

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, April 22, 2013**

7:45 PM

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

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

ABSENT: None

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

The meeting was called to order at 7:48 PM by Ms. Morelli.

MINUTES

Annual Meeting and Public Hearing March 25, 2013

Ms. DeSouza-Ward MADE a MOTION to accept the minutes of March 25, 2013. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed, Mr. Cassavoy and Mr. Mercado abstained from the vote, and Ms. Petrillo was absent from the vote.

ASSENT CALENDAR

Case # 13-008, 386 Lebanon Street, Anthony and Elizabeth Costello

The Applicant, Elizabeth Costello, was in attendance. Ms. Morelli pointed out to Ms. Costello that, while her presence was appreciated, it was not required because this particular case had been placed on the Assent Calendar because the application appeared to be fairly straight forward and the Board would most likely issue a standard recommendation letter to the Board of Appeals.

Mr. Cassavoy then MADE a MOTION to send a standard letter to the Board of Appeals. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo was absent from the vote.

Document: ZBA Application Case # 13-008

BOARD OF APPEALS

Case # 13-007, 818 Main Street, Brian and Helen Waldron

Michael Juliano of Eaglebrook Engineering & Survey, LLC, was in attendance on behalf of the Applicant who could not attend the meeting. Mr. Juliano explained that the Applicant would like to implement four (4) parking spaces at the rear of the property that would face the left side property line. The Building Commissioner had reviewed the original application and identified three zoning items that needed to be addressed before a Building Permit could be issued for the project. Mr. Juliano indicated that two of the three zoning items had been addressed, but the minimum required driveway width is the only zoning item they cannot comply with. That is why at this time they are now seeking zoning relief in the form of a Variance from the 24 foot width requirement for a two-way traffic driveway to allow for the construction of a driveway that is 7.5 feet wide at its narrowest point. Ms. DeSouza-Ward noted that the Building Commissioner's letter also indicates that the proposed project will need Site Plan Review approval from the Planning Board. Mr. Juliano indicated that the Applicant is aware of this but achieving this Variance request will be the most difficult part of the process so they have decided to pursue this first at the direction of Planning Staff. Ms. DeSouza-Ward then asked why, specifically, Site Plan Review was

required for this project. Ms. Gaffey indicated that Site Plan Review is required because the project involves the “construction or expansion of a parking lot for a...multifamily structure or purpose” as laid out in the zoning ordinance (Section 235-16.1.B(2)).

Mr. Sadowski then inquired exactly how many dwelling units are in the building and Mr. Juliano indicated that there were six residential units at the property. Mr. Sadowski pointed out that the proposed grade of the driveway is pretty significant as the pitch seems to be between 8% and 10%. He felt that the driveway would generate a substantial amount of runoff that would be pushed to the rear of the property. Mr. Juliano indicated that most of the front of the property actually drains toward Main Street and the entire rear of the property would drain into the proposed catchbasin. He also pointed out that the runoff from the roof drains towards the rear of the property as well, so this stormwater would also be captured by the proposed catchbasin. Mr. Sadowski pointed out that the zoning ordinance calls for two-way driveways to be 24 feet wide, allowing for 12 foot driving lanes. He inquired if the narrowest point of the proposed driveway was actually going to be as narrow as 7.5 feet or if it would be even narrower due to the need for a curb or fence on the right hand side of the driveway. Mr. Juliano indicated that the 7.5 foot width would be from the corner of the building to the property line.

Mr. Sadowski stated that he thought that the turning radiuses for vehicles attempting to exit the parking area would be very difficult and that snow removal would also be a challenge. Mr. Juliano indicated that a small bobcat would likely be used to remove snow from the rear parking area and he also felt that there should be plenty of room for vehicles to back out of the parking spaces and exit the site in a forward manner. Mr. Juliano pointed out that there is a slight 2 to 3 foot difference in length that would allow cars to back out and exit the site. He went on to note that small vehicles would have smaller turning radiuses and therefore it will be easier for a small vehicle to use these spaces. In fact, Mr. Juliano went as far to say that large model vehicles would likely not be able to use the proposed parking spaces because of their size. Mr. Sadowski asked specifically how a vehicle would get into or out of the spaces furthest from and closest to the building. Mr. Juliano responded by saying that it would be possible for vehicles to maneuver with the proposed turning radiuses and he could provide a turning radius diagram to show this to the Board. Mr. Cassidy indicated that someone parking in the space closest to the building might actually back into the space when parking.

