CITY OF MELROSE

APPROPRIATIONS & OVERSIGHT COMMITTEE

AGENDA● FEBRUARY 13, 2023

Council Chamber, First Floor, Melrose City Hall Committee Meeting **7:30 PM**
562 Main Street, Melrose, MA 02176

I. CALL TO ORDER

Leila Migliorelli	Chair
Maya Jamaleddine	Vice Chair
Shawn M. MacMaster	
Christopher Cinella	
Jack Eccles	
Mark Garipay	
Robb Stewart	
Manjula Karamcheti	
John Obremski	
Ryan Williams	
Jen Grigoraitis	President, Ex Oficio

II. PUBLIC COMMENT

Remote Link for Public Comment:
https://cityofmelrose-org.zoom.us/j/99081483447?pwd=Nm1hT3R1Z3l2cWJ3bTZkdVBzbW1Kdz09

Meeting ID:
990 8148 3447

Password:
Melrose

III. GRANTS

1. **GRANT-2023-5 :** MHOA-CHII Grant

   Offered by: Paul Brodeur, Mayor

   Sponsored by: Health Director Anthony Chui

   From: City Council ASSIGN TO COMMITTEE

2. **GRANT-2023-6 :** Tufts Medicine Melrose Wakefield Hospital - Community Health Initiative (CHI) Grant

   Offered by: Paul Brodeur, Mayor

From: City Council ASSIGN TO COMMITTEE

3. **GRANT-2023-7 :** NEHA-FDA RFFM Grant
   Offered by: Paul Brodeur, Mayor

   From: City Council ASSIGN TO COMMITTEE

IV. APPROPRIATION

1. **APP-2023-10:** Community Prevention and Wellness Initiative
   Sponsored by: Health Director Anthony Chui

   From: City Council RECOMMITTED

2. **APP-2023-12:** MWRA LWSAP Water Project Funding
   Offered by: Paul Brodeur, Mayor

   From: City Council ASSIGNED TO COMMITTEE

V. ORDERS

1. **ORDER-2023-60 :** Acceptance of Easements related to Patrick's Place Subdivision
   Offered by: Mayor Paul Brodeur

   From: City Council ASSIGNED TO COMMITTEE

VI. INFORMATION ITEMS

1. **INFO-2023-13:** An Order Relative to the Melrose Public Safety Building Committee
   Sponsored by: Christopher Cinella

From: City Council ASSIGN TO COMMITTEE

VII. ADJOURNMENT

Attachment: CHII Award Letter-1-18-23 (GRANT-2023-5 : MA Health Officers Associations-Community Health Inclusion Index (CHII) Grant)

December 21, 2022

Kara M. Showers
City of Melrose Health and Human Services
562 Main Street
Melrose, MA 02176
kshowers@cityofmelrose.org

Dear Ms. Showers:

Thank you for applying for the 2023 Community Health Inclusion Index (CHII), Massachusetts Department of Public Health (MDPH), Office of Local and Regional Health (OLRH), Mass in Motion Municipal Wellness and Leadership Program (MiM), and Office of Health Equity (OHE) mini-grant. We are pleased to announce that the CHII Assessment (the "Project") has been selected for funding from January 1, 2023 to June 30, 2023. The grant review committee has approved a grant in the amount of Twelve Thousand Dollars ($12,000).

The review team asks that by **January 5, 2023**, you submit a revised work plan to Kimberley Warsett (Kimberley.Warsett@mass.gov) and Nassira Nicola (Nassira.D.Nicola@mass.gov) addressing the following:

1. Provide additional details on community engagement, including translation needs;
2. Discussion of Stoneham and Lynnfield's capacity;
3. Explanation of how the CHII results will be used in all four communities, benefitting people with mobility limitations, especially people of color;
4. Training/education on structural ableism; and
5. Alternative plans for Lunch & Learns in the event of rising COVID-19 rates.

Further, our offer of this grant is subject to your agreement to the following:

1. Use the grant funds only as specified in the approved grant proposal;
2. All grant funds must be spent between January 1, 2023 and June 30, 2023;
3. Maintain your records to show and account for the uses of grant funds;
4. Participate in periodic check-ins with MDPH to discuss Project progress, identify potential barriers and opportunities, and accept technical assistance and data support where applicable; and
5. If requested, present on the Project at a future MiM or OLRH stakeholders meeting.

By March 31, 2023, please have an authorized representative (1) sign and return one copy of this letter to Massachusetts Health Officers Association (MHOA) and (2) provide an invoice to MHOA for the first half of payment. Please send these documents by email to Teresa Wood Kett, incoming MHOA executive director at tkett@mhoa.com.

Please be advised that a mandatory CHII training will take place on January 20, 2023 from 11:00am – 12:00pm. MiM, OLRH, and OHE are available for technical assistance support to ensure your success (contact information below). We are happy to answer any questions you may have.

Congratulations!

Teresa Wood Kett, Executive Director
Massachusetts Health Officers Association
tkett@mhoa.com

Maria Evora, Community Liaison
Mass in Motion Municipal Wellness and Leadership Program
Maria.Evora@mass.gov

Kim Etingoff, Community Engagement Specialist
Root Cause Solutions Exchange
Kim.Etingoff@mass.gov

Attachment: CHII Award Letter-1-18-23 (GRANT-2023-5 : MA Health Officers Associations-Community Health Inclusion Index (CHII) Grant)

Erica Piedade, Director of Workforce Development
Office of Local and Regional Health
Erica.M.Piedade@mass.gov

Nassira Nicola, Program Coordinator, Health and Disability Program
Office of Health Equity
Nassira.D.Nicola@mass.gov

Kimberley Warsett, Program Coordinator, Health and Disability Program
Office of Health Equity
Kimberley.Warsett@mass.gov

Felicia Heykoop, Program Coordinator
Mass in Motion Municipal Wellness and Leadership Program
Felicia.Heykoop@mass.gov

Matthew S. Barron, Legal Policy Analyst
Massachusetts Association of Health Boards
Barron@mahb.org

Melrose/Wakefield/Lynnfield/Stoneham

1/17/23
Date

Please sign and return to tkett@mhoa.com by March 31, 2023.

Attachment: CHII Award Letter-1-18-23 (GRANT-2023-5 : MA Health Officers Associations-Community Health Inclusion Index (CHII) Grant)

The City of Melrose Health and Human Services (HHS), in partnership with the Town of Wakefield HHS, Town of Stoneham Health Department and Town of Lynnfield Health Department, propose to *use the Community Health Inclusion Index (CHII) to assess disability access for people with mobility limitations in the communities and develop an action plan*.

The purpose of the CHII is to collect information about healthy living resources in Melrose, Wakefield, Stoneham & Lynnfield and the degree to which they are inclusive. This will help us plan and develop strategies that will impact the health and well-being of community members, including persons with disabilities, specifically mobility limitations. The CHII assessment is not an ADA compliance checklist; it is intended to be a tool to measure a broad level of health inclusion in our communities.

With this funding, Melrose, Wakefield, Lynnfield and Stoneham will: 1) assess the community using CHII survey tools for the first time, and 2) bring stakeholders together (i.e., Disability Commissions, Housing Authority staff, municipal American Disability Act Coordinators, senior housing complex facility managers and residents, etc.) to determine how we can best support those with disabilities to encourage increased participate in our community health initiatives.

Housing accessibility and municipal infrastructure were common challenges among the four communities. In order to delve into next steps toward improvement in those arenas, we will use the On-Site CHII assessment at pre-determined priority locations. The results we gather from this assessment will allow us to further conversations and implement a realistic plan for change.

Proposed activities:

- Bring stakeholders and partners together to determine how we can support residents with disabilities to more fully participate in our community health initiatives. Host 3 lunch and learn meeting for the four municipalities' stakeholders. Engage partners monthly (via emails and meetings).
- Conduct on-site CHII assessments at pre-determined priority locations in the 4 communities. Discuss findings with stakeholders & partners and determine plan of action using assessment results.

Using the CHII survey tools will allow us to: 1) better understand existing issues that are affecting residents with mobility limitations so that we can implement appropriate solutions, and 2) bring stakeholders and partners together. Our municipalities will incorporate a "leading with race and racism" framework by putting people with lived experience of inequities at the forefront and share decision-making power with them. We will meaningfully engage people with disabilities, including people of color, in the project by working with our partners (i.e., Human Rights Commissions and Councils on Aging).

Attachment: CHII Funding Description (GRANT-2023-5 : MA Health Officers Associations-Community Health Inclusion Index (CHII) Grant)

Attachment: MWH-Tufts Grant 3-1-23 to 2-28-24 (GRANT-2023-6 : Tufts Medicine Melrose Wakefield Hospital - Community Health Initiative (CHI)

TuftsMedicine
MelroseWakefield Hospital

Shields
HEALTH CARE GROUP

January 19, 2023

Dear Kara Showers,

Thank you for your grant submission to the Determination of Need Community Health Initiative Funding Opportunity.

We are delighted to inform you that your grant proposal has been approved in the amount of $12,000 to fund the Supporting Community Providers Who are Serving our Most Vulnerable citizens in Wakefield & Melrose Program.

We will be sending you a contract listing the grant's terms and conditions in the next few weeks. If you accept the award offer, terms and conditions, we will ask you to sign and return the contract. Upon the contract's receipt we will distribute payment and expect work to begin on March 1, 2023.

The funds must be used specifically for the designated purpose by February 28, 2024. You must submit a written request to us in advance if you wish to change the purpose of the grant or if the funds are not expended within the next 12 months. In addition, we will request a report on the expenditure of our grant after six months and a final report after one year. Any publications produced referencing the funded project must acknowledge the funds were provided by MelroseWakefield Hospital, Lawrence Memorial Hospital and Shields Surgery Center.

Congratulations on this recognition of your important efforts. We look forward to working with you during the coming year.

Sincerely,

The Community Health Initiative Allocation Committee
On behalf of the Medford Surgery Center, LLC

MelroseWakefield Healthcare/Tufts Medicine
Community Health Initiative Funding

Building Community Awareness and Reducing Behavioral Health Stigma in High-Risk Populations

Supporting Community Providers who are serving our most vulnerable citizens in Wakefield & Melrose

The Town of Wakefield and City of Melrose Health and Human Services Department's mission is to promote the personal and environmental health of the community, focusing on prevention, intervention, remediation, and maintenance. The expansion to a comprehensive Health & Human Services Department acknowledges that without basic needs such as housing, food, economic stability, education, healthcare, and a feeling of connection to the community, it becomes significantly more challenging to live a healthy & well life. The primary opportunity that led us to request this grant funding is our intent to build upon our first two years work.

Year 3's three-pronged plan is to:

1) support new immigrant residents by connecting them to local, inclusive services that directly impact social determinants of health, including but not limited to: housing, education, food, clothing, legal services, employment and primary & behavioral health needs
2) improve community connections for English Learning new residents, and
3) provide trainings and networking luncheons for providers.

To ensure success, we will engage with new residents early on, gathering information about what services they value. This will be done by bringing on one Spanish & one Portuguese-speaking Community Champions. Utilizing the expertise of these Community Champions, our Social Services Coordinators will enroll new residents in benefit programs that will directly impact their health and well-being, providing them with basic needs (i.e., SNAP benefits, Fuel Assistance, etc.). Our Champions will utilize networking events to educate service providers with specific culturally competent needs of new immigrants, especially English Language Learners. School Department, City/Town Employees, Social Service providers and volunteers will participate in Diversity, Equity, and Inclusion training so that they may better support new youth and residents.

