

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, January 28, 2013
7:45 PM
Mayor's Conference Room, 2nd Floor, City Hall**

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

ABSENT: Robert Mercado

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

The meeting was called to order at 7:53 PM by Ms. Morelli.

MINUTES

Special Meeting and Public Hearing January 14, 2013

Ms. Morelli offered a minor revision. Mr. Cassidy MADE a MOTION to accept the minutes of January 14, 2013. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote due to her absence from that meeting.

Mr. Cassavoy then MADE a MOTION to take the 160 Green Street case (Case # 12-004) out of order on the agenda and have the Board discuss that item next. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case # 12-004, 160 Green Street, Eric Kenworthy (continued public hearing)

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. Mr. Kenworthy indicated that he would like to continue the 160 Green Street hearing to the Planning Board's next meeting on Monday, February 25, 2013 as the project team is still working with the abutters to resolve some of their concerns.

Mr. Cassavoy MADE a MOTION to continue the 160 Green Street (Case # 12-004) hearing to the Planning Board's next meeting on Monday, February 25, 2013. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote.

BOARD OF APPEALS

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

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. Mr. Salvo indicated that an abutter to the project had asked for a few more details on the Site Plan drawing regarding the minimum width and slope of the swale and the invert on the drainage pipe. The Applicant's team provided those details in the most updated drawing of the Site Plan which was distributed to the Board members and Planning Staff. Mr. Kenworthy also presented the Board with some drawings that showed refined details of the building's design. Mr. Salvo indicated that a 1% grade would be the steepest slope that would be used for the drainage swale where the perforated pipe would extend underground all the way to the catch basin at the front of the property.

Mr. Sadowski then asked if the Public Works Department was comfortable with the proposed design solution for the drainage at the property. Mr. Salvo indicated that the Public Works Department was

comfortable with the proposed design. Mr. Cassidy then asked if the structure at the end of the drainage swale was intended to catch sediment from the pipe and then distribute water into the rain gardens at the front of the property. Mr. Salvo indicated that the catch basin at the front of the property is actually just for overflow drainage purposes. Mr. Sadowski pointed out that at the last hearing there was some concern from one of the abutters about the hydrostatic pressure that would be put on the wall at the rear of the property. Mr. Salvo responded by stating that the drainage swale will be a free-draining facility and therefore there should not be any hydrostatic pressure on the wall.

Ms. Morelli asked the about the issue of the building's third story being habitable and if the Applicant was seeking zoning relief for this item. Mr. Kenworthy stated that they will be going before the Board of Appeals to seek a Variance for this habitable third story and this is what this particular application is regarding. Ms. Morelli then wanted confirmation that the existing bedroom count for the project included the bedrooms that were being shown on the third floor. Mr. Kenworthy indicated that this is the case, but they do need to obtain a Variance from the Board of Appeals to actually make those bedrooms part of the project. Ms. Gaffey then clarified for the Planning Board that there are currently two applications before them for the project at 42 Sylvan Street. One application is seeking a recommendation from the Planning Board before the Applicant goes to the Board of Appeals regarding a Special Permit for the proposed Townhouse use at the property, and also for a Variance regarding the proposal to make the third story in the project habitable space. The second application before the Planning Board is for Site Plan Review approval and a Slope Protection Special Permit, which the Board has been discussing over the last few meetings.

Ms. Morelli then asked the Applicant about the layout on the third floor. It now appears as if the floor plan was pushed more towards the front of the building, but there still seems to be a good deal of space towards the rear as there are substantial dormers proposed for the backside of the structure. Mr. Kenworthy felt that he did not need a second means of egress from the building if he sprinkled each of the dwelling units and he was fairly certain the design met the ventilation and lighting requirements. While the Applicant had not run the floor plan design past the Building Inspector, he believed the Inspector is comfortable with the proposed design. Mr. Kenworthy went on to indicate that while he did not have a full wall on the third story of the building, the Building Inspector was interpreting the structure to be a full, three story building (as opposed to a 2½ story building which is permitted as of right in the UR-B district). Mr. Salvo added that, dimensionally speaking, the Applicant needs the definition of half story to include habitable space and this is why the project is seeking a Variance from this definition before the Board of Appeals. Mr. Cassidy then asked what the grade elevation difference was between the front of the building and the back of the building. Mr. Salvo indicated that the rear grade of the building was about six feet higher than at the front of the building.

Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals stating that the Planning Board recommends approval for the request for a Special Permit for a Townhouse use at this site as the Board has reviewed the project at length during their Site Plan Approval and Slope Protection Special Permit process. The Planning Board finds that the proposed project use would not be detrimental to the surrounding neighborhood. The MOTION also included the statement that the Planning Board would take no position on the Applicant's request for a Variance from the definition of whether or not a half story should be considered habitable space. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote.

