

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Tuesday, August 25, 2009
7:45 p.m.
Mayor's Conference Room

PRESENT: Mike Cassavoy, Richard Connolly, Ed Cassidy, Bob Mercado, Gerry Marcus, John Sadowski, Anne DeSouza-Ward, Tom Pawlina and Carla Francazio

Denise Gaffey, Planner, and Matt Hennigan, Assistant Planner, were present.

The meeting was called to order at 7:50 p.m. by Mr. Connolly.

SITE PLAN REVIEW

SP-09-002, 538 Main Street, Gene and Rebecca Beraldi (public hearing)

The Applicant, Gene and Rebecca Beraldi, were present. Ms. Beraldi reviewed the details of the application with the Board. Ms. Beraldi stated that Beacon Wine and Gourmet will have a unique inventory and detailed the product mix. In respect to the appearance of the commercial space, Ms. Beraldi indicated that the intention is to create a space that is open, inviting, and tasteful. Mr. Connolly asked if there were any comments from the public. No comments from the public were received.

Ms. Gaffey explained that the Building Commissioner confirmed that retail food establishments would be considered new commercial uses and subject to Site Plan Review. Mr. Sadowski inquired regarding the proposed signage. Ms. Gaffey explained that the signage will be reviewed by the Historic District Commission. Mr. Cassidy asked whether any lighting for the signage is included in the application. Ms. Beraldi indicated that no exterior lighting is planned, but this issue could be revisited in the future. Mr. Cassidy inquired regarding signage in the windows and interior lighting. Ms. Gaffey explained that such signage is prohibited by the Liquor Licensing Commissions regulations. Ms. Beraldi stated that the interior lighting plan consists of the use of a combination of track lighting and decorative lamp posts. Mr. Mercado asked for information concerning deliveries and emphasized that Essex Street is very busy. Ms. Beraldi explained that they do not have any control when deliveries take place as the delivery schedule is determined by the distributors. Mr. Beraldi added that they do not expect the large delivery trucks. Ms. DeSouza-Ward confirmed with the Applicant that all deliveries will take place in the loading zone in the rear and that the delivery trucks shall not be permitted to idle in the loading zone. Mr. Sadowski confirmed that the loading zone is shared by the commercial tenants in the building and asked how trash will be managed. Ms. Beraldi indicated that a screened dumpster will be used for the disposal of trash. Ms. Francazio confirmed that the Applicant will have a parking space in the rear and that no food preparation will take place on site.

Mr. Pawlina MADE a MOTION to grant the necessary waivers pertaining to the submission of required application materials. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed. Mr. Cassavoy MADE a MOTION to close the public hearing. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed. Ms. DeSouza-Ward MADE a MOTION to approve the Site Plan Review application for SP 09-002, 538 Main Street with the following conditions:

1. All new exterior construction and changes to the site shall be consistent with the information delineated on the Site Plan and as presented at the public hearing on August 25, 2009.
2. All deliveries shall be made in the designated loading zone at the rear of the building.
3. Delivery trucks shall not be allowed to idle in the loading zone.
4. No florescent interior lighting shall be installed that is visible from the street.
5. The Applicant shall return to the Planning Board for approval prior to the installation of exterior lighting.

Mr. Pawlina SECONDED the MOTION. A roll call was taken. There were nine affirmative. Mr. Cassavoy – Yes; Mr. Connolly – Yes; Mr. Mercado – Yes; Mr. Sadowski – Yes; Mr. Pawlina – Yes; Ms. DeSouza-Ward – Yes; Ms. Francazio – Yes; Ms. Marcus – Yes; Mr. Cassidy – Yes.

SP-09-003, 504 Main Street, Sweet Thought LLC (public hearing)

The Applicants, Jerry Pulaski and Carl Caratozzolo, were present. Mr. Caratozzolo described the application to the members. Mr. Caratozzolo stated Sweet Thoughts is an established business that has been located in Melrose since 1998. Mr. Caratozzolo explained that they do not intend to sell beer and that they will be utilizing existing shelving for the display of wine. Mr. Caratozzolo stated that all deliveries are received at the back parking lot. Ms. Marcus inquired whether any wine would be displayed in the storefront windows. Mr. Caratozzolo indicated that gifts baskets that include wine may be displayed in the windows. In terms of exterior changes, Mr. Caratozzolo expressed that they may seek to add the word “Wine” to their existing awning. Mr. Connolly asked if there were any comments from the public. No comments from the public were received.

Mr. Mercado MADE a MOTION to close the public hearing. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed. Mr. Pawlina MADE a MOTION to grant the necessary waivers pertaining to the submission of required application materials. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed. Ms. Palwina MADE a MOTION to approve the Site Plan Review application for SP 09-003, 504 Main Street. Mr. Mercado SECONDED the MOTION. A roll call was taken. There were nine affirmative. Mr. Cassavoy – Yes; Mr. Connolly – Yes; Mr. Mercado – Yes; Mr. Sadowski – Yes; Mr. Pawlina – Yes; Ms. DeSouza-Ward – Yes; Ms. Francazio – Yes; Ms. Marcus – Yes; Mr. Cassidy – Yes.

