

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting and Public Hearing
Monday, August 24, 2015
7:45 PM**

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

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

ABSENT: Michael Cassavoy

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

The meeting was called to order at 7:55 PM by Ms. Morelli.

BOARD OF APPEALS

Case 15-022, 15 Elm Street, Deana Leparskas (September 9, 2015)

Deana Leparskas and Ed Leparskas, the property owners, presented the proposed project to the Planning Board. The existing structure is a two-family home, and they would like to add dormers to upper unit to create additional living space. The floor plan of the existing unit is choppy, and the Applicants would like to move all of the bedrooms to the third floor. To do so, the dormers are needed to create head room on that floor. The existing roof line will remain. Extended family lives in the downstairs unit.

Mr. Sadowski noted that there is a maximum for dormers in the Zoning Ordinance. Mr. Sadowski asked if the Applicants know how much they exceed the 50 percent maximum. Ms. Leparskas introduced her architect, Don Leonard, who explained that there are full shed dormers proposed on both sides of the roof. Mr. Leonard noted that the dormers are at about 100 percent of the roof that they are attached to. Mr. Leonard explained that he did not want to raise the roof in order to maintain the existing lines. The front end gable remains.

Ms. DeSouza-Ward noted that the dormer maximum is explained in the definition for half-story in the Zoning Ordinance. Ms. DeSouza-Ward stated that the proposed project is a blatant violation of the requirements and that the proposed project creates a three-story home. She stated she does not support the project.

Mr. Leparskas noted that the design provided by Mr. Leonard is visually consistent with the neighborhood. He did not want to propose a flat roof reminiscent of the boxy three-families that are typical of the greater Boston area.

Mr. Sadowski asked if the residence is a true two-family structure and how many bedrooms are proposed. Mr. Leparskas noted that it is a legal two-family, and there are two bedrooms in the lower unit and two bedrooms plus a loft in the upper unit. The project will establish one bedroom in the lower unit and four bedrooms in the upper unit. The project will also address the very steep stairs going up to the attic floor.

Mr. Sadowski asked if there is enough parking. Mr. Leparskas indicated that 6 cars can park currently.

Mr. Sadowski indicated that he agreed with Ms. DeSouza-Ward's sentiment regarding the proposed project.

Ms. Morelli explained that in 2013 the Planning Board reexamined the zoning as there were a number of full shed dormers being proposed at the time. These large dormers tend to tower over the adjacent buildings as it maximizes the build out of structures. Ms. Morelli believes that maximum included in the definition of half story is a happy medium without the volume of a full shed dormer. She stated she appreciates the care the architect has given and she sees no ability to increase the head height and be in compliance with the Zoning Ordinance. Ms. Morelli agreed with Ms. DeSouza-Ward.

Mr. King noted that there are areas of the third floor that did not have full head height. Mr. Leonard further explained that only about a third of the third floor has full head height. Mr. Leonard noted that only two bedrooms could be constructed if the Applicant was in compliance with the Ordinance.

Mr. Leparskas noted that options have been explored with Mr. Leonard. Mr. Leparsakas also noted that the neighbors are in support of the project.

Mr. Welch also expressed that he agreed with Ms. DeSouza-Ward's comments.

Ms. DeSouza-Ward MADE a MOTION to recommend denial of the request based on the extreme exceedance of the standard in the Zoning Ordinance for dormers that was recently adopted. Mr. Welch SECONDED the MOTION. Ms. Morelli, Mr. Cassidy, Ms. Petrillo, and Mr. Sadowski voted in favor of the motion. Mr. King and Mr. Mercado opposed the motion.

Document: ZBA Application Case 15-022

Case 15-023, 58 Howard Street, John and Gail Puleo (September 9, 2015)

Attorney Robert Bell represented Mr. and Mrs. Puleo at the hearing. Attorney Bell explained that the property is narrow and deep. It abuts the Hesseltine Playground. The Applicants propose to add to the existing garage, and must seek zoning relief due to the technical calculation of the rear yard area for accessory structures. Attorney Bell points out that on the ground the property has six times the required rear yard depth.

Ms. Petrillo asked why the Applicants proposed the addition to the garage. Attorney Bell explained that the Applicants would like to provide garage space for each unit with the owner-occupied multifamily structure.

Ms. Petrillo asked if any living space would be created in the garage. It will only be garage and storage space.

Mr. Sadowski asked if any additional paving is necessary to access the addition to the garage. Attorney Bell did not believe additional paving is necessary, and due to the size of the lot, the Applicants meet the open space requirement in excess.

Mr. Cassidy noted that the Applicant is required to seek relief due to the interpretation.

