

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, February 25, 2013
7:45 PM
Mayor's Conference Room, 2nd Floor, City Hall**

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

ABSENT: Carla Morelli and Sharon Petrillo

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

Ms. DeSouza-Ward was the Acting Chairwoman for the meeting due to the absence of Ms. Morelli.

The meeting was called to order at 7:50 PM by Ms. DeSouza-Ward.

MINUTES

Regular Meeting and Public Hearing January 28, 2013

Mr. Sadowski MADE a MOTION to accept the minutes of January 28, 2013. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Mr. Mercado abstained from the vote due to his absence from that particular meeting.

BOARD OF APPEALS

Case # 12-003, 42 Sylvan Street, Eric Kenworthy

The Applicant, Eric Kenworthy, was in attendance to discuss his application with the Board. Ms. Gaffey explained to the Planning Board that the Applicant is before the Board again regarding the same Board of Appeals application because he has amended his application to include a Variance request for relief from the prohibition of front yard parking. The original zoning relief the Applicant was requesting was from the definition "Story" in the ordinance and for a Special Permit to establish a Townhouse use in the UR-B district. With this newly amended application the Applicant is now seeking two Variances and a Special Permit from the Board of Appeals.

Mr. Sadowski asked if the adjacent Sylvan Street property had front yard parking and Ms. Gaffey stated that it did not as its parking was actually located in the side yard. The Board then began a brief discussion about what is considered to be front yard parking. Mr. Duchesneau stated that the front yard parking issue is centered around the definition of "Front Yard" in the zoning ordinance and in this particular case of 42 Sylvan Street, it appears that the Site Plan approved by the Planning Board included front yard parking. Ms. Gaffey added that the modifications by the Planning Board to the Applicant's original Site Plan have all been improvements to the project and have resulted in a better overall project.

Mr. Sadowski stated that he felt it would be a good idea to modify the Planning Board's original recommendation letter to the Board of Appeals that was voted on at the previous Planning Board meeting to include the Board's support for front yard parking. Mr. Cassavoy pointed out that normally the Planning Board would not be supportive of a front yard parking Variance, but in this instance the topography at the site and the revisions made to the project as it went through the Site Plan Review process resulted in the parking being located in the front yard area. Mr. Sadowski stated that he agreed and felt that it would be inconsistent of the Board to not be supportive of this particular Variance request. Ms. DeSouza-Ward indicated that she was comfortable supporting a front yard parking Variance in this

particular instance. Mr. Cassidy asked if the parking spaces would block any access to the entrances of the units and the Applicant indicated the spaces would not as they had shifted the garage door and residential entrances in the project to avoid this exact issue.

Mr. Sadowski MADE a MOTION to modify the Planning Board's original letter to the Board of Appeals to state that the Planning Board also supports the Applicant's request for a front yard parking Variance. The modified letter should note that during the Site Plan Review process, the Planning Board explored a number of different alternatives in regard to the location for parking at the site, but due to the steep slopes at the rear of the property and parking spaces already being provided underneath the building, from a practical standpoint, the parking spaces being located in the front yard area made the most sense in this particular instance. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 12-003

Mr. Kenworthy then stated that he wanted to point out that the rear portion of the garage level of the building at 42 Sylvan Street was going to contain finished living space. Mr. Kenworthy indicated that in the written Planning Board decision for the case it was stated that the entire garage level would be unfinished space and this is not the case. He went on to state that he had submitted plans that were approved in the decision that reflected this space as being finished. Ms. Gaffey responded that this can be reflected in the Planning Board's minutes to ensure that this should not become an issue as the project moves forward.

Case # 13-003, 71 Cranmore Lane, Mark and Kimberly Corso

The Applicant, Mark Corso, was in attendance to discuss his application with the Board. The Applicant indicated they own a fairly large lot but much of the rear of the property is occupied by unbuildable wetlands and steep slopes, and this has led to the proposed location of the one-story, one-car garage they would like to construct. The Applicant indicated they are asking for a Variance from the right side yard setback requirement to allow construction of the garage four feet from the property line.

