

MELROSE PLANNING BOARD
Regular Meeting & Public Hearing
Tuesday, July 28, 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, Tom Pawlina and 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. Connolly.

MINUTES

a) Draft Regular Meeting & Public Hearing, June 29, 2009

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

ASSENT CALENDAR

Case 09-011, 34 Park Street, Haralabatos

Mr. Pawlina MADE a MOTION to approve the item on the Assent Calendar and send a standard letter to the Board of Appeals. Mr. Cassidy SECONDED the MOTION. All voted in favor. None opposed.

BOARD OF APPEALS

Case 09-010, 743 Main Street, Golden Living

Ms. Marcus recused herself.

Nelson Hammer, Landscape Architect, and Paul Maguy, Electrical Contractor, were present to represent the Applicant. Mr. Hammer presented the landscape plan that was designed to screen the proposed generator. Mr. Hammer explained that the brick wall will provide the primary screening. Mr. Hammer went into detail regarding the types of plantings that will surround the wall, which include Virginia Creepers and evergreen shrubs. Mr. Cassidy confirmed that the wall will be 10' in height while the generator will be 9' 2" tall. The members discussed the location of the proposed generator and Mr. Hammer pointed out that the proposed location is as close to the building as possible so as not to disturb the patio. Mr. Sadowski discussed the past history of this proposal which included a previous case which was withdrawn. Mr. Maguy informed the members that the brick enclosure will include measures that will ensure the highest level of sound attenuation possible. Mr. Sadowski expressed interest in the required maintenance schedule for generator. Mr. Cassidy MADE a MOTION to send a letter to the Board of Appeals that notes the Board takes no exception to this application. The Board recognizes that the generator is necessary for public safety and acknowledges that the proposed location provides the best solution to a difficult site. The brick enclosure has been designed to achieve maximum sound attenuation. However, we suggest that the Board of Appeals limit the routine testing or "exercising" of the unit to regular business hours. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed.

Case 09-012, 11 Staples Street, Buckley

The Applicant's contractor, John Doucette, presented the application to the Board. Mr. Doucette explained that proposed farmer's porch would help alleviate water problems related to the bay window. Mr. Doucette stated that the farmer's porch would only protrude six inches further than the existing landscaping and presented pictures of other homes in the neighborhood with similar porches. Mr. Doucette stated the first step of the farmer's porch will be 13' 6" from the property line. Mr. Sadowski

inquired how far the proposed farmer's porch would protrude in comparison to the abutter's porch. Mr. Doucette did not have a measurement. Mr. Sadowski expressed that he did not understand the hardship involved in the case. Mr. Pawlina expressed uncertainty as to whether a farmer's porch is appropriate for this type of dwelling and also stated that farmer's porches are not out of character for the neighborhood. Ms. Francazio stated that the neighborhood exhibits lots of different types of architecture and that a farmer's porch would make the dwelling more interesting if done right. Ms. DeSouza-Ward stated she has no objection to the proposal, but would rather not endorse it as the Board has traditionally view relief of this nature as a substantial variance. Mr. Cassidy commented regarding the lack of architectural detail included in the application and stated the proposed hip roof is not consistent with the architectural style of the dwelling. Mr. Pawlina MADE a MOTION to send a letter to the Board of Appeals that notes the porch encroaches into the front setback, which the Planning Board is typically reluctant to endorse. From a design standpoint, the Board took exception to the proposed hip roof design and suggested that an alternative configuration of the roof, such as a more conventional gable roof, would be more appropriate. The Board urged the Applicant to provide more architectural detail for review by the Board of Appeals at the public hearing. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

SUBDIVISION – SLOPE PROTECTION SPECIAL PERMIT

SP 08-001, 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, Rich Williams from Hayes Engineering. Mr. Izzi reviewed the Applicant's latest submission with the Board. Mr. Izzi expressed that the Applicant has always been committed to preserving as many trees as possible and has expanded the area of preservation to a 20' area along the Arlington Road property line. Mr. Izzi stated that the revised plans show a retaining wall in place of the rip rap slope. Mr. Izzi stated that the Applicant has provided the information that has been asked and that the lines of communication have always been open. Mr. Izzi pointed out that the proposal has also gone through the Conservation Commission review process which has allowed the Applicant to address many of the concerns of the abutters, but unfortunately the changes have been viewed as inadequate by the neighbors. Mr. Izzi added that the Applicant has also made a commitment to limit the size of the homes. Mr. Izzi stated that the latest demands from the neighbors in the form of the Four Point Plan are not acceptable. Mr. Izzi stated that the proposed covenant is unreasonable and suggested a Tree Ordinance so that each property owner in the City is subject to the same regulations. Mr. Izzi indicated that the Applicant has tried to accommodate the Crafts as much as possible and offered to work with them to develop a Landscape Plan for the detention basin proposed behind their property. Mr. Izzi pointed out that this detention basin will treat runoff from the existing neighborhood and not from the development. Mr. Izzi stated that the proposal meets the purposes of the Slope Protection Ordinance and requests that the public hearing be closed and the Board vote to approve.