Mr. Sadowski MADE a MOTION to indicate that the Planning Board has no objection to the proposed project and that accessory structure requires relief due to a technical calculation where in fact the request

is reasonable due to the size of the property. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case 15-023

Case 15-026, 27 Melrose Street, Rockland Bank (September 9, 2015)

Carol Bugbee represented Rockland Bank at the meeting. Ms. Bugbee explained that the Bank needs to seek relief to install a second wall sign. The Bank already received a permit to install the monument sign installed along Melrose Street and the wall sign installed on the front façade facing Melrose Street. The rear of the building faces Whole Foods and the Bank would like to install a 2 foot by 7 foot sign on that façade for identification.

Mr. King asked if the second wall sign would be installed on the side as the drive-thru. It will be.

Mr. Sadowski noted that there is a 24-Hour ATM sign on the rear façade. He asked if it will be removed. The 24-Hour ATM sign will be removed. Mr. Sadowski is sympathetic to the request as many vehicles access the Bank from the rear. He pointed out that the ATM is illuminated and is branded with Rockland Bank signage. Ms. Bugbee noted that only in close proximity can the ATM branding be seen. Mr. Sadowski noted that the intent is to avoid over signage.

Mr. King noted that the property is unique in that the building is exposed on four sides. Mr. King noted that many vehicles approach the bank through the Whole Foods parking lot. The proposed sign will also replace an existing ugly sign.

Mr. Cassidy suggested that although the new signage has already been installed in the front, the lighting for all new signage including the ATM should be LED lighting that mimics incandescent lights. Ms. DeSouza-Ward agreed with the suggestion, and suggested that the Planning Board recommend it as a condition of approval.

Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals indicating the Planning Board is not opposed to the second rear-facing wall sign given the location and access to the building, but that the lighting should be replaced with LED lights that mimic incandescent light. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case 15-026

Case 15-027, 84 Granite Street, Stephen and Stephanie Capistran (September 9, 2015)

Stephen and Stephanie Capistran presented their application to the Planning Board. The existing structure is a traditional Cape Cod, and they would like to add a full second floor to the structure. The existing deck will be replaced in-kind and an overhang over the front door and steps will be installed.

Mr. Sadowski asked if the front steps were currently covered. Mr. Capistran explained that the extreme winter weather damaged the existing overhang. Mr. Sadowski asked if the front steps would extend any further than the existing. They will not. Mr. Sadowski did not oppose the project as there are no further encroachments.

Mr. Welch asked if the deck would be in the same footprint. It will be.

Ms. DeSouza-Ward MADE a MOTION to send a standard letter to the Board of Appeals indicating the Planning Board is not opposed to the project as there are no new encroachments. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case 15-027

Case 15-028, 31 Rowe Street, Mariya Khiterer and Joshua Ritchey (September 30, 2015)

Mariya Khiterer and Joshua Ritchey presented their application to the Planning Board. The structure is an existing two-family structure, and extended family lives in the lower unit. The Applicants would like to add a roof deck above the first floor and there needs to be an exterior stair as it will not fit into the existing structure without modification. The existing structure is 5 feet from the property line at the corner. The neighbors support the Applicants' project.

Mr. Sadowski asked if the rear and left hand neighbor support the project. Mr. Ritchey explained that the rear neighbor has been difficult to contact, but that he has found a mutually agreeable time. The rear neighbor has a garage near the property, as opposed to a residence.

Mr. Mercado notes that the stair starts at the second floor and the existing setback remains on the ground.

Ms. DeSouza-Ward MADE a MOTION to send a standard letter to the Board of Appeals indicating the Planning Board is not opposed to the project as there are no new encroachments. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case 15-028

Case 15-029, 241 West Emerson Street, Scott and Lisa Byrnes (September 30, 2015)

Scott and Lisa Byrnes, the Applicants, and their representative, Attorney Robert Bell, presented the application to the Planning Board. Attorney Bell explained that the Applicants request relief to install a dormer on the rear elevation. The Applicants would like to add home office space in their new residence and they propose a shed dormer with a gable end. Attorney Bell indicated that this case is different than the earlier dormer case because the dormer is only proposed for the rear elevation where it cannot be seen. The neighborhood is also different in that it is a neighborhood of older Victorians with existing full third floors. Attorney Bell explained that the lot depth and grade are distinguishing features to this case. The Applicants have discussed the project with their neighbors. Attorney Bell noted that Chris Poravos, the architect, is in attendance.

Ms. DeSouza-Ward noted that this is a different case than the one earlier that evening because the dormer is only at the rear.