Mr. Sadowski indicated that he also had drainage and screening concerns about the proposal. The adjacent property to the south is a large structure with parking at the rear underneath the building and it also has a very narrow two-way driveway. Mr. Sadowski pointed out that the driveway for this project was the narrowest two-way driveway the Planning Board had approved in a project. The proposed driveway at 818 Main Street would be comparable or even narrower than that existing driveway. Mr. Cassavoy pointed out that it did not appear as if a large vehicle would be able to access the proposed parking spaces at the rear of the property because of the proposed 7.5 foot driveway width. Mr. Sadowski stated that a substantial curb or berm will need to be implemented along the north side of the driveway to prevent runoff from escaping onto adjacent properties. He went on to indicate that the Planning Board needs to be careful about what type of precedent will be set with this particular case.

Mr. Sadowski indicated that he thought the development that is adjacent to the south used some type of heating in the pavement to reduce ice conditions. He also stated that he thought that a solid fence, as opposed to plantings, may make more sense along the rear property line because vegetation would take time to reach a mature height. He also wanted to ensure that the grading at the site is done in a manner so that drainage will not become an issue in the future. Lastly, he pointed out that he would prefer to see precast concrete wheel stops instead of the proposed wooden ones. He felt the wooden wheel stops would deteriorate quickly or be displaced easily by snow removal apparatus.

Mr. Mercado pointed out that the Planning Board is reviewing only the Variance request at this time and not the Site Plan itself. He felt that the Board should focus on the Variance request aspect of the project because the Applicant is required to return before the Planning Board later to request Site Plan Review approval. Many of the details that have been discussed at this meeting can be ironed out at that time Mr. Mercado noted. Ms. Morelli stated that she agreed with this viewpoint. Mr. Mercado went on to indicate that he too had drainage concerns and asked Mr. Juliano to take another look at the storm sector and the proposed catchbasin at the rear of the property. Mr. Mercado also asked if the Applicant's representative had looked at having the parking spaces face to the west (the rear of the lot) as this might allow for more vehicular maneuverability. He also asked Mr. Juliano if they had considered putting up some type of retaining wall along the rear left portion of the property to help to minimize the headlights that might shine into residences in the building adjacent to the south. Mr. Juliano said that they would take a look at these items should they be permitted to return to the Planning Board for Site Plan Review.

Ms. Morelli asked where the trash was stored at the property. Mr. Juliano indicated that he was not entirely sure as there are no trash storage measures behind the existing structure. Mr. King stated that he thought there was likely space around the left side of the building or in the front where the barrels could be stored. Mr. King went on to ask how this particular use (a six-family dwelling) came about at this property. Ms. Gaffey indicated that it is an existing nonconforming use. Mr. Cassidy asked where the existing tenants were renting parking spaces and Ms. Gaffey indicated that they were renting spaces in the lot behind City Hall. Mr. Cassavoy asked what size storm event the drainage basin was designed to handle and Mr. Juliano indicated that it was designed to handle a 10 year storm event (4.8 inches of rain). Mr. Cassidy then asked if the rear parking area would be paved. Mr. Juliano indicated that there is an existing crushed stone behind the building currently and the Applicant would prefer to leave this material in place unless it is necessary for them to pave this rear area. Mr. Cassidy indicated that other parking areas in the surrounding neighborhood are paved with bituminous asphalt and leaving the gravel would make it difficult during times of snow removal. Mr. Cassidy felt that bituminous paving would be the baseline minimum in his particular case. He went on to state that he felt a fence along the rear property line would make the most sense and that the proposed timber bumpers would not last. He felt that pinned concrete bumpers or bumpers that are incorporated into the paving should be used, and that the distance of the bumpers from the fence should be increased. Additionally, Mr. Cassidy thought that the proposed bituminous berm along the right side of the driveway would not last and that something more substantial would need to be put in place here to help direct stormwater.

Mr. Mercado inquired if the grade on each side of the building was the same currently and Mr. Sadowski indicated that it seemed to be a bit higher on the left side of the property. Mr. Sadowski went on to indicate that he was sympathetic to the Applicant's situation and felt that what the Applicant is proposing is helpful to the City. However, he also indicated that he felt the Applicant was trying to get away with an inexpensive solution to his parking situation. Mr. Sadowski stated that he felt granite curbing, bituminous paving, concrete bumpers, a full-fledged curb at the rear of the property, and a fence and a curb along the right side of the property should all be implemented to help make this a quality project. Mr. Sadowski felt that a more expensive material and design solution would be needed in this instance to make this project viable.

