

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, November 23, 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, and Carla Francazio

ABSENT: Tom Pawlina

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

The meeting was called to order at 7:55 p.m. by Mr. Connolly.

MINUTES

a) Draft Regular Meeting & Public Hearing, October 26, 2009

Members offered minor revisions. Mr. Cassidy MADE a MOTION to accept the minutes as revised. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

b) Draft Executive Session, October 26, 2009

Mr. Mercado MADE a MOTION to accept the minutes of October 26, 2009. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION

Plan Endorsement for 482 Swains Pond Avenue, Toomey/Maneiro/Greene

The Board endorsed the final plans and mylar for the final approved subdivision plan for 482 Swains Pond Avenue.

BOARD OF APPEALS

Case 09-028, 533-541 Franklin Street, Dunlop

The Applicant's Representative, Patrick McAvoy, was present to describe the application to the Board. Mr. McAvoy explained that the Building Commissioner reversed his opinion regarding the need for Site Plan Review subsequent to the submission of the application. After a detailed discussion by the members concerning the traffic in the area, Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals that noted the Planning Board discussed the potential safety issues related to pick-up and drop-off of young children at this busy location. The Board noted that the sight lines for cars exiting Greenwood onto Franklin are poor and the child care facility is located in close proximity to the commuter rail station where traffic peaks at the same time as pick up and drop off are likely to occur. Notwithstanding this concern, the Board considered the Applicant's request for parking relief and acknowledged the availability of ample parking at the nearby municipal lot. Consequently, the Board favored the granting of a special permit for credit for parking spaces in the nearby municipal lot. The Board also recognized the Building Commissioner's letter dated October 27, 2009 that rescinded the requirement for Site Plan Review. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Case 09-022, 171 Warwick Road, Hannon/Azevedo

The Applicants, Mr. Hannon and Ms. Azevedo, were present to describe the application to the Board. After a thorough evaluation of the application by the Board, Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that noted that the Applicant represented that the proposed covered deck

would be at grade in the front and approximately five feet above grade in the rear. The Board noted the potential maintenance and public safety issues generally associated with side setback encroachments of this nature. However, the shape of the adjacent lot would preclude a similar side setback encroachment proposal by the neighbor to the north, which is a mitigating factor in this instance. In addition, the Applicant expressed a willingness to amend their application to eliminate the roof over the deck. Mr. Cassavoy SECONDED the MOTION. All voted in favor. None opposed.

Case 09-023, 585 Lebanon Street, Bell Atlantic d/b/a Verizon Wireless

The Applicant's Representative was present to describe the application to the Board. The members conducted an extensive discussion regarding the application. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted that included among the antennas proposed for replacement are multiple non-conforming stand alone antennas positioned along the edge of the roof line that were installed prior to the creation of the Wireless Communication Service Facility (WCSF) Ordinance. Board members who were actively involved in the WCSF zoning process have long taken exception to this type of installation and acknowledged it to be part of the motivation for the WCSF Ordinance. The Board did not find any attempt made by the Applicant to conceal the specified antennas from the public view, pursuant to §235-73 paragraph E of the Zoning Ordinance. The Applicant was notified of the need to revise its proposal prior to the Board of Appeals public hearing so as to demonstrate conformance with the WCSF Ordinance. The Board put forward alternatives that might accomplish this objective such as stepping back the antennas from the façade or potentially mounting the antennas onto a rooftop penthouse. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Case 09-024, 120 Upham Street, Vianello

The Applicant, Ms. Vianello, was present to describe the application to the Board. After a detailed evaluation of the Applicant's proposal by the members, Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that noted that the Board expressed concern regarding the potential maintenance and public safety issues associated with the proximity of the proposed addition to the side lot line. The Board made the Applicant aware of design alternatives that would involve extending the addition to the rear while following the line of the dwelling. Because the layout of the lot allows for alternative design options, the Board is unable to recommend the granting of a variance in this instance. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Case 09-025, 39 Warren Street, Minear

Mr. Connolly observed that no one was in attendance to present the application. Mr. Cassavoy MADE a MOTION to move the case to the end of the agenda. Ms. DeSouza-Ward SECONDED the MOTION. All voted in favor. None opposed.