Document: ZBA Application Case # 12-003
Site Plan (Sheet 2 of 4) revised as of January 16, 2013

SLOPE PROTECTION SPECIAL PERMIT & SITE PLAN REVIEW

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

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. After deliberating on the Board of Appeals case, the Planning Board then turned their discussion to the conditions that would be associated with requested Site Plan Review approval and the Slope Protection Special Permit. In preparation for the meeting, Planning Staff had prepared a series of draft conditions to use as a starting point for the discussion. Ms. Petrillo asked what the “maintenance” of the stormwater management system would entail. Mr. King noted that the maintenance items for the system are indicated in the back of the Stormwater Management and Infrastructure Report submitted by the Applicant. Mr. Sadowski added that these maintenance items would be the responsibility of the members of the condominium association. Ms. Petrillo then asked if the maintenance of the system would be monitored by the City Engineer. Ms. Gaffey stated that is what is being proposed by the condition and that the condominium association would have to provide documentation on the system to the City Engineer on a yearly basis. A discussion then ensued if this would actually be feasible and it was agreed upon by the Board that it would likely not occur every single year. However, the condition would give the Inspection Services Office leverage to require the property owners to bring the system into compliance if there ever was a problem. Ms. Gaffey added that the condition puts the responsibility of maintaining the stormwater management system back onto the owners.

The Planning Board agreed that it was not necessary to include a condition regarding signage for the property. The Board also agreed that lighting at the site should be consistent and approximate incandescent in color and temperature. Mr. Kenworthy indicated that he is not anticipating the need for a transformer at the site, however, the Board still wanted to include a condition about the screening of a transformer in case it was discovered at a later time that a transformer would be necessary. Mr. Sadowski asked that the words “cement board” be used in place of “Hardie Board” in the conditions because the latter was too specific he felt. Lastly, in regard to the condition about excavation methods for the project, Mr. Sadowski asked that hoe ramming be included in this condition as this method may be required to hammer back some of the existing ledge outcroppings at the site.

Mr. Cassidy asked if there was any protection for the trees located on the steep slopes at the rear of the property from being cut down. Ms. Morelli pointed out that the Applicant indicated in his Executive Summary for the project that “Should the Board feel that it is prudent; the Applicant is willing to further protect the steep slopes by placing a deed restriction on the rear portion of the property to prevent any future development or disturbance to the protected area; in addition to the Slope Protection Ordinance.” Mr. Cassidy stated that he endorsed having the steep slope area at the rear of the property protected in the condominium documents. Ms. DeSouza-Ward pointed out that the Melrose Zoning Ordinance states that, as part of the findings for a Slope Protection Special Permit, that the proposed development should not negatively impact the existing natural site features. This section of the ordinance also states that natural steep slopes are protected and shall remain in their natural state. The Board then decided to include another condition which stated that prior to the issuance of a final Certificate of Occupancy, the condominium documents for the project shall reflect the requirement that there shall be no alterations of the sloped areas identified on the plans and that this area shall be maintained in its natural state in perpetuity.

Ms. DeSouza-Ward MADE a MOTION to grant the Applicant’s request for a waiver from the Transportation Management Plan as one of the Site Plan Submission Criteria. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote.

Ms. DeSouza-Ward MADE a MOTION to approve the Applicant's request for Site Plan Review approval with the conditions that were discussed. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote.

Ms. DeSouza-Ward MADE a MOTION to grant the Applicant's request for a Slope Protection Special Permit with the conditions that were discussed. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed and Ms. Petrillo abstained from the vote.

Documents: Exterior Details (Sheet A2.1)
 Revised Garage Floor Plan
 Building Materials Sheet
 Site Plan (Sheet 2 of 4) revised as of January 16, 2013

OTHER

Proposed Medical Marijuana Zoning Amendment Status Update

Ms. Gaffey provided a brief update to the Planning Board on the status of the Medical Marijuana Zoning Amendment which would prohibit the establishment of Medical Marijuana Clinics in Melrose. The amendment received unanimous endorsement at the Board of Aldermen Legal and Legislative Subcommittee meeting, as well as a unanimous approval from the full Board of Aldermen. The amendment is now in effect in the City. At this time the Attorney General's Office has not yet weighed in on the regulations that have been passed in the Town of Wakefield and the State's Department of Public Health has not yet released their regulations either.

Ms. Gaffey also wanted to inform the Planning Board that the project at 99 Essex Street has just been completed and they have already rented 13 of the 15 units there. The remaining two units will be marketed as affordable rental units and the lottery for those units will be held sometime in the spring of 2013.

Lastly, there was also a brief discussion about the Planning Board's desire to rework the definition of half story in the zoning ordinance. Board members seemed comfortable with the idea of 2½ story buildings that function as three story buildings or three story buildings in general. Attempting to rework the half story definition in the zoning ordinance is an initiative that the Planning Board would like to undertake at some point in the future.

Meeting adjourned at 8:50 PM.