate that there have been other projects that have carved out substantial amounts of ledge on steep slopes to the point where the project has basically come to a standstill due to cost. The Planning Board always tries to work with Applicants to make their project work for both the Applicant and the City. Mr. Sadowski continued on to say that the Board supports affordable housing but he, personally, is against inappropriate development. Mr. Kennedy indicated that this particular site would require a lot of blasting to make a project work here, but since most of his property is surrounded by conservation land, disrupting neighbors should not be a large issue.

Mr. Sadowski indicated that the Board would rather see a portion of the site developed and a portion of the site retained in its existing state; as opposed to development being spread out all over the entire property. Mr. Kennedy indicated he would like to work with the Board on this project but there are some big challenges with this site. Mr. Kennedy went on to say that he is looking for a level of comfort from the Board that they will be willing to work with him on a proposal for this property. Ms. Morelli pointed out to the Applicant that some projects have been over-engineered in the past and she encouraged the Applicant to engage an architect early on in the development process to look at the design of the project with equal intent as the engineering for the site. Mr. Welch suggested that contemporarily designed buildings could potentially work well in this particular area.

Meeting adjourned at 10:30 PM.