

**MELROSE PLANNING BOARD
MEETING MINUTES
Special Meeting and Public Hearing
Monday, January 14, 2013
7:45 PM
Mayor's Conference Room, 2nd Floor, City Hall**

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

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.

MINUTES

Regular Meeting December 17, 2012

Ms. DeSouza-Ward MADE a MOTION to accept the minutes of December 17, 2012. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed and Mr. Sadowski was absent from the vote.

BOARD OF APPEALS

Case # 12-038, 286 Porter Street, Mary Landergan and Robert Richardson.

The Applicant's contractor, Geoffrey Shafer, briefly described the application to the Board. The Applicant, Mary Landergan, was also present at the meeting. The Applicant is currently building a two story addition onto the rear of their home. In the lower level of this addition they would like to install a kitchenette to create an in-law apartment for Ms. Landergan's father. Ms. Morelli asked if Ms. Landergan's father was already living in the space, but the Applicant indicated that this was not the case. Mr. Shafer indicated that they already have a building permit for the addition, but they do not have permission to install a kitchenette at this time, nor do they have an occupancy permit for the space as of yet. Mr. Duchesneau then clarified for the Board that the Applicant needed zoning relief in the form of a Special Permit to allow a single-family dwelling with an in-law apartment use at the property, as well as a Variance from the definition of "In-Law Apartment". This definition in the zoning ordinance states that "The dwelling unit shall be located within the single-family dwelling as it existed on January 1, 1990", which would not be the case with the proposed in-law apartment.

Ms. DeSouza-Ward inquired if there was access from the existing single-family dwelling into the proposed in-law apartment and Mr. Shafer indicated that there was in three different locations. Mr. Cassavoy asked if the Variance were to be approved, if there would be concern about this particular building then being used as a two-family dwelling. Ms. DeSouza-Ward felt that this would not be the case because the language in the definition of "In-Law Apartment" states that the Certificate of Occupancy for the space must be reapplied for every three years. As part of this reapplication, the Applicant would be required to show that the space is being occupied by an immediate family member. There was then a discussion about providing more support for this particular application than a standard neutral letter to the Board of Appeals because the unit would be occupied by an elderly immediate family member. Ms. Morelli, Ms. DeSouza-Ward, and Mr. Cassidy all indicated they would be supportive of such a stance by the Board. Mr. Cassidy then inquired if there was going to be new living space above the proposed in-law apartment in the new addition. Mr. Shafer indicated that this was the case and that the area would be part of the living space for the single-family dwelling, however, the in-law apartment would also have access

to this space as well. Mr. Cassavoy noted that the Applicant may want to look closely at the accessibility requirements for the structure as some provisions may be necessary in the new addition. Ms. DeSouza-Ward then MADE a MOTION to send a letter to the Board of Appeals stating that the Planning Board does not object to the Special Permit or the Variance request as the Board finds the use appropriate for the neighborhood and finds it would not be detrimental to the public good. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None opposed and Mr. Sadowski was absent from the vote.

Document: ZBA Application Case # 12-038

Case # 13-001, 16 Warwick Road, John and Susan Nadworny

Susan Nadworny, the Applicant, briefly described the application to the Board. Ms. Nadworny and her husband are seeking to establish a single-family dwelling with an in-law apartment use at the property. The in-law apartment would be used by the Nadworny's special needs son as the first step towards the independent life they would like him to achieve. Ms. Nadworny indicated that no changes would be made to the exterior of the structure. Ms. DeSouza-Ward confirmed that this particular project would only require a Special Permit and not a Variance. Mr. Cassidy inquired if the Building Inspector had been made of aware of the heights of the windows within the proposed living space in the basement of the structure and the Applicant indicated that he had been as part of their original Building Permit application. Mr. Cassidy then went on to indicate that the Board should stress their support for in-law apartments of this kind. Mr. Cassavoy then MADE a MOTION to send a letter to the Board of Appeals in support of the application and to note that the Certificate of Occupancy for the in-law apartment is only valid for three years, after which time the Applicant would have to renew the Certificate of Occupancy with the Building Inspector. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None opposed and Mr. Sadowski abstained from the vote.

