

DRAFT
MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, October 26, 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.

MINUTES

a) Draft Regular Meeting & Public Hearing, September 21, 2009

Members offered minor revisions. Mr. Pawlina MADE a MOTION to accept the minutes as revised. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

BOARD OF APPEALS

Case 09-019, 37 Washington Street, MetroPCS

The Applicant's Representative, Scott Lacey from Prince Lobel Glovsky & Tye, was present to describe the application to the Board. Mr. Lacey stated that the application is for a temporary wireless communications facility to be located on the rooftop penthouses at 37 Washington Street. Mr. Lacey added that the proposed long term location is the neighboring smokestack. After an extensive discussion, Mr. Pawlina MADE a MOTION to send a letter to the Board of Appeals that notes that the Board acknowledged the Applicant's proposal to be a temporary solution with the anticipation of relocating the wireless communications devices onto the nearby smokestack. The Board noted the very real possibility that the smokestack might not be able to be salvaged, which might then cause the Applicant to pursue a more permanent status for the proposed installation. The Board considered the aesthetic appearance of the equipment to be attached to the penthouses and expressed a preference for the antennas to be positioned vertically instead of tilted as shown in the application. The Board discussed the potential cause for concern in terms of the public health and safety impacts associated with locating wireless communications facilities in close proximity to residential units. In addition, the Board noted that the Applicant is responsible for the removal of the wireless communications facility and restoration of the property to its natural condition should the equipment become abandoned. Mr. Mercado SECONDED the MOTION. All voted in favor with the exception of Mr. Cassidy who voted opposed.

Case 09-020, 94 Sheffield Road, Efremow

The Applicant, Mr. Efremow, was present to describe his application to the Board. Mr. Efremow explained the need for the construction of the addition onto to rear of his garage. The members questioned the Applicant regarding the details related to the proposed addition. Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals that notes that the Applicant represented that the proposed tool shed addition will feature a continuation of the hip roof construction of the existing structure. The Applicant indicated that the wood shingled addition will maintain the appearance of the garage and include windows on both sides and the rear to allow for natural light. The Applicant expressed that the proposed addition shall be one story with no utilities and offer access on the north side as well as through the garage. The Board noted the potential maintenance and public safety issues associated with the proximity of the proposed addition to the side lot line. The Board urged the Applicant

to provide a more detailed architectural plan for review by the Board of Appeals at the public hearing. Mr. Sadowski SECONDED the MOTION. All voted in favor. None opposed.

Case 09-021, 4 Main Street, Barbette One, Inc

The Applicant's Representative, Patrick McAvoy, was present to describe the application to the Board. Mr. McAvoy explained that application involves the appeal of the Building Commissioner's decision regarding the Applicant's proposed signage and if necessary a request for a variance to install two signs on the wall of the building facing Main Street. After a detailed evaluation of the two components of the application, Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that notes that the Planning Board acknowledged the Building Commissioner's interpretation of the zoning ordinance as it pertains to business signage, but defers to the Board of Appeals on this question. Should the Board of Appeals agree with the Building Commissioner and require a variance for two signs on the Main Street store frontage, the Planning Board recommends that the variance be granted. The two separate signs are appropriate in this instance given that the business uses two store fronts. The Board views the retail component as integral to the success of Oak Grove Village and feels that this proposal supports this objective. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION

482 Swains Pond Avenue, Maneiro/Toomey/Greene (continued public hearing)

The Applicant's Representative, Patrick McAvoy, was in attendance to present the additional information that was supplied to Board in response to the issues raised at the September 21st public hearing. Mr. Connolly opened the hearing to public comment.

Robert Martin, 16 Staples Street

Mr. Martin expressed concern regarding blasting and the potential impact on his dwelling's fieldstone foundation. Mr. Martin submitted photographs to the Board of his foundation and the Applicant's property.