Mr. Poravos explained that he and the Applicants attempted to propose a dormer that is compliant with the maximum 50 percent. Mr. Poravos explained that the front façade of the residence is distinct and altering it with a dormer would affect the elevation.

Ms. DeSouza-Ward stated that the gable end proposed for the dormer makes it visually pleasing.

Mr. Mercado asked if the dormer could be shortened to be in compliance. Mr. Poravos explained that the Applicants would lose a room. The trade off for this dormer is maintaining the front elevation. Ms. Morelli agreed that the asymmetrical makes it difficult to add even a small dormer.

Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that reiterates the Planning Board's objection to exceeding the maximum for dormers, but noting that this case has mitigating circumstances due to the location of the dormer and the depth and grade of the lot. Mr. Sadowski SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case 15-029

Case 15-030, 75 Argyle Street, David Giller (September 30, 2015)

Mr. Mercado disclosed that he is an abutter and is not in support of the proposed request.

David Giller, the Applicant, explained that that he purchased the property in 2005 as a two-family residence. There was also an apartment on the third floor. The Building Inspector at the time allowed a secondary egress in order to establish a three-family use. Mr. Giller is also proposing two dormers on the third floor to make the third unit function better. Based on the conversations that Planning Board had with other applicants, Mr. Giller will eliminate the dormer proposed for the living room to be in compliance with the maximum 50 percent requirement.

Mr. Sadowski asked about the existing dormers and how they impact the case. Ms. DeSouza-Ward indicated that those are pre-existing nonconforming.

Ms. DeSouza-Ward asked if the Applicant still needs zoning relief if the proposed dormer is made to conform with the standard. Ms. Gaffey explained that the three-family use is a prohibited use in the UR-C district, and the dormer will not encroach any further into the setbacks. Relief is still necessary to extend the prohibited use into the new space.

Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals that indicates the Applicant will redesign the project to be in compliance with the standard for dormers and that the Planning Board has no objection to continuing the use into the new space as there are no further encroachments. Mr. Sadowski SECONDED the MOTION. Ms. Morelli, Mr. Cassidy, Ms. Petrillo, Mr. King, and Mr. Welch voted in favor of the motion. Mr. Mercado opposed the motion.

Document: ZBA Application Case 15-030

Mr. Cassidy left the meeting at this time.

DEFINITIVE SUBDIVISION PLAN

17 Forest Street and 6 Hunts Terrace, H.B. Development Corp. (public hearing)

Attorney Judy Clark and the Applicant, David Barrett, presented the proposed project to the Planning Board. Attorney Clark reminded the Planning Board that in late 2014 an Approval Not Required (ANR) Plan was before the Planning Board, but the Board denied endorsement as one of the existing structures, the one that would remain, was built after 1917 as required for a division of land to qualify as an ANR.

The Applicant has since received the appropriate zoning relief from the Board of Appeals for the nonconforming lots that will be created.

Attorney Clark noted that the Planning Board recommended tandem parking at 6 Hunts Terrace during their review of the Board of Appeals cases. However, the Applicant would like to provide side-by-side parking at 6 Hunts Terrace. The Applicant believes that the side-by-side parking is better suited for the neighborhood. Many of the residences on Hunts Terrace have limited parking so there are often vehicles parked on the street adding to congestion on the road. By providing the side-by-side parking, the Applicant believes that the future homeowner will not just leave a vehicle on the street after moving it for the tandem parking.

Mr. Mercado MADE a MOTION to open the public hearing. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Chrstine Alviti, 11 Forest Street, explained that she lives at the opposite corner of Forest Street and Hunts Terrace from the proposed project. Her home faces Forest Street. Ms. Alviti notes that the structure that will be demolished is set far back on the lot. She would like to know how close to the street the new structure will be built.

William Doe, 8 Ireson Court, asked for the length and width of Hunts Terrace.

Mr. Mercado noted that in response to Ms. Alviti's question the plan does not show her residence. Ms. Morelli pointed out though that the proposed structure at 6 Hunts Terrace will be built 20 feet from the property line as required by the front yard setback. Ms. Morelli explained that the proposed structure is a modest Colonial and the height is within the requirements of the Zoning Ordinance.

Mr. King asked if the existing driveway has side-by-side parking. It does. Mr. King asked if the existing tree needs to be removed. Attorney Clark indicated that it does not need to be removed.

Chrstine Alviti, 11 Forest Street, noted that there are always vehicles parking on Hunts Terrace and that her property fence has been damaged by cars. Ms. Alviti reiterated that there is limited parking on street and off street.