Program Expenses

- ESL supplies**:** Pocket talk hand-held translators, Translation Services
- Community Champions: One Spanish & one Portuguese-speaking champion to share between Melrose & Wakefield
- Networking meetings: food & supplies for 3 meetings for 30+ local social service providers
- In-depth lunch-and-learn training sessions
- ESL Family Nights: In partnership with school districts
- Social Service Coordinator support: IntakeQ data intake system for clients

Attachment: MWHTuftsYear 3Funding (GRANT-2023-6 : Tufts Medicine Melrose Wakefield Hospital - Community Health Initiative (CHI) Grant)

Slane, Denise

From: NEHA-FDA RFFM Grant Program <do-not-reply.grants07-us-east-1@fluxx.io>
Sent: Wednesday, December 21, 2022 5:53 PM
To: Health
Subject: NEHA-FDA RFFM Grant Program: CONGRATULATIONS

Dear Erin:

Congratulations! The National Environmental Health Association (NEHA) and US Food & Drug Administration (FDA) are happy to inform you that your NEHA-FDA Retail Flexible Funding Model (RFFM) grant submission for the following project has been approved:

ID Number: G-BDEV1-202210-03047
Project Title: Completion of SA9 and a CSIP for Melrose and Wakefield
Grant Type: 2023 Track 1 Development Base
Amount Requested: $11,250.00
Amount Awarded: $5,000.00
Project Summary: Many of our resources were devoted primarily to the COVID-19 pandemic from March 2020 until early 2022. Prior to that time, our Department was largely focused on food safety and had completed a lot of work towards the Standards. Completing an SA9 and a CSIP will help us assess our current food safety program and re-establish the Standards into our food safety program.

Please use your previously assigned username and password to return to the NEHA-FDA RFFM Grant Program Portal for details of this award, including the official grant award letter. Additionally, review the comments below relating to your specific request:

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The "Required Outcomes" portion of your CY 2023 Track 1 Development Base Grant is approved, and fully funded at $5,000. However, due to insufficient Mentor participation, we were unable to fund the Mentee portion of your application. We encourage you to reapply for a Mentee grant in the 2024 RFFM grant program. The full requested amount for your CY 2023 Track 1 Development Base Grant is approved. However, we will be reaching out for clarification and a likely update for your Budget, as it does not directly support the proposed project (completion of an SA9 and a CSIP). Any changes to your project plans and/or budget changes in excess of 10% of the Total Award Amount must be approved in writing by NEHA, in advance. Please refer to the neha.org/retail-grants website for the full RFFM Grant Guidance, which includes a description of non-allowable costs that will not be reimbursed. We look forward to supporting you as you work to complete your important Retail Flexible Funding Model project. Please reach out to the NEHA-FDA RFFM Grant Program Support Team if you have any questions or concerns.

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Note: The Catalog of Federal Domestic Assistance (CFDA) number for this United States Food & Drug Administration grant, awarded to the National Environmental Health Association on 05/03/2021, is 93.103. Your grant is considered a subaward under this NEHA grant. Please refer to our homepage at https://neha.org/retail-grants for additional program information or to access the NEHA-FDA RFFM Grant Program Portal.

If you have any questions or need additional information, please contact us at: 1-833-575-2404 or retailgrants@neha.org.

Attachment: NEHA-FDA Grant Award Letter 12-21-22 (GRANT-2023-7 : National Environmental Health Association - FDA RFFM Grant)

Sincerely,

Your NEHA-FDA RFFM Grant Program Support Team ****CITY OF MELROSE PUBLIC RECORDS NOTICE: Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.****

Attachment: NEHA-FDA Grant Award Letter 12-21-22 (GRANT-2023-7 : National Environmental Health Association - FDA RFFM Grant)

8410 Education, Public Safety and Substance Abuse Stabilization Fund Proposal

City of Melrose Health and Human Services

Prevention and Wellness

The City of Melrose Health and Human Services (HHS) Department proposes to utilize the revenue in the stabilization fund for citywide public health prevention and wellness initiatives, including cannabis education, public safety, and recovery coaching.

The staff person who will lead this work and is proposed to be paid out of this fund beginning January 2023, is a 15-year HHS employee, Kara Showers. Kara is a Certified Health Education Specialist with a Masters Degree in Public Health. As the Prevention and Wellness Coordinator in HHS, Kara is responsible for:

- Leading and managing chronic disease prevention and community health initiatives, using a public health lens.
- Coordinating prevention grants.
- Assessing the public health needs of the Melrose community.
- Supporting prevention service programs related to substance use and mental health.

In Massachusetts, cannabis & marijuana use are on the rise from youth to senior citizen populations. *(The word "cannabis" refers to all products derived from the plant*

Attachment: Cannabis Fund Proposal (1) (APP-2023-10 : Community Prevention and Wellness Initiative)

Cannabis sativa. The cannabis plant contains about 540 chemical substances. The word "marijuana" refers to parts of, or products from, the plant Cannabis sativa that contain substantial amounts of tetrahydrocannabinol (THC). CBD, or cannabidiol, is the second most prevalent active ingredient in cannabis. While CBD is an essential component of medical marijuana, it is derived directly from the hemp plant, a cousin of marijuana, or manufactured in a laboratory. Cannabidiol (CBD) is a compound found in marijuana. CBD is not impairing, meaning it does not cause a "high."[1,2]).

According to the most recent administration of the Youth Risk Behavior Survey (YRBS), Melrose high school youth report the following:

- 25% have tried marijuana at least 1 time in their life
- 10% reported using marijuana at home and 16% reported using at a friend's house
- 28% thought that their friends feel marijuana is *not wrong at all*, 23% thought their friends thought it was a *little bit wrong*
- 50% of youth reported getting marijuana from a friend

Research shows that heavy cannabis users are more likely to report thoughts of suicide than non-users and regular cannabis use is likely to increase the risk of developing a social anxiety disorder[3]. Increased awareness of the health effects of marijuana and how THC impacts the brain and mental health is imperative for Melrose youth. Collaborating with the Melrose Health and Wellness Coalition (*formerly the Melrose Substance Abuse Prevention Coalition*), and the Melrose Public Schools administration, faculty and staff, this information, as well as refusal skills and social norming campaigns, can be presented using available evidence-based marijuana toolkits[4]. Secondly, this funding could support the development and implementation of healthy coping mechanisms for students, which are an essential outlet in a young person's life. Finally, partnering with local organizations (i.e., PTO's) and parents to host events like "In Plain Sight" show family members how and where to look for early cannabis use signs.

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[1] CBD: What You Need to Know (cdc.gov)

[2] Cannabidiol (CBD): What we know and what we don't - Harvard Health

[3] Mental Health - The Health Effects of Cannabis and Cannabinoids - NCBI Bookshelf (nih.gov)

[4] Cannabis Awareness & Prevention Toolkit | Cannabis Awareness and Prevention Toolkit | Stanford Medicine

Attachment: Cannabis Fund Proposal (1) (APP-2023-10 : Community Prevention and Wellness Initiative)

It is not only important to educate our youth about marijuana but support our adult and elderly populations. Thirteen percent of Melrose adult respondents from the COVID Community Impact Survey (CCIS) data[5] said they have used marijuana in the past 30 days. Since recreational use is legal among adults, an assumption can be made that use is even higher than that. Further, both Melrose adults and senior citizens could benefit from more dialogue and education on this topic. With this funding, HHS, in partnership with COA, can host meetings and other events to provide information on cannabis/marijuana/CBD, identify resources and present subject matter experts.

For those residents struggling with substance use, this funding can also bring recovery coaching services to the City. A peer recovery coach or community health worker can assist individuals by finding the necessary recovery resources, establishing accountability as well as another level of support. Recovery coaching services are expanding in surrounding communities as its importance is being recognized across all ages.

According to the 2019 MelroseWakefield Healthcare Community Needs Assessment, 8.2% of Melrose residents died of chronic ischemic heart disease, making it one of the top 3 causes of death in the City [6]. A large study led by researchers at Stanford Medicine stated that p[7]. Of course, these heart disease cases cannot all be attributed to marijuana use. However, all residents young and old could benefit from healthy heart prevention initiatives—from more opportunities for the community to connect to ways to increase daily physical activity.

To make Melrose an even healthier community, and to support overall resident wellness, this funding will provide increased services community-wide. It will provide supplies, staffing, facilities, etc. to offer projects such as:

- Councilor-led community health forums in wards across the City 1-2x year. *Health topics could include CBD/cannabis/marijuana, heart disease, lung cancer, COVID, and/or others.*
- Yoga, Tai Chi, Mindfulness, Art Classes, StoryBook Walks etc. in our passive City parks and other designated City spaces.
- Healthy aging and dementia risk reduction initiatives.

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[5] CCIS Data

[6] Melrose-Wakefield Hospital 2019 Community Data Profile

[7] Marijuana linked to heart disease; supplement may mitigate risk, study reports | News Center | Stanford Medicine

Attachment: Cannabis Fund Proposal (1) (APP-2023-10 : Community Prevention and Wellness Initiative)

- Recovery coaching services.
- Open space and recreation support.
- Blood pressure screenings for adult and older adult populations.
- Healthy food security partnerships with our local faith-based organizations/food pantries and food rescue organizations.
- Space to hold events and classes for the community.

BUDGET ESTIMATE: *(January 2023-December 2023, initial start-up investment costs)*

Item	~$	MUNIS Category
Prevention and Wellness Coordinator (part-time)	$51,456 $7,246	Salary, Wages, Benefits
Evidence-based marijuana prevention downloadable toolkits (topics: cognitive function, refusal skills and social norming campaigns) & short policymaker trainings	$1,000	Supplies, Printing, Professional Services, Training
Healthy coping classes (art, exercise classes: mindfulness, yoga, tai chi, walks)	$14,000	Contract, Supplies, Professional Services
Recovery Coaching Services/Community Health Worker with addiction specialist training	$25,000	Contract
Community Connectedness Space for events & classes ("In Plain Sight", Community Health Forums, speakers to discuss CBD/ cannabis/marijuana)	$16,000	Contract, Supplies, Professional Services
Healthy Aging/Dementia-Friendly initiatives	$8,000	Supplies, Professional Services
Open Space/Recreation support	$9,000	Supplies
Blood Pressure Screenings	$2,000	Supplies, Professional Services
Healthy Food Security (i.e. mini food pantries)	$13,000	Supplies, Contract
Trainings & Continuing Education	$2,000	Training

Attachment: Cannabis Fund Proposal (1) (APP-2023-10 : Community Prevention and Wellness Initiative)

Advertising	$1,500	Advertising
TOTAL	**$150,202**	

Attachment: Cannabis Fund Proposal (1) (APP-2023-10 : Community Prevention and Wellness Initiative)

DEPARTMENT OF PUBLIC WORKS
Administration & Engineering–Water–Sewer–Facilities
Park & Forestry–Highway–Sanitation–Cemetery–Fleet

CITY OF MELROSE

Elena Proakis Ellis, P.E., BCEE
Director of Public Works

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone – (781) 979-4172
E-mail: eproakis@cityofmelrose.org

MEMORANDUM

To: Mayor Paul Brodeur
Melrose City Council

From: Elena Proakis Ellis, P.E., Director of Public Works

cc: Patrick Dello Russo, CFO/Auditor
Kathryn Armata, Treasurer Collector
Shannon Phillips, City Solicitor
James Troup, Assistant DPW Director – Administration & Finance

Date: January 13, 2023

Re: Authorization to Borrow MWRA LWSAP Funds for Water System Improvements

The Department of Public Works requests the Authorization to borrow funds to continue water distribution system improvements. Construction of said improvements would begin in the spring of 2023 and continue throughout the 2023 construction season. Projects proposed include the replacement and upgrade of over 1,600 linear feet of water infrastructure at the following locations:

1. Nowell Road
2. Henry Avenue
3. Trenton Street
4. Reading Hill Ave (to be bid as an add alternate and contingent on available funds)

REQUEST FOR AUTHORIZATION OF BOND (WATER)
The Department of Public Works respectfully requests that the City Council authorize the City Treasurer, with approval from the Mayor, to issue bonds or notes of the City to the aggregate principal amount of **Six Hundred Eighty Eight Thousand Dollars ($688,000)** under the Water Enterprise System through MWRA LWSAP bonds for FY2023. In general, the borrowing will fund design, engineering and construction of programs that will continue to address water system improvement projects aimed at addressing leak history, fire flow capacity and water quality in the above-mentioned corridors and other areas throughout the system as required. This is a zero percent (0%) interest loan with a ten (10) year pay-back period commencing in FY 2024 (FY24).

The financial model shows that the Tier 1 water rates may be impacted by approximately $0.07 per 100 cubic feet for FY24. However, in FY25, other loans are rolling off so that impact will become a net positive.

The funds borrowed pursuant to this Order will be deposited into Fund 6150.

