

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Monday, May 19, 2008
7:50 p.m.
Mayor's Conference Room

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

ABSENT: Gerry Marcus

Matt Hennigan, Assistant Planner, was present.

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

MINUTES

a) Regular Meeting & Public Hearing, April 28, 2008

Mr. Connolly MADE a MOTION to make a minor edit to the March 24, 2008 minutes and then to accept the minutes. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

BOARD OF APPEALS

Case 08-015, 340 Main Street, Sprint

The Applicant's representative, Ann Malone of Prince, Lobel, Glovsky & Tye, was present. She informed the Planning Board that some residents have concerns about the proposal. Therefore, the Applicant would like to request a continuance. Mr. Connolly MADE a MOTION to continue the hearing until June 2, 2008. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

Case 08-016, 51 Melrose Street, Sprint

The Applicant's representative, Ann Malone of Prince, Lobel, Glovsky & Tye, was present. She described the proposal for the Planning Board. The Applicant proposes to modify its existing wireless communications facility, located on the rooftop of the building at 51 Melrose Street, by adding three (3) new antennas. The Applicant presently has five antennas on the rooftop and equipment cabinets completely enclosed by screen walls. The Applicant also proposes to add two additional equipment cabinets. The antennas will be façade-mounted and similar in size and paint color. Mr. Cassavoy asked if the Board had any questions for Ms. Malone. Mr. Cassidy explained that there are two buildings on the property and asked if the work was going to take place on the building located closer to the street. Ms. Malone was not sure. Mr. Cassidy pointed out that the existing antennas do not blend with the building. Ms. Malone stated she would be willing to speak to the Applicant about matching the color to the existing antennas.

Mr. Sadowski had a technical question about whether this new service, WiMax, would come under the purview of the Zoning Ordinance. Mr. Cassavoy asked if WiMax would replace existing technology or add to it. Ms. Malone explained it is for additional services provided. Mr. Mercado questioned about the fencing surrounding the cabinet. Ms. Malone replied that the new supporting equipment cabinets will be located within the screened area. Mr. Mercado mentioned there appeared to be a typographical error on the last page of the document. The record will reflect that it should read City of Melrose and not Wakefield. Ms. DeSouza-Ward questioned about the lines of cable being concealed inside the existing cable tray. Ms. Malone acknowledged there would be a new cable tray alongside the existing one. Ms. DeSouza-Ward advised the Applicant to make this clear when appearing before the Board of Appeals.

Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals recommending that the ZBA consider a condition that would require the Applicant or landlord to paint all new and existing wireless communications service facilities equipment to blend with the background color and texture of the building. Based on the Applicant's representation at the Planning Board meeting and application to the Zoning Board of Appeals (ZBA), it appears that the Applicant is aware of the City's requirements for

Wireless Communications Service Facilities (WCSF) and has met all the necessary criteria. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION

482 Swains Pond Avenue, Toomey/Maneiro/Greene

Patrick McAvoy was present on behalf of the Applicants. He explained the Application has hit a bump in the road in regard to the Board of Appeals process. Mr. McAvoy explained that an appeal has been filed by an abutter who was not notified of the Board of Appeals public hearings pertaining to this case. He stated the Applicant does not wish to withdraw, but rather to continue the case. Mr. McAvoy requested a four month continuance. Mr. Hennigan indicated based on the Applicant's request, the public hearing would be continued to September 22, 2008. Mr. Cassavoy and Ms. DeSouza-Ward reminded Mr. McAvoy that a formal request for the continuance of the public hearing and the statutory deadlines would be required in writing. Mr. McAvoy agreed to continue the public hearing to September 22, 2008 and waive all statutory deadlines for plan approval.

Ms. DeSouza-Ward MADE a MOTION to continue the public hearing until September 22, 2008 at the request of the Applicant who agrees to waive any statutory deadlines. Mr. Connolly SECONDED the MOTION. All voted in favor. None opposed. Mr. McAvoy presented his request for continuance in writing to the Planning Board.

SITE PLAN REVIEW

Sp 08-004, 786 Main Street, Nogueira

The Applicant, Angela Nogueira, was present along with her contractor and her representative, Patrick McAvoy. The Chairman advised Mr. McAvoy that one of the Planning Board members was absent. Mr. McAvoy told the members that the Applicant is moving her business, Shear Magic, to 786 Main Street. Mr. McAvoy explained that the Applicant plans to locate her business on the first floor (ground floor). Because it is a new commercial use for the site, the Applicant is required to obtain Site Plan Review approval from the Planning Board. Mr. McAvoy explained that there is not a great deal that the Applicant can do with the site. McAvoy shared that the Applicant plans to do some small landscaping work in the front of the building. He said there is a large air conditioning unit that the Applicant would like to move if possible; otherwise the Applicant intends to screen the unit. Mr. McAvoy explained that Applicant plans to restripe the parking area in the rear of the building. Mr. McAvoy expressed that size and shape of the lot does not allow for the creation of any additional parking spaces. The Applicant received a written opinion from the Building Commissioner stating that no variance is required for parking. Mr. McAvoy informed the Planning Board that possible other tenants in the building could include architects, engineers, etc. Mr. Cassavoy reviewed the waivers requested by the Applicant.

