

**MELROSE PLANNING BOARD
MEETING MINUTES**

Regular Meeting

Monday, March 24, 2014

7:45 PM

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

PRESENT: Carla Morelli, Anne DeSouza-Ward, Paul King, Robert Mercado, Sharon Petrillo, and Jack Welch

ABSENT: Michael Cassavoy, Ed Cassidy, and John Sadowski

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

The meeting was called to order at 7:57 PM by Ms. Morelli.

MINUTES

Design Review Subcommittee Meeting, February 6, 2014

Mr. Welch MADE a MOTION to accept the minutes of February 6, 2014. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed and Ms. DeSouza-Ward was absent from the vote.

At this time, Ms. DeSouza-Ward arrived at the meeting.

Design Review Subcommittee Meeting, February 24, 2014

Mr. Welch MADE a MOTION to accept the minutes of February 24, 2014. Ms. Morelli SECONDED the MOTION. All members voted in favor. None were opposed and Mr. Mercado abstained from the vote.

Zoning Subcommittee Meeting, February 19, 2014

Ms. DeSouza-Ward MADE a MOTION to accept the minutes of February 19, 2014. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Morelli and Ms. Petrillo abstained from the vote.

Regular Meeting, February 24, 2014

Mr. Welch MADE a MOTION to accept the minutes of February 24, 2014. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed and Mr. Mercado abstained from the vote.

BOARD OF APPEALS

Case # 14-002, Lots 15 & 16 Bay State Road, Trinity Properties LLC

Attorney Judith Clark was present along with Neil Ryan and Dan Zarrella from Trinity Properties LLC to discuss the application with the Planning Board. Ms. Clark indicated that the property is currently a vacant lot on Bay State Road that is owned by Mary Shea, who is now in a nursing home. Ms. Shea used to own the property in conjunction with her husband, but he has since passed away. Ms. Clark indicated that Mr. Ryan and Mr. Zarrella are residents of Melrose and they are seeking Variances from the minimum lot size and minimum frontage requirements for the zoning district. She continued on to note that numerous properties on Bay State Road have lots that are under the 5,000 square foot minimum. Ms. Clark stated that the property to the east of the subject parcel is owned by National Grid and the house that is being proposed for construction is modest to meet the setback requirements for the zoning district.

Ms. Clark also noted that front yard parking is being proposed for the project, but it appears that this is not allowed and therefore the Applicants are also seeking a Variance for this item as well.

Mr. King noted that the lot seems small on paper and the scale of the proposed building seems to be consistent with the structures in the surrounding area. He continued on to note that most other properties in the area seem to have parking spaces in their front yards as well. Mr. King suggested that perhaps the Board of Appeals could give them relief to locate the house on the far left side of the lot which would allow for the parking spaces to be located on the right hand side of the property in a tandem fashion. Or perhaps the parking could even be moved to the rear of the property he suggested.

Mr. Mercado indicated that he had a problem with the parking being located in the front yard and asked why it was not put down one side of the property. Mr. Ryan stated that the Building Commissioner had suggested putting the parking spaces side by side in the front yard or putting a driveway on either side of the proposed structure. He continued on to state that he felt the side by side parking in the front yard was the best solution. Ms. Petrillo pointed out that the whole neighborhood seems to have tandem parking spaces and asked how the neighbors felt about the project. Mr. Zarrella stated that the abutters were comfortable with the proposed project. Ms. Petrillo then asked if there was another vacant area nearby, more to the east, and Mr. Zarrella indicated that there was.

Mr. Mercado stated that he did not have an issue with the request for relief from the minimum lot size, but he did have a problem with the request to allow front yard parking. Ms. DeSouza-Ward noted that she had always understood the zoning ordinance to not permit front yard parking anywhere except for at single-family homes. Ms. Clark pointed out that there is conflicting language in the zoning ordinance with regard to if front yard parking is permitted anywhere in the City. Ms. DeSouza-Ward stated that she thought tandem parking spaces on either side of the property would be preferable to having two, side by side parking spaces in the front yard. Mr. Mercado indicated that he would like to see pervious pavers incorporated into the proposal.

Mr. Ryan indicated that they had the surveyor show parking on either side of the proposed dwelling originally. Ms. Gaffey stated that this would require two curb cuts at the property. Mr. Mercado asked if tandem parking spaces would be a problem at the property and Mr. Ryan stated it would not be as the spaces could go on either side of the property. Ms. DeSouza-Ward indicated that she had no objections to the proposal except for the requested front yard parking. Ms. Morelli confirmed that the Applicants were requesting no relief other than from the minimum lot size, the minimum frontage, and the front yard parking. Ms. Clark indicated that was correct.