Document: ZBA Application Case # 13-001

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case # 12-004, 160 Green Street, Eric Kenworthy

The Applicant, Eric Kenworthy, was in attendance with his partner David Ingemi, Engineer Rick Salvo, and Attorney Steve Singer. Attorney Singer began by stating that an appeal has been filed by the residents of the Franklin Manor Condominium Trust against the zoning relief the project received from the Board of Appeals in October of 2012. The residents of Franklin Manor have concerns about the parking situation, snow removal, and drainage, among other items. Mr. Kenworthy explained that recently he had met with representatives of Franklin Manor in an attempt to find ways to alleviate some of the abutter's concerns and progress has been made in this regard. Specifically at this meeting the drainage, snow removal, adjacent property damage, and issues with the previous owner were discussed.

Mr. Salvo presented the proposed site plan and engineer drawings for the originally approved project back in 2005, as well as the currently proposed plans. The original approval was for a mixed use building with retail/commercial space on the first floor and residential units above. Parking would have been located underneath and behind the building, and the rear of the property was planned to be a cul-de-sac field for drainage. The new proposal calls for a strictly residential project with six dwelling units. Five garaged parking spaces would be located underneath the building and seven surface level parking spaces would be located towards the rear of the lot. Instead of using a cul-de-sac field, the Applicant is now proposing to use pervious pavers, an Eco stone paver system, across the entire parking and maneuvering area at the rear of the property. With these pervious pavers, the entire parking area would act as a large basin for drainage for the property. The proposed project has been approved for Best Management Practices by the Department of Environmental Protection. Driveways on either side of the proposed structure would provide entry to and exit from the parking area behind the building. A modular block retaining wall would

be built at the rear of the property just behind the surface parking spaces. With the retail component removed from the proposed project, the traffic impacts for this proposal are anticipated to be more minimal than the previous project.

Mr. Cassidy asked if the section drawings for the project had been exaggerated at all and if the retaining wall has been reviewed by a structural engineer. The Applicant stated that the section drawings are not exaggerated and that the manufacturer of the modular block for the retaining wall would provide detailed drawings of how the wall will be constructed. Ms. DeSouza-Ward asked if there would be any wayfinding or traffic directional signage used in the project. The Applicant indicated that there would be in the form of a stop sign at the end of the exit driveway as well as directional signage for vehicles. All of the signage would be located on the project site (private property).

Mr. Kenworthy then briefly presented the details of the proposed building in the project. The six unit townhouse building would have three levels of living space and a garage/utility space on the ground floor. In five of the six units this ground level would contain a one-car garage accessed from the rear of the building. The first floor of each unit would have a kitchen, dining room, living room, a half bath, and a balcony. The second floors would have two bedrooms, a full bathroom, and space for a washer and dryer. The third floor would contain the master bedroom with a walk-in closet as well as a full bathroom.

Mr. Cassidy then asked a series of questions to which Mr. Kenworthy responded with the following information. The material on the exterior of the building is proposed to be Hardie Board and the windows would be a Victorian style. The location of the A/C condensing units is still being figured out at this time. The Applicant would like to put them in the back of the building near each of the garage doors and for the end dwelling unit it would most likely be located on the side of the building amongst the landscaping. This is also where the balcony/deck for this unit will be located, almost at grade level. Another option, potentially, would be to locate the condensers on the balcony of each individual dwelling unit. Further exploration is also needed as to where the rear egress doors will be located. The Applicant is hoping to put them directly next to the garage doors at the back of the building. The building will be gas heated and will be vented through small six inch vents at the front of each unit. These vents are cone like units that can be painted to match any color. The roof of the building would be rubber on the top flat portion and there would be a slate looking shingle on the front facing of the mansard. The dwelling units would all be condominiums and be part of a condominium association.