BOARD OF APPEALS

Case 09-009, Blueberry Hill Lane & Forest Street, Delta Fairfield

Patrick McAvoy, the representative for the Applicant, was present to review the details of the application with the Board. Mr. McAvoy explained that the Applicant seeks special permits for the townhouse use, reduction of the required parking to 80%, and for parking not located on the lot serviced. Mr. McAvoy explained that the proposal includes eighteen (18) townhouse units on four separate lots plus two (2) affordable housing townhouse units. Ms. Gaffey stated that the proposal works out to be 1.5 parking spaces per unit. Mr. McAvoy explained that the parking spaces in the driveway within the required front yard area cannot satisfy the parking requirement per the Zoning Ordinance. Mr. McAvoy stated that the proposal does not include parking spaces for the affordable units. Ms. Gaffey responded that the Zoning Ordinance has never been interpreted in this manner in the past with respect to the parking for affordable units. Ms. Gaffey indicated that the Board of Appeals could potentially deliberate over the number of units so as to provide the appropriate number of parking spaces. Ms. Gaffey added that the Applicant would return before the Planning Board for Site Plan Review and an Affordable Housing Special Permit should the Applicant receive approval from the Board of Appeals. Mr. Cassidy stated that minimization of the use impervious surfaces is preferable and the time for planning for parking is in the past. Mr. Mercado expressed concern regarding the townhouse use due to the site’s lack of proximity to rapid transit. Ms. DeSouza-Ward expressed that the townhouse use makes sense; however the proposal is a little dense and likely to create parking challenges. Mr. Pawlina expressed concerns in respect to precluding the Board’s options during the Site Plan Review process. Mr. Cassavoy pointed out that the units include three bedrooms.

Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that indicates the Board takes no exception to the proposed townhouse use in a UR-A district and the request for remote parking to allow parking on a lot other than the lot the spaces are required to serve. However, the Board is not unified in its view of the adequacy of the number of parking spaces proposed. While some members find the

parking proposal to be reasonable, other members are concerned about reducing the parking requirements for this development. It was noted that although the project site is located near a bus route it is not located in close proximity to rapid transit, which the Planning Board typically factors in to requests for parking reductions. The above comments should not be interpreted as endorsement of twenty (20) townhouse units, as proposed, absent further review by the Planning Board during the Site Plan Review process. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION – SLOPE PROTECTION SPECIAL PERMIT

SP 08-001, Boardman Avenue, Green Morningside Nominee Trust (continued public hearing)

The Applicants, Linda Bulman and Mark Hutchinson, were present along with their Representative, Louis Izzi and Engineer, Rich Williams from Hayes Engineering. Mr. Izzi thanked the members of the Board and expressed appreciation to the public for their comments during the public hearing process. Mr. Izzi stated that the Applicant has addressed all outstanding issues and requests for information. Mr. Izzi requested that Board close the public hearing and conduct a vote on the applications. Mr. Connolly opened the meeting to public comment.

Lawrence Delaney, Attorney (Demeo & Associates)

Mr. Delaney explained that he has been hired to represent fourteen of the abutters. Mr. Delaney pointed out that the Slope Protection Special Permit allows the Planning Board a lot of discretion in terms of how the purposes of the special permit are fulfilled. Mr. Delaney stated that the Applicant's plan shows numerous cuts and fills and added that it is hard to see how the natural topography is retained. Mr. Delaney presented an alternative plan designed by landscape architect, Matthew Cunningham which includes a twenty (20) foot unaltered zone along the Arlington Road property line which does not reduce the size or alter the location of the proposed dwellings. Mr. Delaney pointed out that the abutters' plan includes better drainage characteristics and eliminates the fieldstone retaining wall. Mr. Delaney suggested that abutters' plan achieves the intent of the Slope Protection Ordinance and acknowledged that the abutters' plan will include significant changes to the topography as that is what happens when development takes place. Mr. Delaney stated that the abutters' plan would not affect the economic viability of the subdivision.

Mr. Delaney responded to questions from the Board. Under the abutters' plan the swale would be moved back to accommodate the unaltered zone. The unaltered zone would be accomplished via a deed restriction. Mr. Pawlina pointed out both plans involve changes to the topography including cuts and fills. The primary difference is the location of the swale. Mr. Sadowski observed that the abutters' plan shows the new swale hugging close to the proposed dwellings. Mr. Delaney explained that the abutters' plan assumes the dwellings to be in the same location; however, the final locations could be altered.

Cody Thornton, 106 Mount Vernon Street

Mr. Thornton noted that he is partners with Matthew Cunningham, the Landscape Architect for the abutters' plan. Mr. Thornton emphasized the purposes of the Slope Protection Ordinance. Mr. Thornton expressed the importance of the right balance between housing and landscape and stated that in this instance the housing is pushing the landscape back as the dwellings might be too big.

