

**MELROSE PLANNING BOARD**  
**Special Meeting & Public Hearing**  
**Monday, May 18, 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 Special Meeting & Public Hearing, April 13, 2009

Mr. Cassidy MADE a MOTION to accept the minutes of April 13, 2009. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

**BOARD OF APPEALS**

Case 07-036N, 482 Swains Pond Avenue, Maneiro/Toomey/Greene

Patrick McAvoy, representative for the Applicants, was present to describe the history of the case. Mr. McAvoy explained that the application had previously received a variance from the Zoning Board of Appeals (ZBA) for the relief requested, but unfortunately one of the direct abutters did not receive notice of the public hearing. Mr. McAvoy explained that this abutter then appealed the decision of the ZBA to Superior Court, which has remanded the case back to the ZBA for a new public hearing. Mr. Connolly asked if any changes have been made to the application and was informed by Mr. McAvoy that no changes have been made. Mr. Sadowski suggested, given the circumstances, the Board resubmit their February 7, 2008 letter to the ZBA and note that there has not been any change to the Application submitted previously. Mr. Cassidy MADE a MOTION to resubmit the Planning Board's February 7, 2008 to the Board of Appeals. Ms. Marcus SECONDED the MOTION. All voted in favor. None opposed.

Case 09-007, 386 Franklin Street, Nims, Jr.

Christopher Malinowski, general contractor for the Applicant, described the details of the application to the Board. Mr. Malinowski indicated that the Applicant seeks zoning relief to enclose the existing first-story porch that will support the porch above it and redirect the front stairs to face the driveway. Mr. Malinowski explained that Applicant's proposal will allow each unit individual access from the front of the two-family dwelling and provide a more efficient fire barrier between the units. Mr. Sadowski inquired whether the Applicant's proposal will increase the existing encroachment and was informed by Mr. Malinowski that the front setback encroachment will be reduced by four inches. Mr. Cassidy added that the house to the east is on the same plane as the two-family dwelling and that the Applicant's proposal is only completing the rectangle that is defined by the second floor. Mr. Pawlina MADE a MOTION to send a standard letter to the Board of Appeals that notes that the Applicant's proposal will result in a front setback encroachment that is four inches less than the existing encroachment. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

Case 09-008, 28 Irving Street, Littlehale

Louis Izzi, representative for Applicant, was present with the Applicant, Phillip Littlehale to describe the details of the application to the Board. Mr. Izzi explained that the Applicant requests relief from the rear setback requirement to construct a two-story addition onto a single family dwelling. Mr. Izzi stated that the Applicant's single family dwelling is situated on a double lot that is bisected by City sewer and

drainage lines which prevents expansion on the side of house (i.e. to the south). Members questioned as to the need for such a large addition and expressed concern regarding the maintenance issues that would be created by such an encroachment and offered the example that it would be very difficult to set-up a ladder within the proposed 8.5' rear setback to perform work on the dwelling. Mr. Izzi explained that the Applicant is looking to gain a certain amount of space. Mike Bonair from All Construction explained that the Architect has designed the addition to be centered with the roofline of the existing structure for aesthetic appeal. Mr. Cassidy expressed that the rear elevation would be more attractive if the gabled roof was extended to include a more modest encroachment in the rear and an extension to the south. Mr. Pawlina stated that the Board should note in its letter to the Board of Appeals the issue of compatibility of the dwelling with structures in the surrounding area as well as in terms of the proposed roofline of the addition with the roofline of the existing structure. Mr. Pawlina added that the applicant's proposal encroaches more than it needs to in the rear and could be broadened to the side. Ms. DeSouza-Ward suggested that the Board take a more of definitive stance in its letter to the Board of Appeals rather than a neutral approach and outline the reasons why the Board is unable to recommend the variance. Ms. Francazio expressed that the issue in this case is scale and that there is a way architecturally so that the addition does not encroach so much in the rear. Mr. Izzi added that the addition could have been configured differently if not for the utility lines that bisect the lot. Mr. Littlehale inquired as to how close he can extend his dwelling in the direction of the utility lines and indicated that the addition was designed so that it would not be visible from the street. Mr. Pawlina added that the Board should note to the Board of Appeals the constraints that the Applicant is working with and his respect for the City's easement. Mr. Connolly recapped the issues involved in the case. Mr. Pawlina MADE a MOTION to send a letter to the Board of Appeals that notes the Board is unable to recommend the granting of a variance in this instance for the following reasons. First, the Board noted that the proximity of the proposed addition to the rear lot line is very close from a safety/maintenance perspective. Second, the Board views the Applicant's proposal to be large in scale to the extent that its compatibility with the neighborhood is a concern. The Board noted the constraints that the Applicant is working with in terms of the drainage/sewer lines that bisect his property along the south side of the dwelling and the respect that the Applicant has demonstrated for the City's easement. The Board expressed the Applicant's proposal could be improved from an architectural standpoint by broadening the addition toward the utility lines and designing a gabled roof for the addition that would allow the roof line to be more compatible with that of the existing structure. Mr. Mercado SECONDED the MOTION. All voted in favor. None opposed.