Mr. Welch pointed out that the line sets for the utilities would have to pass through other properties and the Applicant indicated this was correct. Mr. Sadowski asked how the drainage at the property would work and specifically how the runoff that would collect in the parking area behind the building due to the driveways would be handled. Mr. Salvo indicated that there is sheet drainage across the entire back parking area, which would have 2% grading. This amount of slope combined with the pervious pavers would allow for ample infiltration to handle all of the drainage at the property, including the runoff generated from the driveways. Mr. Sadowski also asked what would prevent the pervious pavers from filling in or water from infiltrating the pavers, freezing, and causing heaving. Mr. Salvo responded that a geo grid would be placed underneath the pavers to prevent vegetation from growing through the material and because the pavers allow water to infiltrate into the ground, there would be almost no need for salting or sanding of the rear parking area as standing water would not accumulate. These two particular items would prevent the spaces between the pervious paver bricks from filling in. While this is a newer material, Mr. Salvo indicated that he had seen the paver during a rainstorm and there was no puddling or water collection. Mr. King inquired if the pervious paver material loses some of its drainage capacity over time and asked the Applicant to provide performance data for the paver material. Mr. Mercado asked if the proposed Eco Stone material was better than using a pervious asphalt? Mr. Salvo indicated that it was better because if there was any damage or problems with the Eco stone only individual bricks would need

to be removed and replaced. In the case of pervious asphalt, entire sections of the pavement would have to be removed and repaved, which is very time and cost intensive.

There was then a discussion about how snow removal would occur at the site. The Board asked how the site would be plowed with these pervious pavers at the rear of the property and questions arose about the location of where the snow would be stored. The Applicant indicated that a rubber plow blade would be used and this would not disturb the paver bricks. Additionally, in the event of a snowfall greater than two or three inches, snow would be removed from the site with the use of a Bobcat and other equipment. Mr. King indicated that he thought it would be very difficult to keep this lot clear of snow. The steep entry and exit driveways will most likely make snow removal a challenge and there appear to be logistical issues if cars are parked in the surface parking spaces while snow removal is occurring.

Mr. Mercado asked about the area at the rear of the property at the base of the retaining wall. Mr. Kenworthy indicated that the abutter to the rear has paved right up to their rear property line and there is also currently a four foot high chain link fence there. There will be about 3 feet from the base of the retaining wall to the abutting property line and the Applicant is proposing to put down mulch or wood chips in this area.

Ms. Morelli then opened up the meeting to members of the public who were present and asked if they would like to comment.

Walter Mirrione of Marcus, Errico, Emmer & Brooks, P.C., who represents the Franklin Manor Condominium Trust, indicated that members of Franklin Manor and the Applicant had met to discuss the abutter's concerns about the project. He indicated that the neighbors have concerns regarding the pervious pavers, snow removal, the stone wall, and the drainage calculations for the property. The residents of Franklin Manor have retained an engineer but they have not gotten any feedback yet from the engineer regarding the proposed retaining wall and drainage for the site. Mr. Mirrione went on to indicate that the residents of Franklin Manor would also like to see a long term maintenance and operation plan put in place so that the owners of the units at 160 Green Street are aware of the required on-site maintenance. Lastly, Mr. Mirrione indicated that he would like to see the case continued to the Planning Board's next meeting so that there is more time to review the proposed project.

Gerard Cantin of 164 Green Street felt that the project was much better than the originally proposed one but he did have some concerns. One was regarding the grade difference between his property to the northwest and the subject lot. He wanted to know if a retaining wall will be put there to address this issue or not. He was also concerned about trash removal for the project and did not want a dumpster to be located behind the proposed building. Mr. Cantin also asked for additional details regarding any proposed fencing and exterior lighting that would be part of the project.

Winnie Cantin of 164 Green Street indicated that the pitch of their driveway is very steep and they have to sand and salt it every winter. She encouraged the Applicant to think about how this would impact the drainage into the pervious pavement area on the site. She also asked the Applicant to increase the landscaping at the front of the property along Green Street and asked how visitor parking would be handled at the site. Ms. Cantin also asked if the exterior parking spaces would be striped and raised concerns about emergency vehicle access around the site, specifically in regards to fire truck access.

David Henry of 180 Green Street raised concerns about the density of the project and felt that a five unit building would be more appropriate for the location. He also thought that snow removal would be a challenge in the rear parking area, especially if residents have their vehicles parked in the surface level parking spaces. Mr. Henry also raised concerns about the use of a dumpster at the site, oil drippings and

vehicle contaminants clogging up the pervious pavers, and how visitor parking would be handled as parking is already difficult in the Green Street neighborhood.