Mr. Izzi introduced Rich Williams to provide an Engineering Update. Mr. Williams stated the updated Landscape Plan identifies all the trees within 20 feet of the property line that will be preserved, which totals 21 trees. Mr. Williams indicated that the Applicant is still proposing additional screening that includes a combination of white pines and stockade fencing. Mr. Williams stated that the rip rap slope has been replaced with a retaining wall which allows the swale to move away from the property line and save more trees. Mr. Williams added that the proposed retaining wall will curve in places in effort to save trees as well. Mr. Williams stated that detention basin RES P3 will be over-excavated by 3 feet to help facilitate drainage in the dryer weather. Mr. Williams expressed that the existing trees that will be salvaged combined with the proposed white pines and stockade fencing will sufficiently screen the retaining wall. Mr. Williams stated that a planting schedule and a detail for the retaining wall, which he described as a typical fieldstone wall, have been added. Mr. Williams indicated that existing trees will be attempted to be incorporated within the landscaped island within the cul-de-sac. Mr. Williams also pointed out the areas of possible tree savings noted on the Landscape Plan. Mr. Izzi referenced that the

Four Point Plan changes the location of the swale which has already been reviewed by the peer review consultant and the Conservation Commission. Mr. Williams addressed the possibility of tree islands within the swale. Mr. Williams indicated that tree islands of this nature would require the swale to be larger and expressed uncertainty as to whether trees would even survive. Mr. Connolly opened the meeting to public comment.

John Baldi, 19 Ledge Street

Mr. Baldi stated that he sees a serious problem with the way trees are proposed to be saved and the domino effect that could impact the trees that are preserved.

Jeannine Linehan, 17 Cranmore Lane

Ms. Linehan expressed concern that the trees on her property could be affected by the Applicant's proposal.

Arnold Koch, 66 Cranmore Lane

Mr. Koch pointed out how much water trees absorb and requested that the trees to be preserved be tagged.

Paul Ormond, 25 Arlington Road

Mr. Ormond presented the Four Point Plan to the Board that was signed by the direct abutters. Mr. Ormond stated that they are pleased with the changes that the Applicant has implemented, but still does not feel that the Applicant has not met all the aspects of the abutters' plan. Mr. Ormond explained that Point #1 suggests that Arlington Road buffer become conservation land. Mr. Ormond stated that the abutters are opposed to the stockade fencing as a green screen already exists. Mr. Ormond highlighted Point #3 which calls for a stand alone wall and landscaping to screen the detention basin behind the Crafts' property. Mr. Ormond stated that Point #4 requests that reasonable work hours be established with no construction on early mornings, evenings, and weekends. Mr. Ormond stated the end of the planning process is just the beginning of the construction process for the abutters and pointed that this is a legacy project for the Hutchinson family and the Planning Board.

Kathy Driscoll, 23 Cranmore Lane

Ms. Driscoll voiced her concern regarding the impact of the collapsed culvert in Saugus. Ms. Driscoll inquired who would be responsible if the detention basin does not function as planned.

Heidrun Jacobi, 3 Conrad Road

Ms. Jacobi stated that she supports the Four Point Plan.

Joe Pelrine, 70 Howard Street

Mr. Pelrine stated that he was supportive of both the Applicant and the abutters and asked whether the abutters had considered purchasing the adjacent land along the Arlington Road property line.

John Baldi, 19 Ledge Street

Mr. Baldi stated that the Four Point Plan is admirable and offered comments regarding several of the points in the plan.

James Renier, 11 Arlington Road

Mr. Renier inquired at what point that the removal of the tree canopy will affect the neighbors trees.

George Peterson, 17 Arlington Road

Mr. Peterson stated that he is against the proposed project and in favor of the Four Point Plan.