Mr. Sadowski asked what Ms. Alviti would prefer: tandem parking or side-by-side parking. Ms. Alviti explained that she has never seen two cars parked side-by-side at 6 Hunts Terrace. Ms. Alviti believes that the tree will definitely need to be removed. Mr. Sadowski pointed out that the property owner can remove the tree if necessary assuming it is on his property. Mr. Sadowski stated that having two parking spaces on either side of the tree is not ideal. Because there is no curbing on Hunts Terrace, there is no curb cut in the strict sense of the phrase and it appears that it is a free-for-all with parking. Mr. Sadowski stated that the location of the house is an improvement, but it is not germane to the subdivision application at hand.

Mr. Mercado asked if the proposed project is in compliance with the open space requirement. Attorney Clark indicated that it is, and that the Applicant had withdrawn his request to exceed the maximum impervious surface allowed for the lot.

Mr. Sadowski indicated that typically the tighter curb cut and tandem parking is preferred. The side-by-side parking creates more impervious surfaces and less green space in the front yard.

Ms. Morelli stated that in this case she would suggest that tandem parking is not the better solution and that side-by-side parking makes more sense in order to keep the vehicles off the street.

Ms. Alviti reiterated that she does not believe that two cars can park side-by-side at 6 Hunts Terrace. Mr. Sadowski explained that the Applicant is providing two 9-foot by 18-foot parking spaces in compliance with the Zoning Ordinance.

Mr. Sadowski asked the Applicant about the curb cut on Forest Street. There is a piece of curbing in the middle of the driveway. Mr. Barrett noted that he will get permission to remove it. Mr. Sadowski noted that if the curbing is removed, there is an excessively wide curb cut. For access, it makes sense to remove some of it, but not entirely.

Returning to the discussion about the curb cut for 6 Hunts Terrace, Mr. Mercado asked if the tree was on the Applicant's property. It is. Mr. Welch believed that the driveway opening will be too tight. Mr. Sadowski indicated that two parking spaces on either side of the tree are not desirable. Mr. King agrees that the curb cut may be tight, but it will keep vehicles off the street.

Mr. Sadowski asked about waivers. Ms. Gaffey explained that the Planning Board can waive the Subdivision Rules and Regulations. Mr. Sadowski indicated that waiving the standards is appropriate for the two-lot subdivision.

Ms. Morelli explained that there are four conditions proposed in the Staff Report. Ms. DeSouza-Ward indicated that a condition should be added to document the parking on Lot B (6 Hunts Terrace) or the plan should be amended prior to endorsement. Ms. Gaffey indicated that a condition will be added to the Decision. Attorney Clark noted that only the Existing Conditions plan needs to be endorsed, but the proposed conditions plan will be revised and submitted.

Ms. DeSouza-Ward stated that she will vote with the majority, but that she is not in favor of the project.

Mr. Sadowski MADE a MOTION to approve the Definitive Subdivision Plan subject to the conditions as amended to document the side-by-side parking allowed at Lot B (6 Hunts Terrace). Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: 17 Forest Street & 6 Hunts Terrace Definitive Subdivision Plan

SITE PLAN REVIEW AND AFFORDABLE HOUSING INCENTIVE PROGRAM SPECIAL PERMIT

Case 15-008, 407-413 Pleasant Street, Matthew Roman (public hearing)

Attorney Judy Clark and Matthew Roman, the Applicant, presented the proposed project to the Planning Board. Attorney Clark noted that the proposed project has received zoning relief from the Board of Appeals. Mr. Roman indicated that he read the Staff Report, and would like to amend the project to be consistent with the recommendation from the Planning Staff. As submitted, the project includes two 3-bedroom units and four 2-bedroom units. Mr. Roman will amend the project to be two-bedroom units throughout.

Additionally, Mr. Roman and his consultant, Nitsch Engineering, considered moving the trash and recycling area to the southern property line, but the consultant found that that relocation is not feasible. Mr. Roman handed out a memo from Nitsch Engineering documenting these findings. Ms. Gaffey

explained that during the Department Heads Meeting, the attendees brainstormed about how to improve maneuverability within the parking lot and it appeared at first glance that this relocation may provide improvements. Ms. Gaffey asked for the engineer to provide an opinion. Mr. Roman also noted that the simulation is completed with a 19-foot vehicle rather than a 17-foot vehicle that the Board of Appeals conditioned its approval on. Mr. Sadowski asked if the Department of Public Works had an opinion on the location. Ms. Gaffey explained that the City Engineer did not have a preference, but agreed that the relocation may satisfy the Health Director's concerns outlined in the Staff Report.

Mr. King asked if the Applicant will eliminate the basement space altogether. Mr. Roman indicated that he won't; rather the basement space would just be additional living area and a bathroom.