The MWRA's Local Water System Assistance Program provides interest-free loans to member water communities for local water system improvement projects. Loan funds have been approved for distribution

Attachment: LWSAP 23_Council Memo MWRA_FINAL (APP-2023-12 : MWRA LWSAP Water Project Funding)

from fiscal year 2011 through fiscal year 2022. MWRA's goal in providing financial assistance to member communities is to improve local water systems to help maintain high quality water as it passes from MWRA's facilities through local pipelines to customers' taps. As of September 2022, Melrose has $688,000 in eligible funding available to borrow within the parameters of this program. It is requesting the authorization to borrow said amount.

Attachment: LWSAP 23_Council Memo MWRA_FINAL (APP-2023-12 : MWRA LWSAP Water Project Funding)

CITY OF MELROSE Office of Treasurer-Collector

Kathryn J Armata
Treasurer-Collector

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Treasurer - (781) 979-4162
Collector - (781) 979-4120
Fax - (781) 665-6877

MEMORANDUM

To: Melrose City Council
Mayor Brodeur

From: Kathryn Armata

Date: January 13, 2023

Re: **Loan Order – Water Main bond**

ORDERED: That the City appropriates $688,000 to pay costs of water main improvements, including designing and constructing water main improvements that will address leaks, fire flow capacity and water quality in the Norwell Road, Henry Avenue, Trenton Street and Reading Hill Avenue corridors and throughout the City's water system, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (the "MWRA") and, in connection therewith, to enter into a loan agreement and/or financial assistance agreement with the MWRA and otherwise to contract with the MWRA with respect to such loan; and that the Mayor is authorized to take any other action necessary to carry out this project.

Pursuant to Section 56-14 of the City Ordinances, attached is a projection of the principal and interest costs on the bonds proposed to be authorized by the following loan order under consideration by the City Council. The payment schedule attached assumes a 10-year borrowing term, an interest rate assumption of 0% over the life of the borrowing, and a level debt service payment schedule. The debt service on these bonds will be paid from the Water Enterprise Fund. The borrowing may potentially impact water rates in the first year of repayment by seven cents or less than 1%, depending on other factors in the calculation. In the second year of repayment, higher levels of maturing debt will more than offset the issuance of the bond.

FINANCIAL IMPACT: See attached

Attachment: order water main bond (APP-2023-12 : MWRA LWSAP Water Project Funding)

MWRA Water Main Bonds

0% interest

$ 688,000.00

Debt Schedule

	Principal	Interest
3/1/2024	$ 68,800.00	0
3/1/2025	$ 68,800.00	0
3/1/2026	$ 68,800.00	0
3/1/2027	$ 68,800.00	0
3/1/2028	$ 68,800.00	0
3/1/2029	$ 68,800.00	0
3/1/2030	$ 68,800.00	0
3/1/2031	$ 68,800.00	0
3/1/2032	$ 68,800.00	0
3/1/2033	$ 68,800.00	0
	$ 688,000.00	$ -

Attachment: order water main bond (APP-2023-12 : MWRA LWSAP Water Project Funding)

James P. Mitchell
Attorney at Law

20 West Emerson Street
Melrose, Massachusetts 02176

Telephone: (781) 662-9195
Fax: (781) 662-4428
Email: jpmitchell@masslaw.net

October 12, 2022

By Hand

Shannon T. Phillips, City Solicitor
City of Melrose
562 Main Street
Melrose, MA 02176

Re: Property: 0 Swains Pond Avenue, Melrose, MA 02176
"Modified Definitive Plan Hillside Park, Melrose, MA", dated 12/4/2019, as amended, prepared by Williams & Sparages, Engineers-Planners-Surveyors", recorded at MSDR June 9, 2021, as Plan 429 of 2021
Owner: Laura Szekely, Trustee of 0 Swains Pond Avenue Realty Trust u/d/t/d 5/21/2018

Dear Attorney Phillips:

Pursuant to our conversations, I am enclosing final signed originals of the following documents for submittal to the City Counsel in connection with the above development as follows:

1. Quitclaim Deed, Conditions and Easements (Lot 10 & Lots 5, 6, HOA);

2. Deed Easement and Restriction (Lot 1); and

3. Declaration of Easements, Covenants, Conditions and Restrictions (Lot 10 and portion of Lot 1).

Thank you.

Very truly yours,

James P. Mitchell

JPM/rla
Enclosures

cc: Denise M. Gaffey, Director and City Planner
Office of Planning and Community Development

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

Return to:

Property: **Lot 10** & Lots 5,6 on Plan 429 of 2021, & Patricik's Place HOA, 0 Swains Pond Ave, Melrose, MA 02176

QUITCLAIM DEED,
CONDITIONS
and
EASEMENTS

LAURA SZEKELY, TRUSTEE of 0 SWAINS POND AVENUE REALTY TRUST, a Massachusetts Nominee Realty Trust, u/d/t dated May 21, 2018 and filed with Land Registration Division of the Middlesex South Registry of Deeds on June 8, 2018 as Document 1789504 on Certificate 267856, Book 1528, Page 22, of 142 Haggett's Pond Road, Andover, MA 01810, with a mailing address of P.O. Box 27, Andover, MA 01810 (the "Grantor"),

for consideration of One and 00/100 ($1.00) Dollar, and other consideration paid,

grant to the City of Melrose, a municipal corporation in Middlesex County, Commonwealth of Massachusetts (the "Grantee"), with its office in City Hall, 562 Main Street, Melrose, Massachusetts, 02176,

with **Quitclaim Covenants**, the following:

> **Lot 10** containing 90,573 sf± as shown on a plan of land entitled: "Modified Definitive Plan Hillside Park, Melrose, MA", a Subdivision Plan of Land in Melrose, Massachusetts, dated December 4, 2019, as amended, prepared by Williams & Sparages, Engineers-Planners-Surveyors, recorded at the Middlesex South District Registry of Deeds on June 9, 2021, as Plan 429 of 2021 (herein, "Lot 10" and/or the "Property").

The land conveyed is dedicated to conservation purposes in accordance with M.G.L. Chapter 40, Section 8C, and shall be held in the care, custody and administrative control of the Melrose Conservation Commission, a duly organized branch of said municipality having the same address for preservation in perpetuity; pursuant to valid majority votes of the Melrose City Council taken on _____, 2022,

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

Said conveyance subject to a Proposed Drain Easement as shown on said Plan 429 of 2021 and to a Proposed 15' wide Drainage Easement for the benefit of the Owners of Lots 5 and 6, Patrick Place, and to the Patrick's Place Homeowner's Association as shown on a Sketch Plan in Melrose, prepared by Williams & Sparages, dated March 31, 2022 attached hereto and incorporated herein.

Lot 10 shall be owned by the City of Melrose, and shall be maintained by the Patrick Place Homeowners Association under the guidance of the Melrose Conservation Commission.

The total acreage of the above noted parcel is 90,573 square feet of land, more or less according to said Plan 429 of 2021

THE GRANTOR AND GRANTEES HAVE AFFIRMED, CONFIRMED AND ADOPTED THE FOLLOWING PURPOSES FOR THIS DEED:

A. The property provides significant scenic, and aesthetic value in its present state as a natural area and open space;

B. The property contains both wetlands and upland habitat.

C. The Property abuts property known as "Hillside Park"; "Modified Definitive Plan Hillside Park, Melrose, MA", a Subdivision Plan of Land in Melrose, Massachusetts, dated December 4, 2019, prepared by Williams & Sparages, Engineers-Planners-Surveyors;

D. The City of Melrose has promulgated that the "preservation and protection of open space and natural resources is a high priority for Melrose residents";

The terms of this Deed for Lot 10 are as follows:

1. **Prohibited Activities.** Except as otherwise herein provided, neither the Grantor nor the Grantee shall perform nor permit others to perform any of the following acts or uses on, over or under the Property:

   a. Construction or placing of any building, tennis court, landing strip, mobile home, swimming pool, septic system, road, sign, fence, billboard or other advertising display, utilities, conduits, poles, antennas, towers, windmills, solar panels or other temporary or permanent structures or facilities on, over or under the ground;

   b. Dumping or placing of soil, grass clippings, compost, yard debris or other substances on the ground as landfill or dumping or placing of vehicle bodies or parts, junk, trash, refuse, solid or chemical waste or unsightly or offensive materials or the installation of underground storage tanks;

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

c. Cutting, removal or destruction of trees, grasses, shrubs, or other vegetation;

d. Use of the Property except for passive outdoor recreational purposes or other purposes that permit the Property to remain predominantly in its open condition;

e. Activities detrimental to drainage, flood control, water or soil conservation, wildlife or plant habitat, water quality, erosion control or scenic values;

f. Any other use of the Property or activity which would impair the conservation values of the Property as set forth herein unless such use or activity is necessary and desirable for the protection of those conservation values.

2. **Reserved Rights.** Notwithstanding anything contained in paragraph 1, the following activities shall be allowed or permitted on the property:

a. Any activities designed to enhance the ecological and natural historical value of the Property or to enhance the awareness of such values, including but not limited to the creation of open space, all in accordance with the plan prepared by the Grantor and approved by the Grantee;

b. Activities designed to enhance the ecological or natural historic value of the Property, including wildlife habitat improvement;

c. Hiking, wildlife observation and other passive outdoor recreational and educational activities consistent with conservation purposes;

d. **Easement**. A perpetual easement is reserved to the Grantor, its heirs, successors or assigns, to be maintained by the Homeowner's Association at its sole costs and expense, an easement over the Easement Area being a portion of Lot 10 on a "Modified Definitive Plan Hillside Park, Melrose, MA", a Subdivision Plan of Land in Melrose, Massachusetts, dated December 4, 2019, prepared by Williams & Sparages, Engineers-Planners-Surveyors, and recorded as Plan 429 of 2021 as follows: The perpetual restriction, right and easement to construct and maintain, a drainage easement over Lots 5 and 6 as shown on the Modified Plan with the right to extend any ancillary items as needed, including the right and obligations of the Homeowner's Association or its successors in title to maintain and repair the Drainage System located within the Easement Area. The full consideration for the within easement is One and 00/100 ($1.00) Dollar.

e. Such other activities as are consistent with conservation purposes.

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

3. The exercise of any reserved right shall be in compliance with the then-current Zoning By-law applicable to the Property, the Wetlands Protection Act (General Laws Chapter 131, Section 40) and all other applicable provisions of federal, state and local law.

4. **Access by the Public**. It is hereby agreed that the general public may pass and repass over the Property by foot, to and from adjacent land of said City of Melrose for purposes of quiet outdoor recreational and educational activities, provided

   a. that any such activity shall be limited to daylight hours;

   b. that dogs shall be leashed at all times;

   c. that no motor vehicles of any kind shall be permitted;

   d. that no dumping, waste disposal or littering of any kind be allowed.

   To the extent permitted by law, the Grantor and the Grantee hereby expressly disclaim any duty to maintain the property or warn persons who may enter upon the same. Pursuant to M.G.L. c. 21, s.17c, neither the Grantor or the Grantee is liable to any member of the public who uses the Property in the absence of willful, wanton or reckless conduct by the Grantor or Grantee.

5. **Representations of the Grantee.** The Grantee represents that it is a municipality established, pursuant to Massachusetts General Laws, that it is organized and operated as a municipal entity with an intent and purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other scientific and educational purposes, that it has both the necessary funds and commitment to hold this land exclusively for conservation and to enforce its terms and that it is a "Qualified Organization" as that term is defined in Section 170 (h)(3) of the Internal Revenue Code of 1986, as amended.

6. **Binding Effect: Interpretation.** The burdens of these restrictions shall be deemed to run with the Property, shall be enforceable against the Grantor, the Grantor's successors in title to the Property and any person holding any interest therein by the Grantee, its successors and assigns and its duly designated officers, members, employees or agents, and by the Hillside Park Homeowner's Association.

7. **Effective Date.** The Grantor and the Grantee intend that the restrictions arising hereunder take effect when all the requisite signatures have been obtained and this document has been recorded in the Registry of Deeds.

8. **Termination of Rights and Obligations.** Notwithstanding anything to the contrary contained herein, the rights and obligations under this deed restriction of any party holding any interest, except that liability for acts or omissions occurring prior to

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

transfer and liability for the transfer itself if the transfer is in violation of this deed restriction shall survive the transfer.

9. **No Merger.** No future assignment of Grantor's or Grantee's interest in the Property or future acquisition of any additional interest in the Property by Grantor or Grantee shall cause this deed to merge with the fee or have the effect of causing any of the terms thereof to be rendered unenforceable by reason of the so-called "doctrine of merger".