The Board determined that it was appropriate to close the public comment portion of the meeting for the evening. Mr. Connolly asked the Board for its comments. Ms. DeSouza-Ward pointed out that the notation concerning the preservation of trees along the Arlington Road property line needs to be corrected. Mr. Williams agreed that the notation should be updated. Mr. Sadowski inquired whether the Applicant would be opposed to removing the stockade fencing from the plan. Mr. Izzi stated the removal of the fencing from the plan would be acceptable to the Applicant. Mr. Sadowski questioned whether the Four Point Plan involves areas outside of the realm of the Planning Board. Mr. Sadowski stated the need to weigh in the Four Point Plan; however, the Applicant has the right to develop the land and pointed out that the proposal has come a long way. Mr. Pawlina stated the Point #4 concerning noise would likely come under the jurisdiction of the City Ordinance. In respect to drainage, Mr. Pawlina stated that the Applicant's proposal has been peer reviewed and gone through the Conservation Commission process, which has concluded that the project will not exacerbate the existing conditions. Mr. Pawlina expressed that the Applicant has been very responsive. Ms. Francazio asked if there is a project schedule in place. Mr. Izzi stated that the Applicant would like to complete the project as soon as possible and added that no marketing or presale of the lots has taken place. In effort to attain a sense as to how much truck traffic the neighborhood would experience, Ms. Francazio inquired when the lots would be prepared. Mr. Izzi indicated that the bulk of the heavy clearing would take place at the time that the road is constructed. Mr. Cassavoy confirmed that the maintenance of the stormwater systems would be the responsibility of the homeowners association. Mr. Sadowski pointed out that fencing will be required on top of the fieldstone retaining wall in certain areas due to its height. Mr. Cassidy indicated that he is impressed by the work performed by the Applicant to incorporate the suggestions from the public hearing process. Mr. Cassidy added that the Four Point Plan is presented in a positive and fair tone. Mr. Cassidy stated that he finds a 40' preservation area (Point #1) to be extreme and that a 20' preservation area would be more reasonable; however, Mr. Cassidy expressed that a permanent covenant would be hard to enforce and envision. Mr. Cassidy expressed a need for more information regarding the tree skirts in Point #2. Mr. Cassidy acknowledged that the retention of the understory would have a positive impact, but needs to be sensibly done. Mr. Cassidy added that the wall and landscaping proposed in Point #3 would add value to the development and Point #4 is already regulated by the City Ordinance. Mr. Pawlina asked for confirmation as to whether the construction of the swale would allow for the understory to be preserved. Mr. Williams stated that there are areas where the understory can be preserved and there are also some grades that need to be changed to construct the swale. Mr. Pawlina suggested a possible condition to preserve the understory where possible along the swale. Mr. Sadowski suggested that plantings replace the stockade fencing on the plan.

Ms. Gaffey reviewed the Staff Report with the Planning Board which stated the Applicant has addressed all requests for additional information and meets the city standards for Subdivision approval and Slope Protection Special Permit. The Board discussed the timelines associated with the applications and whether it would be appropriate to close the public hearing. Mr. Cassidy stated that is necessary for the Board to review the staff report and allow the Applicant to respond to the Four Point Plan. Mr. Izzi indicated that the Applicant has addressed the Four Point Plan and is willing to replace the stockade fencing with plantings. Mr. Connolly stated that the application deserves more attention than time permits at this meeting and suggested continuing the public hearing to allow the Board the opportunity to review the proposed conditions and give the public a final opportunity to comment with the understanding that the hearing would likely close at the next meeting. Ms. DeSouza-Ward inquired as to how the condition related to the future dwellings would work. Mr. Izzi explained that the Applicant would retain final plan approval of the dwellings by way of covenant. Ms. Gaffey clarified the hours that work can be performed under the City's Noise Ordinance. Mr. Cassavoy MADE a MOTION to continue the public hearing to August 25, 2009. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

OTHER

August and September Meeting Dates

The members determined the dates for the August and September meetings to be Tuesday, August 25, 2009 and Monday, September 21, 2009.

EXECUTIVE SESSION

Ms. DeSouza-Ward MADE a MOTION to go into Executive Session to discuss the Stone Place appeal. Mr. Sadowski SECONDED the MOTION. The Board will adjourn from Executive Session. A roll call was taken and all voted in favor.

Minutes of Executive Session appear separately.