

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, May 20, 2019
7:45 PM
Cassidy Conference Room, City Hall, 562 Main Street**

PRESENT: Mike Cassavoy, Anne DeSouza-Ward, Paul King, Carla Morelli, Sharon Petrillo, John Sadowski, Greg Sampson & Jack Welch

ABSENT: Robert Mercado

STAFF PRESENT: Denise Gaffey, Director, Emma Schnur, Senior Planner & Lori Massa, Planning Coordinator

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

APPROVAL OF MINUTES

Planning Board Regular Meeting April 22, 2019

Mr. Sadowski MADE a MOTION to approve the regular meeting minutes from April 22, 2019. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

ASSENT CALENDAR

Case 19-012, 159 Laurel Street, Jonathan & Judith Rick (Board of Appeals Public Hearing, June 12, 2019)

Documents: ZBA Application, Case 19-012

Case 19-014, 45 Warren Street, Steven Myers (Board of Appeals Public Hearing, June 26, 2019)

Documents: ZBA Application, Case 19-014

Case 19-016, 647 Main Street, Austin Frakt (Board of Appeals Public Hearing, June 26, 2019)

Documents: ZBA Application, Case 19-016

Mr. Sampson MADE a MOTION to send the Board of Appeals a letter for each of these cases stating that the Planning Board does not object to the application and believes the case involves judgments that can best be determined by the Board of Appeals based on the application materials and the information provided by the applicant and abutters at the public hearing. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS

Case 19-011, 39 Altamont Avenue, Janine Venuti (Board of Appeals Public Hearing, June 12, 2019)

Owner, Janine Venuti, appeared to explain the proposal. She said that the house is a small cape and she would like to add living space, have a garage and fix the existing stairs. She would finish the second floor of the addition at some point in the future.

A member said that he is not excited about the architecture but understands the cost consideration. He said that the width of the garage could be reduced to be more conforming to the required setbacks. The plans show four feet on the side of the garage next to the parking and only two to three feet are needed for the swing of the door.

Another member asked about the proposed siding for the addition. Ms. Venuti said that the front and side of the existing house will be re clad so that the siding on the house and addition will match and the Board appreciated this effort. Some members suggested using a long lasting material such as a cementitious siding or solid vinyl instead of the typical vinyl and Ms. Venuti was open to consider this recommendation.

Because of the odd shape of the lot and the location of the existing house, the Board understood the logic behind the location of the proposed addition and the request for it to be encroaching in the side and front yards. On the other hand, the addition would be creating new nonconformities and it appears that it could be reduced in size and still fit a two car garage. Therefore, they encouraged the Applicant to consider reducing the size of the addition to come closer to the required setbacks.

Mr. Cassavoy MADE a MOTION to send the Board of Appeals a letter with the comments noted above. Mr. Sampson SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 19-011

Case 19-015, 29 Wheeler Avenue, Jesse Nicholson & Megan Willey (Board of Appeals Public Hearing, June 26, 2019)

Owner, Nicholas Nicholson, appears to explain the proposal. The house is a 1900 nonconforming farmhouse. He bought the house last July with the intention of adding a bathroom upstairs. He has two small children and no bathtub. The family would like to stay in the house. There would be no work done to the foundation. The second floor addition would be cantilevered over the deck. The front steps would be turned to prevent the children from running into the street.

One member pointed out that the deck is setback different distances on the Architectural Plan A-1 and the plot plan. The Board asked that the deck be at the greater setback and that the Applicant update the plans to reflect this distance. The Applicant was amenable to this setback at

the meeting. Members had no objection to the proposed rear deck. They discussed how it will only be approximately one foot off of the ground so maintenance concerns and the visual impact of a structure will be minimal.

They also had no objection to the application for the rear addition. They discussed how the house will only extend back 5.5 feet on the second floor along the nonconforming side yard. When houses are close to property lines the Board usually encourages applicants to have sufficient space to maintain their houses on their own property without the need to access the neighbors' yards. However, in this case since both houses are close to each other and they would need to cooperate to maintain their houses so the setback was not a concern.

Mr. Cassavoy MADE a MOTION to send the Board of Appeals a letter with the comments noted above. Mr. Welsh SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 19-015

Case 19-013, 8 Greenleaf Place, Boghos Properties (Board of Appeals Public Hearing, June 12, 2019)

Attorney Patrick McAvoy, Roy Tiano of Engineering Alliance, and the project architect, appeared to explain the proposal. The Planning Board made the recommendation to the Board of Appeals during their review of the Site Plan Approval and Affordable Housing Special Permit Application.

The Board recommended approval of the variance for the driveway width. They noted that a twenty foot wide driveway has proven sufficient for two-way traffic for small residential developments and the smaller width reduces the amount of impervious surface on the site.

