

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, January 26, 2009
7:45 p.m.
Mayor's Conference Room

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

ABSENT:

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

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

MINUTES

a) Special Meeting & Public Hearing, December 3, 2008

Mr. Cassavoy and Mr. Cassidy offered minor revisions. Mr. Mercado MADE a MOTION to accept the minutes as revised. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

b) Regular Meeting and Public Hearing, December 22, 2008

Mr. Marcus MADE a MOTION to accept the minutes of December 22, 2008. Ms. Francazio SECONDED the MOTION. All voted in favor. None opposed.

ASSENT CALENDAR

Case 09-001, 76 Granite Street, Green

Mr. Cassidy MADE a MOTION to approve the item on the Assent Calendar. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed. Mr. Cassavoy explained that a standard letter would be sent to the Applicant.

BOARD OF APPEALS

Case 08-028, 77 Swains Pond Avenue, Hancock

Members suggested that due to the nature of the case the Planning Board should defer to the judgment of the Board of Appeals. Ms. Gaffey pointed out that the level of information supplied by the Applicant is not sufficient. Mr. Sadowski added that it would be difficult for the Board of Appeals to provide a judgment without more information such as topographical details. The Applicant indicated that he has retained counsel and has been advised the Slope Protection Ordinance does apply. Ms. DeSouza-Ward agreed that it would be appropriate for the Planning Board to defer to the Board of Appeals. Ms. DeSouza-Ward MADE a MOTION to send a letter to the Board of Appeals stating that the Applicant informed the Board that he has retained counsel who has advised him that the Slope Protection Ordinance does apply in this instance. With the above comments noted, we believe the appeal of the Building Commissioner's decision concerning this case involves judgments that can best be determined by the Board of Appeals. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

Case 08-029, 42-44 Howie Street, Zavarella

The Applicant, Mr. Zavarella, described his application which includes the construction of an enclosed front egress within the front setback. The Applicant explained that the new front egress enclosure on the two family structure has been constructed on the same footprint as the former egress that included an overhang. The Applicant stated that the two family structure is 7 feet from the curb and pointed out many other dwellings in the area that are also non-conforming. The Applicant reviewed with the Board pictures of adjacent and nearby dwellings. The Applicant emphasized that the former egress became very

hazardous during winter conditions. Mr. Cassavoy stated the new egress does not comply with the Building Code, which requires a variance from the State. Ms. Francazio referenced a similar case that went before the Board of Appeals that featured stairs that turned and ran along the side of the dwelling. Mr. Cassidy agreed that the situation would be improved if the stairs turned to the left. Mr. Connolly expressed that the new egress is consistent with the neighborhood. Mr. Pawlina MADE a MOTION to send a letter to the Board of Appeals stating that the Board noted dwellings in the surrounding area with front setback encroachments which have been resolved in a fashion similar to the Applicant's proposal. The Board recognized that the Applicant's proposal also involves a Building Code issue that would need to be remedied should the Board of Appeals grant the variance requested. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION

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

Representative for the Applicants, Patrick McAvoy, was present to request a continuance to the February Planning Board meeting. Mr. McAvoy explained that a case related to this application is pending in Superior Court. Mr. McAvoy added that there is a potential resolution on the horizon that would involve the sale of the lot to the adjacent neighborhood. Mr. Connolly MADE a MOTION to continue the public hearing until February 23, 2009 at the request of the Applicant who agrees to waive any statutory deadlines. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION – SLOPE PROTECTION SPECIAL PERMIT

Carlida Road/Cranmore Lane/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, Richard Williams from Hayes Engineering. Mr. Izzi reintroduced the members to details involving the subdivision proposal. Mr. Izzi explained that the proposed subdivision is comprised of five lots. Mr. Izzi reminded the members that Hutchinson family originally purchased the undeveloped land as an approved 23 lot subdivision. Mr. Izzi stated that the Applicant's proposal is a far less intense development project. With respect to the Slope Protection Special Permit, Mr. Izzi explained that this proposal has been crafted to minimize alteration to the natural features on the site and strives to preserve these features wherever possible. Mr. Izzi explained that grading is proposed to be limited and trees and plantings will be preserved and wherever disrupted additional plantings will be installed. Mr. Izzi indicated that the design team has met with the City Engineer to discuss the drainage provisions included in the proposal.