For Grantor's title, see deed filed on June 8, 2018 at the Land Registration Division of Middlesex South Registry of Deeds as Document Number 1789503 on Certificate 267856. See also, Notice of Voluntary Withdrawal from Registration System filed with said Land Registration Division on June 9, 2021 as Document No. 01882591 on Certificate 267856, and recorded in Recorded Land at Book 77976, Page 232.

SIGNATURE PAGES TO FOLLOW

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

EXECUTED under seal this 13th day of JUNE, 2022.

0 SWAINS POND AVENUE
REALTY TRUST,
By: (duly authorized)

Laura L. Szekely, trustee
LAURA SZEKELY, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX)

On this 13TH day of JUNE, 2022, before me, the undersigned notary public, personally appeared LAURA SZEKELY as TRUSTEE of 0 SWAINS POND AVENUE REALTY TRUST, as Grantor, proved to me through satisfactory evidence of identification, which was *a Mass. Driver's License*, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose. in her capacity as Trustee of 0 Swains Pond Avenue Realty Trust, and that she has the authority to sign in that capacity.

Robin L. Allen
Notary Public Seal:
My Commission Expires: 6/24/2027

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

IN WITNESS WHEREOF, the Mayor of the City of Melrose, Massachusetts, hereto being duly authorized by the City Counsel for the City of Melrose, Massachusetts, hereby acknowledges the provisions of the Deed, Conditions and Easements connected hereto and has executed this Deed, Conditions and Easements on _____, 2022.

CITY OF MELROSE
By:

_____
Name: Paul Brodeur
Title: Mayor

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Paul Brodeur, as Mayor of the City of Melrose, Massachusetts, proved to me through satisfactory evidence of identification, which was Mass. Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

EXHIBIT/ATTACHMENT

Sketch Plan in Melrose, prepared by Williams & Sparages, dated March 31, 2022 showing proposed 15' wide Drainage Easement for the benefit of the Owners of Lots 5 and 6, Patrick Place, and to the Patrick's Place Homeowner's Association

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

SKETCH PLAN
IN
MELROSE, MA

SCALE: 1" = 40'

0' 20' 40' 80'

DATE: MARCH 31, 2022

SHOWING PROPOSED 15' WIDE DRAIN EASEMENT – LOTS 5&6

WILLIAMS & SPARAGES
ENGINEERS | PLANNERS | SURVEYORS
189 NORTH MAIN STREET
SUITE 101
MIDDLETON, MA 01949
PHONE: (978) 539-8088
FAX: (978) 539-8200
WSENGINEERS.COM

COMMONWEALTH OF MASSACHUSETTS
JOHN J. O'ROURKE III
No. 49904
PROFESSIONAL LAND SURVEYOR
(5-23-2022)

N

PL 429 OF 2021

LOT 5
(AS SHOWN ON PLAN
NO. 429 OF 2021)

LOT 10
(AS SHOWN ON PLAN
NO. 429 OF 2021)

LOT 6
(AS SHOWN ON PLAN
NO. 429 OF 2021)

PATRICK'S PLACE

S11°42'00"E 99.14

106.64

7.50

N78°18'00"E 41.66

S01°41'27"E 7.50

N88°10'33"E 19.35

N78°18'00"E 42.30

42.82 N78°18'00"E

7.50

S10°38'56"E 75.97

83.47

EXISTING DRAIN EASEMENT

N88°10'33"E 117.30

97.30

20.00

20.65 N88°10'33"E

S01°41'27"E 7.50

PROPOSED 15' WIDE DRAIN EASEMENT

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

Return to:

DEED EASEMENT AND RESTRICTION

Property: **Lot 1** on Plan 429 of 2021, 0 Swains Pond Avenue, Melrose, MA 02176

WHEREAS, LAURA SZEKELY, TRUSTEE of 0 SWAINS POND AVENUE REALTY TRUST, a Massachusetts Nominee Realty Trust, u/d/t dated May 21, 2018 and filed with Land Registration Division of the Middlesex South Registry of Deeds on June 8, 2018 as Document 1789504 on Certificate 267856, Book 1528, Page 22, of 142 Haggett's Pond Road, Andover, MA 01810, with a mailing address of P.O. Box 27, Andover, MA 01810, and its successors and/or assigns (hereinafter, "0 Swains Pond Avenue Realty Trust" and/or "Grantor"),

is the Owner of land located in Melrose, Middlesex County, Commonwealth of Massachusetts, 02176, and known as **Lot 1** as shown on Plan entitled "Modified Definitive Plan Hillside Park, Melrose, MA", a Subdivision Plan of Land in Melrose, Massachusetts, dated December 4, 2019, as Amended, prepared by Williams & Sparages, Engineers-Planners-Surveyors, recorded at Middlesex South Registry of Deeds on June 9, 2021 as Plan 429 of 2021 (hereinafter referred to as "Modified Plan"), and being shown on Assessor's Map as Map G3, Parcel 36, and 36A.

RESTRICTION

The Grantor, as the owner of said **Lot 1 on the Modified Plan,** has agreed with the City of Melrose Planning Board as follows:

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

1. To restrict use of a portion of Lot 1 consisting of 18,850 square feet depicted on the Modified Plan in the nature of a grant of "Open Space Easement" and "Sight Distance Easement" (*hereinafter, the "Restricted Area*"), requiring that the Restricted Area be maintained in its current state to be used only as a grassy area, and further, that no plantings be made which, in any way, would inhibit the existing sight distance, for use by the public on Patrick's Place, a private way within the City of Melrose.

and

2. 0 Swains Pond Avenue Realty Trust, and its successors and/or assigns, as the Owner of Record of Lot 1 on Modified Plan, has agreed with the Planning Board, City of Melrose, to maintain the Restricted Area as set forth above, and upon the sale of Lot 1 on the Modified Plan by said Trust, the maintenance of the Restricted Area shall be by the Patrick's Place Home Owner's Association.

4. The open space easement and sight distance easement shall run with the land and be undevelopable open space in perpetuity, and shall be binding upon all heirs, successors and/or assigns in title:

For title of 0 Swains Pond Avenue Realty Trust, see Deed filed on June 8, 2018 at the Land Registration Division of Middlesex South Registry of Deeds as Document Number 1789503 on Certificate 267856. See also, Notice of Voluntary Withdrawal from Registration System filed with said Land Registration Division on June 9, 2021 as Document No. 01882591 on Certificate 267856, and recorded in Recorded Land at Book 77976, Page 232.

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

EXECUTED as a sealed instrument this 13th day of JUNE, 2022.

0 SWAINS POND AVENUE
REALTY TRUST,
By: (duly authorized)

Laura Szekely, Trustee

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX)

On this 13TH day of JUNE, 2022, before me, the undersigned notary public, personally appeared Laura Szekely, as Trustee of 0 Swains Pond Avenue Realty Trust, proved to me through satisfactory evidence of identification, which was Mass. Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, in her capacity as Trustee of 0 Swains Pond Avenue Realty Trust and that she has the authority to sign in that capacity.

ROBIN L. ALLEN
MY COMMISSION EXPIRES JUNE 24, 2027
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

Notary Public Seal:
My Commission Expires: 6/24/2027

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

Return to:

DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

Property: **Lot 10 & portion of Lot 1** on Plan 429 of 2021, 0 Swains Pond Avenue, Melrose, MA 02176

Whereas, the Grantor, LAURA SZEKELY, TRUSTEE of 0 SWAINS POND AVENUE REALTY TRUST, a Massachusetts Nominee Realty Trust, u/d/t dated May 21, 2018 and filed with Land Registration Division of the Middlesex South Registry of Deeds on June 8, 2018 as Document 1789504 on Certificate 267856, Book 1528, Page 22, of 142 Haggett's Pond Road, Andover, MA 01810, with a mailing address of P.O. Box 27, Andover, MA 01810, for itself and its heirs, successors and/or assigns (hereafter referred to as the "Declarant") will construct or cause to be constructed on the Property shown on the "Modified Definitive Plan Hillside Park, Melrose, MA", a Subdivision Plan of Land in Melrose, Massachusetts, dated December 4, 2019, as amended, prepared by Williams & Sparages, Engineers-Planners-Surveyors, recorded at Middlesex South Registry of Deeds as Plan 429 of 2021, single-family houses as well as certain facilities for the common use and enjoyment of certain owners of record from time to time of title to the Lots depicted on the Modified Plan (hereinafter collectively "the Owners" and singularly as "Owner"), in order to create Open Space on all of Lot 10 and a portion of Lot 1.

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

Now, therefore, the Grantor, for itself and its heirs, successors and/or assigns, declare herein certain rights and restrictions on ALL OF Lot 10, and a portion of Lot 1, as follows:

1. The Property will be constructed, maintained and operated subject to the terms and provisions of the Permits and Approvals granted by the City of Melrose Planning Board as such approval may be amended from time to time.
2. Open Space Lots are designated as Lot 10 and THAT portion of Lot 1, DESIGNATED "PROPOSED OPEN SPACE EASEMENT AREA = 18,851 SF and shall remain undeveloped conservation land.
3. The Declarant does hereby establish and create for the benefit of the Trust and the LOT Owners and does give, grant, and convey to each such Trust and Owners the following non-exclusive easements, rights, obligations and privileges relative to the Open Space Lots shown on the Modified Plan, subject to the obligations of each of the Owners to pay a proportionate share of the cost of the maintenance, repairs, real estate taxes and insurance, if any, as hereinafter set forth:
   (a) the right and easement to use and sole obligation to maintain the Open Space Lots, in common with the other Owners of the Lots, for passive recreational uses, no buildings or structures shall be constructed thereon, the Open Space Lots will remain in their natural state with no cutting or vegetation, trees or plant life allowed, other than that as depicted on the Modified Plan, approved by that which is prudent using current forestry

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

techniques, and subject to the obligations and together with the benefits of the provisions of the Homeowner's Association which shall control, operate and maintain the Open Space Lots and any Rules and Regulations promulgated by the Homeowner's Association, or their successors and assigns, and in compliance with any and all applicable wetlands regulations including any Order of Conditions issued by the City of Melrose Conservation Commission.

4. The Open Space Lots are subject to the Plan and the Permits and Approvals as issued by the City of Melrose Planning Board, as such Plan, Permits, and/or Approvals may be modified or amended.

5. Each Owner shall be further subject to the following:

(a) Expenses for the maintenance, repair and improvement relative to the Open Space Lots and ways shall be charged to the Owners and shall be assessed and collected by the Homeowner's Association in accordance with the terms and provisions set forth in the Homeowner's Association.

(b) Each Owner of a Lot shall be personally liable for all sums assessed as his or her share of such expenses.

(c) An Owner's share of such expenses shall constitute a lien upon his or her Lot. Such lien shall have priority over all other liens, except municipal lenience and first mortgages of record, subject to the terms and provisions of the Homeowner's Association.

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

(d) A Certificate from the Declarant or Homeowners Association indicating that such common expenses have been fully paid shall discharge such lien upon recording in the Middlesex South Registry of Deeds.

6. Provisions of this Declaration of Easements, Covenants and Restrictions may be abrogated, modified, restated, rescinded or amended as aforesaid in whole or in part only by the Declarant, or by declaration in writing, executed and acknowledged by all Owners and first mortgagee's duly recorded with Middlesex South Registry of Deeds with the written assent of the Declarant and the City of Melrose Planning Board, and this Declaration may not otherwise be abrogated, restated, modified, rescinded or amended in whole or in part.

7. No Declarant shall ever be personally liable for any default or obligation under any covenant or agreement hereunder.

SIGNATURE PAGE FOLLOWS

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)

EXECUTED under seal this 13th day of JUNE, 2022.