They recommended denying the variance for lot area to allow for 6 residential units on the site. The Board finds no justification to support the grant of a variance in this case. The Applicant should either provide an affordable unit onsite pursuant to section 235-73.1C(1) or build 5 units and make the required contribution to the Affordable Housing Fund.

Mr. Sampson MADE a MOTION to send the Board of Appeals a letter with these recommendations. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 19-013

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case 19-001, 8 Greenleaf Place, Boghos Properties

Attorney Patrick McAvoy, Roy Tiano of Engineering Alliance, and the Project Architect, appeared to explain the proposal. The case is going before the Zoning Board of Appeals for

variances for driveway width and lot area for six units. They are entitled to build five units with a payment to the affordable housing trust fund. Mr. McAvoy mentioned the recent affordable housing zoning amendment and questioned if the old or new rules apply to this case.

Mr. Tiano discussed the utility and stormwater proposal. The driveway will have a 7% grade. There will be a catch basin in the rear that will flow to a culvert chamber system. Twenty percent of the rainwater currently comes towards the front of the site and 80% goes towards the back. There are six inch sewer and water lines in the street. The ground coverage will be 30%. A member asked if the stormwater will be treated. It will not but grit will be collected at the catch basin. They have not done test pits yet to know what the drainage will be like. A board member pointed out that the playing fields nearby have puddles when it rains. Mr. Tiano said that this site is ten feet higher in elevation than the fields.

The Architect discussed uses in the immediate area. He explained the proposed setbacks and how the mansard roof that actually tips back into the third floor reduces the height of the building compared to a flat roof. The wrap around porch brings down the scale of the building and hides the parking below the building. The original design was changed to have less aggressive trim work and a porch. The materials proposed are architectural shingles, cementitious panels, and Juliette balconies that allow the windows to go to the floor. The condensers will be on the roof. The building will be slightly taller than the existing building and shorter than the building to the right. The height limit is fifty feet in this district. There is a five foot turnout for the parking spaces at the far end of the parking lot so cars will not be backing out onto the street. The retaining wall is labeled as being masonry but it will be a modular system like Versa-Lok.

John Savarino of 2 Greenleaf Place, Ann Jackman of 1 Greenleaf Place, Peter Morgan of 11 Sargent Street and Tim Daye of 9 Greenleaf Place appeared to speak. Mr. Dave read a letter that his wife Pam wrote. They had the following comments, questions and concerns. If a comment was mentioned more than once the number of times is in parenthesis.

- The cars parked at the back of the lot could roll forward onto the abutting property, which is lower in elevation.
- Better screening to protect adjacent properties is needed.
- The site's drainage needs to be taken into consideration.
- This is a busy street with the playing fields at the end and they cannot imagine nine more cars on it (2).
- The street is not in good shape and it is a private way (2). They should designate where the public street starts. The street needs granite curbing and durable materials.
- There is a lot of foot traffic and no sidewalks (2).
- Most families have two cars.
- It is a lovely building but it will change the nature of the street.
- There are one- and two-family houses on the street.
- Being near the flood zone is a concern.
- Will the units be condominiums with condominium rules?
- One person did not want visitors parking in front of his house.
- The building will block the view of Greenleaf Park.
- Native plant species should be considered.

- Secure bicycle storage is needed.
- The old nursing home appears to be used as an AirBnB and this property should not be used in this way.
- Will snow be removed from the site?
- Will the building cast shadows on the park?
- Four units with one affordable unit would be acceptable.
- The property needs to be maintained now.

The Board asked for staff to seek clarification on if the old or new affordable housing rules apply to this application. Mr. Cassavory MADE a MOTION to continue the case to the June 17, 2019 meeting at 7:45 PM. Mr. Sampson SECONDED the MOTION. All members present voted in favor except for Mr. Sadowski who opposed the continuance because he cannot attend the June 17, 2019 meeting.

Documents: Site Plan Approval and Affordable Housing Special Permit Application, Case 19-001

Mr. Welch left the meeting.

MARIJUANA ESTABLISHMENT SPECIAL PERMIT

Case 19-002, 732 Newburyport Turnpike, Garden Remedies (public hearing)

Attorney Charles Gill, Architect Joseph Nevin, Traffic Engineer and Garden Remedies (GRI) representatives appeared at the hearing to explain the proposal. Mr. Gill said that the business has been operating as a registered marijuana dispensary (RMD) since November of 2018 without issues or complaints. They expected 100 to 150 patients per day but have received 40 to 60 patients. The parking has been ample. The proposal to co-located a marijuana retailer with the RMD does not include any construction. The only change to the interior is that there will be one point of sale station that will be for medical patients only. There is a 20% tax on the recreational marijuana and they have the technology to differentiate between the types of sale. They have a state of the art security system and are looking into a direct line with the Melrose Police Station.

