

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, April 26, 2023
7:30 p.m.
Remote Meeting**

Present:

Megan Carriere, *Associate*
Rita Mercado, *Chair*
Katherine Moore
Benjamin Rosenberg
Bryan Thorp

Absent:

Curtis Dooling, II

Staff Present: Denise Gaffey, City Planner & Maya Noviski, Clerk

The meeting was called to order at 7:32 pm.

Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted via remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting were found on the City of Melrose's website, at www.cityofmelrose.org/remote-meetings. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings in real time, or in the event that we are unable to do so, on the mmtv3.org website an audio or video recording, transcript, or other comprehensive record of proceedings was posted as soon as possible after the meeting. A link was also available on www.cityofmelrose.org.

Application materials were posted to the City's website: www.cityofmelrose.org/board-appeals.

CASES BEFORE THE BOARD

23 003 – 28 Greenwood Street (continued public hearing)

The application of Greenwood Development LLC for a Comprehensive Permit pursuant to M.G.L. c.40B, s. 21 to construct an approximately 11,923 sq. ft., 5-story building with 38 residential units and convert the existing 2.5 story building into two residential units with a 1,500 sq. ft. addition and additional half-story, and 40 parking spaces on three adjacent parcels of land at 0, 28, and 54 Greenwood Street, Melrose, MA with a lot area containing 39,780 sf and shown on Assessor's Maps B13 0 81, B13 0 82, and B13 0 83. Ten of the project's units will be affordable as is required and regulated under the law. See application for exemptions claimed.

Jesse Schomer, Attorney, appeared before the Board to present the case along with the development team including Laura & Sean Szekely, Owners & Developers; Rich Williams, Civil

Engineer; Dan Mills, Traffic Engineer; Michael Smith, Geotechnical Engineer; and David O'Sullivan, Architect.

Attorney Schomer noted that the Board conducted a site visit on April 8, 2023, and that the site plan used during the site walk with the locations of the stakes was filed with the City. The Applicant has filed payment to formally retain geotechnical and civil engineering, peer review services, with the expectation that a report will be presented at the next hearing. In response to the Board's list of requested items from the last hearing, Attorney Schomer explained that the roof plans have been updated and information regarding the HVAC units is available. There are also updated site sections showing the proposed building relative to the site and the surrounding buildings.

The team is in the process of creating a final geotechnical report to supplement the preliminary recommendations, and it will be ready in the coming days. A Construction Management Plan (CMP) will be completed after the final geotechnical report is submitted. The expanded traffic report is still underway.

Board Members questioned the content of the updated geotechnical report. Mr. Smith explained that the team has completed test pits and in response to the concerns raised, has conducted field mapping of the exposed bedrock joints to analyze the rock at the surface. Data regarding the current stability of the rock and ways to stabilize the rock during excavation will be provided.

Mr. O'Sullivan reviewed the roof plan noting that there will be a series of smaller compressors, one pump for each unit, and one large air handler in the left corner. He explained that the team is waiting for the release of the State Energy Code to understand if solar panels will be required; the precise locations of the HVAC units will be identified once the code is released. Mr. O'Sullivan presented a site section of the middle of site. The roof elevation is 153 ft. and the slope behind the building is 174 ft. at the south end and 154 ft. at the north end. There is 60 ft. between the building and the rear property line, and the equipment is 30-40 ft. away from the edge of the building.

As represented by Mr. O'Sullivan, the larger air handler will have a noise factor of 77 DB at the unit and 43 DB 50 ft. away from the unit. The smaller units will have a noise factor of 43 DB at the unit and will not be perceptible away from the roof. The units will be running at different times so there will be a longer continuation of noise rather than louder noise. Mr. O'Sullivan noted that a screening system could be installed to provide an acoustical barrier.

Members asked about the units' dimensions. Mr. O'Sullivan explained that the larger unit has a height of 33 inches and will sit on a curb, rising 4-5 ft. above the roof. Members requested that the units and points of DB are accurately depicted on the site section.

Mr. Williams presented two site sections: one from 2 Clifton Park through to 1 Nason Drive and the other from 45 Clifton Park to 1 Nason Drive. The models show the relative elevation of the roof in relation to the surrounding buildings.

Members asked for spot elevations at the fence line, property line, roof level and top of the proposed building for each section. Members also requested that the section is revised to show the bottom of the garage level with a spot elevation, to understand how the building is cutting into the grade. A third site section was requested to depict the project relative to 39 Clifton Park.

Mr. Mills explained that additional traffic data was collected prior to the school spring break week of April 17th at Greenwood St. and Franklin St. and Greenwood St. and Woodland Ave. The traffic report is being updated to include review of the traffic studies performed for 14 Chipman Ave. and 453-463 Franklin St., and information about the site lines from the project driveway. It was confirmed that the CMP will include information regarding traffic and parking coordination during construction.