Mr. Sadowski stated that he thought it was customary to have some type of buffer zone between the wetlands and the buildable area on a lot. Ms. DeSouza-Ward inquired as to where the adjacent neighbor's pool house was located. The Applicant indicated that the pool house is approximately 1 foot from the property line. Mr. Sadowski then noted that the Applicant is right up against the 20 foot "no build" wetland buffer line and there appears to be no other location on the lot that is practical for the garage. Mr. Sadowski went on to state that the fact that there are other properties in the neighborhood that have accessory structures very close to their property lines warrants this case worthy as a Board of Appeals case. The Applicant stated that the one-car garage will have storage space on the inside as well as some on the outside underneath an overhang. Mr. Mercado asked the Applicant to confirm that he stated someone else in the neighborhood had built a garage very close to their property line and the Applicant indicated that was correct. Mr. Sadowski asked how wide the overhang would be and the Applicant indicated it would be approximately four feet.

Mr. Mercado asked if the Applicant had spoken to the Conservation Commission and the Applicant indicated that the Conservation Commission was comfortable with the proposed project as long as it does not encroach into the 20 foot "no build" wetland buffer area. The Applicant also indicated that the Conservation Commission wanted all of the stormwater runoff water generated from the garage to be retained on the Applicant's property. In order to do this the Applicant is going to use a cul-tech drainage system to retain the stormwater runoff. Ms. DeSouza-Ward stated that the garage was going to be 24 feet long and asked the Applicant if they would ever propose to use it as a two-car garage. The Applicant

indicated that they would not do this and they would only use the garage for parking for one car with ample room for additional storage space around it.

Mr. Cassavoy MADE a MOTION to send a standard letter to the Board of Appeals which noted that there are many other accessory structures that are very close to side lot lines in the surrounding neighborhood. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-003

Case # 13-004, 375 Swains Pond Avenue, Noreen Camelo

The Applicant, Noreen Camelo, was in attendance to discuss her application with the Board. Ms. Camelo indicated that they are proposing to construct a dormer on the right side of the third floor of their single-family dwelling to add a bathroom and an additional bedroom to the third floor. The Applicant indicated they are seeking Variances from the 2½ story height limitation and the right side yard setback requirements for the zoning district.

Mr. Sadowski indicated that he did not see a large issue with the proposal because the Applicant would be constructing the project within the existing footprint of the building and there is a lot of precedent for that type of project in the City. Mr. Sadowski then asked if there are other homes in the neighborhood that had been extended beyond the 2½ story height limitation. The Applicant stated that she was not aware of any other properties in the surrounding area that are more than 2½ stories. Mr. Mercado confirmed that adding the dormer to the third floor is what will make the structure a three story building. Mr. Sadowski stated that his overall view was that cases such as these really depend upon the neighborhood where the project is located. He felt that in certain neighborhoods additions such as these can fit well into the existing context, but in other instances a project such as this might look out of place. Mr. Welch asked if there was already one bedroom on the third floor and the Applicant indicated this was the case. Mr. Mercado asked how many total bedrooms were in the dwelling currently and the Applicant indicated there were three existing bedrooms. The Applicant went on to indicate that there are currently two individuals that are sleeping in the same room and this proposed project would allow them to each have their own bedroom.

Mr. Cassidy noted that the Board of Appeals has become more meticulous and very “letter of the law” with their reviews of applications more recently, so it is important for the Planning Board to stress their support for a project if it is desired. Mr. Cassidy went on to state that he felt keeping the house with the current owner and allowing it to work within the needs of current family meets the definition of the Variance hardship. Mr. Sadowski added that he was stuck on the hardship issue and he could not see the Planning Board issuing more than a neutral letter in this instance.

