MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, September 21, 2009
7:45 p.m.
Mayor's Conference Room

PRESENT: Mike Cassavoy, Richard Connolly, Ed Cassidy, Gerry Marcus, John Sadowski, and Carla Francazio

ABSENT: Tom Pawlina, Bob Mercado, and Anne DeSouza-Ward

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

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

MINUTES

a) Draft Regular Meeting & Public Hearing, July 28, 2009

Mr. Cassavoy MADE a MOTION to accept the minutes of July 28, 2009. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

b) Draft Regular Meeting & Public Hearing, August 25, 2009

Mr. Cassidy MADE a MOTION to accept the minutes of August 25, 2009. Mr. Cassavoy SECONDED the MOTION. All voted in favor. None opposed.

BOARD OF APPEALS

Case #09-014, 59 Glenn Street, Norvig/Starr

The Applicant, Marc Norvig and Anne Starr, explained their application to the Board which involves the construction of an enclosed 4' x 8"vestibule with an open landing on the front of the dwelling. The Applicant stated that other dwellings in the neighborhood encroach upon the front setback in similar fashion. The Applicant indicated that the vestibule would be a non-heated space. Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that notes that the proposed vestibule encroaches into the front setback, which the Planning Board is typically reluctant to endorse. The Board recognized that the Applicant's proposal will serve as an entrance enhancement that is consistent with the character of the neighborhood. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Case #09-015, 23 Mt. Hood Terrace/Beech Avenue, Ullrich

The Applicant's Representative, Judith Clark, presented the application to the Board. Ms. Clark explained that the application involves the request for a variance for insufficient lot area to allow for the creation of a buildable lot on Beech Avenue. In addition, Ms. Clark stated that the Applicant proposes to annex a portion of the vacant land on Beech Avenue to the developed land on Mt. Hood Terrace. Ms. Clark indicated that the Applicant's property has always been two separate lots for tax purposes. Ms. Clark explained that the lots are located in two different zoning districts. Ms. Clark stated that the transfer of land to the Mt. Hood Terrace lot would allow for the existing driveway to become larger and the garage to be more accessible. Ms. Clark distributed to the Board copies of the Assessor's map for the area to demonstrate that the proposed buildable lot is comparable to other lots in the area. The members pointed out the need for an Approval Not Required (ANR) application and discussed the sizes of the lots in the neighborhood. Ms. Clark explained that the Building Commissioner required that the plan show a proposed dwelling on the proposed buildable lot. Ms. Clark stated that she was unsure if by doing so that the Applicant would be committing to the placement of the dwelling. However, Ms. Clark also stated that the plan is a commitment by the Applicant not to request any future setback relief. Mr. Cassidy MADE a

MOTION to send a letter to the Board of Appeals that notes the Applicant's presentation of dimensional data specific to the existing neighborhood shows that lots in the area tend to be than less than 15,000 square feet. The Board recognized that the Applicant's proposal will allow the Beech Avenue lot to maintain the necessary frontage, which the Board views to be more significant than the requirement for sufficient lot area. The Board takes no exception to this application. Ms Francazio SECONDED the MOTION. All voted in favor. None opposed.

Case #09-016, 454 Franklin Street, Chen

The Applicant's Representative, Judith Clark, presented the application to Board that involves the request for a Special Permit to allow a takeout restaurant. Ms. Clark expressed that the area has demonstrated support for similar restaurants in the past and is in proximity to public parking. Ms. Clark expressed that the site benefits from a high volume of foot traffic. Ms. Clark confirmed that there will be no seating. Mr. Sadowski inquired whether there would be any alterations to the building and was informed by Ms. Clark that the interior plans submitted with application have yet to be finalized. Ms. Clark stated that the takeout restaurant will have three employees. Mr. Cassidy pointed out other similar restaurants uses in the area and added that Applicant's proposal would be an excellent addition to the neighborhood. Ms. Francazio inquired regarding the Applicant's signage and was notified that the signage has yet to be designed. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that notes that the Board supports this application and recognizes that the Applicant's proposal is similar to other establishments in the area. The Board views the Applicant's proposal to be a positive addition to the Highlands neighborhood business district. The Board notes that the Applicant's business will be strictly takeout and involve few employees. The Board acknowledged that there is ample on-street and off-street parking in the area to adequately serve the needs of the Applicant's business. Ms Francazio SECONDED the MOTION. All voted in favor. None opposed.

Case #09-017, 74 Meridian Street, Robinson

The Applicant, George and Gail Robinson, presented their application to the Board which requires relief from the side setback requirement for the construction of a one story addition on the north side of the dwelling. Mr. Sadowski expressed concern regarding possible maintenance issues. Mr. Cassidy noted the limited benefit to be gained by the proposal and suggested that the Applicant consider a reconfiguration of the proposed addition. The members noted that the proposed one-story addition is shown to be high off the ground and appears to be almost two stories. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that notes the extent of the addition and its proximity to the property line may create maintenance as well as public safety concerns. The Board encouraged the Applicant to submit a modified design to the ZBA that shows the proposed addition to be shorter in length. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Case #09-018, 201 West Emerson Street, Jones

The Applicant, Andrea Jones, was not present to review the application with the Board. The members discussed the details involved with the case and pointed out that plot plan submitted does not support the application. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that notes that the Applicant was not in attendance to present the application. The Board noted the plot plan included with application appears to depict an addition to the rear and does not detail the relief requested for what appears to be a cover over an open stair rather than a porch as described in the public notice. Nonetheless, the Board views the Applicant's proposal to be a minor encroachment to the front setback that is consistent with other dwellings in the neighborhood. Mr. Sadowski SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION

