

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, December 22, 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 Carla Francazio

ABSENT: Bob Mercado

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) Regular Meeting & Public Hearing, November 24, 2008

Mr. Cassidy MADE a MOTION to accept the minutes of November 24, 2008. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

b) Joint Public Hearing with the Board of Aldermen, December 15, 2008

Mr. Cassavoy offered a couple of minor revisions. Mr. Connolly MADE a MOTION to accept the minutes as revised. Ms. Francazio SECONDED the MOTION. All voted in favor. None opposed.

Ms. Marcus MADE a MOTION to move Board of Appeals Case 08-027, 69 First Street to the Assent Calendar. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

ASSENT CALENDAR

Case 08-027, 69 First Street, May

Ms. Marcus 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 08-026, 299 First Street, Nolan

The Applicant explained that his application involves the construction of an addition to his home to create an in-law apartment for his parents. Mr. Cassidy stated that the extension appears modest and reasonable and follows the requirements of an in-law apartment. Mr. Pawlina inquired regarding the nature of the shared driveway in the rear. The Applicant explained that his two neighbors to the west share the driveway. Mr. Pawlina expressed that he understands that the Applicant's proposal is for a good cause, but he finds the proposed addition to be out of scale from the homes in the area. The Applicant indicated that owner two houses down made a significant addition similar to his proposal and that the house next store is the same design as his home. Ms. Francazio agreed with Mr. Cassidy and added that the slope of the property makes it feel like that it is not a three-story addition. Mr. Cassidy verified the limits of the in-law apartment. The Applicant's architect explained the in-law apartment would be two stories and include kitchen facilities. Ms. Francazio MADE a MOTION to send a letter to the Board of Appeals stating that based on the Applicant's representation at the Planning Board meeting and in his application to the ZBA, it appears that the Applicant is aware of the City's in-law apartment requirements and has met the necessary criteria. The Planning Board finds the Applicant's proposal to be consistent in scale with similar residences in the surrounding area and notes that the proposed addition includes added living

area to the primary residence on the second floor. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

APPROVAL NOT REQUIRED

91 Dexter Road/Stanley

The Representative for the Applicant, Ed Farrell, described that a transfer of land is proposed to add to the driveway area and small strip of land at the rear of Mr. Stanley's property. Mr. Farrell explained that the Applicant's neighbor does not want to give up any frontage. Ms. Gaffey explained that the City Solicitor is not comfortable with the Planning Board endorsing the ANR as by the statute the application must meet the frontage requirements. Mr. Farrell responded that the ANR does not make the lot any more non-conforming. The Board raised the possibility of an easement and Mr. Farrell explained that neither party is currently interested in that route. Mr. Farrell asked if the issue could be resolved through the subdivision process. Ms. DeSouza-Ward explained that it is possible to waive the frontage requirement as part of the subdivision process. Mr. Farrell asked to withdraw the ANR. Ms. DeSouza-Ward MADE a MOTION to accept the Applicant's request to withdraw. 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. McAvoy briefly summarized the background related to the application and reviewed with the Planning Board the materials provided for the public hearing. Mr. McAvoy highlighted the change in slope to allow grass to vegetate via use of the specified mix. Ms. Marcus inquired whether these changes would improve the flooding situation. Mr. McAvoy explained that these changes would allow for no increase in flooding. Mr. Pawlina suggested that the erosion control blankets specified for use with proposed mix be required. Mr. McAvoy stated that the height of the retaining walls has not changed. Mr. Cassavoy and Mr. Sadowski commented regarding the foundation of the retaining wall and the involvement of a registered professional structural engineer. Mr. Sadowski reminded that Applicant that the sidewalk installation must adhere to City standards and raised the issue of whether the height of the retaining wall would require a fence at the top. Ms. Gaffey made the Board aware of comments from the City Engineer regarding increasing the size of the proposed trees and shrubs. Mr. Pawlina agreed with the comments from City Engineer and indicated that they should be incorporated in the decision. The Board determined street trees would be appropriate. At Mr. Sadowski's request, Ms. Gaffey reviewed the purposes of the slope protection ordinance with the Board. Mr. Sadowski pointed out that the slope has been previously disturbed and that the Applicant has made his best effort to comply with Slope Protection Ordinance. Mr. Sadowski stated that this type of case was not the type of case that was envisioned when the Slope Protection Ordinance was adopted. Mr. Connolly MADE a MOTION to close the public hearing. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Mr. Cassidy summarized the following conditions required for special permit approval:

- Retaining walls shall be built of natural stone and properly founded and be designed by a registered professional structural engineer.
- In lieu of the proposed 2 inch caliper trees shown, trees 3 inches in caliper or greater shall be provided. In lieu of the proposed shrubs shown to be 2 feet to 3 feet in height, shrubs at least 4 feet to 5 feet in height shall be provided consistent with the City Engineer's directive.

- Erosion Control Blankets (SC2 by New England Wetland Plants, Inc.) shall be installed in conjunction with the proposed New England Control/Restoration Mix for Dry Sites on sloped areas in the rear of the lots.
- As noted on the Site Development Plan dated October 20, 2008, the location of the new catch basin in front of Lot 2 (1C) on Forest Street may be adjusted in the field in consultation with the City Engineer.
- Sidewalk, granite curbing, and planting strip details including driveway entrance details, concrete aprons, radius curbs, and handicap ramps (if required) shall adhere to City standards as determined by the City Engineer.
- A total of not less than three (3) and not more than five (5) street trees shall be planted in the planting strip on the sidewalk on Forest Street. The spacing and caliper of the trees shall be determined by the Tree Warden/City Engineer.
- Protective fencing shall be provided along the top of the retaining walls if required by the Building Commissioner.

Mr. Pawlina noted that the Applicant made adjustments and met the purpose of Slope Protection Ordinance in terms of stormwater run-off and provided two individual architectural designs for the two proposed single family dwellings. Ms. Marcus MADE a MOTION to approve the Slope Protection Special Permit application for SP 08-005, Forest Street with the conditions stated above. Ms. Marcus added that Mr. Cassidy is designated to work with the Planning Staff to review the decision prior to its filing with the City Clerk. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

OTHER

Proposed Specialty Food Stores Zoning Amendment

Ms. DeSouza-Ward reviewed with the members the comments that were expressed during the joint public hearing with the Board of Aldermen and mentioned the need to request an extension for the submission of the zoning report.

Ms. Marcus MADE a MOTION to adjourn the meeting. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

Meeting adjourned at 9:20 p.m.