Carol McKinley of 407 Washington Street wanted to remind the Board that this used to be a historic site where the Aaron Green House once stood, a single-family dwelling with historical significance. She also expressed concerns about how close together the exit driveway and the adjacent walkway to the Green Street Natural Foods store are to one another. There appears to be no separation between the two and this is a public safety issue.

Ms. Morelli indicated that she wanted to know who the architect of record is and for that person to take ownership of the project design because this will ultimately dictate the final site plan for the property. Mr. Sadowski stated that he would like to see some information on how the hydrostatic pressure on the retaining wall at the rear of the property will be handled as this pressure will be created by the water percolation in the rear parking area. Mr. Cassidy expressed his concerns about the proposed locations for the HVAC and condensing units for the building. He suggested perhaps putting the condensers on the roof or using some type of acoustic enclosure to reduce their visibility and the sound they would produce. Clustering all of the mechanical units on the eastern end of the site is not a viable solution. The Board also briefly discussed some of the waivers the Applicant would be seeking such as one from a Traffic Impact Statement, which the Board seemed comfortable with waiving.

The Board then went through a list of items they wanted the Applicant to address or provide before the next meeting. The list of items is as follows:

1. Topography plan with contour lines that extend beyond the subject property to show how the site relates to abutting parcels.
2. Provide the heights of adjacent buildings.
3. Provide more information on the proposed drainage plan for the site and the proposed pervious pavers.
4. Explain how oil drippings and other vehicular containments will impact the pervious pavers and water percolation in the parking area.
5. Provide information regarding how the hydrostatic pressure that will be created on the rear retaining wall will be handled.
6. Provide details on the turning radii into each of the garaged parking spaces.
7. Ensure that Fire Department or other emergency vehicle access will not be an issue at the site.
8. Please formalize a trash removal plan for the site.
9. Provide further details regarding the proposed exterior lighting and fencing for the project.
10. Explain in greater detail how visitor parking will be addressed at the site and how visitor parking spaces will be designated.
11. Please explain how the parking area will be striped.
12. Provide information as to what language will be included in the condominium documents as it relates to site maintenance and an operational plan for the property.
13. Please take another look at the number of units being proposed at the site and if a lesser number of units might make more sense.
14. Provide more information regarding snow removal at the site.
15. Please address the relationship between the exit driveway and the pedestrian walkway down to the adjacent natural foods store.
16. Please take another look at the required secondary means of egress from each of the units and where these exits will be located.

17. Please work with National Grid to determine if a transformer is going to be needed for the project and if so, where will this transformer need to be located.
18. Enhance and formalize the proposed landscaping at the front of the building along Green Street.
19. Please address how the affordable housing component of the project will be handled; through a unit on the site or through some type of payment. If a payment will be used, please explain how this payment will be calculated.

Mr. Cassavoy MADE a MOTION to continue the hearing to the Board's next meeting on Monday, January 28, 2013. Mr. Sadowski SECONDED the MOTION. All members voted in favor. None opposed.

Documents: Site Plan Review & Affordable Housing Special Permit Case # 12-004
Elevations, Floor Plans, and Engineering Drawings (OPCD date stamp of January 10, 2013)
Stormwater Management and Infrastructure Report (November 8, 2012)

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. The project team returned before the Board with updated site plans, elevations, and drainage calculations since the last Planning Board meeting. Mr. Salvo began by discussing the test pits that were dug out at the site since the last time the project was discussed before the Board. In all three test pit locations there were no signs of ledge. Most of the material that was unearthed in the test pits was a coarse to medium sand and some rock material but none larger than a softball. All of the test pit locations appeared to have good drainage material in them and since no ledge was found, only traditional excavation methods will be necessary to construct the project. The new retaining wall that will be created in the northwest portion of the site will match the existing retaining wall of the abutter in that area. Rain gardens will be implemented at the front of the property along Sylvan Street. Additionally, the Applicant updated their drainage calculations for the site and redesigned the drainage system to connect into the municipal drainage system. Mr. Duchesneau indicated that the City Engineer's Office has reviewed these updated plans and is now comfortable with the drainage proposal for the project.