0 SWAINS POND AVENUE
REALTY TRUST,
By: (duly authorized)

Laura L. Szekely, Trustee
LAURA SZEKELY, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX)

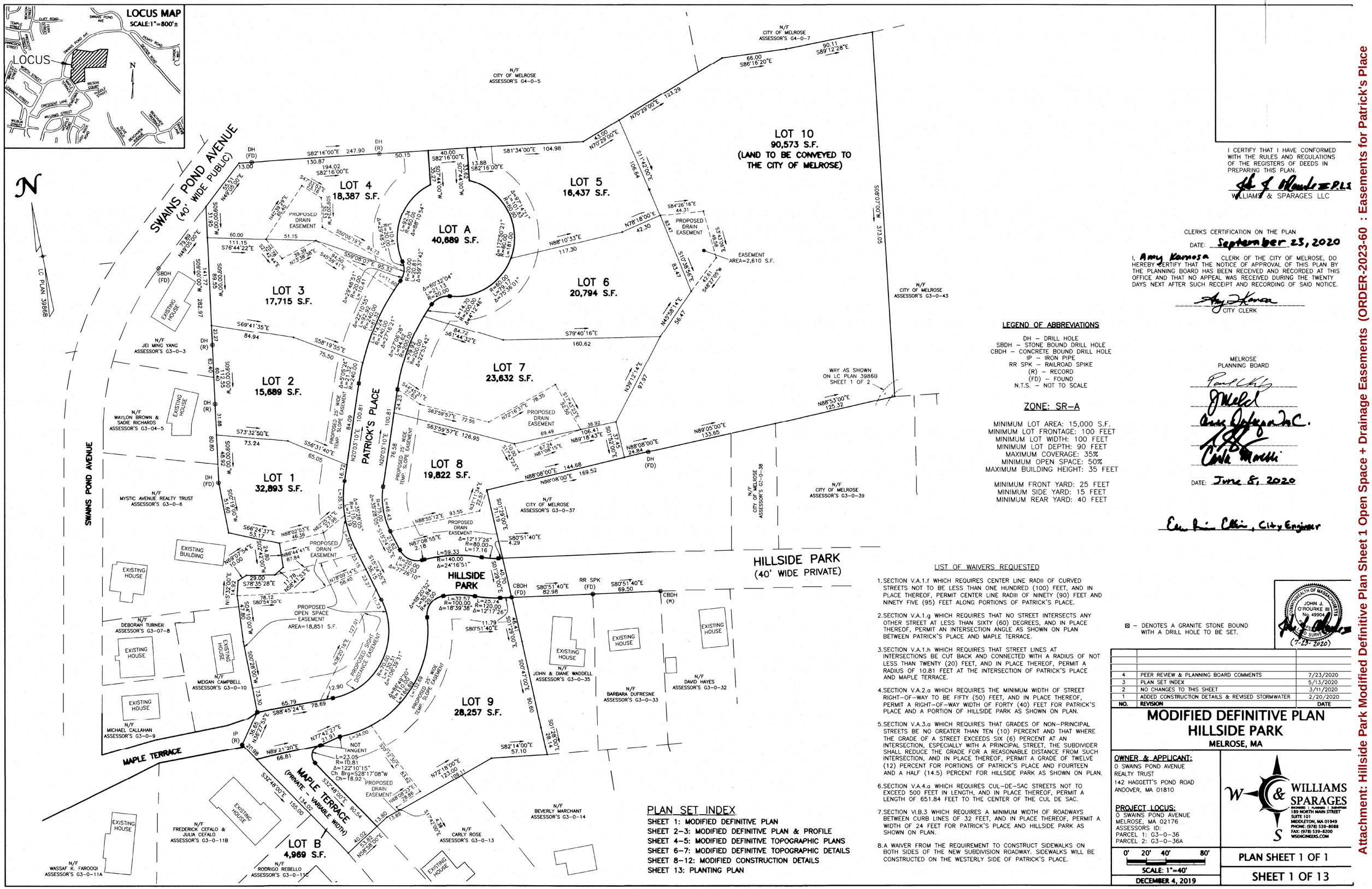
On this 13TH day of JUNE, 2022, before me, the undersigned notary public, personally appeared LAURA SZEKELY as TRUSTEE of 0 SWAINS POND AVENUE REALTY TRUST, as Grantor, proved to me through satisfactory evidence of identification, which was *a Mass. Driver's License*, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose. in her capacity as Trustee of 0 Swains Pond Avenue Realty Trust, and that she has the authority to sign in that capacity.

ROBIN L. ALLEN
MY COMMISSION EXPIRES JUNE 24, 2027
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

Robin L. Allen
Notary Public
My Commission Expires: 6/24/2027

Seal:

Attachment: Deed, Conditions, Easement Restrictions (ORDER-2023-60 : Easements for Patrick's Place Subdivision)



I CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

WILLIAMS & SPARAGES LLC

CLERKS CERTIFICATION ON THE PLAN

DATE: September 23, 2020

I, Amy Kamosa CLERK OF THE CITY OF MELROSE, DO HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

CITY CLERK

MELROSE PLANNING BOARD

DATE: June 8, 2020

Erin Collins, City Engineer

LEGEND OF ABBREVIATIONS

DH – DRILL HOLE
SBDH – STONE BOUND DRILL HOLE
CBDH – CONCRETE BOUND DRILL HOLE
IP – IRON PIPE
RR SPK – RAILROAD SPIKE
(R) – RECORD
(FD) – FOUND
N.T.S. – NOT TO SCALE

ZONE: SR–A

MINIMUM LOT AREA: 15,000 S.F.
MINIMUM LOT FRONTAGE: 100 FEET
MINIMUM LOT WIDTH: 100 FEET
MINIMUM LOT DEPTH: 90 FEET
MAXIMUM COVERAGE: 35%
MINIMUM OPEN SPACE: 50%
MAXIMUM BUILDING HEIGHT: 35 FEET

MINIMUM FRONT YARD: 25 FEET
MINIMUM SIDE YARD: 15 FEET
MINIMUM REAR YARD: 40 FEET

PLAN SET INDEX

SHEET 1: MODIFIED DEFINITIVE PLAN
SHEET 2–3: MODIFIED DEFINITIVE PLAN & PROFILE
SHEET 4–5: MODIFIED DEFINITIVE TOPOGRAPHIC PLANS
SHEET 6–7: MODIFIED DEFINITIVE TOPOGRAPHIC DETAILS
SHEET 8–12: MODIFIED CONSTRUCTION DETAILS
SHEET 13: PLANTING PLAN

LIST OF WAIVERS REQUESTED

1. SECTION V.A.1.f WHICH REQUIRES CENTER LINE RADII OF CURVED STREETS NOT TO BE LESS THAN ONE HUNDRED (100) FEET, AND IN PLACE THEREOF, PERMIT CENTER LINE RADII OF NINETY (90) FEET AND NINETY FIVE (95) FEET ALONG PORTIONS OF PATRICK'S PLACE.
2. SECTION V.A.1.g WHICH REQUIRES THAT NO STREET INTERSECTS ANY OTHER STREET AT LESS THAN SIXTY (60) DEGREES, AND IN PLACE THEREOF, PERMIT AN INTERSECTION ANGLE AS SHOWN ON PLAN BETWEEN PATRICK'S PLACE AND MAPLE TERRACE.
3. SECTION V.A.1.h WHICH REQUIRES THAT STREET LINES AT INTERSECTIONS BE CUT BACK AND CONNECTED WITH A RADIUS OF NOT LESS THAN TWENTY (20) FEET, AND IN PLACE THEREOF, PERMIT A RADIUS OF 10.81 FEET AT THE INTERSECTION OF PATRICK'S PLACE AND MAPLE TERRACE.
4. SECTION V.A.2.a WHICH REQUIRES THE MINIMUM WIDTH OF STREET RIGHT–OF–WAY TO BE FIFTY (50) FEET, AND IN PLACE THEREOF, PERMIT A RIGHT–OF–WAY WIDTH OF FORTY (40) FEET FOR PATRICK'S PLACE AND A PORTION OF HILLSIDE PARK AS SHOWN ON PLAN.
5. SECTION V.A.3.a WHICH REQUIRES THAT GRADES OF NON–PRINCIPAL STREETS BE NO GREATER THAN TEN (10) PERCENT AND THAT WHERE THE GRADE OF A STREET EXCEEDS SIX (6) PERCENT AT AN INTERSECTION, ESPECIALLY WITH A PRINCIPAL STREET, THE SUBDIVIDER SHALL REDUCE THE GRADE FOR A REASONABLE DISTANCE FROM SUCH INTERSECTION, AND IN PLACE THEREOF, PERMIT A GRADE OF TWELVE (12) PERCENT FOR PORTIONS OF PATRICK'S PLACE AND FOURTEEN AND A HALF (14.5) PERCENT FOR HILLSIDE PARK AS SHOWN ON PLAN.
6. SECTION V.A.4.a WHICH REQUIRES CUL–DE–SAC STREETS NOT TO EXCEED 500 FEET IN LENGTH, AND IN PLACE THEREOF, PERMIT A LENGTH OF 651.84 FEET TO THE CENTER OF THE CUL DE SAC.
7. SECTION VI.B.3 WHICH REQUIRES A MINIMUM WIDTH OF ROADWAYS BETWEEN CURB LINES OF 32 FEET, AND IN PLACE THEREOF, PERMIT A WIDTH OF 24 FEET FOR PATRICK'S PLACE AND HILLSIDE PARK AS SHOWN ON PLAN.
8. A WAIVER FROM THE REQUIREMENT TO CONSTRUCT SIDEWALKS ON BOTH SIDES OF THE NEW SUBDIVISION ROADWAY. SIDEWALKS WILL BE CONSTRUCTED ON THE WESTERLY SIDE OF PATRICK'S PLACE.

⊡ – DENOTES A GRANITE STONE BOUND WITH A DRILL HOLE TO BE SET.

JOHN J. O'ROURKE III No. 49904 REGISTERED LAND SURVEYOR (7-23-2020)

NO.	REVISION	DATE
4	PEER REVIEW & PLANNING BOARD COMMENTS	7/23/2020
3	PLAN SET INDEX	5/13/2020
2	NO CHANGES TO THIS SHEET	3/11/2020
1	ADDED CONSTRUCTION DETAILS & REVISED STORMWATER	2/20/2020

MODIFIED DEFINITIVE PLAN
HILLSIDE PARK
MELROSE, MA

OWNER & APPLICANT:
0 SWAINS POND AVENUE
REALTY TRUST
142 HAGGETT'S POND ROAD
ANDOVER, MA 01810

PROJECT LOCUS:
0 SWAINS POND AVENUE
MELROSE, MA 02176
ASSESSORS ID:
PARCEL 1: G3–0–36
PARCEL 2: G3–0–36A

0' 20' 40' 80'
SCALE: 1"=40'
DECEMBER 4, 2019

WILLIAMS & SPARAGES
ENGINEERS | PLANNERS | SURVEYORS
189 NORTH MAIN STREET
SUITE 101
MIDDLETON, MA 01949
PHONE: (978) 539-8088
FAX: (978) 539-8200
WSENGINEERS.COM

PLAN SHEET 1 OF 1
SHEET 1 OF 13

P:\MELR\2003 (Hillside Park)\Drawings\DWGs\dd_M4.dwg, D_Jenks

Attachment: Hillside Park Modified Definitive Plan Sheet 1 Open Space + Drainage Easements (ORDER-2023-60 : Easements for Patrick's Place

RECEIVED
By Melrose City Clerk at 11:42 am, Jun 19, 2020

CITY OF MELROSE

PLANNING BOARD

ANNE DESOUZA-WARD
Chairwoman

City Hall, 562 Main Street
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DECISION OF THE MELROSE PLANNING BOARD
June 8, 2020

Modified Definitive Subdivision Plan for Swains Pond Avenue, Melrose, MA

Plans dated December 4, 2019 and revised February 20, 2020, March 11, 2020, May 13, 2020 and May 27, 2020

Prepared by Williams & Sparages

Application of 0 Swains Pond Avenue Realty Trust

PROCEDURAL HISTORY

On December 30, 2019, 0 Swains Pond Avenue Realty Trust submitted a Modified Definitive Subdivision Plan pursuant to Massachusetts General Laws, Chapter 41, Section 81T and 81W, in order to modify the previously approved subdivision on Swains Pond Avenue. The original Definitive Subdivision Plan for the property was approved by the Planning Board on October 26, 1998, and endorsed on January 25, 1999. The original subdivision (referred to as the "Colucci Estates Subdivision") was also for nine single-family house lots but the Applicant has proposed to modify the lot lines and roadway design that were previously approved.

