

**MELROSE PLANNING BOARD
MEETING MINUTES**

**Regular Meeting
Monday, April 27, 2015
7:45 PM**

Mayor's Conference Room, Second Floor, City Hall, 562 Main Street

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

ABSENT: none

Denise Gaffey, Director and City Planner, Erin Zwirko, Assistant Planning Director, and Jessica Mitchell, Planning Coordinator, were present.

The meeting was called to order at 7:50 PM by Ms. Morelli.

MINUTES

Planning Board Annual Meeting, March 23, 2015

Mr. Mercado MADE a MOTION to accept the minutes of March 23, 2015. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

Site Visit to 53 Dexter Road, March 16, 2015

Mr. Mercado MADE a MOTION to accept the minutes of March 16, 2015. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

BOARD OF APPEALS

Case 15-003, 68 Walton Park, Mathew and Sara Desmond (May 13, 2015)

Mr. Mathew Desmond presented his plans. He purchased the property 15 months ago. They would like to enclose a portion of the covered three season porch in order to expand the kitchen. They would make no changes to the footprint of the building. The porch is currently a wraparound style. It borders the side of the house and continues in the rear. They would like to enclose the two thirds of the side portion of the porch only and leave the rear portion of the porch as an enclosed screened-in porch. There is a door from the kitchen to the rear of the porch and another door from the rear of the porch to the yard. This would all remain unchanged. The porch is 8-FT from the lot line on the side of the house, which is the area they would like to enclose. This does not comply with the required side setback in this district. He is seeking a variance from the side setback requirement.

Mr. Sadowski asked if they would extend any further into the side yard. Mr. Desmond replied no. Mr. Sadowski recommended that the Planning Board send the standard letter.

Ms. DeSouza-Ward said that she had no objection.

Mr. Mercado asked if Mr. Desmond had spoken to his neighbors. Mr. Desmond replied that he had spoken to some people that have been walking past and have not heard any objections.

Mr. Sadowski emphasized that no further extension into the side yard would be made.

Ms. Sadowski MADE a MOTION to send a standard letter to the Board of Appeals stating no objection to the petition. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 15-003

Case 15-004, 6 Hunts Terrace, H.B. Development Corp (May 13, 2015)

Ms. Judith Clark, attorney for H.B. Development Corporation, presented the plans. She asked the Planning Board if she should address both this case and the next case, 15-005 for 17 Forest Street, as they are related cases. They both pertain to a lot that contains one map and parcel number and two single-family houses and is the subject of two ZBA applications. The Planning Board agreed that it made sense to address both cases together. Ms. Clark continued with her presentation.

Mr. David Barrett, President of HB Development, was also present to answer questions.

Ms. Clark said that they had previously asked for an ANR to subdivide the lot, but that an ANR requires that both structures existed in 1917. According to the Assessor's office, the house on Forest Street was built around 1920. The existing property is non-conforming as it contains two structures and principal uses. It is also a corner lot, requiring that lot setback requirements are met for two front yards and two rear yards, which are more stringent than the requirements for side yards. They would like to divide the lots into two small lots, which would be comparable to other lots in the neighborhood. There are nonconformities associated with the rear lot at 6 Hunts Terrace. By demolishing the existing structure and constructing a new single-family structure that complies with all of the setback requirements, a number of pre-existing nonconformities would be eliminated.

Ms. DeSouza-Ward said that she is sensitive to the fact that it is a single lot with two houses existing, but that she looked at the site and the lots are so small and so tightly squeezed in that it's hard to recommend this from a planning perspective. In addition, each property would require a lot of variances for a total of eleven.

Mr. Cassidy said that this case would need to get the variance approvals from the ZBA first, but then they would need to return to the Planning Board to get approval for the subdivision.

Ms. DeSouza-Ward added that right now, the Planning Board would be giving an advisory opinion to the ZBA on the variance application and that the ZBA is the decision making Board for that decision.

Ms. Petrillo asked if the two houses were both built with building permits and when they were built. Ms. Clark said that no one knows about the permit issue. She has been unable to confirm definitively when the structures were built, but that 6 Hunts Terrace seems to have been built around 1914 and predates subdivision requirements. Forest Street appears to have been built around 1920.

Mr. Barrett said that he has completely renovated the house on Forest Street in the front of the property. He would like to tear down the rear house as it sits 2-FT from the lot line and is in very bad shape. He would like to replace it with a new house that would meet setback requirements and be more conforming.

Ms. Petrillo commented that the lot was extremely tight, more so than the other lots in the neighborhood. She asked Mr. Barrett if he had received any input from his neighbors.