#### **SITE PLAN REVIEW-AFFORDABLE HOUSING SPECIAL PERMIT**

##### SP 08-007, Stone Place, Stone Place Limited Partnership (continued public hearing)

Members of the Development Team present included the Applicant's Representative, Bob Bell, Rob Del Savio from the Architect (Bargmann, Hendrie, Archetype, Inc), Nelson Hammer from the Landscape Architect (Hammer Design), Bob Clarke and Jennifer Hamwey from the Engineer (Allen & Major, Inc.), Scott Thornton from the Traffic Engineer (Vanasse and Associates), Victor Sheen, and the Applicant, Tani Halperin (Mercer Properties, Inc).

Mr. Bell introduced Mr. Hammer from the Landscape Architect to provide an update on changes to the Landscape Plan. Mr. Hammer expressed that the Zelkova street trees along Washington and Pleasant Streets have been replaced with Corinthian Lindens, which are more narrow and appropriate along the street. In response to comments at the most recent meeting regarding the screening between the site and Town Estates, Mr. Hammer explained that the arborvitae plantings previously planned along the northern boundary of the property will be replaced with a 6' tall wood board fence that will be supplemented with groupings of arborvitae. Ms. DeSouza-Ward inquired how high the fence can be within the front setback and was informed by Ms. Gaffey not greater than 3'. Mr. Del Savio indicated that the fence is intended to block headlights from shining on the residences at Town Estates and that the fence will not be required to extend all the way to the street. Mr. Cassavoy inquired regarding the height of the retaining wall behind

Building F. Mr. Clarke stated that retaining wall will range from 6' to 2' in height and will have a wood fence mounted on top (see Detail 8 on Drawing L-3).

Mr. Clarke presented an update concerning the design of the proposed infiltration system located north of the electric substation in the area which has been discussed as a site for a possible recreation area. Mr. Clarke indicated the previously proposed swale will be replaced with a Cultec infiltration system which will allow for an additional 774 cubic feet of infiltration. Mr. Clarke explained that the Cultec infiltration system is a subsurface system that will be able to coexist with the recreation area. Mr. Pawlina suggested that the Applicant develop a hybrid design that includes a swale above the subsurface infiltration chamber that will be able to increase the volume captured during a larger storm. Mr. Pawlina explained that the purpose of the related regulation in the Site Plan Review Criteria is specifically for stormwater management and expressed that the more volume that the proposed infiltration system can capture the better.

Mr. Del Savio presented an update regarding the proposed site lighting. Mr. Del Savio referred to Site Lighting Plan and described the two proposed lighting fixtures: the shepherd's hook fixture (175 watt) 13' 6" in height for all public walkways and green areas and the 18' tall more conventional lighting fixture (250 watt) purposed for the parking areas. The members discussed the logistical considerations as well as the cost implications of using the shepherd's hook lighting only. Mr. Del Savio explained that the spacing between the lighting fixtures would be the same under the shepherd's hook fixture only scenario; however a taller fixture (18') would be required. Mr. Del Savio stated that the intention is to use more cost effective fixtures in the areas that are out of the public view. Mr. Del Savio indicated that there is a significant rise in cost for the 18' shepherd's hook fixtures. Mr. Cassavoy expressed interest in the possibility of upgrading the lighting in front of the Marty's Furniture Building as part of this project.

