

Marblehead Planning Board

Minutes

September 21, 2010

Members present: Phil Helmes, Karl Johnson, Kurt James, Russell Beck, and Edward Nilsson. Others present: Becky Curran – Town Planner.

A quorum being present the meeting was convened by the chairman at 7:34 pm in the second floor auditorium in Abbot Hall.

The chairman announced that the public hearing on 3 Eustis Road is on the agenda for October 12, it has been re-advertised and the abutters re-noticed

7:30 - Public Hearing - Smart Growth - 94 Pleasant St. - ICECAT LLC

Chairman Phil Helmes explained that this is a public hearing under the town's smart growth overlay district and that tonight we will hear a presentation of the proposed project from the applicant, hear input from Fire Chief and other department heads, abutters and other interested persons.

Paul Lynch Attorney for the project explained that the existing structure will be removed and a new structure containing 17 housing units - three will be affordable housing units. The unit mix will be 14 - 2 bedroom units and 3 - 1 bedroom units. The affordable units will be 2 - 2 bedroom units and 1 - 1 bedroom unit. There will be six units located on the 2nd and 3rd floor and five units on 4th floor. Parking and retail will be on the on ground level. There will be 27 parking spaces - 19 spaces in the building and the remaining eight on the driveway side of the building in a combination of diagonal and parallel.

Peter Pitman of Pitman and Wardly Architects of Salem described the process that lead to this design. First they looked at reusing the existing building. When that was determined infeasible they first looked at the parking and dimensional requirements which shaped the location and height of building. The plan will meet all setbacks except the sideline on Pleasant Street. The plan is to maintain a one-way driveway along Pleasant Street. The at grade indoor parking will be accessed from Essex Street. The main pedestrian entrance will be on pleasant Street. No mechanical equipment will be at grade. They originally proposed no retail but added a small space because the smart growth requires some commercial but they would prefer to do all residential.

The chairman opened up the discussion to the public. Jason Gilliland Fire Chief and Mike Porter Fire inspector expressed concerns over access to the building if the overhead wires remained. He would like access to three sides of the building.

The applicant offered to meet with the Fire Department to do a ladder study and address their concerns also noting that they would not be able to get a building permit if the Fire Department had not signed off on the plans.

Mike Porter also asked about sprinkler systems proposed and the fire rating of the ceiling. Chief Gilliland wanted to see truss system break ups in the roof.

The town planner read a letter from the building commissioner citing that the building would have to conform to certain building laws and if any part of the building is within three feet of the property line it would not be permitted to have any windows or would have to be moved so that it is not within 3 feet. Robert Ives – Building Commissioner was present at the meeting and discussed his concerns. The architect said he would look at that and comply or that he could seek a variance from the state on that issue.

Jane Mace 88 Pleasant Street - raised several concerns she is opposed to any retail space in the building. Her opinion is that there is no need for more commercial in that area. You would be taking parking away if commercial were added and creating new parking demands to below what is required.

Town Planner corrected the information. 1.5 spaces are required for each of the 14 2 bedroom units and 1 space is required for each of the 1 bedroom units for a total of 24 spaces. The plan shows 27. 1 space is needed for every 500 square feet of commercial space.

Ms. Mace also objected to the audible gate at the entrance and exit to the parking garage. The board was surprised that we required that. Discussion ensued on the potential noise hazard that that might create and that it was most likely added in the event that a parking garage was located right on the street with no driveway. In this particular plan there is at least one car length from the garage entrance to the street. She also was concerned with the fact that all vehicular movement of the site is on Essex street. The architect noted that there was an entrance on pleasant street but all exists were on Essex st. She also was concerned about the visibility of car with the location of the utility pole on Essex st. concerned about the Juliet balcony show on plan – the regulation say they are not allowed. She would like the fence between the park and the property to be granite as stated in the regulations. She would like the trees to be protected and asked what the safeguards are.

The town planner explained that we put language in the decision that stipulates the size and type of vegetation that need to replace anything that is slated to remain but is damaged during construction.

Patricia Brogan owner of Tony's pizza building on School Street had questions and concerns about trash. A dumpster is proposed and she would like either daily trash pickup of an inside dumpster because that is what she is required to do. Also had questions about the gas service to the building citing that the gas pressure is low in the area and is afraid that additional tie ins will negatively impact the system further. She also questioned how many feet between her building and the driveway and also with the demolition plan since the area is so tight. She wants to make sure there is proper bonding if there are problems or damage. Also concerned with the fact that the Essex st side is getting the brunt of the traffic and rodents.

The town planner explained that a condition for the approval would be a rodent baiting plan that would be developed in conjunction with the Director of Public Health.

Susan Fader 23 Waterside Rd was concerned with the condition of the building until it is demolished and specifically with graffiti. Ms Fader distributed two photographs showing the graffiti. Paul Lynch Attorney for the owner said he would contact the owner and have it removed immediately.

