

Appropriations Committee

Chairman Brodeur, Boisselle,
Mortimer, Infurna, Tramontozzi,
Forbes, Wright, McAteer-Margolis,
Seaboyer, Conn
Absent: Medeiros
In attendance: City Planner Denise
Gaffey; Planning Board Member
Tom Pawlina, Housing Planner Holly
Regan; Building Commissioner Paul
Johnson; City Engineer Bob
Beshara

Appropriations called to order by Chairman Brodeur at 7:50 p.m.

Alderman Mortimer motions to open Public Participation, 2nd by Alderman McAteer-Margolis. All in favor.

Jack Beckley, 74 Harold Street, Council on Aging Director for the City of Melrose, speaks to Order No. 08-128. He says the City's current Master Plan was adopted four years ago. He favors the proposed Smart Growth District zoning amendment and commends the Mayor and the Task Force for their vision. This proposal offers two important things: control over development and community input.

Joanne Schamberg, Melrose Chamber of Commerce President, says the Chamber of Commerce supports this proposal.

Mayor Robert J. Dolan, 14 Heywood Avenue, says the Board of Aldermen rarely has the opportunity to make an historic vote to make the City better, as this proposal presents. It will ensure proper use and historic preservation to an underutilized portion of the City.

Anne MacDonald, 18 Spear Street, Chairman of the Melrose Historical Commission, favors the proposal.

Alderman Mortimer motions to close Public Participation, 2nd by Alderman Boisselle. All in favor.

Order No. 08-128, Amending Melrose Revised Ordinances Chapter 235 – Zoning by adding Section 235-71.1 Smart Growth District. Further amend Chapter 235 – Article III, Establishment of Districts, Section 235-6. Division into districts; Section 235-8 Changes to Map; Section 235-17 Table of Use and Parking Regulations; and Section 235-16.1 Site Plan Review as set forth herein.

City Planner Denise Gaffey says that Mr. Pawlina is a member of the Planning Board and also served on the Smart Growth Task Force.

Chairman Brodeur says that Planning Board member Ann DeSouza Ward is unable to attend tonight's meeting but that she enthusiastically supports the proposal.

Ms. Gaffey says the Planning Board has had two meetings to discuss the issues that were raised at the March 10 public hearing. It has written its report summarizing the

discussion of issues raised. Several issues generated a lot of discussion: height of buildings impacting Brazil Street, setbacks and public safety issues. The Planning Board feels the existing infrastructure is adequate. The report emphasizes revisions to the Site Plan Review which was tightened and made stronger. The use of mass transit makes the parking requirement adequate. A consultant has been hired to look at traffic. Other discussion included flooding, density, commercial uses, use of the term yard versus setbacks, bicycle space, utilities and window signage.

Chairman Brodeur says he appreciates the work done on this. It is a very complicated piece of work. There are five pieces to it and he hopes the committee would divide out the Site Plan Review piece so that a clean copy could be prepared for the next full board meeting.

Alderman Mortimer motions to divide the order making Site Plan Review Order No. 08-128A, 2nd by Alderman Boisselle. All in favor.

Alderman Seaboyer says a Smart Growth project allows 35 units per acre but there could be fewer. Ms. Gaffey says 35 is the maximum number. Alderman Seaboyer asks if the utilities will be installed underground unless prohibited by the utility company. Ms. Gaffey says there are times that the utility company cannot do underground installation. If that language wasn't in the document it would create a variance situation. Alderman Seaboyer asks if the substation in that area is the sole supplier of electricity. Ms. Gaffey says she doesn't know for certain, but that it is a significant substation.

President Conn says that four years ago Mayor Dolan asked him to sit on the Smart Growth Task Force. This board has taken tremendous steps along with the Planning Board in passing the Site Plan Review ordinance, the Slope Protection ordinance, and others. The order before them is the result of 150 hours of meetings and a significant amount of public input. It has been a tremendously scrutinized process. The framework the Mayor has set up appointing residents and city officials to these types of task forces is a model that has served the city well. President Conn says he was unable to speak at the public hearing on March 10 because he was serving as acting Mayor, but there seems to be some misconception of what is going on. Right now, industrial uses are the only uses allowed at that site. He doesn't foresee industrial uses moving in there. This zoning amendment creates an overlay district to increase the types of uses allowed there. Some people at the public hearing thought there was a project happening and there isn't. This is a zoning change. It is highly unlikely that the land will be fully developed over the next ten years; the property will grow incrementally. This is consistent with the Master Plan, making changes to the zoning ordinances that are appropriate.

Alderman Infurna thanks the Planning Board and the Smart Growth Task Force for listening to her concerns regarding the items that she wanted to protect in the neighborhood. Battles the neighbors have had to fight include school buses parked on empty lots, storage bins on Pleasant Street and piles of dirt and gravel stored for the Converse Street project. This overlay is a great improvement for the neighborhood. She fully supports this and hopes her fellow aldermen see it is necessary. As President Conn said, this is part of the Master Plan which the Board of Aldermen supported. She says the neighbors were a little confused at the public hearing but she met with them and reviewed all the positive zoning amendments the city has adopted. She heard from

some of them that they want to retain the neighborhood's "soul and spunk" and she feels that is possible.