John Tozza, owner of the Marty's Furniture Building, was welcomed to add his comments on this issue. Mr. Tozza explained that at the current time he cannot afford to upgrade the lighting unless he develops the property. Mr. Tozza stated that he presently has no plans to develop the property. Mr. Tozza indicated that he would welcome the lighting upgrade if it was at no cost to him. Mr. Connolly expressed that it was his understanding that the Board was interested in shorter lighting fixtures and that shepherd's hook fixtures are taller than those presented at the previous meeting. The Board estimated that approximately 5 or 6 of the 18' fixtures or approximately 10 of the 13' fixtures would be required in front of the Marty's Furniture Building.

Mr. Del Savio pointed out updates to the cornice design on Buildings B, D, and F, which has been extended to the head of the 4<sup>th</sup> floor windows. Mr. Cassavoy commented positively on the new cornice design. Mr. Del Savio updated the Board on the paver crosswalk at the two driveway entrances to the Project that will feature 2' x 2' concrete unit pavers laid on an asphalt bed. In respect to the sidewalk on the west side of Washington Street, the Board referred to a letter from Alderman Infurna that urged that the sidewalk not be extended per the request of the property owner. Mr. Bell stated the cost for the removal of ledge to make the sidewalk possible would be significant and that the impact mitigation funds for off-site improvements are limited.

Mr. Thornton reviewed with the Board the modifications to Brazil Street. Mr. Thornton indicated that the handicap ramps will be realigned to create more of a straight line along Washington Street, which will push up the stop bar on Brazil Street. Mr. Thornton added that the small area of greenspace formerly purposed at the corner of Brazil and Washington will be replaced with stamped concrete. Mr. Thornton highlighted the removal of the sidewalks in the traffic island and the Pleasant Street crosswalk at Stone Place as well as the concrete paver median on Pleasant Street to slow traffic. Ms. Gaffey stated that conceptual plan for the intersection of Washington and Pleasant was distributed to the Traffic

Commission. Ms. Gaffey noted a Traffic Commission member's concern regarding pedestrian safety particularly relating to pedestrians walking from upper Washington Street to and from the train. These pedestrians tend to walk in a straight line onto the traffic island to cross Washington Street at the southernmost corner of the traffic island. Mr. Thornton explained that the proposed improvements to the intersection will increase the volume of traffic on Goodyear Avenue and it will be safer for pedestrians to cross Pleasant Street at the new crosswalk just north of the entrance to the development. Mr. Thornton stated that the sidewalk on the traffic island will be replaced with low growing shrubs that will discourage travel on the traffic island. Mr. Thornton indicated that the counts that were conducted to determine the level of pedestrian traffic on this section of Washington Street showed the volume to be very light: 15 pedestrians in the morning and 12 pedestrians in the evening.

Ms. Gaffey mentioned the Alderman Infurna met with the two residents on Washington Street that affected by the intersection changes. They support the modifications, but did express some concern regarding the turning radius that would be required to back out of their driveway. Ms. Gaffey indicated that this issue was evaluated and found not to be a problem. In addition, left turns will be permitted at the intersection of Pleasant and Washington to accommodate these residents.

Mr. Thornton described the extent of new pavement included in the proposal which includes a gap in front of the Marty's Furniture Building. Mr. Thornton noted the all the new curbing associated with the off-site mitigation will be granite. Mr. Connolly expressed that this gap breaks up the project. Mr. Thornton indicated that the same type of asphalt will be used and that over time it would fade to match the existing pavement. Discussion was then directed to why the section of Stone Place between Pleasant Street and Washington Street is not planned to be paved. Mr. Pawlina suggested that the section of Goodyear Avenue between Pleasant Street and Washington Street be paved instead of the section of Pleasant Street which will include the median strip. Mr. Connolly inquired if the Applicant had any information to present regarding the estimated cost for traffic improvements at the intersection at Fellsway East and Washington Street. Mr. Bell stated that the Applicant prefers not to get involved with the DCR and reiterated that the funds in the budget for off-site mitigation are limited.