Mr. Michael Deignan 30 Basset Street was concerned with the audible garage gate and the commercial space especially an ATM of anything that is open 24 hours. He is opposed to both.

Jane Mace 88 Pleasant spoke again saying she was opposed to commercial space, Dana Mace also of 88 Pleasant echoed this opposition as did Chet Thomas of 1 Essex Street.

Carrie Thomas 1 Essex Street is also opposed to commercial space and wants to know what is the black smoke that presently comes from the building chimney.

Mr. Helmes explained that it was the board's intention to and based upon the application submitted information and information we receive tonight, we expect to hire a peer review consultant to review the submittal for the board including the architectural plans, to report and make recommendations to the board as necessary. The town planner will write a scope of services and issue a request for quotations and review proposals. The peer review consultant will be asked to attend a future hearing to present their findings to the board.

Mr. Helmes also indicated that the board would like to do a site visit perhaps with the peer review consultant and they will notify the abutter when that is happening.

A motion was made and seconded to continue the hearing until November 9, 2010 at 7:30 pm in the Marblehead Community Center COA dining room.

7:30 - Public Hearing - Site Plan Approval - Mound Road - Montrose School LLC

Edward Nilsson recused himself from any of the items involving Naugus Ave/Mound Road since he is a direct abutter. Mr. Nilsson then left the table.

The Chairman read the public hearing notice and explained that this is a public hearing for Site plan approval special permit for the 3 single family house lots that front on the newly approved Mound Road approved by the board earlier this year under subdivision control and presently under construction.

Mr. Peter Ogren of Hayes Engineering the applicant's representative presented the plan and explained that the three houses would meet zoning and would be similar in size and style as the so called ANR lot houses on Naugus Ave and Intervale road recently approved by the board. Then discussion ensued on the proposed no building zone and the buffer area and proposed blasting.

No one spoke in favor for or opposed to the project.

A motion was made and seconded to approve the application of a site plan approval special permit with the following conditions (final wording to be drafted)in addition to the standard conditions:

- Reference submitted plans including landscape plan
- Street number will be 2, 4 and 6 and prominently located on the new building in accordance with regulations for size and placement
- Incorporation of all peer review consultant's suggestions and documents requested by the board
- No irritation systems or fertilizer
- Houses shall be in conformance with scale and location of plans submitted
- No vinyl siding, siding must be wood shingles or wood or hardy board clapboards
- The homeowners agreements will be referenced

All in favor.

Approval Not Required - 11 Hewitt Street

After review of the plan the board determined that it is adequate for endorsement provided that the bulkhead on the existing dwelling shown on Lot 1 is removed. The board voted not to release the plan until it is confirmed by the town that the bulkhead has been removed.

A motion was made a seconded to endorse the plan as approval not required to be held and dated by the planner to be released at a time when the

Old/new Business

- **Citizen zoning article on change in bylaw** – The town planner explained that the board received a citizen zoning article from the selectmen on September 9, 2010. In

accordance with Chapter 40A section 5 the planning board is required to hold a public hearing within 65 days of receipt for such request from the selectmen. Therefore the next available date and meets the 65 day timeframe would be November 9, 2010. I would put the public hearing notice in the paper on October 21 & 26, 2010.

A motion was made and seconded to hold a public hearing on the citizen zoning article to change the required frontage in a single residence district from 100 feet to 75 feet on November 9, 2010 at 7:30 pm in the senior center dining room at the Marblehead Community Center 10 Humphrey. All in favor

- **Letter from a citizen Greg Thibodeau - regarding chapter 91** and a request for a hearing. The board read the letter and agreed to hold a hearing under chapter 91 on a proposed pier on Neptune Road. Mr. Thibodeau was present at the meeting a discussion ensued on the chapter 91 process and the board's rights to hold hearings on the issue and send comments to the DEP. The board agreed to hold a public hearing on the issue on November 9, 2010.
- **Admin 396 Ocean Ave Termeer - change in driveway plan.** The board reviewed plans showing a change in the driveways at 396 Ocean Ave/ Termeer which was previously approved by the planning board for a site plan approval special permit. The applicant would like to change the driveway configuration to conform to the submitted plans; Exhibit 1 - Existing" conditions/approvals: This plan shows the two separate driveways, and the Buffer Zone; Exhibit 2 - "Proposed" conditions: This shows the final result of what the Termeers would like to have approved, and the Buffer Zone; Exhibit 3 - "Changes": This shows the changes proposed, and the Buffer Zone. The board reviewed the plans and determined that the change is not contrary to any condition issued in the site plan approval special permit and will be positive since the number of curb cuts on Ocean Avenue will be reduced from three to two; the grade of the Northeast driveway coming out of the property at 396 Ocean Avenue. That grade is very steep. and will be reduced as it heads over to the property line and the 400 Ocean Avenue property corner and then out to Ocean Avenue.

A motion was made and seconded to adjourn the meeting. All in favor.

Respectfully submitted,

Rebecca Curran, Town Planner