Mr. Izzi introduced Rich Williams, the Civil Engineer, to address the request by the Planning Board for additional information following the last public hearing in February, 2008. Mr. Williams stated that the Erosion Control Plan/Construction Sequence Plan includes a proposed tracking pad to minimize the amount of sediment onto Boardman Avenue. Mr. Williams acknowledged that blasting will be required to meet the proposed grades. Members were assured that blasting would take place in accordance with City and State standards. Mr. Williams indicated that he meet with the City Engineer to verify the capacity of the existing sewer and discuss the possibilities for re-routing stormwater runoff. Based on his conversation with the City Engineer, Mr. Williams explained that the problems with the sewer system in the area result from flooding from storm events where capacity in the sewer lines is taken up by stormwater resulting in surcharges. Mr. Williams added that the City of Melrose has been in contact with the Town of Saugus regarding the collapsed culvert in the area. The Town of Saugus has initiated measures to fix the culvert. At which time this work moves forward and is completed, flooding elevations will hopefully be reduced which will improve the sewer system in the area. Mr. Williams indicated that the 15% of property will be covered with impervious surfaces. In terms of the size of the

proposed dwellings, Mr. Williams indicated that what is shown on the plans is a good representation as these footprints are defined by the setback requirements. Mr. Izzi added that Ms. Bulman intends to reside in the subdivision and assured the members that the Applicants are interested in well designed subdivision. Mr. Williams stated that the detention basin proposed adjacent to the Crafts' property could be shifted 15'-20' from the property however the rip rap would need to be extended at a 1:1 slope to accommodate this move. Mr. Williams expressed that the project does not lend itself to phasing. Mr. Williams stated that if peer review is determined to be necessary, the Applicant would be receptive at a reasonable cost. Mr. Cassavoy asked for clarification regarding the 100-year flood delineation. Mr. Cassavoy opened the meeting up to public comment.

Arnold Koch, 66 Cranmore Lane Mr. Koch inquired regarding why the dead-end pipe that flows into the Applicant's property was never connected.

James Renier, 11 Arlington Road Mr. Renier asked for more information concerning the appearance of the swale. Mr. Williams described the proposed swale as a 6' foot deep 1:1 rip rap wall.

Janis Crafts, 171 Boardman Avenue Ms. Crafts asked for more precise information regarding the detention basin that is proposed to be located behind her property. Ms. Crafts expressed concern regarding the impact that the detention basin would have on her property value. Ms. Crafts also expressed that she felt that the detention basin could be a potential danger to children in the neighborhood. Mr. Williams stated that the detention basin would be 20' from Ms. Crafts' property, 20' by 25' in size, 3' in depth. Mr. Williams added that there are three similar mitigation fields included in the proposal. Ms. Crafts inquired when the work on the collapsed culvert is scheduled to take place. Ms. Crafts added that the subdivision project should not start until the improvements to the culvert occur. Mr. Izzi stated that the Applicant's proposal will not exacerbate the existing conditions. Mr. Williams indicated that he is not aware of a specific time frame for the Saugus culvert work. Ms. Gaffey stated that the City Engineer had indicated that Saugus retained a contractor and is hopeful to start in the spring.

Kathy Driscoll, 23 Cranmore Lane Ms. Driscoll stated that the Applicant's proposal is an extensive project that will change the tone of the neighborhood. Ms. Driscoll expressed that every time it floods the neighborhood pays the price. Ms. Driscoll stated that the neighbors need some assurance that the culvert work in Saugus will get completed first. Mr. Williams stated that the project has been designed so not to exacerbate existing conditions.

Kevin Hegarty, 11 Cranmore Lane Mr. Hegarty asked for a clarification of the percentage provided for impervious surface. Mr. Williams indicated that 15% of the lots that comprise the subdivision are impervious. Mr. Hegarty asked for what percentage of the buildable acreage is impervious. Mr. Hegarty asked for more information as to how the mitigation improvements will appear. Mr. Williams explained that the mitigation field to the north of the Boardman extension will be a dirt pond planted with wetland plants. The mitigation field will be 2' lower than the road and be defined by a 3:1 slope. Mr. Williams stated that the mitigation field behind the Crafts' residence (if shifted further from the Crafts' property) will have a 7' 1:1 rip rap slope down to the mitigation field. Mr. Williams briefly described the large mitigation field in the rear of the Applicant's property. Mr. Williams stated that the maintenance plan included in the Applicant's proposal would require mowing the slope once a year. Mr. Williams offered to provide photographs of similar mitigation fields.

Arnold Koch, 66 Cranmore Lane Mr. Koch asked how many trees are expected to be removed. Mr. Williams answered that he did not know.