Mr. Cassavoy asked if the Planning Board members had any questions. Mr. Connolly asked about the waiver regarding the proposed new sign. Mr. McAvoy responded that Applicant plans to install a small, carved hanging wooden sign. Mr. Connolly asked if the one sign would be for all the businesses and Mr. McAvoy replied it would. Ms. DeSouza-Ward asked if the sign would be placed perpendicular to the street and was told that it would be. Ms. DeSouza-Ward also asked if there would be any signs on the building and the Applicant replied there would not be. Mr. McAvoy stated the Applicant would like to clear vines from the building, re-point the brick, and landscape where appropriate.

Mr. Sadowski questioned whether the designated location near the front entryway is appropriate area for snow storage. Mr. Sadowski asked if there were any plans to screen the dumpster. Mr. McAvoy stated screening the dumpster is a possibility. Mr. Sadowski asked about plans for lighting. The contractor stated there were plans for lighting on the front and rear of the building. Mr. Mercado asked about the land at the back of the property. Mr. McAvoy explained that it was leased by the City of Melrose to the previous owner for \$1.00. Mr. Mercado questioned about the possibility of parking in the front of the building. Mr.

McAvoy stated that he did not think it would be possible for the Applicant to designate the specified area as a parking space.

Mr. Mercado asked if this land is in the flood plain and if the Conservation Commission was notified of the Application. Mr. Hennigan shared that the Conservation Commission was notified and has no input regarding the application.

Ms. DeSouza-Ward expressed that while the Applicant's proposal is a small project, she is concerned with what the building will look like and is not comfortable with granting all the waivers requested. Ms. DeSouza-Ward indicated a need to see more information regarding the landscaping, lighting, and signage. Mr. Cassidy stated that none of the proposed improvements are shown on the plan. Mr. Cassidy questioned whether on-street parking is available in front of the building. Ms. Francazio stated there is on-street parking in front of Ell Pond and pointed out the Livermore Lot near Caruso's restaurant. Ms. DeSouza-Ward reminded the members that the Building Commissioner has found that no variance for parking is required.

Mr. Sadowski MADE a MOTION to grant the waivers for the following requirements:

- *parcel lot lines*
- *height and use of all buildings abutting the proposed project*
- *traffic impact statement and*
- *façade rendering*

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

Mr. Cassavoy asked if anyone was present from the public. An abutter stated all her questions had been answered. Ms. DeSouza-Ward MADE a MOTION to continue the public hearing to June 2, 2008 in order for the Applicant to provide more definitive information on the following requirements:

- *signage*
- *lighting*
- *screening/landscaping*

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

SLOPE PROTECTION SPECIAL PERMIT

SP 08-003, 98 Lynn Fells Parkway

The Applicants, Joseph and Tamara Dillon, were present as well as their representative, Robert Bell. The Chairman advised Mr. McAvoy that one of the Planning Board members was absent. Mr. Bell updated the Planning Board on the status of the Application. He said the Applicants were before the Planning Board two months ago in preparation for Board of Appeals hearing on March 12, 2008. Mr. Bell stated that several neighbors were present at the ZBA hearing and were supportive of this proposal. Mr. Bell informed the members that the Board of Appeals granted the variances requested. Mr. Bell indicated that one of the reasons the Board of Appeals is in favor of this proposal is that the current parking situation is clearly unsatisfactory. Mr. Bell declared that the Applicant's proposal will be a benefit to the neighborhood in general by creating a safer provision for parking. Mr. Bell explained that the Applicants only have a parking space for one vehicle and are forced to park their other vehicle on the grass strip between the sidewalk and the street. Visitors to their home have to park on Youle Street. Mr. Bell then distributed a signed statement from the neighbors having no objection to the proposal. Mr. Bell said he did not think the Slope Protection Ordinance applies to this case because of the following:

1. The Applicant is not expanding the building footprint by more than 500 square feet.

2. The areas of slope do not exceed 25% over a horizontal distance of 30 feet.

Mr. Bell indicated that the Building Inspector disagrees on both counts. Mr. Bell stated the Applicant is taking extensive steps to minimize water runoff from their property onto the street. Mr. Bell stated that the rock is filled with fissures which will most likely not require blasting, but could not guarantee it. The engineer for the project stated that there will be a net decrease in the water runoff according to Mr. Bell. Mr. Bell said landscaping in the rear of the property will be utilized in an effort to change the drainage pattern. The Applicant said the plan is to increase as much permeable ground cover in the rear yard as possible to lessen the contribution to the limited storm drain. There was discussion about enhanced visibility for cars traveling down the Parkway as a result of the Applicant's proposal. Mr. Connolly had a question about the architectural rendering that shows trees to the left of the garage on the outcropping. The Applicant stated there is a stone wall which needs to be repaired and backfilled. Mr. Connolly commented on the huge outcropping and the Applicant replied that "they are really not cutting into 30 foot high outcropping." Mr. Connolly stated that he agrees with the aesthetics of the proposal but is concerned with the water running down Charles Street. Mr. Connolly asked about the suggestion of tying into the municipal system and was told by the Applicant that they probably would not be allowed to do so. Approval is needed from Department of Conservation & Recreation (DCR) which is a time-consuming undertaking. The Applicant said telephone calls to the DCR have not been returned. Mr. Bell stated that the expansion of the curb cut is a more routine request for DCR. The Applicant explained that they have modified their drainage plan to include a cistern/drywell to capture the runoff. Mr. Sadowski questioned whether the presence of ledge in the rear yard is adequate to allow runoff to drain to the ground water. The Applicant informed the Board that most of the runoff originates from Youle Street. The Applicant shared that they were unsuccessful in their initial attempt to resolve their parking dilemma, which involved obtaining an easement to access their property from the rear. Mr. Pawlina added that the fractured ledge is not going to leach a lot and he feels the cistern would be overwhelmed. The Applicant replied that this proposal will minimize the impact not eliminate it.

Mr. Sadowski stated that while he respects the Board of Appeals' decision, he thinks the project is "too large." Ms. DeSouza-Ward stated that she is satisfied with the engineer's assessment regarding the net decrease of run-off as a result of the drywell and landscaping improvements. Mr. Pawlina noted that there are no calculations provided with the application. Mr. Cassidy stated the Building Inspector determined that the Slope Protection Ordinance applies to this case, which he feels is appropriate. Mr. Cassidy stated that he does not agree with the Applicant's contention that the parking area is a structure. Mr. Cassidy stated that this case is a modest request and that his preference is to grant the Application as he does not feel that this application is representative of the type of project that the Slope Protection Ordinance was created to address. Mr. Sadowski suggested a walk through the Slope Protection Ordinance. The Board reviewed the four purposes of the Slope Protection Ordinance and the Special Permit criteria and determined that the Applicant met each of the criteria.

Mr. Connolly MADE a MOTION to grant the Slope Protection Ordinance to the Applicants. Ms. DeSouza-Ward SECONDED the MOTION. Mr. Cassavoy then stated that the Applicant requested a waiver for calculations of drainage and erosion in the Executive Summary that is not indicated on the application form itself. Mr. Sadowski asked if the landscaping/drainage plans are known and if the Planning Board has sense for what is being done here. Mr. Bell stated that he feels that for a project of this size and nature, the Applicant has provided sufficient information from engineers and architects. He declared that he is not sure what calculations would add. He continued that the Applicant's burden is to simply not make the situation worse. Mr. Pawlina expressed that he felt that this case is an example of a "small issue of which the Slope Protection Special Permit has fallen." Mr. Pawlina reminded the members that there is much runoff that the Applicant has no control over and pointed out that the Applicant is mitigating this issue with their proposed drainage improvements. Mr. Pawlina stated that the site plan should be modified to show all possible drainage improvements including the dry well location and size as well as the landscaping improvements. Mr. Connolly WITHDREW the MOTION.

Mr. Bell stated that he felt the Planning Board was layering on requirements that are really for larger-scaled projects and are too heavy for a single-family house. Mr. Mercado said he has concerns about the size of this project – he feels it is too big for this lot. He added that he does not feel the Applicant is preserving the rock outcropping. Mr. Bell replied that it can't be retained and also do the project. Ms. DeSouza-Ward acknowledged that some evidence of creating the net decrease in runoff should be provided by the Applicant. Mr. Sadowski asked if the runoff from the gutters would fall onto the sidewalk. Ms. Francazio said she feels the Planning Board is asking a lot from the Applicant and she feels that the information provided by the Civil Engineer should be sufficient. Mr. Pawlina stated that he feels the Planning Board is allowing lots of leeway to the Applicant in this case. Mr. Sadowski suggested that the Board grant the Slope Protection Ordinance to the Applicant with conditions concerning the drainage mitigation discussed. These conditions could then be passed onto the Building Commissioner to enforce.

Mr. Connolly MADE a MOTION to grant the Special Permit providing that the Applicant's construction plans include a drywell in size sufficient to result in no net increase in runoff (from the newly created impervious area) and the landscaping improvements described in the Application and at the Public Hearing. Mr. Connolly noted that the motion included approval of the waivers requested for drainage/erosion calculations.

Ms. Francazio SECONDED the MOTION. All voted in favor. None opposed. The public hearing was closed. It was noted that there was no one present from the public in regard to this Application.

OTHER

Ms. DeSouza-Ward made the members aware that the Zoning Subcommittee trying to identify a meeting date to discuss amendment to Affordable Housing Ordinance. The members of the Zoning Subcommittee decided to tentatively meet on June 2 at 6:45 PM.

Mr. Pawlina MADE a MOTION to adjourn. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Meeting adjourned at 9:45 p.m.