Members requested that the Applicant submit a snow storage removal plan, an updated landscape plan, and a solid waste management plan. Mr. Schomer explained that the project will remove snow and truck it offsite however, the Applicant will submit an Operation Management Plan (OMP) with more information. The OMP will also have details regarding a solid waste management plan and information on site circulation, deliveries, and ride share. Mr. Schomer noted that the landscape architect is reviewing native plant species for the site and will provide updated information once the peer reviews are complete.

Members emphasized that an OMP is critical to understanding site logistics and traffic patterns. Mr. Schomer added that the team has not made a final determination about the number of proposed curb cuts or the design of the exterior parking spaces.

Chairwoman Mercado read the Melrose Planning Board's letter of recommendation into the record. The Planning Board endorses the views expressed in the OPCD Staff Report and considers the proposal to be detrimental and antithetical to the City's planning efforts. Members feel that there is too much parking for a development with great transit access and the surface parking and curb cuts in the front of the building is particularly ill-conceived. Board members questioned the design of the building and found the plans to be poorly devised and lacking in detail. The Board supports the decision to retain third-party consultants to review the geotechnical and civil engineering components of the project and advised that the ZBA consider imposing a condition requiring an independent geotechnical firm be present during construction to represent the city's interest and the interest of the nearby property owners.

The Board received seven letters in opposition and the following community members appeared to speak:

- Erin Kirby of 39 Clifton Park requested more acoustical information for the HVAC units and wondered what days the traffic studies were conducted.
- Attorney Dan Hill representing the neighbors of Clifton Park asked if there will be ventilation through the roof and requested specifications. He asked if the discrepancy between the site's soil assumption and results from the front test pit in the infiltration model has been rectified. He noted the critical importance of the CMP given the lack of site area for staging and requested that the ZBA require a detailed CMP including the location on the site for staging, the routes for construction vehicles, the volume of

trucking anticipated and parking location of construction vehicles. He also requested the make and model of the rooftop equipment and suggested that the Applicant add a green roof. He requested that the Applicant submit information on the recharge rates to the Board. He noted that the neighbors have retained a geotechnical engineer and will be providing comments at a future hearing.

- Jonathan Olsen of 46 Clifton Park expressed concern about the HVAC units' noise levels and the potential for reverberation. He asked if the units can be put on the ground and was worried that solar panels will reflect heat and light to houses on Clifton Park. He requested an acoustical study and asked if rocks will be broken down onsite. He commented that the blasted rock face will look terrible. He inquired about the original proposal for townhouse use and noted that approach would be in greater harmony with the natural environment.
- Philip Morgan of 11 Sergeant Street is in support of plans to convert the Wyman House to two-units and wondered why the Applicant is not renovating 54 Greenwood Street. He noted that the adjacent Undercliff and Americana apartment buildings were built into the cliff with very little disruption and encouraged a project with less density and impacts. He worried about light spillover and the project's impact on the neighborhood's infrastructure. He asked how the conservation land will be protected and if the Applicant will plant more street trees to replace the ones they are removing.
- Maureen Scully of 585 Franklin Street emphasized that the public is not in support of the proposal and the project poses flood risks. She is not in support of the tree removal and asked how the project can be stopped.
- Paula Byrne of 88 Woodland Avenue explained that her house is outside of the 250 ft. boundary for the pre-blasting survey, but she has had two geotechnical reviews conducted showing that any rock vibrations could cause casualty and damage to her and her property. She requested her property be included in the pre-blast survey and that temporary rockslide fences and netting be installed on her property to prevent damage. She hopes the project will be downsized.

Mr. Schomer requested to review Ms. Byrne's geotechnical reports. He explained that there will be no rock processed or crushed onsite other than what is necessary to get the rock into the trucks to have them processed elsewhere. The test pit data and soil model were recalibrated with different soils and the results were relatively unchanged. The Applicant is considering a green roof on the lower roofs. The traffic turning counts were taken on September 15, 2022 and March 29, 2023. An acoustical study has not been conducted.

Board Members expressed concern about the cumulative effect of the HVAC units' sound in the environment that is being created with the proposed land alteration. Members requested an acoustical study. One Member asked why the Applicant is proposing 40 units and Mr. Schomer responded that in reviewing the site constraints, the amount of ledge removal will be equivalent regardless of what is built and 40B projects occur in multiples of four because of the 25% affordable unit requirements.

By roll call the Board voted, 5-0, to continue the case to June 28, 2023.

Documents: ZBA Application 23-003
Office of Planning and Community Development Staff Report
Melrose Planning Board Recommendation

OTHER BUSINESS

APPROVAL OF MINUTES

Board of Appeals Regular Meeting, March 22, 2023

Board Members had no comments or adjustments to the minutes. Mr. Thorp made a motion to approve the meeting minutes. Mr. Rosenberg seconded the motion. All members voted in favor. None were opposed.

Next Meeting

The next meeting is scheduled for May 10, 2023.
The meeting adjourned at 9:15 pm.