Mr. Sadowski MADE a MOTION to send a standard letter to the Board of Appeals noting that the Planning Board does not object to the Variance application. The letter should also include the discussion with the Applicant regarding the existing number of bedrooms in the structure, the existing bedroom on the third floor, and how this project would allow for an additional bedroom to be constructed in the dwelling to accommodate the family’s needs. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-004

Case # 13-005, 165 Trenton Street, Melrose Affordable Housing Corporation

There was no Applicant in attendance to discuss this case with the Planning Board. Ms. Gaffey explained to the Planning Board that the original application was for the conversion of a group home to a two-family dwelling. However, the case ran into some issues once it was before the Board of Appeals and the Applicant decided to withdraw the case and resubmit the application, which is now back in front of the Planning Board for a recommendation to the Board of Appeals. This Board has already created one recommendation letter which was sent to the Board of Appeals for the previous case. The Planning Board can resubmit this same letter or make some changes to the letter and submit an entirely new recommendation letter. The case appears to meet all of the findings for their Variance requests with the exception of the hardship finding.

Mr. Cassidy pointed out that this property was recently subject to a zoning change. The property used to be located in a UR-B district where a two-family dwelling is an as-of-right use. Now the property is located in a UR-A district where a two-family use requires Special Permit approval from the Board of Appeals. Ms. Gaffey pointed out that one could argue that the previous use of the property as a group home was actually a more intense use than the proposed two-family dwelling. Mr. Cassidy then noted that selling this property as a two-family dwelling will increase the affordable housing funds that the Applicant can then use to create additional affordable units in the city. This is the type of initiative that the Planning Board supports. Mr. Cassidy went on to note that he felt that special treatment (via Special Permit and Variance approvals) is appropriate in this instance as there are other structures in the surrounding neighborhood that are just as large as this one. Additionally, the existing structure more than meets all of its required setbacks for the zoning district.

Ms. DeSouza-Ward pointed out that the Planning Board does not usually comment on hardships for Variance requests, but in this instance she felt that the two-family use is a less intensive and more appropriate use than the previous group home use at the property. Mr. Cassavoy stated that he thought the new proposed use would improve the property. Ms. Gaffey also pointed out that there does not appear to be any opposition to this application from the neighborhood. Mr. Mercado indicated he would be in favor of a supportive recommendation letter to the Board of Appeals. Mr. Cassidy then stated that he felt the zoning code's limitations on building height and density have been used selectively in the past to limit development. Mr. Cassidy added that he felt the two-family dwelling was an appropriate use for this location. Mr. Sadowski then stated that he did not think the Special Permit request for the two-family use was the issue here, but that the issue actually involved the Variance requests.

Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals stating that the Planning Board recommends approval of the Special Permit and Variance requests to establish a two-family residential use at the property. The motion also included revising the recommendation letter to the Board of Appeals to add more detail and further support for the Applicant's requests. Mr. Sadowski SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 13-005

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

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

The Applicant, Eric Kenworthy submitted a written request to the Planning Board that he would like to continue the 160 Green Street hearing to the Planning Board's next meeting on Monday, March 25, 2013 as the project team is still working with the abutters to resolve some of their concerns.

Mr. Cassidy MADE a MOTION to continue the 160 Green Street (Case # 12-004) hearing to the Planning Board's next meeting on Monday, March 25, 2013. Mr. Sadowski SECONDED the MOTION. All members voted in favor. None were opposed.