Mr. Barrett said that several people have commented that they'd like to see the rear house removed and have complimented the work that he has done to the front house.

Ms. DeSouza-Ward asked if the new house would be taller. Mr. Barrett responded that it would comply with all of the setback and height restrictions in the Zoning Ordinance. The parking would be in the front.

Mr. Cassidy commented that the lot and placement of the houses was extremely tight.

Mr. Welch asked if the two buildings had all separate utilities. Ms. Clark replied that they are two completely separate and complete houses held in common ownership. It is hard to say what the original intention was.

Mr. Sadowski said that he was struggling over the amount of frontage provided and that it was half of what was required. He said that looking at the proposal on paper with the dimensions and the number of variances; it is a hard proposal to support. He said that he can see the practicality of improving the current situation by improving the appearance of the structure and eliminating non-conformities. He asked about the installation of pervious materials to help mitigate some issues with open space.

Mr. Welch asked when the property was last occupied. Mr. Barrett responded that a large family shared the houses until just before he purchased the property. The property was sold as an estate.

Mr. Welch asked about the tax bills on the property and if two separate people were paying taxes. Their was some discussion between Mr. Barrett and Ms. Clark and the Board about this issue and in the end, Ms. Clark said that she could not be certain of the answer to this question.

Mr. Welch asked if Mr. Barrett could renovate the older house on the property. Ms. Clark replied that he would be allowed to do that as it is pre-existing non-conforming.

Mr. Cassavoy said that the other lots in the neighborhood were substantially larger. He is not sure that the Planning Board could recommend this proposal.

Mr. Mercado asked about the square footage of the new house. Mr. Barrett confirmed the square footage and said that it was a 3 bedroom house that had been custom designed to fit on the lot.

Mr. Cassidy said that it was a very small lot. He's not as concerned about the frontage issues as it is close to the others in the neighborhood. The house seems reasonable in proportion. He wondered if creating a second housing unit attached to the first house and creating a townhouse or duplex multi-family would be a better approach to a lot that size. He also said that he prefers a tandem parking arrangement with a driveway along the west side of the house rather than the look of the double wide driveway in the front of the house. He thinks this look degrades the neighborhood.

Mr. Barrett responded that he thought creating two brand new single family homes in an affordable price range was a benefit to the community. He would rather do this than to create condominium units.

Ms. DeSouza-Ward didn't think the size of the lot is large enough for two houses.

Mr. Sadowski said that if one of the properties has already been renovated, then the solution presented makes the most sense.

Ms. Morelli proposed that the standard letter should be sent that balanced the comments given on both sides of the arguments.

Ms. DeSouza-Ward said that she thought that the majority of the Planning Board needed to agree with the comments in the letter.

Mr. Sadowski asked about the process for the applicant to complete the subdivision. He asked if the applicant would be required to return to the Planning Board for approval on the subdivision. Ms. Gaffey responded that they would need to get approval for the subdivision and that the frontage requirement would need to be waived.

Mr. Cassidy said he thinks the lot is too small and there are better options that could be explored. He doesn't think he can support this proposal.

Ms. DeSouza-Ward said she did not think she could recommend granting the variances.

Mr. Cassidy commented that the ZBA would decide on the variances.

Mr. Sadowski asked the question if the Planning Board would approve the subdivision if the applicant got approval from the ZBA. He said it was a lot of variances. He also prefers tandem parking suggested by Mr. Cassidy. Finally, he is also concerned about the amount of impervious surface and said that if pervious pavers were used, they would need to be properly maintained in order gain any benefit.

Ms. Petrillo was concerned about setting precedence in the neighborhood and creating additional applications to subdivide some of the other much larger parcels in the neighborhood.

Mr. Mercado said that this would be an improvement over the way that it is now. The existing property is in very bad shape. He also said that the applicant can't get the value of the property if the rear house were simply demolished and converted to backyard.

Mr. Cassidy said that he was concerned about the lot size, but that he thought the point of the minimum lot size in the Zoning Ordinance was to control the density. In this case, the density already existed.

Mr. King thinks that moving the house up to the front of the property fits better on the lot, but that it would be tightly wedged in-between the two other houses. He is not as worried about precedent or density as there is an existing building there.

Mr. Welch said that the applicant could renovate the existing house and create two condominiums, but that he thought it was a better solution to subdivide the two properties.

Mr. Barrett said he wouldn't have a problem with tandem parking.

Mr. Sadowski said that it seemed the Planning Board was divided and he wondered if they should send a neutral letter that stated the concerns that were brought up by the Planning Board. Ms. DeSouza-Ward said that she thought the majority of the Planning Board needed to agree.