Alderman Mortimer asks if there is anything in this ordinance that addresses neon signage. Ms. Gaffey says that signage is addressed in the current ordinance, prohibiting neon signs both inside and out in the Smart Growth district. Alderman Mortimer asks if that ban will be brought to the downtown district. Ms. Gaffey says the Planning Board will be looking at the signage ordinance as a whole.

Alderman Forbes asks if commercial use will be restricted to the first floor of mixed use buildings. Ms. Gaffey says there is no restriction in the ordinance. Alderman Forbes asks if a third floor office condominium will be allowed. Ms. Gaffey says there is no restriction in the ordinance. Alderman Forbes asks Ms. Gaffey if her vision is 60/40 residential/commercial. Ms. Gaffey says she would like to see a mix of uses. She isn't sure if mixed use percentages were discussed but there really isn't any control over it. Alderman Forbes asks if she sees herself thinking there may be too much commercial use. Planning Board Member Tom Pawlina says the Planning Board has the Site Plan Review process that looks at impacts to infrastructure, traffic and on-site parking that allows them to fine-tune a proposal. Alderman Forbes asks Building Commissioner Paul Johnson if he thinks this is a good idea. Mr. Johnson says he thinks it is a very good idea; it is very smart growth and a great idea that commercial business can support a residential neighborhood.

Alderman McAteer-Margolis thanks the Smart Growth Task Force, Planning Board and planning office for developing this vision. She asks if Site Plan Review will apply to all proposals. Ms. Gaffey says yes. Alderman McAteer-Margolis thanks them for protecting all neighborhoods throughout the City.

Chairman Brodeur says people are curious about beer and wine sales at Oak Grove but this plan doesn't contemplate that. Ms. Gaffey says that use was never considered.

Alderman Wright says this is an overall great amendment. His question concerns underground utilities. He says he was disappointed that the Willow Street project was designed to have underground utilities but they are above ground. He asks how it is determined that underground installation is prohibited. Ms. Gaffey says the utility companies have existing rules and regulations that they cite as well as studies they refer to. Mr. Pawlina says the issue came up very late in the Willow Street project. This ordinance will red flag any issues early in the process. Alderman Wright asks who makes the determination that underground utilities are prohibited. Ms. Gaffey says if the utility company makes that argument, the Planning Board will have to be convinced. She says there would have to be technical standards to make it impossible.

Alderman Forbes asks about deliveries and dumpsters in a mixed-use setting. Ms. Gaffey says that all those types of issues are addressed during the Site Plan Review process.

President Conn motions to amend Order No. 08-128 by substituting the prior proposal with the one dated 24 March 2008, 2nd by Alderman Infurna. All in favor.

Alderman Tramontozzi motions to amend 08-128A by substituting the prior proposal with the one dated 24 March 2008, 2nd by Alderman Infurna. All in favor.

President Conn moves to recommend Order No. 08-128, 2nd by Alderman Infurna. All in favor.

President Conn motions to send Order No. 08-18A to the full board without recommendation, 2nd by Alderman Tramontozzi. All in favor.

Order No. 08-198, Amending Melrose Revised Ordinances Chapter 24, Article III – Department of Inspection Services, Sections 24-34 (C), 24-34 (D), 24-34 (E), and Chapter 56 Officers & Employees, Article IX Sealer of Weights and Measures, Section 56-63.

Chairman Brodeur says this order is related to a revision in fees in the Inspection Services department.

Mr. Johnson says that when he came on board he reviewed the fee schedule and the department's budget. The proposed increases put Melrose in line with other communities. On the building end, the fees for single and two-family houses are not up to where Malden, Medford and Everett are, but he took the current economy into consideration. He is proposing to raise the fees on three- family and above, including commercial property.

Chairman Brodeur steps down from the chair; Vice-Chairman Boisselle takes the gavel.

Alderman Mortimer moves to recommend.

On discussion Alderman Seaboyer says the proposed weights and measures fees are doubled and asks if percentage wise that is the same for all fee increases. Mr. Johnson says no; the weights and measure fees were way out of line. Some haven't been raised in 10 years. This proposal reflects an overall comprehensive look at the fee structure and rising costs, and he thinks it's in line and fair.

Vice-Chairman Boisselle says there is seven pages of fees and asks if everything has changed. Mr. Johnson says all fees have changed on average of 30%. Fees addressing building code issues, restaurants, nursing home, and day care hadn't been raised in 13 years. The Building Code allows municipalities to raise fees as needed.

Alderman Mortimer moves the question, 2nd by Alderman Seaboyer. All in favor.

Order No. 08-197, BOND Amount: \$658,656.00 Water Enterprise Account through the MWRA Local Pipeline Assistance Program (LPAP) for FY 2009

Alderman Infurna moves to recommend, 2nd by Mortimer.