The subject property is 7.6 acres and is located off of Swains Pond Avenue and accessed via Maple Terrace and Hillside Park. The property is located within the SR-A District where single-family homes predominate and the minimum lot size is 15,000 square feet. In the immediate vicinity of the subject property are primarily single-family homes and City-owned conservation land. The Ripley School is approximately a half-mile from the site.

Though the Definitive Plan for the Colucci Estates Subdivision was approved in 1998, abutters on Maple Terrace legally challenged aspects of the Plan and the project was held up in Land Court until 2017. At dispute was whether the Colucci Estates property owner had claim over the entire segment of Maple Terrace that cuts through their property or if they only had claim up to the center line of the street. As a part of the settlement order, the Land Court found that the property owner had claims to that entire portion of Maple Terrace but the abutters were entitled to easements that allow them to pass and repass over the street in front of their homes. Those easements have been recorded at the Middlesex South Registry of Deeds.

After the Land Court matters were concluded in 2017, the property was purchased by the current Applicant and he appeared before the Planning Board with a new subdivision proposal, this time

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for one with six lots. The Planning Board accepted the Preliminary Subdivision Plan at their meeting on December 18, 2017. On February 14, 2018, the Applicant withdrew the Preliminary Plan from consideration. A process to permit a dense multifamily development in accordance with MGL Chapter 40B was then initiated, which the City vehemently opposed. After nine months of meetings and correspondence between the City, the Applicant and the affordable housing financing agency MassHousing, MassHousing issued a Project Eligibility Letter to the Applicant on September 20, 2019, which enables them to construct 36 townhouse-style homeownership units on the property. The Applicant later decided to abandon the 40B proposal if they were able to successfully permit a modification of the nine-lot Colucci Estates Subdivision originally approved by the Planning Board.

The original project did not receive Site Plan Approval, an Affordable Housing Incentive Program Special Permit, or a Slope Protection Special Permit since those regulations were not yet in place when the Planning Board approved the project in 1998. The City Solicitor has accepted the Applicant's position that the eight-year zoning freeze commenced at the time that the legal matter was settled in 2017 and that the zoning in place during 1998 should be applied. Therefore, this subdivision modification does not require a Slope Protection Special Permit, an Affordable Housing Incentive Program Special Permit, or Site Plan Approval. In addition, no relief from the Zoning Board of Appeals is required as all nine lots conform to the dimensional regulations of the SR-A District.

PUBLIC HEARING

The Planning Board held public hearings on the Modified Definitive Subdivision Plan on January 27, 2020, when it was opened, May 4, 2020, May 18, 2020, and June 8, 2020, when it was closed. The first public hearing took place in the Cassidy Conference Room, 2nd Floor, City Hall, 562 Main Street while the other three meetings took place remotely through a video conference platform due to the COVID-19 pandemic. All minutes from the public hearing and meetings related to this Application and all documents and comments from the Department Heads, and the public are part of the record and are incorporated herein by reference.

Many abutters and others who attended the public hearings expressed considerable concern about this project, chief being the impact to the environment and potential damage to their homes from the excessive blasting. Concerns were exacerbated by the COVID-19 pandemic because abutters fear they will be home all day listening to the blasting and construction activity. There was also frustration regarding the inability to have in-person public hearings. While they were disappointed with the disruption to the ecosystem and construction impacts, abutters generally felt that the nine-lot subdivision would be preferable to the 36-unit 40B project. The Applicant communicated extensively with all the direct abutters and identified ways to improve the development and provide concessions to make the project more palatable for them.

The Planning Board asked many questions of the Applicant and his team and the documents and plans underwent many changes through the course of the review. Issues around blasting in particular were discussed at great length and the Applicant provided additional information regarding the blasting. A representative from Rock Splitters, the company that will be hired to

perform the blasting, said that his company has a niche in blasting near existing structures. With the house on the ledge they would work with the relief lines to mitigate disturbance and vibrations behind the blasted area.

The blasting contractor will inspect houses within 500 feet of the blast area while wearing full personal protective gear. Regulations require abutters within 200 feet be notified for pre-blast surveys but the Applicant has offered to pay for additional surveys at his expense. Neighbors will be notified by email or phone to schedule a convenient time. The pre-blast inspectors will be at each house for one to two hours depending on the conditions and about half of that time will be spent outside. Crack monitors will be utilized if needed. There are no registered wells within this area but any wells on abutting properties will be documented during the pre-blast inspection. Should any damage occur as a result of the blasting, affected homeowners will be covered by the blasting company's insurance. All homes in the new development will have radon detection systems in the event that radon is released from the blasting.

The Stormwater Management Plans were also reviewed extensively. The Applicant agreed to pay for a third party review of the Stormwater Plans and the impacts on the wetlands. These items were reviewed extensively by the Engineering Division as well. The plans underwent many changes as a result of these reviews and numerous conditions are included in this Decision which will ensure that drainage impacts are minimized. The Project was also subject to approval by the Conservation Commission for certain waivers of wetlands standards. The Conservation Commission approved the waivers and will issue an Order of Conditions to which this project will have to comply. All of the reports, plans and correspondence pertaining to stormwater review and wetlands protection are part of the record in this case.

There was considerable discussion about the work proposed for the Maple Terrace right-of-way and some concern that work would encroach on private property. The Applicant's engineer explained that all of the work will be within the right-of-way which is 24 feet wide at its narrowest point. He submitted the originating documents that show the width, which are old recorded plans from Land Court and they all mark the width as variable. They surveyed four of the surrounding properties based on their deeds to determine the property lines and are confident that the roadway with sidewalk will not encroach on private property. The proposed widening is consistent with the original subdivision plan approved by the Planning Board and it will allow for a four-foot-wide sidewalk, which will connect with the sidewalk proposed for the new subdivision road and the existing sidewalk on Swains Pond Road. The existing right-of-way is between 16 and 18 feet and the roadway is in very poor condition.

Direct abutters to this portion of Maple Terrace were generally supportive of the road widening and improvements and appreciated the mitigation measures that the Applicant offered to alleviate concerns. Among other concessions, the Applicant agreed to install granite curbing throughout the development including along Maple Terrace where it transitions to Swains Pond Ave; a bituminous curb treatment has originally been planned at that location. All mitigation measures and concessions discussed with abutters and documented by the Applicant to the Planning staff are part of the record in this case and will be implemented by the Applicant.

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The Board also carefully considered the plan to modify the intersection of Swains Pond Avenue and Maple Terrace to ensure that it will provide adequate safety. The plan involves extending the sidewalk, striping a stop bar and adding a crosswalk at the end of Maple Terrace. There will be two stop signs added onto the final plans, including one on Maple Terrace at the intersection with Swains Pond Avenue and one on Maple Terrace at the junction with Patrick's Place. The Engineering Division supports the Applicant's plans and concurs that the changes should enhance safety and slow vehicular speeds. A condition is included in this Decision that requires the Applicant to evaluate the effectiveness of the roadway changes at the intersection after installation of the binder course on the new subdivision roadway. Should any issues arise, the City may require the Applicant to install a raised crosswalk at this intersection or make other modifications to improve safety.

The Planning Board felt strongly that pedestrian access to and from Hillside Park and Maple Terrace be maintained throughout the project and asked for a stated commitment that this will be the case. The Applicant confirmed his commitment to provide safe pedestrian and vehicular access to the existing homes on Hillside Park and Maple Terrace throughout construction. The development includes a plan showing details of the temporary access road which will be made out of gravel. This plan was considered satisfactory to the Board.

There were numerous additional revisions made to the plans to address feedback from the Board and concerns from participants in the public hearing. The surface detention area planned for the corner of Maple Terrace and Patrick's Place was redesigned as an underground retention area; additional catch basins were added on Maple Terrace to alleviate concern about water runoff; safety fencing was added to the top of the ledge cut on the border of lot 9 and the adjoining lots and giant arborvitae were added to the plan between the fence and the ledge cut to screen the view; a stockade fence was added to screen lots 1 and 2 and the existing homes on Swains Pond Ave and large trees were added along the lot line of lot 1; 18 street trees were included along Patrick's Place, the proposed homes on lots 2 & 3 were shifted toward the subdivision roadway and away from the existing homes on Swains Pond Ave and the Applicant described how the various retaining walls would be constructed with sensitivity to existing conditions and required ledge cuts and confirmed that rip rap walls will not be constructed.

There was discussion about the Home Owners Association (HOA) and how maintenance is expected to be performed, specifically for the stormwater management system. According to the Applicant, the HOA will commit two times the yearly maintenance cost into an operating fund and homeowners will be personally liable for damages. The City will have the right to perform maintenance at the HOA's expense if they are not performing it. Regular maintenance will be particularly important due to concerns about flooding in the neighborhood. Similarly, regular maintenance of the open space on Lot 1 will be required to provide the needed sight distance on Patrick's Place. These maintenance requirements are conditions of this Decision.

The Planning Board probed into the number of truckloads of stone that will be removed to give the neighbors a sense of the level of activity. The Applicant's engineer estimates that the quantity of rock blasted will be roughly 65,000 cubic yards. Some of the rock will be used for fill and some for retaining walls so not all of this rock will be removed from the site. It is estimated that

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approximately 1,100 -1,200 truckloads will be removed over the course of the six-month duration anticipated for the blasting work. The Applicant also clarified that stone will not be crushed onsite.

There was considerable discussion around construction sequencing, construction oversight, hours of construction, and communication to abutters during construction. Construction will generally occur between the hours of 7AM and 3PM on Monday through Friday and not start before 8AM on Saturdays. No construction will be allowed on Sundays or holidays. The clerk of the works hired by the Applicant to oversee construction of the roadway and installation of the utilities will be subject to the approval of the City Engineer. Communication with the abutters will take place on a regular basis and the Applicant will personally make himself available to abutters by providing his cell phone and email for direct communication. Police details will be hired by the Applicant as needed to maintain safe conditions. A pre-construction meeting will occur prior to any activity related to this development with all of the relevant city officials to review these procedures, among others, and all of these items are conditions of this Decision.

WAIVERS

According to *The Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts*, the Planning Board may waive its rules when "such action is in the public interest and is not inconsistent with the Subdivision Control Law." The Modified Definitive Plan for Swains Pond Avenue required eight waivers from the Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts, including:

1. A waiver from the minimum allowable centerline radii of 100 feet to allow the proposed centerline radii of 90 feet and 95 feet along portions of Patricks' Place.

2. A waiver from the minimum allowable intersection angle of 60 degrees to allow the proposed intersection angle of 58 degrees between Patrick's Place and Maple Terrace.

3. A waiver from the requirement that street lines at intersections be cut back and connected with a radius of not less than 20 feet to allow the proposed side line radius at the intersection of Patrick's Place and Maple Terrace of 10.81 feet.

4. A waiver from the minimum allowable width of street right-of-way of 50 feet to allow the proposed width of 40 feet for Patrick's Place and the improved portion of Hillside Park.

5. A waiver from the maximum allowable roadway grade of 10% to allow the proposed roadway grades of 12% for Patrick's Place and 14.5% for the improved portion of Hillside Park.

6. A waiver from the maximum dead end length of 500 feet to allow the proposed roadway length of 651.84 feet for Patrick's Place.

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7. A waiver from the minimum width of roadways between curblines of 32 feet to allow the proposed width of 24 feet between curblines for Patrick's Place and the improved portion of Hillside Park.

8. A waiver from the requirement to construct sidewalks on both sides of the new subdivision roadway. Sidewalks will be constructed on the westerly side of Patrick's Place.

Several of these waivers are consistent with those granted by the Planning Board for the Colucci Estate Subdivision Plan. Others are new and will improve the layout and reduce the amount of blasting required to build the subdivision.

FINDINGS

The Planning Board found that the modifications made to the Definitive Plan for Swains Pond Avenue would result in an improvement over the previously approved Colucci Plan in terms of the subdivision design and impact to the land. Further, the nine-lot subdivision is vastly preferred over the 36-unit 40B proposal approved by MassHousing. By reviewing the project through the Modified Definitive Subdivision Plan process, the Planning Board is able to provide input into what ultimately happens on this site. If this site was instead the subject of a 40B proposal, it would only go before the Zoning Board of Appeals as a part of the Comprehensive Permit process.

