MELROSE PLANNING BOARD
MEETING MINUTES
Special Meeting
Monday, March 30, 2020
7:45 PM
Remote Meeting

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

ABSENT: None

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

The meeting was called to order at 7:55 PM by Ms. DeSouza-Ward. Attendance was taken by roll call.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Melrose Planning Board was conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the City of Melrose's website, at www.cityofmelrose.org. No in-person attendance of members of the public was permitted, but every effort was be made to ensure that the public can adequately access the proceedings in real time, or in the event that we are unable to do so, we will post on the mmtv3.org website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. A link will also be available on www.cityofmelrose.org.

Meeting access information was found at the following link: www.cityofmelrose.org/remote-meetings .

APPROVAL OF MINUTES

Planning Board Meeting Minutes February 10, March 23, & March 30, 2020

Mr. Welsh MADE a MOTION to vote on all three meeting minutes with one vote. A few members expressed that they were absent for some of the meetings. Members can still vote to acknowledge the minutes. Mr. Sadowski SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

Mr. Sadowksi MADE a MOTION to accept the meeting minutes from February 10, March 23, and March 30, 2020. Mr. King SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS
Board of Appeals Public Hearing on April 15, 2020

Case 20-008, 101 Stratford Road, Amanda Waterman & John Doody
Ms. Waterman explained the proposal. She also said that a power line in the back yard will be relocated to the front of the house because it cannot be within a certain distance of the pool. She would like for the power line to be as far as possible from the pool and that is part of the reason for its proposed location that requires variances.

Board members had varying opinions on the recommendation for the swimming pool setback variances. Some said that the variance setback requests were minor and that they did not object to them. Others felt that if the setbacks met the requirements for a lot that was not a corner lot, they would be acceptable. A member raised a concern about the root disturbance of a tree on the abutter's property to the east if the pool was constructed close to the rear property line.

The Board unanimously did not recommend approval of the fence setback at the intersection. Members said that the visibility at the intersection was critical for drivers of vehicles and also for bicyclists who need clear sight lines before approaching the intersection. There are examples in the city where fences or vegetation are over 3 feet tall at intersections but that is not a reason to create another intersection with visibility obstructions. Additionally, Porter Street is a well-traveled street with fast moving traffic.

Mr. Sadowski MADE a MOTION to request that the Board of Appeals take this into consideration along with the information provided by the applicant and abutters at the public hearing in making a determination on this case. Mr. Mercado SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

Case 20-006, 26 N. Cedar Park, Ky Phan
Mr. Ty Phan joined the meeting. He said that the existing stairs to the half story of the house do not have sufficient head height. He would like for there to be a bathroom on this floor where there are two existing bedrooms. He thought that he could construct full length dormers when he bought the house because the house next door has the same dormers on the house and garage.

The Board explained that they amended the half story regulations recently to clarify the definition of half stories in 2 ½ story structures, allowing some use of a half story above the second floor, but limiting the negative impacts associated with a full third stories that are prohibited. The Board did not support a variance to this regulation that they gave careful consideration to in order to provide a balanced approach to half stories that allows for some living space without substantially altering the appearance and use of the 2 ½ story housing stock. The proposed dormers make the house appear as a flat-roofed, 3 story house. This is not a good practice architecturally or for rainwater runoff. The proposal is trying to fit too much floor area in the half-story. It is unfortunate that the house and garage next to the property have full length dormers. If the additions to those structures had come before the Board, they would not have recommended approval of them.

The Board did not come to a consensus on a recommendation for the variance for the external staircase. Some members saw the stairs as a needed addition to make the existing second-floor unit safer. Also, since the stair would not encroach farther into the setback than the rear portion of the house it would not be creating a new nonconformity. Others noted that the need for a new egress stair was not called out in the Building Commissioner's letter and may not be required. Those members felt that if the stair was required for egress, they were not opposed to it.