Mr. Sadowski then made a suggestion that the Planning Board send a letter to the Board of Appeals that indicated that the Planning Board has concerns about various aspects of the project for this six-unit property which included the following: the proposed parking lot surface material; the driveway grade; the proposed landscaping; the snow removal/storage; the turning radiuses for each parking space; appropriate curbing on the north side of the driveway and along the rear of the property; the durability of the proposed wheel bumpers; the adequacy of the proposed screening; and the number of proposed spaces at the rear of the property as perhaps only three (3) parking spaces would allow for more vehicular maneuverability and

snow storage. Additionally, Mr. Sadowski felt the letter should include the Board's concerns regarding the overall drainage plan for stormwater runoff at the site, with particular consideration for the property to the north. He felt the letter should also indicate that the Board is supportive of the policy objectives of the proposal to remove parked vehicles off of the public street and to add off-street parking on private property for the residents of the building.

Ms. Morelli asked how the Board members felt about the snow storage being located at the front of the property and if this satisfied the requirement indicated in the Building Commissioner's letter? Ms. Gaffey indicated that the Applicant has revised their plans based upon the Building Commissioner's letter but they have not resubmitted the plans with these changes to seek his approval to this point. Mr. Sadowski indicated that he thought that snow storage in this location is atypical and not normal.

Ms. DeSouza-Ward indicated that she felt having three (3) parking spaces at the rear of the property would be preferable to having four (4) because it would allow for more maneuverability and snow storage. Mr. Welch indicated that he felt that putting in a driveway would be a signal to people that they can take their cars down there, when in fact not every model of vehicle will be able to fit or park there. Ms. Morelli stated that she thought some type of signage should be implemented in appropriate locations to help warn people about the small confines of the parking area. Mr. Mercado indicated that he would not oppose the 7.5 foot wide driveway as the Applicant is simply trying to add off-street parking spaces to his property and if he can make it work, then more power to him. Mr. Cassavoy supported that statement by saying that often times in parking garages in Boston, there are parking spaces that are very small and are not the standard 9 feet by 18 feet and the garages continue to use these spots as parking spaces. Ms. DeSouza-Ward also indicated that she could see herself not opposing the 7.5 foot wide driveway, especially if the number of parking spaces at the rear was reduced to three (3) and warning signage was installed. Mr. Cassavoy noted that there are several items that need to be considered before this project can move forward including drainage at the site and potentially guard rails along the sides of the driveway. Mr. Mercado indicated that he thought the Planning Board should stay neutral on this particular Variance request. Mr. Cassidy stated that he would like the letter to the Board of Appeals to indicate that the 7.5 foot driveway width puts the project design on the edge of workability and is close to failure in terms of design feasibility.

Ms. Sadowski then MADE a MOTION to send a neutral letter to the Board of Appeals which indicated the Planning Board's concerns about the proposed project and noted that the narrowness of the proposed driveway, combined with the Board's specific items of concern, pushes the project to the limits of workability and close to failure as a design. Ms. DeSouza-Ward SECONDED the MOTION. The motion PASSED with Ms. Morelli, Ms. DeSouza-Ward, Mr. Cassavoy, Mr. Cassidy, Mr. Mercado, and Mr. Sadowski in favor and Mr. King, Ms. Petrillo, and Mr. Welch opposed.

Document: ZBA Application Case # 13-007

APPROVAL NOT REQUIRED

223 West Emerson Street and 38 Oakland Street, Edward Rhinelander and Genevieve Martineau
Robert Bell, Esq. was in attendance to represent the Applicants. Mr. Bell indicated that the Applicants have owned their property on West Emerson Street for a number of years and recently purchased the property behind them on Oakland Street. The property on Oakland Street consists of two parcels and they would like to add the rear parcel to their property on West Emerson Street for property protection. In doing this, no new nonconformities would be created at either property. Mr. Cassavoy asked Mr. Bell to clarify which of the lots (1, 2, or 3, as shown on the plan) would be combined and Mr. Bell indicated that Lots 1 and 2 would be combined in this proposal.

Mr. Cassavoy noted that the parcel on Oakland Street seems to be quite a substantial piece of property. Mr. Bell indicated that it is the Applicants intention to sell this property as single-family dwelling at a later time. Ms. DeSouza-Ward stated that because the plan says that Lot 2 is not a buildable lot, it does not meet the definition of subdivision and can therefore be signed as an ANR. Mr. Cassidy asked if the addition of this new parcel would create new available area that could create additional density for the property on West Emerson Street that does not already exist. After a brief discussion, it appeared to the Board members that no new substantial addition to the existing structure could be built due to the dimensional limitations at the property in that particular zoning district.