Mr. Ryan stated that the plan was to use pervious pavers in the project and these should be marked as such on the Plot Plan. Ms. DeSouza-Ward indicated that the Planning Board would likely be more supportive of the proposal if the parking spaces were located out of the front yard. Mr. Mercado confirmed that the Applicants would need three Variances and Ms. Gaffey indicated that was correct. Mr. King stated that he thought one would find that all of the lots in the area need the type of relief the Applicants are requesting if they were to rebuild their structures.

Ms. DeSouza-Ward suggested that perhaps the Board would be supportive of all the requested relief if the Applicants were seeking relief for tandem parking spaces instead of front yard parking. Ms. Morelli stated that perhaps the Planning Board would want to remain neutral in the Recommendation Letter for this particular case. Mr. Mercado indicated that he did not want to recommend any support for front yard parking. Ms. Petrillo suggested that perhaps the Planning Board could provide a supportive Recommendation Letter with the condition that the parking spaces be located on the side of the property.

Ms. Morelli suggested a standard Recommendation Letter be written to the Board of Appeals with the request that the parking spaces be relocated into the side yard.

Ms. DeSouza-Ward then MADE a MOTION to send a letter to the Board of Appeals which takes no objection to the application as the proposal is consistent with many of the other properties in the area which have nonconforming lot sizes and frontages. However, the letter should also note that the Planning Board recommends that the parking spaces for the property be located to one side of the proposed structure in a tandem fashion and not in the front yard area. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 14-002

Case # 14-003, 171 Derby Road, Ann Marie Scanlan

Ann Marie Scanlan, the owner of 171 Derby Road, was present to discuss the application with the Planning Board. Ms. Scanlan indicated that she is seeking a Variance from the minimum front yard setback requirement for the zoning district. She stated that she has an open front porch that needs repairs, both structural and cosmetic, and wished to enclose the porch as part of the renovations. Ms. Scanlan noted that there are similar enclosed front porches in the area.

Mr. King stated that many of the homes in this area have the same building footprints, setbacks, enclosed porches, and consistent frontage. He indicated that he felt the project would be in keeping with the neighborhood. Mr. Welch also indicated that he had no issue with the project as he felt it would be in keeping with the neighborhood. Ms. DeSouza-Ward stated that she felt this case should be left up to the Board of Appeals.

Mr. Mercado referenced the Building Commissioner's letter and asked if the stairs would have a landing. Ms. Scanlan indicated there would be a landing for the new stairs. Mr. Mercado asked if this landing would be enclosed and Ms. Scanlan stated it would not be. Mr. Mercado then noted that the cross section shows a landing that sticks out much further than is indicated on the Plot Plan. He asked how far the stairs would be setback from the front lot line once the landing is built out. Ms. Morelli added that the survey does not show the landing and that the Plot Plan should mirror the proposed work in the architectural plans. Ms. DeSouza-Ward indicated that the Board of Appeals would likely let you draw in the proposed landing on the Plot Plan. Mr. Mercado indicated that it would be a good idea to sketch in the proposed landing to show how far the stairs will actually be setback from the front lot line.

Mr. Welch asked if the landing had to be constructed due to the Building Code and Ms. Morelli indicated that she thought that was true for new construction. Mr. Mercado asked; since the front porch is being enclosed, why is a landing still needed? Ms. Scanlan indicated the landing is still needed because they have a front door that opens outward. Ms. Petrillo pointed out that if the stairs are reconstructed the Applicant will likely have to bring the entire stairway up to Building Code and hence the need for the landing at the top of the stairs. Ms. Scanlan stated that they were told that once the front porch becomes enclosed, the porch will become habitable space.

Mr. Mercado 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.

Document: ZBA Application Case # 14-003

Ms. Scanlan asked if they should resubmit a new Plot Plan for the project and Ms. Morelli stated that a new Plot Plan should be brought to the Board of Appeals hearing so it will become part of the record for the case.

Ms. DeSouza-Ward then MADE a MOTION to take up the Election of Officers agenda item as the next item at the meeting. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

ELECTION OF OFFICERS

Ms. Morelli indicated that she was happy to continue as the Chairwoman of the Planning Board. She then asked if any of the members wanted to join a different Subcommittee. There was consensus among the entire Planning Board that people were comfortable with their current Subcommittee positions.

Mr. Mercado then MADE a MOTION to appoint the same Planning Board officers as those who are in the existing positions with Ms. Morelli as Planning Board Chairwoman, Mr. Cassidy as Design Review Subcommittee Chairman, and Ms. DeSouza-Ward as Zoning Subcommittee Chairwoman. Ms. Petrillo SECONDED the MOTION. All members voted in favor. None were opposed.