Mr. Sadowski MADE a MOTION to request that the Board of Appeals take this into consideration along with the information provided by the applicant and abutters at the public hearing in making a determination on this case. Mr. Sampson SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

<u>Case 20-007, 99 Washington Street, Oak Grove Mill, LLC</u>
Mr. Sampson MADE a MOTION to move this item to after the vote on the Site Plan and Affordable Housing Special Permit for this property. Mr. Mercado SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

After the votes on these approvals, the Board discussed the recommendation to the Zoning Board of Appeals. During the many public hearings that they held, they gave careful consideration to the aspects of the project that require variances including the parking space sizes, locations and access, the treatment of the front yard including the proposed sign location and the number of residential units.

They made the following points. Many of the variances allow for aspects of the project to have a stronger connection with the goals of the Smart Growth District. The need for the variances is due to existing conditions of the buildings and site. The two existing buildings on the site will be renovated and although a great deal of the impervious surface on the site will be removed, much of the existing parking will remain which has nonconforming setbacks. The driveway aisles and parking space widths will be functional. The front yard will be welcoming and the sign in the front yard as proposed will be complementary to its overall image. The number of residential units will add much needed housing in an area near transit. The historic buildings will be restored and a floor added to fit the number of units in a way that will improve the character of the site and streetscape. Transportation demand management practices will be implemented to reduce the traffic congestion from the overall development and the additional units.

Mr. Sampson MADE a MOTION to recommend that the Board of Appeals grant the Variances in order to allow for the redevelopment of the site as proposed. Mr. Sadowski SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

<u>Case 19-006, 99 Washington Street, Oak Grove Mill, LLC Attorney David Lucas</u>

Ms. DeSouza-Ward reviewed the past hearing dates for this case which were January 27, February 10 and February 24, 2020. On March 23, 2020 the Board continued the case to the current hearing.

Attorney David Lucas, and the development team including Christopher Kelly, Insight Partners; Ray Murphy, Eastern Real Estate; Nancy Ludwig, Architect; Brian Jones, Civil Engineer; and Elizabeth Peart, Traffic Engineer; were present remotely for the meeting.

Mr. Kelly stated that the development team responded to all of the outstanding items that were in the City Engineer’s memo regarding the case.

Mr. Welch MADE a MOTION to open the public hearing. Ms. Morelli SECONDED the MOTION. All members by roll-call voted in favor. None were opposed.

Ms. DeSouza-Ward explained that members of the public could use the chat function of the virtual meeting software or email the Planning Director to alert the Board that they would like to speak.

Finn McSweeney of 160 W. Wyoming Avenue wrote to say thank you for the constructive and healthy communication that has occurred through the public hearings for this case. Michael Fera of 56 Converse Lane appreciated the addition of the retail and public gallery spaces and asked about the sizes of the spaces. The Board received two letters prior to the meeting. One was from Julie Fischer of 277 Washington Street who had requests for flashing crosswalk lights, tightening the corner of the Washington Street intersection and installing a continuous sidewalk on the west side of Washington Street. The other letter was from Erin and Lloyd Graves of 72 Washington Street who did not want to see the proposed building blocking sunlight to their home where they have a garden in their front yard. Both of the letters also were supportive of having a mix of uses at the site.

Mr. Sadowski MADE a MOTION to close the public hearing. Mr. Welch SECONDED the MOTION. All members by roll-call voted in favor. None were opposed.

The Board discussed items that members of the public raised. They asked the architect about the concern about shadows on the neighbors’ garden at 72 Washington Street. Ms. Ludwig described the length and direction of the shadow in relation to the garden. The garden is 90 feet due west of the proposed building. As the sun is coming up it would cast a shadow towards this neighbor but the building’s shadow would not reach the garden. Mr. Lucas also mentioned that the height of the building is by-right.

