

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, November 24, 2008
7:45 p.m.
Mayor's Conference Room

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

ABSENT: 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. Cassavoy.

MINUTES

a) Special Meeting & Public Hearing, October 16, 2008

Mr. Mercado MADE a MOTION to accept the minutes of October 16, 2008. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

b) Regular Meeting & Public Hearing, October 27, 2008

Mr. Connolly MADE a MOTION to accept the minutes of October 27, 2008. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

SLOPE PROTECTION SPECIAL PERMIT

Case SP 08-005, Forest Street (Lot 2 & Lot 3), Delta Fairfield Corporation (continued public hearing)

The Representative for the Applicant, Patrick McAvoy, was present along with the members of the Applicant's family, Bill and Carol Gianquitto. Mr. Cassavoy explained that one of the members is absent for the meeting and reminded Mr. McAvoy that another member was absent for a previous meeting. Mr. McAvoy consulted with the Applicant and requested a continuance until the next Planning Board meeting. Mr. Connolly MADE a MOTION to grant the Applicant's request to continue the public hearing to December 22, 2008. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

APPROVAL NOT REQUIRED

Carlida Road/Cranmore Lane/Boardman Avenue, Green Morningside Nominee Trust

The Representative for the Applicant, Lou Izzi, was present with the Engineer, Rich Williams, along with the Applicant, Mark Hutchinson and Linda Bulman. Mr. Izzi stated that since the Applicant was last before the Board the Applicant received approval from the Conservation Commission for Lot 4. Mr. Izzi explained that the Form A combines Lot 4 and Lot 8 to allow for minimum frontage requirements to be met. The Form A combines Lot 5, Lot 6, and Lot 7 to a pre-existing grandfathered lot that has a house on it to increase the frontage by 14 feet. Ms. Gaffey reminded the Board of the technicality in the Zoning Ordinance associated with the definition of frontage made this revised ANR necessary. Mr. Sadowski inquired whether the ANR would have any effect on the setbacks and was informed by Mr. Izzi that it would not. Ms. Gaffey stated that case law supports approval of an ANR that makes a pre-existing non-conforming lot less non-conforming with regard to frontage in certain circumstances. Ms. Gaffey indicated that the City Solicitor is comfortable with the Planning Board endorsing the ANR. Ms. DeSouza-Ward expressed that going through the subdivision process for a case of this nature seems unnecessary. Ms. DeSouza-Ward pointed out that the plan contains the appropriate notations given the situation and she feels comfortable endorsing it. Ms. DeSouza-Ward indicated that there is a provision in the subdivision control that permits the Planning Board to waive the frontage requirement. Mr. Izzi added

that he believes that the Planning Board is permitted to waive the frontage requirements for ANRs and subdivisions as long as the ANR does not exacerbate the non-conformity. Mr. Izzi pointed out that in this instance the ANR is not exacerbating the frontage requirement, but rather improving it by increasing it. There was a brief discussion about whether to require a note on the plan regarding the frontage waiver, but the Board decided that it was sufficient to reflect it in the minutes only. Ms. DeSouza-Ward MADE a MOTION to approve the ANR and waive the frontage requirement for Lots 5, 6, and 7. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

OTHER

Proposed Zoning Amendments

Ms. Gaffey reviewed with the members the progression from the beer and wine ballot question to what Alderman Wright is trying to accomplish through the specialty food store zoning amendment process. Ms. Gaffey distributed a handout summarizing the outcome from the Zoning Subcommittee meeting. The members agreed that the business districts would be appropriate locations for establishments of this nature and that a special permit would be an onerous requirement. Ms. Gaffey noted that prospective business owners already would need to attain the necessary licenses from the Liquor Licensing Commission and likely would come before the Planning Board for Site Plan Review for change in use. Ms. Gaffey reviewed the second page of the handout which included input from City Solicitor Rob Van Campen and Alderman Wright subsequent to the Zoning Subcommittee meeting. Ms. Gaffey indicated that Alderman Wright feels strongly about categorizing establishments that sell beer and wine as food establishments in the Zoning Ordinance, but is open to the use as of right. Ms. Gaffey pointed out that Alderman Wright feels that beer and wine is not appropriate for sale in convenience stores. Ms. Gaffey indicated that Alderman Wright's proposal differentiates between the BB and the BB-1 zones, prohibiting such establishments in the BB zone which is in close proximity to the high school. Ms. Gaffey stated that a new column would need to be created on the Table of Use and Parking Regulations in the Zoning Ordinance to separate out the BB and BB-1 zones. The members discussed whether the floor area limitation should be interpreted as gross floor area or net floor area; i.e. sales area. The members discussed the possibility of changing "convenience" to "consumer" under Use #1 under Retail Service Commercial. The members agreed with moving Retail Food Establishment up to Use #1.1 from Use #27 under the original proposal. The members discussed the wording of the definition of Retail Food Establishment including the meaning of "incidental". The members expressed a preference for the definition to be less restrictive to allow for interpretation by the Building Commissioner. Ms. DeSouza-Ward reminded the members of the joint public hearing with the Board of Aldermen on December 15th.

Meeting adjourned at 9:05 p.m.