Mr. Izzi stated that the Applicant is seeing the abutters' plan for the first time at the meeting and feels that it is unfair to spring it upon the Applicant in this manner. Mr. Izzi stated that the Applicant has a right to build a subdivision subject to the slope protection special permit. Mr. Izzi added that each lot on Arlington Road has been maximized up to the property line and suggested that the abutters seek to prohibit the new owners from doing the same. Mr. Izzi stated that it is in the best interest of the Applicant to maximize tree retention. Mr. Izzi asked for the public hearing to be closed. Mr. Pawlina inquired to Ms. Gaffey regarding any outstanding issues. Ms. Gaffey updated the Board regarding the collapsed

Saugus culvert. Ms. Gaffey shared that the Mayor has been in contact with the Saugus Town Administrator. The City is committed to a 50 percent cost sharing and is trying to get the work done this year. In respect to tree retention, Ms. Gaffey shared that the Tree Warden's major issue is root structure and emphasized the importance of exercising caution when using heavy equipment around the trees to be preserved. At this point, the Board discussed closing the public hearing and agreed that it was time to deliberate on the Applications. Mr. Pawlina MADE a MOTION to close the public hearing. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Mr. Cassavoy and Mr. Cassidy observed the new locations of the retaining walls as a result of the abutters' proposal. Mr. Sadowski noted that a lot of time was dedicated to public comment related to the fieldstone retaining wall, which is represented in the Applicant's plan and absent from the abutters' plan. Some members acknowledged areas along the eastern and northwestern edges of the site where the abutters' plan could be implemented where reasonable which would allow more of the natural features to be preserved. Mr. Pawlina recognized the interactive nature of the public hearing process including the participation by the Conservation Commission and responsiveness of the Applicant to the issues that have been identified. Ms. DeSouza-Ward stated that there is no precedent for the Board to require a landowner to maintain greenspace undisturbed. Some members questioned whether the abutters' proposed unaltered area is a viable option. Some members expressed the view that a carefully designed natural buffer with a natural stone wall is preferable to the 20' undisturbed area which may become stressed and not survive well over time. Some members noted that the Applicant's plan has changed for the better and that the abutters' most recent proposal does not provide significant improvements and could create additional concerns.

The members reviewed the proposed conditions drafted by the Planning Office. Mr. Pawlina MADE a MOTION to grant a waiver for reduction in roadway width to allow for a 24 foot wide roadway. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed. Ms. Marcus MADE a MOTION to grant a waiver to allow a street right-of-way of 40 feet. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed. Mr. Mercado MADE a MOTION to grant a waiver to allow for sidewalks on one side of the roadway with the condition that a financial contribution shall be made to fund future sidewalk installation in the area. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Ms. Marcus MADE a MOTION to approve the Definitive Plan for Boardman Avenue with the conditions discussed and the waivers previously approved. Ms. DeSouza-Ward SECONDED the MOTION. A roll call was taken. There were eight affirmative and one in opposition. Mr. Cassavoy – Yes; Mr. Connolly – Yes; Mr. Mercado – Yes; Mr. Sadowski – Yes; Mr. Pawlina – Yes; Ms. DeSouza-Ward – Yes; Ms. Marcus – Yes; Mr. Cassidy – Yes; Ms. Francazio – No.

Ms. Gaffey reviewed the purposes of the Slope Protection Ordinance and the special permit criteria with the members and discussed how each have been met by the Applicant.

Ms. DeSouza-Ward MADE a MOTION to approve the Slope Protection Special Permit for SP 08-001, Boardman Avenue with the conditions discussed. Mr. Cassavoy SECONDED the MOTION. A roll call was taken. There were eight affirmative and one in opposition. Mr. Cassavoy – Yes; Mr. Connolly – Yes; Mr. Mercado – Yes; Mr. Sadowski – Yes; Mr. Pawlina – Yes; Ms. DeSouza-Ward – Yes; Ms. Marcus – Yes; Mr. Cassidy – Yes; Ms. Francazio – No.

Mr. Pawlina expressed that the Board attempted to find a balance in sensitive way to prompt compromise. Mr. Pawlina expressed respect for the views shared by the abutters and stated that working together makes for successful projects. Mr. Sadowski expressed that the project is well engineered, but lacked the

benefit of a good landscape architect. Ms. DeSouza-Ward and Mr. Mercado expressed support for the proposal but acknowledged it was a difficult compromise. Ms. Francazio expressed that she did not feel that the project was well designed and believes that it violates most of the Slope Protection criteria. Ms. Francazio indicated that given what the Board had to work with, the Board advanced the proposal as far as possible. Ms. Francazio stated that the neighbors did the best that they could and commended the Applicant for incorporating suggestions throughout the public hearing process.

OTHER

Forest Street Slope Protection Special Permit Case SP 08-005 – Modification

Ms. Gaffey explained that the Applicant has requested a reduction in the size of the footprints of the two (2) single family dwellings from 24' x 48' to 24 x 38'. Ms. Gaffey along with members of the Board noted the reduction in impervious surfaces and the increased greenspace afforded by the modification. Mr. Cassidy MADE a MOTION to approve the modification to the Slope Protection Special Permit for Case SP 08-005. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

EXECUTIVE SESSION

The Board went into Executive Session to discuss the Stone Place appeal. The Board will adjourn from Executive Session. A roll call was taken and all voted in favor.

Minutes of Executive Session appear separately.