The Board discussed the requested off-site infrastructure improvements and where the developer’s purview ends. Ms. Gaffey explained at a previous hearing and again that the City looked at what it would take to construct a sidewalk on the west side of Washington Street for the stretch where one does not exist. There is ledge there and it would cost approximately $70,000 to construct that segment of sidewalk. It would only serve a few houses and the goal when the sidewalk on the east side was improved was to direct pedestrians across the street because it is a safer to walk on this side. Members felt that the developers were improving the streetscape on their side of the street and they were satisfied with the amount of improvements that the developers were making. The desired sidewalk across the street is beyond a reasonable nexus to the development proposal.

They asked about the sizes of the gallery and retail space. Ms. Ludwig said that the gallery will be 750 square feet and the retail space will be 450 square feet. The spaces could be modified by expanding them farther into the building in the future. The outdoor space also allows for retail to spill out onto it.

The Board reviewed the draft conditions that were prepared by Planning Staff and the Applicant’s requests for changes.

They discussed the request to be able to use the retail space for accessory residential space if they could not find a commercial tenant for the space after a year despite good faith and diligent efforts to secure a tenant with commercially reasonable lease terms. The request was to provide the Office of Planning and Community Development with reasonable documentation of the efforts to be able to change the space into accessory residential space. The development team said that they made efforts to put in retail space because it was desired by the community but with the state of the economy due to the pandemic they do not want to be stuck with an empty space at the entrance to their building. Ms. Petrillo commented that the spaces do not have to be appear empty. There could be public art or something attractive in the windows.

The Planning Board did not accept the requested change to the condition, except for allowing the designated commercial and community spaces to be interchanged. The large majority of the discussion about the case from the public and the members was the desire for commercial and/or gathering space and the members felt that if these elements were removed from the plan they should be able to discuss and consider the change in a public meeting. Not doing this would be a disservice to the public. It would not be difficult to get a letter from a real estate broker that says that they made good faith efforts to get a commercial tenant. They would want to review the rent sought for the space and the number of parking spaces offered. Since the economy is cyclical the Board would also be able to evaluate the situation when the request to change the condition came to them.

Ms. DeSouza-Ward brought up that the uses requested as alternatives if the commercial space was not viable may not be desirable in this prime location in the building. Mr. Lucas requested that the space could be amenity or accessory space for the residential units of the building, including but not limited to fitness area, storage, or property management office space. Ms. Morelli reminded the Board that the plan had included these uses and they were changed to make space for the requested commercial and community spaces. These uses would be discussed further in the future if the Applicants came back to the Board if they were not able to secure a commercial tenant.

The Applicants agreed to the condition that they would come back to request a change to the Site Plan Approval condition if needed as a minor modification at a public meeting of the Planning Board. Mr. Murphy said that they will try their best to get a tenant for the space before the residential units are occupied.

The Board also discussed if they should designate a certain number of parking spaces in the front parking lot for the commercial space. If the commercial space was not filled quickly, the parking spaces may be used by the resident units which would make it more difficult in the future to secure a commercial tenant if there was no parking left. Mr. Kelly said that there will be approximately 10 parking spaces in the front parking lot for the commercial tenant. They want to have flexibility with assigning the spaces depending on the tenant. A member asked why the electric vehicle charging station parking spaces were located next to the commercial entrance. This prime parking location would be an incentive for people to own electric vehicles and the spaces are next to the transformer. The disadvantages of having the spaces here are that they would be more convenient for customers of a retail space and the Board members' request was for the front lot to be visitor, drop-off and retail parking, not long-term residential parking. Vehicles would be parking for long stretches at the charging stations. Members debated adding a condition about the number of commercial spaces required or stating that the spaces could not be used for long term residential parking. They ultimately decided to let the parking space management be flexible. If a commercial tenant is not secured, the Planning Board would evaluate the parking spaces offered to commercial tenants before approving the commercial space to be turned over to accessory residential space.