Case 09-029, 340 Main Street, Clearwire

The Applicant's Representative, Lisa Bera, was present to describe the application. The members evaluated the Applicant's proposal. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted that the Board identified that the proposed antennas appear to extend beyond the wall of the penthouse greater than the 12 inch maximum permitted pursuant to §235-73 paragraph D of the Zoning Ordinance. The Applicant indicated their intent to revise the application to conform with the Zoning Ordinance as well as paint the antennas and associated equipment to match the exterior of the building. The Board noted that the plans included with the submission are rather generic and encouraged the Applicant to provide digital imagery that would show the appearance of the installation as viewed from Main Street. In addition, the Applicant responded that there will be no outdoor cabinets despite the reference on Sheet E-1. The cabinet will be installed within the existing equipment room and all

necessary exterior cables will run alongside the existing Sprint cabling. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Case 09-030, 34 Glendale, DiMattia

The Applicant, Mr. DiMattia, was present to describe the application. The Applicant explained that the tool shed has already been placed within the side and rear setbacks. The members discussed the details involved with the case and Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals that noted that the Board is unable to support this application because of the potential maintenance and public safety issues associated with the proximity of the tool shed to the rear and side lot lines. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Case 09-026, 17 Sanford Street, Zizza

The Applicant's Representative, Judith Clark, was present to describe the application. The members evaluated the information presented. Mr. Cassavoy MADE a MOTION to send a letter to the Board of Appeals that states that the Board does not object to the proposed two-family use at this particular location. The Board noted the Applicant's survey of the neighborhood that shows numerous two family dwellings in the surrounding area. The Board acknowledged the need for a lot area variance and recognized that the Applicant's proposal shows parking within the front yard area. In the event that the Applicant is granted the necessary relief, four legal parking spaces should be created that are appropriately screened and recessed within the lot. Ms. Francazio SECONDED the MOTION. All voted in favor. None opposed.

Case 09-027, 743 Main Street, Elmhurst, LLC

Ms. Marcus recused herself. The Applicant's Representative, Judith Clark, was present along with the sign maker, Eric Stevens, to describe the application. After a detailed evaluation of the application, Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that noted that the proposed new sign will be the same size and mounted on the same posts as the existing sign. The Board recognized the unique preexisting constraints of the site, which have contributed to the Applicant's inability to conform with the Zoning Ordinance. The Board takes no exception to this application and finds the Applicant's proposal to be an appropriate replacement of the existing sign. Mr. Cassavoy SECONDED the MOTION. All voted in favor with the exception of Ms. Marcus. None opposed.

Case 09-031, 132 Rowe Street, Pezzuto

The Applicant's Representative, Judith Clark, was present to describe the application. The members discussed the details of the case. Mr. Sadowski MADE a MOTION to send a letter to the Board of Appeals that the states that the Board does not object to the proposed two-family use at this particular location. The Board noted that the Applicant's property backs up to a commercial use and is located within a neighborhood that contains other two family dwellings. The Board acknowledged the need for a lot area variance and recognized that the Applicant's proposal offers ample parking. Mr. Cassavoy SECONDED the MOTION. All voted in favor. None opposed.

APPROVAL NOT REQUIRED

23 Mt. Hood Terrace, Ullrich/Campbell

The Applicant's Representative, Judith Clark, was present to describe the application. Ms. Clark reminded the members that the Applicant had recently been before the Board in connection with a Board of Appeals case that was associated with this property. Ms. Clark stated that the Applicant obtained relief from the Board of Appeals for insufficient lot area to allow for the creation of a buildable lot on Beech Avenue. Ms. Clark explained that the proposed transfer of land will facilitate access to the existing

garage and noted that both lots have adequate frontage. Ms. DeSouza-Ward MADE a MOTION to approve the ANR. Mr. Cassavoy SECONDED the MOTION. All voted in favor. None opposed.

OTHER

Design Review Subcommittee Report

Mr. Cassidy stated that the Design Review Subcommittee met earlier in the evening in connection with the Stone Place Site Plan Review application. Mr. Cassidy explained that the Subcommittee is working with Applicant to finalize a variety design details. Mr. Cassidy added that the next Stone Place Design Review Subcommittee meeting is scheduled for February 22, 2010 at 7 PM.

Boardman Appeal

Mr. Connolly reviewed with the members the details of the settlement which includes expansion of the area of no construction and involves moving the location of the swale. Mr. Connolly explained that this change requires the approval of the Planning Board. Ms. Gaffey stated that the City Engineer has reviewed the revised plan and is comfortable with the modification. The members evaluated the details associated with modification and found it to be no substantial change. Mr. Cassidy MADE a MOTION to approve the modification to the approved subdivision plan. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Conflict of Interest Law

Ms. Gaffey informed the members that as a result of the recently enacted "Ethics Reform Bill", all municipalities in the Commonwealth of Massachusetts are required to provide a summary of G.L. c.268A ("Conflict of Interest Law") to all municipal employees. Ms. Gaffey explained that this requirement applies to all municipal employees, which includes all members and employees of the City's various boards and commissions. Ms. Gaffey distributed the required documentation to the members.

The meeting adjourned at 10:30 PM.