The Planning Board decided to take a straw poll on whether they supported the applicant's proposal for variances or not. Ms. DeSouza-Ward, Mr. Cassavoy, and Ms. Petrillo voted no. Mr. Welch, Mr. Mercado, Mr. Cassidy and Mr. King voted yes. Mr. Sadowski noted that he prefers a letter that emphasizes the concerns of the Board. Ms. Morelli said that she prefers to send a letter that details the concerns of the

Planning Board that would list the issues and views stated and that said the members of the Planning Board were not in agreement on all of the issues. She asked Ms. DeSouza-Ward if she would like to review the draft of the letter.

Ms. Morelli noted that the Planning Board is divided on the proposal, and believed that the division is due to the size of the proposed lots. The Applicant proposes to create two very small lots, and although there are examples of small lots in the neighborhood, many of the Planning Board members did not believe that it is the standard. The Planning Board members understand that although the existing structure at 6 Hunts Terrace will be demolished and replaced with a structure that is more conforming. The proposed structure does appear to be in reasonable proportion to the proposed lot; however, some Planning Board members thought that the structure will appear to be wedged in-between the other existing structures because of its height and the size of the proposed lot.

Ms. Morelli noted that although the Planning Board was divided on the Variances related to dimensional requirements, it appeared that members were unanimous in not supporting the Variances for maximum impervious surfaces or parking within the required front yard setback. The Planning Board suggested that the Applicant could use pervious pavers on the property and provide stacked parking on the western side of the proposed lot.

Ms. Cassavoy MADE a MOTION to send a letter to the Board of Appeals stating the issues and opinions that the Planning Board expressed. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 15-004

Case 15-005, 17 Forest Street, H.B. Development Corp (May 13, 2015)

Ms. Morelli asked the Board if they had any separate issues that they wanted to discuss regarding the property at 17 Forest Street which involves the existing structure.

Mr. Sadowski said that he didn't think the issues could be separated.

Mr. Cassavoy MADE a MOTION to send one combined letter referencing both this case with the case regarding 6 Hunts Terrace to the Board of Appeals. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 15-005

Case 15-006, Lots 15 & 16 Bay State Road, Trinity Properties LLC (May 13, 2015)

Ms. Judith Clark represented the applicant Neal J. Ryan. She said that this case was heard by the ZBA last year as case 14-002 and the variances were granted. The applicant has been unable to complete the transaction of purchasing the property because of title issues. His variances expire if not exercised within one year and he is applying to the ZBA for a 6 month extension as a procedural matter.

Mr. Sadowski said that since the Planning Board had already acted upon the previous application that he would support an extension.

Mr. Sadowski MADE a MOTION to send a letter supporting the request for an extension. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 15-006

PRELIMINARY SUBDIVISION PLAN

53 Dexter Road, Brookstone Development

Ms. Morelli opened the discussion by announcing to the public that because this was a Preliminary Subdivision Plan that this is not a public hearing. It is an open meeting and the public is welcome to attend and listen, but that there would not be a portion of the meeting for public comment.

Mr. Rich Williams said that they have submitted two alternate plans for the Board to look at based upon the comments at the last meeting. The first plan, Plan A, eliminates two lots and creates an open area which is partially sloped and partially flat near the top of the site. The length of the road has been reduced by approximately 50-FT to 923-FT and the number of lots has been reduced from 15 Lots to 13 Lots.

Mr. Angus Bruce said that he thought that keeping two open lots together created a nicer area that would benefit the City. It created a nice view and a wooded space that feels truly open. He could alternatively keep the two lots that are most impacted by slope open, which are not next to each other, but that this would create a ledge area running through the center of the development that did not seem to be of any benefit in his opinion. He was willing to sacrifice the lot that is flat enough to build on that abuts the sloped area on the edge of the development in exchange for being allowed to remove ledge on the opposite side of the road.

Mr. Williams presented the second alternative plan, Plan B. Rather than a single dead end road, this plan included two shorter dead ends of 427-FT and 571-FT. The development area would be pushed up to the front of the area closest to Dexter Road and the houses would only be built on one side of the road, so more road would be necessary. Substantial fill would be needed to support the area closest to Dexter Road and large retaining walls would be needed as there is a 12-FT to 16-FT grade difference between the site and Dexter Road.

Ms. Morelli asked how the lots would be separated from Dexter Road in Plan A.

Mr. Bruce said that he would use vegetation. Plan A does not vary very much from the original plans submitted in the area of Dexter Road.