482 Swains Pond Avenue, Maneiro/Toomey/Greene (public hearing)
The Applicant's Representative, Patrick McAvoy, was present to review the details of the application with the Board. Mr. McAvoy explained that the Applicants have been before the Board of Appeals a total of three times for a frontage variance. Mr. McAvoy stated that first time before the ZBA his clients' application was denied. Mr. McAvoy added that his clients returned before the ZBA with a repetitive petition which was granted but later appealed due to a notification issue. Mr. McAvoy explained that the case was then remanded to the ZBA for new consideration at which time the frontage variance was once again granted. Mr. McAvoy stated that the application does not include the construction of a roadway, but only the moving the lot line to create the new house lot. Mr. McAvoy indicated that Subdivision approval is necessary rather an ANR in this instance as the new house lot does not have adequate frontage. Mr. McAvoy reviewed waivers that the Applicant would require which included waivers for curbs/sidewalk, storm drains/culverts, a performance bond, and compliance with the requirements of the zoning ordinance. Mr. Connolly opened the hearing to public comment.

Robert Martin, 16 Staples Street
Mr. Martin stated that he is not against the sale of the new house lot. Mr. Martin stated that there is a lot of ledge in the area and he expressed concern about blasting and the potential of basement flooding.

Neal Moriarty, 12 Staples Street
Mr. Moriarty expressed concern regarding potential basement flooding.

Mr. Connolly asked the Board for its comments. Mr. Cassavoy expressed that curbs and sidewalks should be shown in the Applicant's plan. The members discussed the need for the relocation of the driveway for the existing dwelling and showed an interest in the condition of the sidewalks. Mr. McAvoy asked for an opportunity to address the blasting issue. Mr. McAvoy stated that the construction on the new house lot will be limited to the front of the lot. Mr. McAvoy stated that a pre-blast survey will be conducted and added that any blasting would be overseen by Fire Department. Mr. McAvoy expressed that he was uncertain if blasting would even be necessary. Mr. McAvoy stated that his clients intend to sell off the lot and do not plan to build on the lot themselves. The members confirmed the typography of the lot to be flat. Mr. Cassidy stated that it is appropriate to ask for a reasonable amount of detail to be shown on the plan. Ms. Francazio stated that the plan shows an insufficient level of information. The members assembled a list of items to be included on the plan which included the location of curb cuts, the location of the driveway for the new lot to be created and the new driveway for the existing dwelling, sidewalks and granite curbing, utilities including catch basins within the limits of the subdivision, and the full width of Swains Pond Avenue. Mr. Cassavoy MADE a MOTION to continue the public hearing to October 26, 2009. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

OTHER
TD Bank Proposal, 478 Main Street – Preliminary Discussion
The Project Architect, Joe Nevin, and Project Engineer, Bill Goebel, were present with the Owner to review the details of the proposed improvements at 478 Main Street. Mr. Nevin explained that the project involves the demolition of the adjacent Waystack Building to create a two lane drive-thru with a bail-out lane and 20 parking spaces. Mr. Nevin stated that the new layout would facilitate connectivity with the Larrabee Lot which is presently under-utilized. Mr. Nevin explained that office space for an additional tenant will be created in the bank's annex. The members noted the traffic challenges associated with the proposal and its proximity to one the busiest intersections in the City. Mr. Goebel stated that the proposal will maintain the existing on-street parking. Ms. Gaffey noted that removal of the bail-out lane would add another on-street parking spot. Ms. Francazio added that the bail-out lane is a potential bottleneck and questioned whether parking would be signed for bank use only. Mr. Nevin focused the presentation onto the building. Mr. Nevin stated that it is their intention to restore the exterior of building, which

includes replacing all the glazing. Mr. Nevin added that the historical interior will be maintained including the vaults and murals. New acoustical ceiling tile will be installed. Mr. Nevin stated the building will be Leadership in Energy and Environmental Design (LEED) certified. Mr. Nevin noted that they recently conducted a preliminary discussion with the Historic District Commission (HDC). Mr. Nevin shared some issues that were raised by the Commission including comments concerning signage, landscaping, and the drive-thru. Mr. Sadowski cautioned regarding "over" signage. Mr. Nevin stated that some of the HDC members expressed a preference for more understated signage on Main Street similar in size and placement to what is proposed on W. Foster Street. Mr. Nevin added that HDC members were disappointed that the Main Street signage as proposed covers over some existing architectural detail above the main door. Mr. Nevin noted that the building does not offer a great place for signage. Mr. Cassidy inquired concerning possible lighting. Mr. Nevin indicated that members of the HDC discouraged the use of florescent lighting to illuminate the signage. Mr. Nevin stated the intention for the drive-thru is to be simple and elegant. Mr. Cassavoy inquired regarding the timeline for the project. Mr. Nevin stated that they anticipate making a formal submission within the next 30 days with a goal to open within the next year. Mr. Nevin thanked the members for their input.

Mt. Zion Road – Release from Performance Agreement

Ms. Gaffey explained that the Mt. Zion Road Developer is asking the Planning Board for their release on a Performance Agreement that did not require the involvement of the Planning Board. Ms Gaffey noted that the Planning Board was included in the Performance Agreement when it was originally drafted and as a result a sign-off by the Planning Board is required for full release. Ms. Gaffey added that she has reviewed the issue with the City Solicitor's Office and David Lucas does not see any issues with the Planning Board signing-off on the Performance Agreement. Ms. Marcus MADE a MOTION to endorse the Performance Agreement as requested by the Developer. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

EXECUTIVE SESSION

Mr. Cassavoy MADE a MOTION to go into Executive Session to discuss the Stone Place appeal. Ms. Francazio SECONDED the MOTION. The Board will adjourn from Executive Session. A roll call was taken and all voted in favor.

Minutes of Executive Session appear separately.