Mr. Kenworthy described the most updated elevations for the proposed building. On the front façade of the building they decided to flip the garage doors and person-doors and pushed the garage doors inward a bit. The siding on the proposed structure would be a Hardie Board material with windows in a two over one style. Ms. Morelli asked what color the Applicant was proposing for the exterior of the building and Mr. Ingemi indicated they would like to use the green color shown in the perspective drawings.

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

Bob Grover, a neighbor to the project, stated that he preferred the updated drainage design for the project. He also indicated that he would like to see the minimum width of the drainage swale be four feet and that the slope in the swale should be a minimum of six inches in pitch. Lastly, Mr. Grover indicated that he would like to see the invert on the pipe listed on the plans for the project.

Yat-Cheong Yip of 40 Sylvan Street wanted to make sure that there would be no dumpster for this project (which was correct) and wanted more information about how snow removal and visitor parking would function at the site. Mr. Yip indicated that when events are being held at the park across the street, parking becomes very difficult in the Sylvan Street neighborhood.

Mr. Kenworthy stated the snow plows would have to not push snow towards the fence up against the abutting property lines. He also noted that some of the residents of these units may only have one car as the units are relatively close to the Oak Grove MBTA Station and there are additional parking spaces at the front of the site. However, Mr. Kenworthy did note that when events are held across the street at the park, parking in the area will become an issue.

Mr. Yip then stated that he thought the proposed building as shown in the elevation drawings was too tall and did not fit into the context of the streetscape. He also thought that the building appeared to be higher than what is permitted in the zoning district. Mr. Kenworthy responded by saying that they have already lowered the height of the building from a previous rendition and if they were to lower the roof any further it would make the top story of the building virtually uninhabitable. Mr. Cassavoy pointed out to the Applicant that he would need a Variance from the Board of Appeals to occupy the third floor of the building and Mr. Kenworthy indicated he was aware of this. Mr. Cassidy and Mr. Welch both indicated that they were much happier with the latest rendition of the project.

Mr. Mercado asked the Applicant if there would be enough room on the left side of the property for the abutter to maintain his vegetation with the fence and the retaining wall on that side of the property. Mr. Kenworthy indicated that the existing vegetation is over far enough onto the abutter's property and the proposed location of the fencing and wall would leave enough room to maintain the shrubbery. Mr. Cassavoy indicated that he would like to have a post approval Design Review Subcommittee meeting to finalize some of the colors and materials for the project. Ms. Morelli then indicated that she would like to continue this case to the next Planning Board meeting.

Mr. DeSouza-Ward MADE a MOTION to continue the hearing to the Board's next meeting on Monday, January 28, 2013. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None opposed.

Documents: Slope Protection Special Permit & Site Plan Review Special Permit Case # 12-003
Elevations, Floor Plans, and Engineering Drawings (OPCD date stamp of January 10, 2013)
Stormwater Management and Infrastructure Report (December 28, 2012)

OTHER

105 Penny Road (Patriot Way) Definitive Subdivision Plan

Ms. Gaffey indicated that the property owner, Arthur Giangrande and his partner Paul Zanotti, were required to return before the Planning Board as part of Condition # 10 in the subdivision approval back in September of 2004 to seek approval from the Board for the proposed finished topography of the rear two lots at 105 Penny Road (Patriot Way). This approval from the Planning Board was required before the Applicant could apply for Building Permits for the project. The proposal was originally approved as a three lot subdivision but the Applicant came back before the Board after the original approval and received approval to make the project a four lot subdivision. The Applicant indicated he was proposing to use boulder walls consisting of boulders from the project site to help create the necessary grading at the property. The proposed topography as indicated in the plans was the only design scenario in which blasting could be avoided at the property. Mr. Cassavoy indicated he did not have a problem with the proposed topography for the rear two lots.

Mr. DeSouza-Ward MADE a MOTION to approve the plans for Lot A as shown with the proposed terracing and retaining walls. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None opposed.

Documents: Site Plan (dated June 10, 2010) and Site Sections (dated December 5, 2012) for Lot A
Patriot Way

Meeting adjourned at 10:55 PM.