James Renier, 11 Arlington Road Mr. Renier expressed concern regarding the well being of the trees and ledge on his property line. Mr. Williams indicated that trees on the property line would not be affected. Mr. Renier inquired what preventive measures would be taken to offset the airborne dirt that will be created during blasting. Mr. Izzi assured the neighbors that the Applicants would use whatever techniques available to make sure these concerns are addressed.

Mr. Cassavoy asked the members for their comments. Mr. Connolly asked whether the mitigation fields are constantly filled with water. Mr. Williams replied that the mitigation fields are not always filled with water, usually in the spring. Mr. Williams explained that water above the outlet pipe will empty into the wetlands system in less than a day. Ms. DeSouza-Ward asked for clarification regarding the sloping walls (swales) included the Applicant's proposal. Ms. DeSouza-Ward agreed that photographs of similar mitigation techniques would be beneficial. Mr. Pawlina inquired whether the hydraulic reports had been submitted. Mr. Williams indicated these reports were included with the original application. Mr. Williams added that they intend to file with the Conservation Commission tomorrow as a large piece of the road falls with the Conservation Commission's jurisdiction. Mr. Cassidy asked if the width of the roadway has to be so large. Mr. Cassidy stated that he supports a reduction in the roadway width and wondered if sidewalks on both sides of the street make sense. Mr. Cassidy asked whether semi-pervious pavement for the road and driveways have been considered as this material might reduce the runoff impact. Mr. Cassidy suggested in this case that a higher standard might be appropriate instead of assurance that there is no increase in runoff from pre-development to post-development. Mr. Williams explained that the road/sidewalks were designed to the provisions of the subdivision requirements and that the Applicant would be happy to reduce/eliminate the sidewalks as well as reduce the roadway. Mr. Williams added that the swale is a closed pipe that would only contain water during storm events and would not be visually different from the landscaping in the area. Mr. Williams explained that the detention basin is at the low point and provides treatment before the water goes into the wetlands. Mr. Williams added that the City pipe at the end of Boardman Avenue would be eliminated. Mr. Sadowski asked if the detention basin on the north side of the proposed road could also be moved. Mr. Williams indicated that it could probably be moved a few feet.

Mr. Pawlina stated that the Site Plan Review criteria have been updated to mitigate at a higher level, the five year 24 hour storm event. Mr. Pawlina suggested the installation of a leeching system in the cul-de-sac and the driveways would be a more efficient means to recharge the groundwater. Mr. Pawlina expressed that adding leeching systems would only have a positive effect and minimize the frequency of the activation of detention basins below. Mr. Williams stated that installation of leeching systems might be difficult due to the presence of ledge. Mr. Mercado inquired regarding alternative location for the detention basins. Discussion took place regarding the areas where there might be frequently standing water. Members inquired whether any consideration had been given to the installation of fence or insect control measures. Mr. Williams indicated that these measures are not included in the proposal. Mr. Williams explained that the detention basins cannot be located in wetlands per Federal regulations as detention basins need to be above the elevation of wetlands in order to be effective. Mr. Cassidy encouraged the neighborhood to look at this proposal as the last chance to do something about the flooding issues in the area and stated this project is an opportunity as much as it is risk. Mr. Cassidy acknowledged good people are on both sides of the project who are trying to solve/mitigate the issues at hand.

Mr. Cassavoy raised the issue of peer review. Ms. Marcus MADE a MOTION to require peer review of the drainage study and per Mr. Cassidy's request added review by a Landscape Architect of the proposed vegetated materials. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed. Ms. Gaffey stated that the Planning Office would secure the services of a peer review consultant and follow-

up with the Applicant. Mr. Cassavoy suggested that a site visit in March would be appropriate. Ms. DeSouza-Ward MADE a MOTION to continue the public hearing to March 23, 2009. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

ZONING SUBCOMMITTEE REPORT

Draft Report to the Board of Aldermen for Proposed Specialty Food Stores Zoning Amendment

Ms. Gaffey distributed handouts related to the zoning amendment and reviewed with the members the draft report to the Board of Aldermen. Members suggested points of emphasis in the report. Discussion took place regarding signage, the appropriateness of a special permit requirement, and the role of Site Plan Review in the approval process. Ms. Marcus MADE a MOTION to accept the report as edited. Mr. Sadowski SECONDED the MOTION. All voted in favor. None opposed.

Meeting adjourned at 10:25 p.m.