Mr. Bell expressed that the development project works as proposed even in the present economic climate. Mr. Bell pointed out that presently fully approved projects are not going anywhere because their sources of financing have dried up. Mr. Bell stated that during the process of working with the Massachusetts Historical Commission and the Melrose Historical Commission they began to feel pressure to retain the boiler house structure, which would mean the loss of 45-48 units. Mr. Bell expressed that this loss of units is something that the project cannot afford. Mr. Bell explained that instead the Applicant is trying to satisfy the Historical Commission by rehabilitating the landmark structure to Park Service architectural standards. Mr. Bell indicated to the Board that these upgrades may not allow for any more off site mitigation costs to be possible. Mr. Bell stated that the Applicant is pursuing tax credits and expressed that without these credits the project will not be able to proceed at the specified level of preservation.

With respect to the Fellsway East and Washington Street, Ms. Gaffey stated that the City is willing to take on the concept plan with DCR. The Board expressed support for this approach. In terms of the extent of the pavement, Mr. Bell stated that the Applicant has been in communication with the City Engineer who has shown a preference for cosmetic paving limit to limit, which would cost roughly \$38,000 if the work was performed by the City. Mr. Bell indicated that the Applicant is willing to pay the paving cost to the City so that City can perform the work. Mr. Mercado pointed out that the paving schedule is important as the price of materials fluctuates and noted that asphalt has been relatively low recently. Mr. Bell reiterated that paving may not be the most cost effective use of the mitigation funds based on the condition of pipes below the roadway as well as the uncertain future of the Motzkin and Marty's Furniture sites. In respect to the preservation issues related to the application, Mr. Bell indicated

that any demolition results in an determination of adverse impact from Mass Historical Commission. Mr. Bell stated that a lot of costly analysis has taken place to show as to why the specified buildings are unable to be preserved. Mr. Bell stated that the Applicant is committed to the Park Service fenestration program as long the Applicant is able to receive the tax credits they are pursuing. Without the tax credits, the preservation work required by the Historical Commissions would make the development project impossible to finance.

Ms. Gaffey reviewed with the Board the draft of the conditions to be included in the Site Plan Review and the Affordable Housing Special Permit decisions.

Mr. Sadowski inquired whether there is any new information regarding the structural condition of the smokestack. Mr. Bell responded that no new information will be available until the demolition phase of the project.

Mr. Mercado MADE a MOTION to close the public hearing for the Site Plan Review and the Affordable Housing Special Permit applications. Mr. Pawlina SECONDED the MOTION. All voted in favor. None opposed.

Ms. Gaffey recommended that the Board set a meeting date in early June to vote on the application proposals. The members scheduled a special meeting for Thursday, June 4, 2009 at 7:45 PM.

## **OTHER**

### Patriot Way Subdivision

Mr. Bell, representative for Arthur Giangrande (Applicant for the Patriot Way Subdivision), explained that the ANR application that was approved by the Planning Board last July does not call for any changes to be made to approved subdivision plan. Ms. Gaffey made reference to the correspondence sent by Mr. Bell to the Planning Board and indicated that no action is required by the Board at this time and that she would have the City Solicitor review the letter to determine whether any action will be necessary in the future.

### Langwood Commons

Ms. Gaffey updated the members regarding the latest proposal by the developer for the Langwood Commons project/the former hospital site in Stoneham. Ms. Gaffey informed the Board of the developer's efforts to circumvent the MEPA process and encouraged the members to comment in opposition to the appropriate officials. Ms. Gaffey indicated that the Planning Office would also draft a letter for the Board in response to the latest tactic by the developer.

Meeting adjourned at 10:45 PM.