The Planning Board noted that the nine lot subdivision was previously approved by the Board and that the conditions related to that approval are still valid. The major change from the original Definitive Plan to the Modified Definitive Plan involves moving Patrick's Place approximately 60 feet to the west. The road in the Colucci Estates plan would have crossed the wetland at an elevation approximately 10 feet lower than the wetland itself, which would have created a waterfall effect. Now, the crossing will happen at a lower section of the wetland and the road will be located about 10 feet higher than the wetland, causing less of a disturbance and allowing the crossing to comply with regulatory standards. Moving the roadway will also decrease the proposed grade for the improved portions of Hillside Park, allowing for a more gradual approach to the existing roadway, which is quite steep, and allow for a more uniform and consistent neighborhood within the subdivision. All nine house lots will be off the new road and have a similar appearance. The subdivision from 1998 would have included one house accessed directly from Swains Pond Avenue and built into the side of a cliff.

Other changes include the reduction in the width of the right-of-way from 50 feet to 40 feet and the extension of the length of the road from approximately 582 to 652 feet. All physical aspects of the road in terms of pavement, curbing, and sidewalks are identical to those in the Colucci Estates Subdivision. The road will continue to have a 12% grade, which is not ideal but is consistent with the Colucci Plan and done to minimize blasting. A four-foot wide sidewalk will be built along one side of the roadway. The Applicant will pay into the City's sidewalk fund for unbuilt portion of the sidewalk. A narrower right-of-way will improve the uniformity of the neighborhood, minimize blasting and land alteration and decrease the amount of impervious

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surface area associated with the road. To help realize the benefits of moving the roadway and reducing the right-of-way, the Applicant proposes to decrease the center line turning radius in the cul-de-sac from 100 to 90 and 95 feet. The lot lines for the nine lots were also altered slightly to better work with the site's terrain and avoid unnecessary blasting. The result is lot sizes that are generally the same size as those in the Colucci Estates Subdivision.

The modified subdivision still includes a substantial contribution of land as open space. On the Colucci Plan, three lots totaling 66,723 square feet were to be conveyed to the city. The modified plan identifies lot 10 to be conveyed to the City for conservation purposes, which totals 90,573 square feet. The Applicant shall also place an open space and sight distance easement on lot 1 which will represent an additional 18,850 square feet. This mechanism is being used because the open space on lot 1 will provide necessary sight lines for the new road. It will be planted with a natural wildflower mix and maintained by the lot 1 homeowner. Lot 10, which will be conveyed to the City as conservation land for protection in perpetuity, will include an easement for maintenance of the stormwater management system. In total there is 109,423 square feet of land being deeded for open space protection which represents a 64% increase from what was outlined the Colucci Estates Plan.

The Planning Board found that granting the eight waivers to support the Modified Definitive Plan is consistent with *The Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts*, is in the public interest, and is consistent with the Subdivision Control Law. The reduced centerline radius is sufficient to accommodate large public safety vehicles and solid waste removal trucks while minimizing the amount of impervious surfaces. The intersection angle at Patrick's Place and Maple Terrace is only two degrees less than the required minimum angle of 60 degrees. At 10.81 feet, the proposed side line radius at the intersection of Patrick's Place and Maple Terrace is three feet shorter than the 13.81-foot radius that the Planning Board initially approved for the Colucci Estates Subdivision. The reduction in the width of the roadway from 50 to 40 feet is consistent with other subdivision roads approved by the Planning Board and it helps reduce impervious surface area. The roadway grade of 12% for Patrick's Place is unchanged from the approved Colucci Estates Subdivision and the proposed grade for Hillside Park has been reduced from 15.5% to 14.5%. The length of the dead end road is 70 feet longer than the roadway in the Colucci Estates Subdivision, but the Board found that the length of the road would have little impact on the surrounding neighborhood and the greater length helps enable the improved wetland crossing. The width between curblines of 24 feet is consistent with other subdivision roads approved by the Planning Board. Finally, while the Applicant will only be providing sidewalks on one side of Patrick's Place, he will make a payment into the City's sidewalk fund and is also constructing a new sidewalk on Maple Terrace.

Based upon the aforementioned, and in consideration of the input received at the public hearing, the Planning Board voted to approve the Modified Definitive Subdivision Plan with the waivers cited above and subject to the following conditions:

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CONDITIONS

<table>
<tr><th>#</th><th>Condition</th><th>Timeframe for Compliance</th><th>Verification Department (Initial)</th><th>Completed (Date)</th></tr>
<tr><td>1</td><td colspan="4">Approval is for a Modified Definitive Subdivision Plan under the Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts. All new construction and changes to the site shall be consistent with the information delineated on the plans dated December 4, 2019 and revised through May 27, 2020. Any deviation from the final approved plans and materials submitted as part of the application must be approved by the Planning Board in advance of construction, except as otherwise noted herein. This approval is based upon the following application materials and the plans submitted by the Applicant:
<table>
<tr><th>Date / (Stamp Date)</th><th>Submission</th></tr>
<tr><td>(1/6/20)</td><td>Initial Application submitted to the City Clerk's Office</td></tr>
<tr><td>(1/16/20)</td><td>Narrative Describing Plan Changes</td></tr>
<tr><td>1/16/20 / (1/16/20)</td><td>Memo from Attorney James P. Mitchell</td></tr>
<tr><td>1/27/20 / (5/8/20)</td><td>Color Site Plans</td></tr>
<tr><td>1/27/20 / (5/15/20)</td><td>Open Space Planting Rendering</td></tr>
<tr><td>2/17/20 / (5/4/20)</td><td>Sections with 87 Swains Pond Avenue</td></tr>
<tr><td>3/11/20 / (4/28/20)</td><td>Revised Stormwater Report</td></tr>
<tr><td>3/11/20 / (5/8/20)</td><td>Work Zone Map</td></tr>
<tr><td>3/27/20 / (4/28/20)</td><td>Response to DPW Review, Response to Peer Review</td></tr>
<tr><td>4/23/20 / (4/28/20)</td><td>Site Distance Sketches</td></tr>
<tr><td>(5/1/20)</td><td>Executive Summary, Presentation for 5/4/20 Meeting</td></tr>
<tr><td>(5/8/20)</td><td>Developer's Notes from 5/4/20 Meeting, Plan Showing Zoning Envelope</td></tr>
<tr><td>5/8/20 / (5/8/20)</td><td>Plan Showing Intersection of Swains Pond Avenue and Maple Terrace, Revised Construction Sequence</td></tr>
<tr><td>5/11/20 / (5/15/20)</td><td>Stormwater Pollution Prevention Plan</td></tr>
<tr><td>(5/12/20)</td><td>Questions from 1/27/20 Meeting</td></tr>
<tr><td>5/13/20 / (5/15/20)</td><td>Revised Modified Definitive Plans</td></tr>
<tr><td>5/14/20 / (5/15/20)</td><td>Blasting Plan, Response to Supplemental Peer Review</td></tr>
<tr><td>(5/15/20)</td><td>Retaining Wall Fence Examples, Retaining Wall Photos</td></tr>
<tr><td>(5/19/20)</td><td>Deeds and Plans for Maple Terrace</td></tr>
<tr><td>5/19/20 / (5/20/20)</td><td>Plan Showing Road Layout Widths on Maple Terrace</td></tr>
<tr><td>(5/20/20)</td><td>TOC for 5/18/20 Meeting</td></tr>
<tr><td>5/20/20 / (5/27/20)</td><td>Letter from Blasting Contractor</td></tr>
<tr><td>5/21/20 / (5/27/20)</td><td>Plan Showing Temporary Construction Road</td></tr>
<tr><td>5/26/20 / (5/27/20)</td><td>Plan Showing Blasting/Cut Depths</td></tr>
<tr><td>(5/27/20)</td><td>TOC for 6/1/20 Meeting, Questions from 5/18/20 Meeting, Stockade Fence Examples, Construction Sequence Diagram</td></tr>
<tr><td>(5/28/20)</td><td>Survey Methods</td></tr>
<tr><td>5/28/20 / (5/28/20)</td><td>Memo from Attorney James P. Mitchell</td></tr>
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2	Before endorsement of the plan, the construction of ways and installation of municipal services shall be secured by a covenant, in form and substance satisfactory to the City of Melrose, approval of which shall not be unreasonably withheld, whereby such ways and services shall be provided to serve any lot before that lot may be built upon or conveyed, as provided in General laws, Chapter 41, section 81-U, or by deposit of a satisfactory surety in form and amount acceptable to the City as provided in Chapter 41, section 81-U.	BP	OPCD	
3	The final plans presented to the Planning Board for Endorsement shall contain all of the plan elements discussed and agreed upon by the Applicant during the public hearing. Among other revisions, the final plans shall illustrate granite curbing extending the entire length of Maple Terrace to Swains Pond Road and stop signs on Maple Terrace.	Endorsement	PB	
4	The Applicant/Owner, its successors and/or assigns, shall be required to submit a schedule of values for the site and utility work so that a tripartite agreement can be developed commensurate with the estimated costs of the individual unit items.	BP	OPCD/ Engineering	
5	Prior to commencing construction, the Applicant/ Owner, its successors and/or assigns, shall be required to hold a pre-construction meeting with City officials to review procedures and conditions that must be maintained during construction.	BP	Engineering / Fire / Police / OPCD / Building Commissioner	
6	Prior to commencing construction, the Applicant/ Owner, its successors and/or assigns, shall be required to provide detailed information pertaining to the quantity of blasting and rock/earth removal, and details for blasting and rock/earth removal to be implemented prior to and during construction for review and approval.	BP	Engineering / Fire / Police / OPCD / Building Commissioner	
7	The Applicant/Owner, its successors and/or assigns, will be required to pay a one-time infiltration/inflow (I/I) fund contribution for any increase in proposed sewer flows compared to existing conditions. The current cost for this fee is $6.89 per gallon per day (gpd), calculated using Title 5 flows to determine the pre and post-construction conditions. The Applicant shall contact Scott Dixon in the Engineering Division at 781-979-4172 to initiate this review.	BP	Engineering	

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8	The Applicant/Owner, its successors and/or assigns, shall submit for Fire Department review and approval a written blasting plan including without limitation specific procedures and plans for drilling and blasting, safety, and protection, and documentation of pre-blasting conditions of bordering properties. The Plan will provide the option for abutters who are within 500 feet of the blasting locations to request a pre-blast survey at the Applicant's expense.	BP	Fire Department	
9	Construction of ways and installation of services shall be subject to the requirements of and inspection of the Department of Public Works and approved by the City Engineer. Given the extent of infrastructure work required to install this development, the Applicant/ Owner, its successors and/or assigns, is required to provide a full-time construction inspector during utility and roadway installation, to provide oversight, daily reporting, and recordkeeping to be provided to the City. The Engineering Division must approve the resume of the proposed Clerk-Of-The-Works.	BP	Engineering	
10	Street opening and utility permits will be required through the Engineering Division and can be obtained by bonded and insured contractors by contacting Rick Cantone, Staff Engineer, at 781-979-4172. The Engineering Division shall be notified at least 48 hours prior to any work in the public way or utility work. All work within or impacting the roadway must be performed in coordination with the Engineering Division and the Melrose Police Department, and any police and fire details required as part of the project are the responsibility of the Applicant.	BP	Engineering	
11	Utility permits for the individual lots shall not be granted without detailed design information for each home showing how appropriate water and sewer service connections can be accommodated.	BP	Engineering	
12	The Applicant/Owner, its successors and/or assigns, shall be required to perform confirmatory soil test pits to establish the vertical separation from the estimated season high groundwater table to the bottom of the system for the roof recharge systems.	BP	Engineering	