The Traffic Engineer from Tighe&Bond explained the traffic and parking impacts. More customers are expected than they currently have. The current peak parking demand for the RMD use on weekends and weekdays is about nine or ten vehicles, less than half of the available parking supply. There is a commitment from the landlord for use of twelve additional parking spaces in the D&R parking lot if they are needed for one month. After that time they will evaluate the parking demand and determine if more parking is needed on a permanent basis. He said that he uses national statistics to determine the parking demand for a new use as well as local colocation businesses that have opened. The peak times at the other marijuana retailers are around ten o'clock in the morning and two-thirty in the afternoon, which are not the peak travel times on the road. A board member said that the peak time, with the proximity to Route 1 may be different here and they need to be prepared. GRI has a real time indicator on their website so that customers can check the wait time before coming into the store. The staff person checking

customers in and out updates the website frequently. The Traffic Engineer said that the number of parking spaces provided (24 permanent spaces with an additional 12 spaces available on an as-needed basis) will be adequate even at peak times. The GRI facility in Newton only has street parking available, though its location is more accessible via public transportation.

Site-generated traffic, both before and after adding the adult-use services, represents a small percentage of the roadway traffic on Route 99 and Route 1. This added traffic would not be noticeable to the average driver on area roadways.

The Planning Board members asked questions to further understand what changes are expected with the colocation of a marijuana retailer at the existing RMD. One member asked what products will be sold. The products will be the same as what they currently sell for medical purposes. They make almost all of the products themselves. There is no shopping around the store – everything is behind the counter. Education is part of GRI's mission and first time customers may be in the store longer to learn about the products. Other customers will order ahead of time and have an express pickup. The shopping times will balance each other out.

GRI is willing to consider appointments, especially during peak hours, if it is needed. They have QLess, a line-creating and schedule management software already setup that they can use if required. QLess gives customers the ability to text GRI as soon as an hour before opening to get their place in line. The app will then provide them with an approximate time of day to arrive at the dispensary. A member suggested removing the timeframe in the proposed condition requiring appointment-based operations to allow for more flexibility based on demand.

Members of the Planning Board inquired about security at the facility. A GRI representative explained that at the Police Chief's request there is a police detail officer every day to make sure that staff get to their cars safely. There was initially a detail officer at the RMD during all hours that it was opened, but after monitoring the operations over the first few months and having discussions with the Police Chief, they were allowed to scale back the hours. Moving forward, GRI will continue to hire detail officers as requested by the Police Chief.

GRI is in the process of establishing an alarm system with a direct connection to the Melrose Police Department because the Police Chief was concerned about call times from this location on the edge of the city. This was discussed during the RMD Special Permit process but was shelved because it was cost-prohibitive at the time, so the Police Chief allowed them to connect their alarms to a central alarm service. Since then, the Police Chief has approached GRI about joining a municipal system that would directly connect to the Police Department. The Police Chief is currently selecting a company to provide this service. Members agreed that establishing this direct connection should be a condition of the decision.

No one from the public spoke during the hearing. Ms. DeSouza-Ward read a letter of support for the GRI application from Alderman Mike Zwirko.

A board member asked if anything in the decision for the RMD would need to be modified in order to collocate the marijuana retailer. The hours of operation were the only potential conflict

that was identified and this is a requirement in the Zoning Ordinance as well as a condition of approval. The hours for the RMD are limited to 8 AM to 8 PM. GRI is currently open from 10:00 AM to 8:00 PM on Monday through Saturday and from 12:00 PM to 6:00 PM on Sunday. GRI requested that the hours of operation associated with the marijuana establishment be extended to 10:00 PM daily in order to have more flexibility around opening and closing times and to spread out the visitors during the evening peak hours. This is somewhat complicated by the fact that the medical sales would have to end at 8 PM, but Planning Board members felt comfortable with having more flexibility for the adult-use sales. Members also asked if a new certificate of occupancy was required for this use. A GRI representative said that they applied for an amended certificate of occupancy and the members discussed changing the timeframe of compliance for conditions to 'amended CO' for clarity.

Mr. Sampson MADE a MOTION to approve the requested waivers of application materials. Mr. King SECONDED the MOTION. All members present voted in favor. None were opposed.

Mr. King MADE a MOTION to approve the Marijuana Establishment Special Permit attaching the condition in the Staff Memorandum as revised by referencing the Police Chief's letter, changing the timeframe of compliance to 'amended CO' in place of 'CO', changing the hours of operation limit to 8 AM to 10 PM, removing the number of months for a potential appointment based operation, and adding a condition about installing a direct connection to the Police Department. Mr. Morelli SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Marijuana Establishment Special Permit Application, Case 19-002

NEXT MEETINGS

The next Regular Meeting is scheduled for Monday, June 17, 2019, at 7:45pm, which is the third Monday of the month.

The meeting adjourned at 9:55 pm.