SITE PLAN REVIEW

Case # 13-001, 35-37 Essex Street, Saied Chaharom (Public Hearing)

The Applicant, Saied Chaharom, was in attendance to discuss his application with the Planning Board which involved opening a small restaurant called Tooba's. Ms. Gaffey explained that the space was last previously used as a law office. The Historic District Commission had approved changes to the storefront system by a previous Applicant and that construction has been completed. The current Applicant recently went before the Historic District Commission on February 20, 2013 to request approval to install awnings and signage on the façade of the building, which they received. Ms. Gaffey continued to say that the use change to a restaurant is what necessitates the Site Plan Review application. Ms. DeSouza-Ward raised a question regarding the Public Works Department's request to have the lateral sewer line checked with a video camera, as this is not something that has been requested of Applicants in the past. Ms. Gaffey explained that there is some concern with regard to the sewer pipes at this property and other properties in the area, and therefore the Public Works Department is recommending this measure. Mr. Sadowski noted that the plumbing code and Title 5 will dictate the grease trap specifications for the establishment. Mr. Cassavoy confirmed with Ms. Gaffey that the proposed awnings and signage received approval from the Historic District Commission, which was correct.

Ms. DeSouza-Ward noted that there is some concern about the parking situation behind the building and on Nelson Terrace, and the Applicant indicated that there will be no employee parking allowed behind the building or on Nelson Terrace. The Applicant stated that the rear of the building will only be used for delivery and trash storage purposes. Mr. Mercado asked if the Applicant was going to use the existing HVAC system and the Applicant indicated that was correct as a new system had just been installed in the fall of 2012. Mr. Mercado then asked about the number of times per week that trash would be picked up and if any rodent control measures would be used. The Applicant indicated that trash would be picked up twice per week, recycling once per week, and the Applicant also stated they will be hiring a professional rodent control company per the requirements of the Health Department. Mr. Cassvovoy asked where the kitchen and cooking area is located on the floor plan and the Applicant stated it would be located along the right hand side of the space as an open concept. Mr. Cassavoy then asked where the hood exhaust and ventilation system would release to the outside. The Applicant stated that the exhaust fan would be located in the middle of the roof of the building so it should not be very visible from the street, if at all.

Mr. Cassidy inquired as to what the menu of the business would entail and the Applicant stated the menu would include mainly gourmet sandwiches and homemade soups. Mr. Sadowski confirmed with the Planning Staff that the signage meets the requirements of the zoning ordinance, to which Ms. Gaffey indicated that it did. Mr. Sadowski then noted that the Applicant is asking for a number of waivers but they all seem to be appropriate due to the existing nature of the site. Mr. Mercado asked how far the awnings would project off of the façade and the Applicant indicated they would project 20 inches off each façade of the building. Mr. Mercado then asked how the flat roof of the building would be drained and the Applicant indicated that it drains towards the back of the structure where there is a gutter and downspout by the dumpsters.

Ms. DeSouza-Ward then opened the hearing for public comment but there were no members of the public present who wished to speak. Mr. Cassavoy then MADE a MOTION to close the public comment portion of the hearing. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Cassidy then pointed out to the Applicant how the exterior doors open directly into the space and encouraged the Applicant to consider some type of wind screen for inside. He also added that he thought the restaurant would be a good addition to the downtown.

Mr. Mercado MADE a MOTION to grant the Applicant's request for waivers from the indication of height and use of all buildings abutting the proposed project; a proposed parking plan including location of access and egress; handicapped access provisions; foundation lines of the proposed buildings, gross floor area, and building height; existing and proposed topography and the location of all natural features; areas subject to a 100-year flood, if any; provisions for drainage and sewage; proposed landscaping, including all screening and buffering of adjacent residential areas; provision for fencing and walls; location, materials, and dimensions of loading areas, walkways, and driveways; location of all site lighting, style of light pole and fixtures, and description of method for mitigating light spillage onto adjacent properties; an Infrastructure Analysis; façade renderings; a Construction Management Plan; a Traffic Impact Report; the estimated average daily traffic and peak hour traffic to be generated by the proposal and means taken to mitigate impact; a Level of Service Analysis for nearby intersections; and a Transportation Management Plan as part of the Site Plan Submission Criteria. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Sadowski MADE a MOTION to approve the Applicant's request for Site Plan Review approval with the conditions that were discussed and as amended to prohibit any parking behind the building and to require the Applicant to check the lateral sewer pipe with a video camera and to report the findings to the Public Works Department. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Documents:

- Site Plan Review Case # 13-001
- Mortgage Loan Inspection Plan (OPCD date stamp of January 29, 2013)
- Front Awning, Side Awning, and Branding Logo prepared by Sign Edge (OPCD date stamp of February 20, 2013)
- Floor Plans (Sheets DWG 1 and DWG 2) prepared by Nordesign & Build Architects (OPCD date stamp of January 29, 2013)

Case # 13-002, 476A Main Street, Matt Comella (Public Hearing)

The Applicants, Matt Comella and JP Comella, were in attendance to discuss their proposal to open a family style Italian restaurant called Comella's. Ms. Gaffey informed the Board that this Applicant had taken their proposed façade changes and new signage before the Historic District Commission on February 20, 2013 as well and they also received approval. Mr. Sadowski inquired if the materials on this portion of the building were such that they look like part of the existing bank building. Mr. King indicated that this was the case and this portion of the building looks as if it is simply an addition to the bank building. Mr. Cassidy asked if there would be two entrances to the space and the Applicant indicated that there would be one entrance in the front on Main Street and also one in the rear. Ms. Gaffey noted to the Planning Board that the Applicant is not required to provide any off-street parking because of the particular location of the building on Main Street. Mr. Sadowski asked the Applicant if it was their intent to match the window framing style that already exists on the bank and the Applicant indicated that this was the case. They will be using a black anodized aluminum framing for the windows and entryway system.

Mr. Sadowski then asked the Applicant to point out the trash storage area on the site plan. The Applicant indicated that the trash storage area would be located in one of the two parking spaces they have been allocated by the property owner at the rear of the lot. The trash enclosure would contain three, two-yard dumpsters and be fenced-in and screened with PVC privacy slats. The other parking space will be used

for employee parking. Mr. Sadowski asked if the Applicant had considered other materials besides PVC for the screening. The Applicant responded that they have, but the PVC material works well because it can be cleaned or replaced very easily. It is very easy to change out the individual slats if they become broken or stained as opposed to replacing an entire screening system. Wood is not an effective screening material because it tends to rot and be damaged more easily than other materials. Ms. DeSouza-Ward asked about the configuration of the dumpsters within the enclosure, which was also a concern of the Health Department. The Applicant indicated that there appears to be room to fit all three dumpsters side by side within the enclosure which would allow for access to all three dumpsters at any time. However, if three dumpsters will not fit side by side, they will only use two in a side by side fashion. They will not be arranging the dumpsters in a tandem fashion as shown on the enclosure drawing. Mr. King noted that this rear parking area can become quite busy and the faster that trash removal can occur; the better it will be for vehicular circulation. The Applicant indicated that trash pickup will occur in the early morning when there is less traffic, but it will not occur before 7:00 AM as this is prohibited by the City. Mr. Cassavoy inquired if their restaurants can be found in other communities and the Applicant stated they have a number of other locations including those in Chestnut Hill, Concord, and Wellesley.

Ms. DeSouza-Ward then opened the hearing for public comment if any members of the public wished to speak.