ZONING AMENDMENTS

Tremont Street BB Zone Change to BB-1 Zone

Ms. Gaffey reminded the Planning Board members that a Joint Public Hearing had been scheduled with the Board of Aldermen regarding this proposed zoning change for Monday, April 7, 2014 at 8:00 PM. She noted that this amendment is primarily a map change but it will also be nice to have the areas underneath the proposed overlay zoning district be the same for consistency purposes. Ms. Gaffey continued on to note that the Zoning Subcommittee has been making good progress drafting language for the proposed overlay district.

Mr. Mercado asked why not change the BC zoning district around the Cedar Park Commuter Rail station to a BB-1 zoning district. Ms. Gaffey indicated that additional zoning changes are being worked on for the particular environments around each of the Commuter Rail stations and the idea would be to make the zoning consistent around each of the stations. Mr. Mercado asked how far north the proposed overlay district would extend and Ms. Gaffey indicated it would go as far north as Melrose Street. Mr. Mercado asked why the proposed overlay district would not extend further north and Ms. Gaffey noted that the area north of Melrose Street is a UR-B zoning district (residential) and then it turns into a BC zoning district in the Highlands area, which is more of a neighborhood commercial district area. Mr. Mercado asked if the Subcommittee or Planning Staff had considered expanding the BC zoning district in the Highlands and Mr. King indicated that the Subcommittee was going to propose expanding the district slightly to the east to capture the additional retail area along Franklin Street.

Mr. King stated that the only difference between the BB and BB-1 zoning districts is that the BB-1 zoning district allows for an Applicant to apply for a Special Permit from the Planning Board to permit a multi-family residential use in the zone. Currently, there are no permitted residential uses in either the BB or BB-1 zone. Ms. Gaffey noted that there have been a few projects which recently used this provision such as Cedar Crossing Condominiums (185 Essex Street), Station Crossing (16 Willow Street) and the Oak Grove development. She continued on to note that the Commuter Rail Corridor Plan, that was written by the Metropolitan Area Planning Council (MAPC), analyzed many of the properties in the Tremont/Essex Street area and their potential for redevelopment. Some of the sites that were examined in the Corridor Plan were Deering Lumber, the Benson-Goss site, the DPW Yard, and the Knight-Harrison property. Ms. Gaffey also explained to the Planning Board that they are not proposing to change the base zoning as part

of the proposed overlay district and therefore the uses that are currently allowed in the Corridor could continue as-of-right.

Zoning Subcommittee Report on Tremont Street / Essex Street Rezoning Initiative

Ms. Gaffey stated that the Smart Growth District (SGD) regulations were used as a starting point to develop the proposed Rail Corridor Overlay District (RCOD) regulations. Ms. DeSouza-Ward noted that the Zoning Subcommittee is proposing to add some uses to the RCOD that are not currently permitted in the SGD and asked other Planning Board members to speak up if they thought there were any uses that should be included in the RCOD regulations. Mr. Mercado asked about Senior Housing and if it would be included in the RCOD. Ms. Gaffey indicated that there was a comment at the last Zoning Subcommittee meeting that it might be wise to include all different types of senior/elderly uses in the RCOD. Ms. DeSouza-Ward pointed out that there are a significant number of different care levels for seniors. Ms. Gaffey added that independent senior living would likely have very different needs and a different use intensity than an Assisted Living Facility. Mr. Welch stated that there are big companies out there who have many different types of senior living all in one facility, such as independent, assisted living, and a nursing home all in the same complex.

Ted Doyle of LCB Senior Living asked if he could comment on the topic of discussion and Ms. Morelli allowed for his comments. Mr. Doyle stated that there are many different levels of independent senior living. He indicated that his company has independent living units but also assisted living and memory care units. Ms. Morelli asked when do cars become an issue at an Assisted Living Facility. Mr. Doyle indicated that almost none of their residents drive or it is very rare that they do. Attorney Robert Bell noted that there is a distinct state licensing category for Assisted Living Facilities. He continued on to note that attempting to define all the different types of senior living uses can be a complex task. However, in thinking about the future of the site, it may give the property some more flexibility for other types of senior living uses such as a skilled nursing facility, a memory care facility, adult day care, etc., to be permitted as-of-right. Ms. DeSouza-Ward pointed out that the biggest challenge might be defining all of the particular senior living uses and their specific parking requirements. Mr. Bell added that the Planning Board will need to consider the parking requirements for each proposed senior living use, but he would like to see the parking space specifics worked out during the Site Plan Review process for each project. He also noted that avoiding the need for Special Permits and Variances for projects will allow for more of the types of uses that the community would like to see in the area. Mr. Bell stated that he understood the need for discretion for various uses for the area, but he felt there were different approaches to this rather than requiring Special Permits or Variances.

Ms. Morelli then stated that it was probably appropriate to adjourn the Planning Board meeting and begin the Zoning Subcommittee meeting which was immediately following the Planning Board meeting.

The meeting adjourned at 9:00 PM.