Mr. Sadowski asked how much area was impacted by the Slope Protection Ordinance. Mr. Williams said approximately 15,000-SF. Mr. Bruce said that he was proposing an exchange of sloped area in one location for area that did not fall within Slope Protection in another area. He thought that keeping two lots together, one that is impacted by the Slope Protection Ordinance and one that is not, created a nicer open space.

Mr. Williams said that in the area that the slope would remain, the road would be higher than the rock area and a guard rail fence would protect the road.

Mr. Sadowski commented that the areas under the Slope Protection Ordinance appear different on the newer plans, especially because the house proposed on lot 10 appears to have greater impact to these areas than earlier plans. Mr. Sadowski asked how the areas were calculated. Mr. Williams said that the

topography has been more carefully measured for the alternate subdivision layouts submitted and is more accurate than older submittals. Mr. Bruce reiterated his desire to create a nice open space rather than just protect the areas with the most ledges. He also stated that he didn't think disturbing 15,000-SF of slope on an 8-Acre parcel of land was a very high percentage.

Mr. Mercado asked about shortening the road to end prior to the steeply sloped area of the site and creating approximately 8 lots. Mr. Bruce said that 8 lots doesn't look very good and is high impact on the neighbors. In addition, developing eight lots isn't economically feasible for him.

Ms. Petrillo asked about eliminating lot 10 in addition to the open area on the opposite side of the road. Mr. Bruce responded that he would not be able to reduce the number of lots any further. If he was going to have to preserve lot 10, he would need to build on the lot that abuts the sloped area on the opposite side of the road, which is not protected by the Slope Protection Ordinance. He proposed leaving that lot undeveloped in exchange for being allowed to develop a lot that contained slope. He said the sloped area on lot 10 was comprised of one high knob at the front of the lot and the remaining area behind that knob was relatively flat. In his opinion, preserving this knob did not add much value to the site. He thought that providing the two abutting lots to provide continuous open space with a nice view provided the community with more value.

The Board continued to ask questions regarding dimensions, heights and what various color coding on the plans represented. They were trying to understand the topography of the lot and the impact that the various slopes would have on area.

Ms. DeSouza-Ward asked about the drainage plans. Mr. Bruce said that they were very similar to the original 15-lot plan and had not been revised.

Ms. Gaffey asked if any test pits had been dug yet. Mr. Williams said they had not. However, he reiterated that they were aware of the requirement to not increase the amount of stormwater run off.

Ms. Morelli said that because this was a preliminary plan and not a definitive plan, not all of that information was required and that the Board needed to feel comfortable with not having that information.

Mr. Bruce said that the 13-lot plan would still allow him to make improvements to Dexter Road. He can't work with a plan that only allows a 500-FT road.

Mr. Sadowski asked if the Fire Department or DPW had made comments on the length of the road. Ms. Gaffey responded that they had made a few comments, but that this was a preliminary plan, so a full review had not been done.

Mr. Cassavoy asked if they could provide more of this information as an interim step before submitting a definitive plan. Ms. Gaffey responded that the next step would be to submit a definitive plan and submit completed plans that include drainage calculations and the other required analyses. A definitive plan process would also include a public hearing and was a long process.

Mr. Bruce said that he would be amenable to providing additional plans as part of this process if the Board would provide a concrete list of what they wanted to see.

Mr. Cassidy said he would like to see the height of the ledge cuts, the sizes of the retaining walls and the rough topography projection and contouring of the final development as proposed.

Ms. Gaffey advised the Board that they should make a decision on the preliminary plan and allow the applicant to submit a definitive plan that would include all of the information and an opportunity for public comment. Ms. Morelli added that it was ok if the Board had unanswered questions but that it would be disingenuous for the Board to approve the preliminary plan if they did not like the overall concept or direction that it was going in.

Ms. DeSouza-Ward said that the modified plan was a big step in the right direction and is a lot closer to what the Board had asked for, but that it was not completely there yet.

Ms. Gaffey said that they are not locked into approving the number of lots proposed. The waivers they would be granting are only related to the long roadway and a waiver for the requirement of sidewalks on both sides of the road. Ms. Gaffey explained that the Planning Board would also review the definite plan in light of the Slope Protection Ordinance as it would require a special permit.

Mr. Sadowski said that it wasn't possible for the Board to be able to commit to a decision on a definitive subdivision plan based upon the restraints of the preliminary process that did not give them access to all of the information they needed regarding the plans nor did it give them access to the public's opinion on the development. He said that they are trying to find compromise but that they still have a right to deny the project at the final stage if it does not meet the Planning Board's criteria.