Mr. Sadowski asked about the rear stair. Ms. Zwirko explained that the rear stair has a smaller profile than what was reviewed by the Planning Board in conjunction with the Board of Appeals case. Mr. Sadowski asked if the Applicant considered internalizing the stair. Mr. Roman indicated that the units would be too small if the stair was internal to the building.

Ms. DeSouza-Ward indicated that all snow accumulation should be removed from the property as any accumulation is too much. Ms. Morelli agreed with Ms. DeSouza-Ward.

Mr. Sadowski noted that the site is flat and the Applicant is repaving the property. The Applicant is not creating additional runoff and containing runoff on the site. Mr. Sadowski noted that the Staff Report indicates that there was discussion about a dry well versus the porous pavement. Mr. Roman stated that the City Engineer suggested that a dry well may be a better solution. Mr. King agreed that it would be a more practicable solution to achieve recharge. Mr. Mercado asked where runoff currently goes. It goes to the street. Mr. Sadowski indicated that a modest slope will be necessary to bring water to the dry well.

Mr. Sadowski asked if the loss of porous pavement affects the maximum coverage and minimum open space. Ms. Zwirko confirmed that it does not.

Mr. King asked about the Health Director's concerns about the trash and recycling area. Mr. Roman indicated that there will be 1 tote per unit. If it appears that it is not working, Mr. Roman will add a shelf above the totes for extra smaller recycling bins.

Mr. King stated that he is concerned with the lack of visitor parking.

Mr. Sadowski asked about fencing. Mr. Roman indicated that there chain link fence to the north, and a stockade fence at the rear of the property that continues to the south side of the property.

Mr. Sadowski notes that the building is located on the property lines. He asked how the Applicant plans to maintain the siding. Mr. Roman indicated that permission from the abutters will be necessary.

Ms. Morelli noted that the public hearing is still open as it was not closed with the previous case. Ms. Morelli explained that Alderman Infurna could not attend the hearing, but sent a letter, which Ms. Morelli read into the record. Alderman Infurna's letter included comments on the number of bedrooms, the HVAC units, snow storage, and solid waste containers.

No members of the public wished to speak.

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

Responding to Alderman Infurna's letter, Mr. Sadowski noted that the Applicant has voluntarily reduced the number of bedrooms. Mr. Sadowski explained that the parking lot is what it is, and the trash and recycling area is in the best location.

Mr. Sadowski noted that in many cases, the Planning Board requests a review by an acoustical engineer to determine the impact of HVAC units on the roof. Mr. Sadowski stated that the Applicant represented that the units are below the thresholds in the Melrose Noise Ordinance. The units are clustered in the middle of the roof and the height of the building prevents them from being seen from the street. Mr. Welch confirmed that the units are standard splits, gas fired heat and AC. As such, Mr. Welch indicated that the operation of the units is quiet.

Mr. Sadowski noted that there was a planting list and landscape plan provided.

Ms. Morelli noted that the City Engineer required a flow test of the water main and a camera inspection of the sewer service to be reused.

Mr. Mercado noted that the building lighting should not illuminate the neighbors. However, the lighting at Webster Willows is very bright. Mr. Mercado indicated that the lighting will be LED. Mr. King suggested that the building lights should be relocated to a lower floor where the light will actually illuminate the parking lot.

Mr. Mercado asked about handicapped accessibility. Mr. Roman explained none is required by code and no parking is required either.

Mr. Welch asked if there was side wall venting. Mr. Roman confirmed there is, and no vents will be on the front façade.

The Planning Board discussed the waivers requested. Ms. DeSouza-Ward MADE a MOTION to grant the requested waivers for a Site Plan Review application. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

Ms. Morelli read the proposed conditions aloud. Condition 11 will be revised to indicate that a grading plan, a detail, and an operations and maintenance plan for the dry well will be submitted.

Ms. Morelli noted that the Applicant has also requested an Affordable Housing Incentive Program Special Permit. Ms. Gaffey indicated that ultimately the Planning Staff recommend accepting the payment in lieu. She notes that it was a difficult discussion because the Applicant has received a density bonus already from the Board of Appeals. However, stepping back and considering the investment that the Applicant will put into the property, the payment in lieu was persuasive.

Mr. Sadowski MADE a MOTION to approve the Site Plan Review with conditions as amended. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Mr. Sadowski MADE a MOTION to grant the Affordable Housing Incentive Program Special Permit by accepting a payment in lieu. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

NEXT MEETINGS

The next Regular Meeting is scheduled for Monday, September 28, 2015

A Special Meeting and Public Hearing is scheduled for Monday, September 21, 2015

The meeting adjourned at 11:00 PM.