Jim McBain, a Board of Appeals member and Chair of the Signage Review Committee in the Town of Wakefield, indicated that he and Town Planner Paul Reavis were in attendance to observe how the Planning Board reviewed signage proposals. He asked if he could see a copy of the application to see what documents and forms it entails. Ms. Gaffey informed Mr. McBain that the Planning Board will not be looking as closely at the signage of this proposal since it has already been heavily reviewed by the Historic District Commission. Mr. King then MADE a MOTION to close the public comment portion of the hearing. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Sadowski stated that he understood why the space was laid out as it was and he thought it made sense. He also added that he felt the black anodized aluminum framing for the windows seemed to match the bank's window framing well. Mr. Mercado asked if the signage would be illuminated and the Applicant explained that the signs will both be illuminated with an LED light bar at the top of each sign which will project light downward onto the signage and the façade. Mr. Cassavoy stated that he thought it would be a good idea to add a time of day constraint for the trash pickup. Mr. Mercado then asked about where deliveries to the restaurant will occur, if there was a grease trap, what type of HVAC system was going to be used, and if the condensers could be seen from the street. The Applicant indicated that deliveries would all be made through the rear entrance of the space and there would be a grease trap in the kitchen. The Applicant also stated that they would be using 10 tons of air conditioning but the condensers on the roof would not be visible from the street level. Mr. King then confirmed with the Applicant that they had gone over the trash pickup plan with the trash company. Mr. Mercado asked what the hours of operation would be for the business and the Applicant stated they will be open seven days a week from 11:30 AM to 9:00 PM.

Mr. Mercado MADE a MOTION to grant the Applicant's request for waivers from the indication of height and use of all buildings abutting the proposed project; the existing and proposed topography and the location of all natural features; areas subject to a 100-year flood, if any; an Infrastructure Analysis; a Construction Management Plan; a Traffic Impact Report; the estimated average daily traffic and peak hour traffic to be generated by the proposal and means taken to mitigate impact; a Level of Service Analysis for nearby intersections; and a Transportation Management Plan as part of the Site Plan Submission Criteria. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Sadowski MADE a MOTION to approve the Applicant's request for Site Plan Review approval with the conditions that were discussed and as amended to include the time of day restriction for trash pickup and to require the Applicant to check the lateral sewer pipe with a video camera and to report the findings to the Public Works Department. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Documents:

- Site Plan Review Case # 13-002
- Site Plan (Sheet 4 of 12) prepared by Bohler Engineering (OPCD date stamp of January 29, 2013)
- Existing façade photos (OPCD date stamp of January 29, 2013)
- Proposed Signage Renderings (front and rear facades) prepared by SignArt Inc. (OPCD date stamp of February 25, 2013)
- Proposed Signage Details (front and back) prepared by SignArt Inc. (OPCD date stamp of February 25, 2013)
- Typical Mounting Aluminum Belt Sign Detail prepared by SignArt Inc. (OPCD date stamp of February 25, 2013)
- Proposed (front) Façade (Sheet SKA-03) prepared by Richard Alvord Architects (OPCD date stamp of January 29, 2013)
- NEW PLAN New Pizza Oven (Sheet SKA-03) prepared by Richard Alvord Architects (OPCD date stamp of January 29, 2013)
- Dumpster Enclosure (Sheet SKA-05) prepared by Richard Alvord Architects (OPCD date stamp of January 29, 2013)

OTHER

Ms. Gaffey provided an update to the Planning Board regarding the Metropolitan Area Planning Council (MAPC) project for the Cedar Park Corridor. The study will help to determine what are viable uses for the area from Essex Street to Franklin Street west of Tremont Street along the railroad corridor. A public meeting to receive public input will be held sometime in March and it would be preferable if the Planning Board members could attend. Mr. Cassavoy asked if there was the possibility for new construction to occur in this area. Ms. Gaffey indicated that there is an opportunity for new construction in this area and some developers have already expressed interest in some parcels within the corridor area. There is currently a multi-family provision in the BB zone which works fairly well, but Planning Staff and MAPC will be looking at options to allow for the types of uses that are more desirable and appropriate for this area. The process will also involve a market analysis that a consultant working for MAPC will undertake. Ms. Gaffey went on to note that there has already been some interest from developers in the Deering Lumber site at 158 Essex Street.

Ms. DeSouza-Ward noted that she thought it would be a good idea for the Zoning Subcommittee to take a look at the definition of "Story" and "Half Story" in the zoning ordinance as these definitions have been a common topic of discussion at recent Planning Board meetings.

Meeting adjourned at 10:00 PM.