Mr. Connolly asked the Board for its comments. The members expressed satisfaction with additional information provided by the Applicants. Ms. Gaffey stated that the Applicant's submission was reviewed by the Superintendent of Public Works who noted that the curb cut for the new driveway for the existing dwelling is too narrow and would be required to be widened. The members discussed the blasting concerns expressed by members of the public and noted the state and local requirements in place that will regulate any blasting performed by the Applicant. Ms. Gaffey added that the future owner of the new lot will need to file building permits with the Building Commissioner and conform with the zoning ordinance. Mr. Cassavoy MADE a MOTION to close the public hearing. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Mr. Sadowski MADE a MOTION to approve the Definitive Subdivision Plan for 482 Swains Pond Avenue and the necessary waivers with the following conditions:

- The curb cut for the new driveway associated with the existing dwelling shall be widened to meet the specification of the Superintendent of Public Works.
- The Applicant shall submit for Fire Department review and approval a written blasting plan including without limitation specific procedures and plans for drilling and blasting, safety, and protection, and documentation of pre-blasting conditions of bordering properties.

Mr. Cassavoy SECONDED the MOTION. No members voted in opposition. Mr. Mercado, Mr. Pawlina, and Ms. DeSouza-Ward abstained from the vote due to absence from the previous public hearing.

SITE PLAN REVIEW

SP-09-004, 454 Franklin Street, Chen (public hearing)

The Applicant's Representative, Judith Clark, was present to describe the application to the Board. Ms. Clark stated that the Applicant was recently awarded a Special Permit by the Zoning Board of Appeals (ZBA) to allow a take-out restaurant.

Mr. Connolly noted that no members of the public were present. Mr. Cassidy MADE a MOTION to close the public hearing. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed. Mr. Connolly asked the Board for its comments.

The members acknowledged the report prepared by OPCD and the issues outlined therein. They discussed the appearance of the proposed signage and noted that it would likely need to be reduced in size to conform with the zoning ordinance. The Board found that the aesthetic appearance of the storefront would be enhanced by reducing the size of the signage to fit with the signband. The application generated extensive discussion regarding the issue of trash storage. The Applicant stated that trash would be picked up once or twice a week as found necessary. The members expressed appreciation for the concern expressed by the Health Department Director regarding the need to upgrade the trash area and discussed potential solutions such as the installation of a dumpster enclosure. Ms. Clark impressed upon the Board that the Applicant is not owner of building and that the Applicant does not have any involvement with the existing dumpster. The members recognized that trash storage on the property is a preexisting issue that is not exclusive to the Applicant as a new tenant but rather a matter that should include involvement by the landlord. The Board found that while it may be preferable to install some type screening for the trash area, members were reluctant to impose such a condition on a tenant. The Board expressed its support of any necessary actions to be taken by the Health Department in respect to trash storage.

Ms. DeSouza-Ward MADE a MOTION to grant the necessary waivers pertaining to the submission of required application materials. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed. Mr. Sadowski MADE a MOTION to approve the Site Plan for SP 09-004, 454 Franklin Street with the following condition:

- The size of the signage shall be adjusted to fit within the signband. The new signage shall have a matte finish, maintain a similar design to the proposal submitted, and conform with the zoning ordinance.

Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

OTHER

Patriot Way – Tripartite Agreement Extension

Ms. Gaffey explained that the tripartite agreement for Patriot Way has expired and that the Developer has requested a one year extension. Ms. Gaffey stated that Applicant still needs to apply the top coat to the roadway and reminded the members that the subdivision increased from three lots to four lots as a result of an ANR that was approved in 2008. Ms. Gaffey noted the Applicant's engineer met with Superintendent of Public Works to review the status of the project. Based on input from Superintendent of Public Works and information supplied by the Developer, Ms. Gaffey recommended that the Board authorize the extension. Ms. DeSouza-Ward MADE a MOTION that the Board approve the extension of the tripartite agreement as requested. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Meeting Schedule for December

The Board determined that the December Planning Board meeting will take place on December 21, 2009.

EXECUTIVE SESSION

Ms. DeSouza-Ward MADE a MOTION to go into Executive Session. Mr. Mercado 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.