MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, December 21, 2020
7:30 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 Battaglia, Senior Planner & Lori Massa, Planning Coordinator

The meeting was called to order at 7:35 PM by Ms. DeSouza-Ward.

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 limitations 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. Meeting access 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 was found on the City of Melrose's website, at www.cityofmelrose.org/remote-meetings. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings in real time. An audio or video recording, transcript, or other comprehensive record of proceedings was posted on the mmtv3.org website as soon as possible after the meeting. A link was also available on www.cityofmelrose.org.

APPROVAL OF MINUTES

Planning Board Regular Meeting, November 23, 2020
Mr. Cassavoy made a motion to approve the meeting minutes with the following amendments: page 3, minor edits to bullets 7, 9 and 10. Mr. Mercado seconded the motion. All members by roll call voted in favor, except for Mr. Sadowski who was not yet present. None were opposed.

Design Review Subcommittee Meeting, December 3, 2020
Mr. Cassavoy made a motion to approve the meeting minutes. Mr. Mercado seconded the motion. All members by roll call voted in favor, except for Mr. Sadowski who was not yet present. None were opposed.

SITE PLAN REVIEW

Case 20-002, 138 Main Street, Metro Credit Union

Attorney Tolley requested to continue the case to a February meeting because the Zoning Board of Appeals is still deliberating on the case. Mr. Welch made a motion to continue the case to February 22, 2021. Ms. Morelli seconded the motion. All members by roll call voted in favor, except for Mr. Sadowski who was not yet present. None were opposed.

OTHER

Case 19-001, 732 Newburyport Turnpike, Garden Remedies, Inc. – Request to Modify Signage

Attorney Charles Gill, Jeffrey Harold, Garden Remedies Facilities Manager, and Tony Bennoit, signage contractor, appeared to present changes to the signage for Garden Remedies to represent their new brand. Garden Remedies wanted to advertise their product and not cause confusion as some people think they sell plants. The Planning Board approved the existing signs when they granted a Special Permit for the establishment of the business. The state regulations have loosened up to allow more than just the registered name on cannabis business' signage. The state law supersedes our local regulation that restricts signage for these establishments that matched the now outdated Cannabis Control Commission (CCC) guidance. The City Solicitor agrees with this finding. Now signage cannot be more limiting than what is allowed for businesses selling alcohol. Melrose does not have special regulations for alcohol establishments and therefore cannot have special regulations for cannabis establishments. The CCC already approved the new sign.

The signage meets the dimensional standards and does not require a variance. The Design Review Subcommittee could have reviewed and approved the signs but the timing worked out for the full board to review them. Members asked about the design and size. The corporate brand could be larger but Mr. Harold said that this is the same design as they have in other locations and they think it works. The size of the freestanding sign is a little smaller than the existing. The lighting will still be ground mounted. There will be a new fascia on the existing base.

Mr. Sampson made a motion that the signage proposed is a minor change from what was previously approved and no further review is necessary. Mr. King seconded the motion. By roll call all voted in favor. None were opposed.

Documents: Existing Conditions Images dated May 20, 2019
New Design Concept Renderings dated September 3, 2020
Letter dated September 18, 2020 from Attorney Charles Gill
Images submitted of cannabis establishment signage
MGL – Part 1, Title XV, c94G, s3. Regulations of the Use and Distribution of Marijuana Not Medically Prescribed
935 CMR: Cannabis CC 500.105(4)

Swains Pond Avenue Modified Subdivision Plan, 0 Swains Pond Avenue Realty Trust – Request to Modify Blasting Hours

Sean Szekely requested to modify the condition of approval that limited the hours of blasting in the construction of the subdivision from 7am to 3pm. He requested that the time be moved to 9am to 4pm. This is one hour less per day and one hour later. Mr. Szekely surveyed the neighbors and all were accepting of the change.

Mr. Sampson made a motion to accept the revised blasting hours as requested as a minor change that does not need further review. Mr. Welch seconded the motion. By roll call all members voted in favor. None were opposed.

Documents: Written request of change dated December 4, 2020
List of abutters consulted dated December 18, 2020

RECOMMENDATIONS TO THE BOARD OF APPEALS
Board of Appeals Public Hearing on January 13 & 27, 2021

Case 20-029, 927 Franklin Street, Christopher T. Natale
The Planning Board found that the circumstances around this proposal made it acceptable as the second dwelling unit on the lot would function like an accessory dwelling unit. The unit would be in an existing accessory structure that would be altered but the structure's footprint would not increase in size and its appearance would be that of a carriage house. They discussed if the unit should be restricted to only allow family members to live in it, but ultimately did not recommend adding this restriction. They found that the lot should not be subdivided in the future to create a separate lot for the second unit. The lot frontage would be inadequate and the site could not adequately accommodate yard and parking spaces if the property was divided.

The Board is often concerned when a structure is proposed so close to a property line that there is limited ability to maintain the structure on the lot. Relying on the abutter's land to maintain the structure is not ideal. In this situation the structure is existing so it is less of a concern but it is still an issue for the applicant to consider. Also, with the small side yard the architect should confirm that the door in the southeastern side of the garage meets building code to be an egress door.

They discussed how the dormer in the rear is quite large. They were sympathetic to the small size of the proposed unit and the need for a dormer but a different design would be preferable.

Mr. Sadowski made a motion to send the Board of Appeals a letter with these comments. Mr. Cassavoy seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-029

Case 20-030, 8 Crystal Street, Trinity Properties LLC
The Board was generally supportive of the variance requests; however, they recommended approving the Special Permit for six parking spaces as this number should be sufficient for this location. Reducing the number of parking spaces to six would also remove the variance needed for the deficient parking space, which does not appear to be functional, and would provide more pervious surface and outdoor space for the residents.

To give the applicant advanced notice, during Site Plan Review of this project they mentioned that they will be requesting to see an alternative dormer designs that reduces their massing to better respect the unique structure. They will want to review the stormwater plans to adequately address runoff and management as the site abuts Ell Pond. The proposal will also need Conservation Commission approval.

They also wanted to point out that the variance for driveway width may not be necessary as the driveway is not on the subject property. The parking area is accessible from Main Street via an easement over the abutting property.

Mr. Sampson made a motion to send the Board of Appeals a letter with these comments. Mr. Sadowski seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-030

Case 20-031, 47 Orient Avenue, Thomas & Elizabeth Hanover
The Planning Board had no objection to this application.

Mr. Sampson made a motion to send the Board of Appeals a letter with these comments. Ms. Morelli seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-031

Case 20-032, Blueberry Hill Lane, Forest Street, LLC
The Board recommended supporting the Building Commissioner's decision that a 6-foot fence, as opposed to a 4-foot fence, is required along the western property line at the top of the ledge cut. This decision is consistent with the fence height documented on the subdivision plans and original site plan and in the Design Review Subcommittee's minutes for the project.

Mr. Sampson made a motion to send the Board of Appeals a letter with these comments. Mr. Sadowski seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-032

NEXT MEETING

The next regular meeting is scheduled for Monday, January 25, 2021 at 7:30pm.

The meeting adjourned at 9:10 pm.