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13	The Applicant/Owner, its successors and/or assigns, shall conduct flow and pressure calculations to determine if individual water booster pumps will be needed for the units in the proposed development. If booster pumps are warranted, they shall be provided by the Applicant.	BP	Engineering	
14	The Applicant/Owner, its successors and/or assigns, shall submit a detailed construction plan for the culvert replacement construction work at Maple Terrace for review by the Engineering Department prior to the commencement of this construction activity, and this plan should include additional sedimentation and erosion control provisions for this work. The construction work shall be done during low flow conditions.	BP	Engineering	
15	The Applicant/Owner, its successors and/or assigns, shall submit a final Landscape Plan prepared by a Registered Landscape Architect to the Engineering Division that shows specifics of the vegetated buffers along the abutting properties. In addition, all street tress shall be located at least 10 feet from utilities and driveways. If this cannot be achieved, the maximum separation possible from utilities should be maintained. All plantings should be guaranteed for a minimum of two years.	BP	Engineering	
16	The Applicant/Owner, its successors and/or assigns, shall submit two (2) paper copies of the Definitive Plan to the City Engineer upon final approval of the project and prior to commencement of construction.	BP	Engineering	
17	Safe pedestrian and vehicular access to Maple Terrace and Hillside Park shall be required to be maintained throughout construction. The Applicant/Owner, its successors and/or assigns shall provide the City Engineer and affected abutters with regular updates on the access conditions and roadway relocations.	During Construction	Engineering	
18	Construction vehicles shall access the site using main roads whenever feasible and avoid highly residential areas. No parking of construction vehicles shall be allowed within the City's right-of-way. There shall be no idling or disruptive queuing of construction vehicles.	During Construction	Engineering	

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19	The Applicant/Owner, its successors and/or assigns, shall coordinate the schedule of trucking to the site associated with the ledge removal operation with the Police Department to determine if police details will be needed to mitigate impacts of the trucking.	During Construction	Police Department	
20	The Applicant/Owner, its successors and/or assigns, shall be required to maintain communication with City officials and abutters throughout construction	During Construction	Engineering	
21	Construction activities shall occur in accordance with the City of Melrose Noise Ordinance. The Applicant/ Owner, its successors and/or assigns, shall employ accepted dust management standards and shall limit noise impacts to the extent practical. Construction hours shall generally be limited to between 7AM and 5PM daily, except for construction activity related to blasting and rock removal which shall be limited to between 7AM and 3PM daily. No construction activity shall begin before 8AM on Saturdays. There shall be no construction activity on Sundays or Holidays.	During Construction	Building Commissioner	
22	The Applicant/Owner, its successors and/or assigns shall make every effort to ensure that rock removal vehicles and equipment shall be outfitted with Broadband Noise (White Noise) backup alarm devices or backup alarms with proximity sensors rather than the conventional audible backup alarm to reduce excessive noise.	During Construction	Engineering	
23	All construction plans and procedures shall adhere to the Building Codes of the Commonwealth and City, including but not limited to safety measures required in regard to fencing on or near deep ledge cuts.	During Construction	Building Commissioner	
24	The Applicant/Owner, its successors and/or assigns, shall provide a mock-up of a typical retaining wall on site for review and approval by the Planning Board in the field. The Applicant/Owner shall also provide an example of the sloped placed stone wall. No rip rapc shall be allowed.	During Construction	OPCD	
25	The Applicant/Owner, its successors and/or assigns, shall be responsible for solid waste removal from the property during construction. Trash and recycling curbside pickup, as well as snow removal, will be provided by the City's contractor once roadway paving is complete to the satisfaction of the Engineering Division. The City reserves the right to change this policy at any time.	During Construction	Engineering	

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26	Any required backflow prevention devices must be registered for routine inspections with the City's subcontractor, Water Safety Services Inc., in Woburn, MA. The Applicant/Owner, its successors and/or assigns, must contact Water Safety Services at 781-932-8787 to add this address to the inspection list should cross connection controls be required. All initial inspections shall be completed prior to occupancy.	CO	Engineering	
27	The Applicant/Owner, its successors and/or assigns, shall be responsible for purchase and installation of standard City street signs in consultation with the City Engineer.	CO	Engineering	
28	The existing natural features, including trees and shrubs located outside the area of construction shall be protected and remain in a natural state during construction.	CO	Engineering	
29	The Applicant/Owner, its successors and/or assigns, shall be required to complete the subdivision roadway within two (2) years of approval of the Modified Definitive Subdivision Plan.	CO	Engineering	
30	Whereas sidewalks are only shown on one side of the proposed "Patrick's Place" road, the Applicant/ Owner, its successors and/or assigns, shall be required to provide a contribution to the sidewalk fund in lieu of the second sidewalk. The sidewalk fund contribution shall be equivalent to the square footage of the sidewalk that is not being provided, times the cost at the time of project approval of installing cement concrete sidewalks under the City's applicable services contract.	CO	Engineering	
31	Telephone, electric/street lighting, CATV, and fire alarm feeds through the development shall be located underground.	CO	Engineering	
32	A Street Lighting Plan shall be submitted to the Engineering Department that depicts the final locations and design once determined by the utility provider.	CO	Engineering	

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33	The Applicant/Owner, its successors and/or assigns, shall add short service connection liners at each service connection along the portion of sewer main on Maple Terrace downstream of the proposed connection for the project in order to allow this main to remain in service and serve the proposed development. Alternatively, the Applicant may replace the main and sections of the services on Maple Terrace at their expense.	CO	Engineering	
34	The Applicant/Owner, its successors and/or assigns, shall replace the water main on Maple Terrace from Swains Pond Avenue to the new "Patrick's Place" road, beginning at the sideline of Swains Pond Avenue with a new 8-inch gate valve.	CO	Engineering	
35	Should the Applicant/Owner, its successors and/or assigns, wish to extend gas service to the new development, it shall be the Applicant's responsibility to coordinate this work with National Grid and all costs shall be borne by the Applicant or National Grid. This work would also require a grant of location from the Melrose City Council.	CO	Engineering	
36	The Applicant/Owner, its successors and/or assigns, shall at his/her expense restore sidewalks, driveway aprons, curbing, roadway, street lights, pavement markings, and all other appurtenances on Swains Pond Avenue, Maple Terrace, and Hillside Park to their pre-construction condition or better. Roadway restoration will require curb-to-curb paving of any disturbed areas, including milling and inlaying to repair those areas. All curbing shall be made of granite.	CO	Engineering	
37	Following placement of the binder course on the new subdivision road, the Engineering Division shall evaluate the effectiveness of the roadway changes at Swains Pond Avenue and Maple Terrace in terms of safety and vehicular speed. The City Engineer shall require the Applicant/Owner, its successors and/or assigns, to install a raised crosswalk at the intersection or take other measures as reasonably necessary to improve safety.	CO	Engineering	

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38	The Applicant/Owner, its successors and/or assigns, shall submit a checklist for monitoring and reporting requirements for items such as the stormwater management systems, wetland protection, landscaping, etc. during both the construction phase and the long term. The long-term checklist shall be provided to the homeowner's association to assist in their ability to follow through with the many tasks required of them once the Applicant's work is completed.	CO	Engineering	
39	The Applicant/Owner, its successors and/or assigns, is required to meet all components of the City's Stormwater Management Plan, including construction site monitoring that will take place to ensure erosion and sedimentation controls are accurate.	CO	Engineering	
40	The Applicant/Owner, its successors and/or assigns, shall submit a homeowner's association document that outlines the responsibilities of the Home Owners Association as it relates to the long-term maintenance of the stormwater management system, wetland protection, landscaping, etc. to the Engineering Division and the Office of Planning and Community Development.	CO	Engineering / OPCD	
41	The Applicant/Owner, its successors and/or assigns, shall convey the land on Lot 10 to the City of Melrose's Conservation Commission for preservation in perpetuity. The Applicant/Owner, its successors and/or assigns, shall reserve an easement over lot 10 to install and maintain an underground detention area.	CO	Conservation Commission	
42	The Applicant/Owner, its successors and/or assigns, shall submit a copy of the recorded easement and deed restriction to the Office of Planning and Community Development that designates the "Open Space Easement" and "Sight Distance Easement" just west of the intersection of Patrick's Place and Hillside on Lot 1 as undevelopable open space in perpetuity.	CO	OPCD	

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43	The Applicant/Owner, its successors and/or assigns, shall submit final as-built plans to the Building Commissioner, the Engineering Division, and OPCD when construction of the project is completed. These plans must show all utilities, both above and below ground, including sizes, materials, and slopes, along with roadway grades, locations of structures, curb cuts, sidewalks, landscaping, etc. The Applicant shall resubmit revised plans pursuant to any comments provided by the Engineering Division. Final occupancy will not be issued without approved as-built plans.	CO	Engineering / Building Commissioner / OPCD	
44	The Home Owners Association shall be responsible for all maintenance requirements for each of the elements of the stormwater management system, with the exception of the individual roof drain systems, which are the responsibility of the individual homeowner. The requirement for maintenance must be incorporated into any homeowners' agreement.	Perpetual	Engineering	
45	The Home Owners Association shall be required to submit documentation to the City Engineer showing that the required long-term maintenance is being performed pursuant to the required schedules. Furthermore, the City shall have the right to enter and maintain all stormwater systems if adequate maintenance of the systems is not being performed, with costs assumed by the Home Owners Association. Similarly, the City shall have the right to enter and maintain the "sight distance easement" on Lot 1 if adequate maintenance is not being performed by the homeowner, with costs assumed by the Home Owners Association.	Perpetual	Engineering	

RECORD OF VOTE

The following members of the Planning Board voted to approve the Modified Definitive Plan for Swains Pond Avenue with the requested waivers from the *Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts*, subject to the above-stated terms and conditions:

Michael Cassavoy	Carla Morelli	Gregory Sampson
Anne DeSouza-Ward	Sharon Petrillo	Jack Welch
Paul King	John Sadowski	

No members of the Planning Board voted against the Modified Definitive Plan for Swains Pond Avenue. Robert Mercado abstained from the vote.

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FOR THE MELROSE PLANNING BOARD

Greg Sampson ELS

Gregory Sampson, Clerk

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Ghobrial, Andrew

From: Katy Kennedy <[redacted]>
Sent: Friday, February 10, 2023 9:59 AM
Cc: *Mayor Brodeur; City Council; Kate.Lipper-Garabedian@mahouse.gov; jason.lewis@masen.gov; Phillips, Shannon; Foote, Kristin; [redacted]
Subject: 2-13-2023 Melrose City Council Meeting
Attachments: Melrose Fire Headquarters Letter.docx

Mr. Ghobrial,
I am forwarding you a letter I wrote earlier this week that was published today in the Melrose Weekly News. Please include it as my Public Comment in the meeting packet asthe Melrose City Council Meeting of 2-13-2023. I request that it be included in the meeting packet and be entered into the public record. I just saw Councilor Cinella's order that will be on Monday night's agenda regarding the Public Safety Buildings work.
Thank you.

Katy Kennedy
[redacted]
Melrose, Ma

****CITY OF MELROSE PUBLIC RECORDS NOTICE: Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.****

Attachment: 2-13-2023 Melrose City Council Meeting_Redacted (INFO-2023-13 : Update - Public Safety Building Committee)

Every time I hear a siren, I say a prayer. May they be safe. I'm not sure when I started doing this but I can't remember a time when I haven't performed this ritual. I pray that firefighters, ambulance personnel, police officers, people who are experiencing a medical episode, car crash victims, individuals at risk of violence and persons impacted by life altering losses due to fire, among others, will remain safe and be helped.

As I hunkered down over the weekend, I worried about those who did not have the luxury of staying home in a warm space during our historic and record breaking cold snap. I was especially concerned about members of the Melrose Fire Department. The recent Small Town Secrets Investigation on NBC 10 documented summer temperatures in the high 80's inside Fire Headquarters as well having inadequate heat in the building frequently. During the time of the interviews with Ed Collina and Bob Driscoll, the fire station had no heat at all. The media disclosure about the deplorable conditions of the station including rats, sewage, plumbing and the overall structural integrity of the building in which our public servants of the fire service work must be handled immediately. To put off solutions any longer is to dishonor the men and women who put their lives on the line for the rest of us.

Unfortunately, it often takes shocking facts to be widely known in order for governments and politicians to do something. The negative publicity about the Brazil Street neighborhood trauma, the city wide rat and sanitation nightmares and the recent Melrose Teachers Contract fiasco seemed to motivate the City to act. Melrose was shamed into responding.

The state of Melrose Public Safety Buildings in general and the Fire Department Headquarters in particular is a moral issue. I implore elected officials as the budget process begins to use ARPA funds and free cash to fund a temporary alternative building now. Finally, I challenge Paul Brodeur to look at Fire Headquarters whenever he pulls into his designated parking space. If the Mayor is truthful, he will not be able to say that the building is a safe place for anyone.

Attachment: 2-13-2023 Melrose City Council Meeting_Redacted (INFO-2023-13 : Update - Public Safety Building Committee)