The Board discussed condition 15 and Councilor Rob Stewart's comments at a prior meeting about neighborhood complaints about cut-through traffic. The condition specifies that construction vehicles should use main roads and not residential streets whenever possible. Ms. Gaffey explained that there are preconstruction meetings that includes representatives from several city departments for all sizable projects and the construction vehicle route is determined at the meeting. Councilor Stewart's comments may have been more about residential traffic but limiting construction vehicle traffic will help with the overall concern.

Mr. Mercado recommended adding 'site improvements' to the condition regarding the Design Review Subcommittee's list of items to review. The Board ultimately decided not to add this term because most of the site elements were detailed on the plans and the Board would need to approve any changes to the plans.

The Board made the following changes to the conditions:

- #2 - add signage to the list of items that the Design Review Subcommittee will review
- #12 – the Chief of Police modified the required surveillance equipment
- #15 – specify that construction vehicles cannot idle
- #23 – the breakdown of affordable units was corrected. There will be 2 studios, 10 one-bedrooms, and 7 two-bedrooms.
- #27 – no change; however, it was clarified that the word "initially" was included in the condition because that is how the applicant presented the trash and recycling pickup plan. The schedule was acceptable to the members.
- #30 – The revised language from the Applicant was acceptable to the members. Best faith efforts to provide a bike share program and Zipcar parking spaces with documentation to OPCD is adequate considering all of the transportation demand management practices

that will be implemented at the site. Also, it is not practical to require companies that offer these services to location here if they find that the location is not practical.

- #31 – Allow for the ability to switch the commercial and community spaces as proposed by the Applicant; however, end the modified condition after the portion about despite good faith and diligent efforts to secure a tenant…, with the applicant/owner "may return to the Planning Board to modify the condition". Add adequate parking with the reasonable lease term reference.

Mr. Mercado MADE a MOTION to conditionally approve the Site Plan with the conditions as amended during the public hearing. Mr. Sadowski SECONDED the MOTION. All members by roll-call voted in favor, except for Mr. Cassavoy and Mr. Sampson who abstained from voting due to their absent at a prior hearing. None were opposed.

Mr. Mercado MADE a MOTION to conditionally approve the Affordable Housing Special Permit. Mr. Welch SECONDED the MOTION. All members by roll-call voted in favor, except for Mr. Cassavoy and Mr. Sampson who abstained from voting due to their absent at a prior hearing. None were opposed.

Mr. Lucas asked the Board to make a specific finding for a section of the Smart Growth District in the Melrose Zoning Ordinance to make clear to the Board of Appeals or others that the parking requirements for the development are met. The section is 71.1.F.4 which permits the Planning Board to allow shared or reduced parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Mr. Welch MADE a MOTION to confirm that the Planning Board has affirmatively allowed for shared and reduced parking as allowed in Section 71.1.F.4 of the Melrose Zoning Ordinance. Ms. Morelli SECONDED the MOTION. All members by roll-call voted in favor, except for Mr. Cassavoy and Mr. Sampson who abstained from voting due to their absent at a prior hearing. None were opposed.

OTHER BUSINESS

Design Review Subcommittee Update

Members of the Design Review Subcommittee visited the material mockup of the brick and mortar colors at 530 Main Street. The consensus was to use the sioux city red brick, which is a traditional brick, and the darker mortar color. They all chose the more monochrome look for the building.

The Subcommittee asked for the applicant to bring back plans for the outstanding items to them over a year ago and now the building is nearing completion. They would like to meet one more time to wrap-up the final details of the development.

Postponing Annual Meeting

Members decided to move the annual meeting when the votes for chair, clerk, and subcommittee chairs are taken to a future meeting when they can meet in person or virtually when there are less items on the agenda.

NEXT MEETING

The Planning Board Special Meeting & Public Hearing on Monday, April 13, 2020, at 7:45pm for 0 Swains Pond Avenue may be moved to a future date.

The next regular meeting is scheduled for April 27, 2020 at 7:45pm.

The meeting adjourned at 10:55 pm.