City Engineer Bob Beshara says he has broken down the bond more specifically with a memo. One major project takes place on Otis/Charles/Leeds Streets which includes the design and construction of a new 8-inch water pipe, new valves and hydrants and the replacement of lead and substandard iron water services. The project for Otis and

Leeds is necessary because of fire protection needs. Charles Street has an ISO issue and needs to be upgraded. A new water main project on Mount Vernon Avenue is scheduled for next year. This location has fire flow deficiencies as well as a significant leak history on that line. The City is under a DEP mandate to replace 7% of its lead services yearly. The existing budget doesn't have sufficient funds to accomplish that and \$50,000 of the bond will be used. \$25,000 will complete the Moorland Road neighborhood water project. \$15,000 will be used for Clifton Park Court. Pictures show tuberculosis; only ½ inch of a 4 inch pipe allows water to flow. \$18,656.00 will be used for similar projects as the Clifton Park Court project. All water main improvements in the bond relate to fire flow issues or ISO issues.

Vice-Chairman Boisselle asks the cause of tuberculosis. Mr. Beshara says it occurs in unlined cast iron pipes. Minerals in the water collect upon itself. Vice-Chairman Boisselle asks if the pipeline has to be removed completely; Mr. Beshara says yes.

Alderman Wright asks if the Otis/Charles/Leeds project will bring that neighborhood to code for the purposes of water flow. Mr. Beshara says absolutely. Alderman Wright asks if the sewer issues will be addressed. Mr. Beshara says that is being studied now. Alderman Wright asks the timing of completing the work. Mr. Beshara says it is dependent upon approval of this bond. If the money is received this fiscal year the project will begin in July and finished in the fall using Chapter 90 funds. Alderman Wright thanks Mr. Beshara for having this project done.

President Conn asks Mr. Beshara if any of these projects can be done with the operating budget. Mr. Beshara says some of the smaller projects could be, but not the Otis/Charles/Leeds or Mount Vernon Avenue. He wouldn't be able to meet the mandated lead service replacement, either. President Conn asks if there is a line-item in the budget for lead service. Mr. Beshara says yes. President Conn asks if there is any contemplation to do Clifton Park Court using funds in the operating budget. Mr. Beshara says it's possible but the City can't get less than the \$658,656.00 requested. President Conn asks if he knows what other water and sewer bonding he will be doing in the FY2009 cycle. Mr. Beshara says none; the next opportunity would be this time next year.

Alderman Tramontozzi thanks Mr. Beshara on behalf of the Clifton Park Court neighborhood.

Alderman Brodeur asks if these funds would be available to other MWRA communities if the City of Melrose refuses them. Mr. Beshara says no. The money stays with Melrose and the City could get it next year.

Alderman McAteer-Margolis asks if other projects could be done if a couple of these projects were done out of the budget and \$70,000 was freed up from the bond. Mr. Beshara says no, the City would have to return that money. Alderman McAteer-Margolis asks if there could be another project that may come up. Mr. Beshara says the City always has projects but each one has to be identified to the MWRA. He would have to remove these projects and receive approval for other ones.

Alderman Seaboyer asks if the lead service replacement entails replacing the lead pipe from the water main to the property line. Mr. Beshara says yes. He advises home

owners to replace their lead pipe and if they replace theirs first, the City will replace it in the street. Alderman Seaboyer asks if the money is distributed as a lump sum. Mr. Beshara says yes, if the bond is in place. Alderman Seaboyer asks if the numbers are estimated in his department. Mr. Beshara says yes; no money may be spent until the City receives the bond.

Alderman Infurna says she supports this for the projects listed. Mount Vernon Avenue is highly traveled. It doesn't make sense to rebuild the street without doing this work.

Alderman Brodeur says he would like to know the effect this bond will have on the water and sewer rates.

Alderman Wright moves to recommend, 2nd by Alderman Mortimer. One opposed (Conn). Motion carries.

Order No. 08-129, Amending Melrose Revised Ordinances, Chapter 228 – Water and Sewers as set forth herein

Mr. Beshara says the ordinance changes and additions will bring the City into compliance with the Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) requirements.

Alderman Brodeur asks what would happen if this ordinance change is not passed. Mr. Beshara says cities and towns will be fined.

Alderman Forbes asks if home-owners pumping out their cellars into the street will be affected by this. Mr. Beshara says no, only if they are pumping water into the sewer system.

Alderman Brodeur asks if the \$300 per quarter fine for noncompliance is the only fine in the document. Mr. Beshara says he believes so.

Alderman McAteer-Margolis asks if this allows the City to seek out home owners using illegal hook-ups. Mr. Beshara says smoke tests can be done. It's important to avail the City to find illegal discharges.

Alderman Seaboyer moves to recommend, 2nd by Alderman McAteer-Margolis. All in favor.

Alderman Mortimer motions to adjourn, 2nd by Alderman Infurna. All in favor.

Appropriations adjourns at 9:33 p.m.

Maribeth Harrington
Clerk of Committees