Mr. Williams acknowledged that the Planning Board's decision on the preliminary plan was not binding; however, it would be very helpful if they could get a sense of the Board's objections so they could make a decision on the next phase of the design process.

The Board discussed what their options were. Ms. Gaffey said they could grant a continuance, approve the preliminary plan which would allow the applicant to submit a definitive plan, or they could deny the preliminary plan and the applicant would need to start over with a new preliminary plan.

Mr. Bruce said he would grant an extension and return in 2 weeks with the information the Board requested. The Board discussed the upcoming meeting schedule and if they could meet Mr. Bruce's request due to the high number of projects that are currently on the docket for the Planning Board. Ms. Morelli said that they are booked out through the middle of June and have already had to add additional meetings and ask applicants for extensions. They could not fit Mr. Bruce's proposal into the schedule until the regular meeting at the end of June. Mr. Bruce said he didn't think he could wait that long as this process has already taken more time than he expected due to the snow conditions this past winter.

Mr. James Mitchell, attorney for Mr. Bruce, said that he would like to get an idea from the Board what their inclinations were regarding the necessary Slope Protection Special Permit so that Mr. Bruce can make a financial decision on whether or not the project should be further pursued.

Mr. Sadowski said he would need more information to determine that.

Mr. Cassidy said that the new plan was a big step in the right direction, but there is a lot that could still be negotiated.

Mr. Cassavoy MADE a MOTION to approve the Preliminary Plan in concept as revised. Ms. Petrillo SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Drawing CPT5, 13 Lot Concept Plan (L=923 Feet), 53 Dexter Road, Prepared by Williams and Sparages, dated April 6, 2015

Drawing CPT1-R2, Concept Plan, 53 Dexter Road (Road A: 448' & Road B: 571'),
Prepared by Williams and Sparages, dated April 22, 2015

Other

Blueberry Hill Project

Mr. Bruce has recently signed a purchase and sale agreement on the property know as Blueberry Hill. He would like to make some minor modifications to the plans and wanted to get some informal feedback from the Planning Board.

Ms. Gaffey said that Blueberry Hill is the property located behind the Ripley School. The property was approved first as a subdivision and then later a 19-unit townhouse project was approved by Special Permit and through Site Plan Review. The road construction was started following these approvals, but the project was not completed and has been in a state of partial construction for almost a decade.

Mr. Bruce described his proposal to modify the plans that were previously approved. He said that his modifications will result in a project with less density and less impact. He would like to build fewer units and have a larger wooded area buffering the development. He would like to modify the design of the units to have front-facing garages removing the paved driveway areas behind the units. Each unit would have landscaping and patio areas instead. These create a natural sound absorbance and will lessen the noise impact on the neighbors. He also would like to shorten the length of the road and driveways so that he can create a buffer of green space surrounding the entire development. He would like to reduce the number of units to 14 larger units, and he would reduce the height of the units. He would not change the drainage plan or the detention areas for stormwater runoff. He would like to change the areas abutting the roadway to create a sloped buffer zone instead of granite vertical walls as he thinks this creates a safer roadway so that if a driver loses control of their vehicle coming down the hill in winter, the driver could steer the vehicle off the road rather than into Forest Street. He would like to eliminate the affordable housing unit and make the payment to the affordable housing trust fund instead, further reducing the project to 13 units. He thinks that eliminating that unit will allow him to reduce the amount of ledge that needs to be cut which will allow him to create a more natural looking slope. He would like to start construction as soon as possible, hopefully this summer.

Ms. Morelli said that procedurally, these changes would technically require a modification of plans.

Mr. Mercado said he thought the plans were headed in a good direction.

Mr. Sadowski said that he preferred less pavement and fewer rock face walls, but that he also preferred an affordable housing unit be provided.

Mr. Bruce asked what the process was for modification if all of the changes represented a reduction in impact.

The Board discussed the procedural matter and Ms. Gaffey suggested that the applicant's attorney send a letter to the Planning Board that they could respond to. The Board generally stated that they thought a public hearing would be necessary and that the neighborhood would be interested in the proposed changes.

SITE PLAN REVIEW

Case 15-002, 37 Washington Street, WP East Acquisitions, LLC (continued public hearing)

Ms. DeSouza-Ward MADE a MOTION to continue the hearing to the next regular meeting of the Planning Board on May 18. Mr. Cassidy SECONDED the MOTION. All members voted in favor. None were opposed.

NEXT MEETINGS

The next Regular Meeting is scheduled for Monday, May 18, 2015

A Special Meeting is scheduled for Monday, June 1, 2015

The meeting adjourned at 11:02 PM.