After the Board evaluated that the necessary criteria has been fulfilled, Ms. DeSouza-Ward MADE a MOTION to approve the ANR. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ANR Application - 223 West Emerson Street and 38 Oakland Street

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case # 12-004, 160 Green Street, Eric Kenworthy (continued Public Hearing)

The Applicant, Eric Kenworthy, was present to provide the Planning Board with an update on the current status of this application. He provided the Board with a brief recap of the entire project dating back to his application to seek zoning relief in October of 2012. Mr. Kenworthy indicated that the zoning relief decision for the project had been appealed by the residents of Franklin Manor, but at this time both sides were close to reaching an agreement to iron out the issues associated with that particular appeal. Mr. Kenworthy then noted that his time has run out with the property owner on their original agreement and he is trying to rework a new agreement. The current property owner would like Mr. Kenworthy to now help him carry the cost of owning the property as the project moves forward over the next few months. Mr. Kenworthy stated that he is not certain if he can do that, but he would still like to work out some type of agreement with the owner to resurrect the deal.

Ms. Gaffey asked if the agreement with Franklin Manor had changed any of the proposed plans for the project. Mr. Kenworthy stated that there would only be some very minor plan changes such as a fence being fixed, the repair of the asphalt paving in the Franklin Manor lot, a few elevation changes on the buildings, and that there would be no water outlets on the property. David Henry, a trustee at 180 Green Street (Franklin Manor), stated that some of the items that are in the agreement would be built into the master deed for the property. One of these items would state that for snowfalls greater than three inches, the snow would need to be removed and trucked off site. Mr. Henry also stated that the proposed grades for each of the driveways (approximately 13%) will make it difficult for any type of plow truck to get down to the parking area behind the proposed building. He went on to note that Franklin Manor is not opposed to new construction at this property, but the residents there do feel that six dwelling units is too dense for this particular site. Mr. Henry stated that he felt that parking was very difficult in this area already and the denser a development that is built here, the more difficult parking will become. Mr. Cassidy then asked how many dwelling units were in Franklin Manor. Mr. Henry responded by saying that there are 80 units in Franklin Manor but the proposed development at 160 Green Street has no design for trash storage or snow removal.

Ms. DeSouza-Ward asked Mr. Kenworthy if he would be seeking a continuance to the next Planning Board meeting. Mr. Kenworthy stated that he is seeking a continuance until at least the May and possibly even the June Planning Board meeting. He went on to state that he felt this project makes the most sense as a purely residential property and pointed out that he is not trying to add more units than he received approval for from the Board of Appeals. Additionally he noted that he is also planning to slightly reduce

the footprint of the original building. Mr. Kenworthy indicated that he would like to continue the hearing for this case to give himself more time to resurrect a deal with the current property owner.

Mr. Sadowski stated that he would like to see something constructed at this property but there are serious grade concerns. He went on to indicate that this parcel is like a missing tooth in this neighborhood and it needs to be filled in. Mr. Cassavoy asked how long the current property owner has owned the property. Mr. Kenworthy indicated that the current owner purchased the property in 2005. Ms. DeSouza-Ward stated that she would support a continuance to the June Planning Board meeting if the Applicant would like to do this. Mr. Henry asked the Planning Board to please note that this project is costing the residents of Franklin Manor money as well. The negotiations with the Applicant have cost them legal and engineering fees. Mr. Henry went on to state his feelings about how the Site Plan Review process for this project has been proceeding. He stated how the Planning Board makes recommendations, the Applicant incorporates those recommendations into his proposed design, and it seems as if the Planning Board is acting as the Applicant's engineering step in the process. Mr. Henry felt that a lot of these aspects of the design should have been addressed before the Applicant even went before the Planning Board. He also indicated that the Applicant and Franklin Manor would not be in this situation if the Planning Board had indicated a preference to allow only four dwelling units at the site. Ms. Morelli indicated that it was the Planning Board's purview to comment on the technical aspects of a project. If there are flaws in a project, the Board does their best job to point them out to help create a project that makes sense for the community.

Mr. Mercado MADE a MOTION to continue the 160 Green Street (Case # 12-004) hearing to the Planning Board's meeting on Monday, June 24, 2013. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

OTHER

Ms. Gaffey reminded the Planning Board that the Commuter Rail Corridor Visioning Public Meeting would be held the next evening, Tuesday, April 23, 2013 at 7:00 PM in the GAR Room of Memorial Hall and encouraged the members of the Board to attend if possible.

Meeting adjourned at 9:15 PM.