

Appropriations Committee

Vice-Chairman Tramontozzi,
Boisselle, Buonopane, Conn,
Forbes, Infurna, Seaboyer, Wright,
Mortimer
Delayed: Chairman Brodeur
Absent: Heavey
In attendance: Mayor Dolan, Human
Resources Director Marianne Long

Appropriations called to order by Vice-Chairman Tramontozzi at 8:10 p.m. He declares the Public Hearing on the citizen's petition to amend Melrose Ordinances as set forth herein open, and says that those people wishing to speak in favor of the petition will speak first, and those in opposition will speak afterward.

Alderman Wright motions to take Order No. 07-065, Requesting that the Auditor provide the Board with a report on revenue collected by the city in the first quarter of FY2007 that is below budget projections or below collections for FY 2004-2006 out of order, 2nd by Alderman Conn. Alderman Buonopane motions to suspend the rules, 2nd by Alderman Boisselle. All in favor.

Mayor Dolan says that Alderman Brodeur requested a mid-year report on revenue received. The City is in strong financial shape at this point. There are some line items not meeting his expectations and he will explain those deficits. Motor Vehicle Excise Tax is sent out in March and therefore revenue has not been received. The two PILOT programs are payment in lieu of taxes from Mount Hood and the hospital, which is due in two installments and is expected by April 1. Trash fee revenue is off but it could be due to late payments. The cemetery has a small deficit but he is confident the City will receive that revenue in the second half of the year. The Miscellaneous Recurring category is comprised of a number of items; among them is Medicaid reimbursement from the Public Schools which is not certified until Free Cash is certified, and one-time payments from the state. At this point the City is meeting all revenue assumptions given the conservative estimate of receipts. He is pleased with the revenue side of things and believes estimates will be exceeded.

Alderman Infurna motions to place the order on file, 2nd by Alderman Boisselle. All in favor.

Vice-Chairman Tramontozzi declares the Public Hearing open at 8:17 p.m. and invites those speaking in favor of the petition to come forward. He asks that anyone wishing to speak to sign in on the paper provided and to state their name and address for the record.

Robert J. Dolan, 14 Heywood Ave, says that as Mayor of the City he supports this petition and reads into the record the letter he sent to the Planning Board in November. He says there are many historical neighborhoods in the City that have had development similar to that which may happen in this area which has caused stress to existing homes. It has substantially lessened the historical value of the City and he thinks this change is prudent.

Robert Bell, resides at 173 Ashland Street and works at 70 W Foster Street says he is acting as counsel to the neighborhood. He says he is a little bit surprised to be before the Aldermen again; the process turned out to be more difficult than he anticipated where protection of historic architecture is assumed. The Wyoming Heights neighborhood wants the same protection against multi-family development as other areas of the City. He says he thought the request was fair and straight-forward. Many other neighborhoods changed from UR-B to UR-A in 1984 and virtually all other concentrated Victorian neighborhoods in the City have protection with UR-A zoning. When the citizens' petition was brought before the Board there were several surprising reactions. The first was the question of zoning changes brought by citizen petition; it is common in the Commonwealth to present citizen petitions for zoning changes. The second was the question of why this was brought forward now; the neighbors should not have to wait for intrusive development to act. The third reaction was that the Slope Protection Ordinance prevents development on rocky, steep land; the neighbors hope they can rely on it but feel that they cannot because variances can be requested and granted. Attorney Bell asks if the housing stock in this neighborhood is similar to that in the Franklin Street neighborhood, why this neighborhood does not have the same protection. Wyoming Hills is one of the City's historical neighborhoods and he is asking the Board of Aldermen to protect it. The petition as presented was initiated by the neighbors at the top of Wyoming Hill. They thought it included Chestnut Park and Chestnut Street and were unable to amend it as such at subsequent Planning Board meetings. They were prohibited from making additional written and oral statements. The adjournment of the joint public hearing prevented further public participation in the process. He would like to request that one of the Aldermen amend the petition to expand the zone by the westerly line of the east side of Chestnut Street; and the northerly line of the properties whose southerly boundary is Lynde Street. The easterly and southerly boundary lines will remain as proposed. He asks the Board for the opportunity to speak again after everyone else has spoken.

Sarah Monzon, 214 Lynn Fells Parkway says she was asked to speak by the Victorian Melrose Society. She has 17 years experience producing television shows for Bob Vila. Home and neighborhood preservation are similar to environmental preservation and endangered animal species, but homes are not treated in the same way. "Remuddling" changes the character of the neighborhood and the community. The Victorian Melrose Society has deep respect for preservation efforts. She reads a letter from Barbara Gilchrist into the record.

Lea Fasano, 32 Wyoming Heights and Ann Linehan, 3 Wyoming Heights represent the Wyoming Heights neighborhood. Ms. Fasano reads a letter into the record and thanks the Board of Aldermen for re-opening the public hearing.

Victoria Bolles, 4 Greystone Road reads from an article which states that Melrose is a City of Homes and offers a quiet and respectful place of residence. There are distinct neighborhoods with distinct personalities. As an historian she wants the past to be alive in the present. She believes that the quality of the adjacent neighborhood affects the quality of her neighborhood. As an historian, voting citizen, taxpayer and homeowner she respectfully urges the Board of Aldermen to look favorably on this change.

Ainsley Donaldson, 1 N High Street is a member of the Victorian Melrose Society, the Melrose Historical Society and the Melrose Historic Commission, but is speaking as a

private citizen. She is no more in favor of preserving Victorian neighborhoods as Victorian ghettos as she is in favor of turning Victorian downtown Melrose into a Victorian Disneyland. Wyoming Hills deserves the same protection as other UR-A neighborhoods. She can see no reason to deny the change in designation.

Judith Q. Sullivan, 49 E Wyoming Avenue resides within the neighborhood and is an architectural historian and conservator. As such she has seen the important issue of preserving historic neighborhoods. One important tool that is being used in many communities is working with adjacent zoning and recognizing the significance of a neighborhood. Wyoming Hills represent a very early example of a railroad neighborhood. The land was subdivided in 1851 and the parameters have been maintained. Railroad suburbs developed very slowly and the Wyoming Hills neighborhood was identified early in the town's history as being a unique area. There is great history to it. Large houses occupied the neighborhood until the 1880s and 1890s, but its distinct identity was maintained. Integrity is important to look at and Wyoming Hills has it in character and location. Design has been consistent in the street and housing stock, green space, and workmanship in the homes giving it a feeling of an association of historical events and people. She encourages the Board to support the zoning change.

Linda O'Koniewski, 3 S Cedar Park is speaking as a real estate broker, and says as such she sells neighborhoods and understands vintage real estate. The residents of Melrose have become accustomed to some unfortunate real estate development, but when she drives prospective buyers who are not from Melrose around the City they will often ask "What the hell happened there?" when they come across it. She does not want that to happen at Wyoming Hills.

Anna Bastian, 1059 Franklin Street says that eight areas in Melrose have been given special designation by the Melrose Historical Society as local recognition of a special place. Six of these areas are protected and one has to ask why that protection would not be extended to Wyoming Hills. She says its character and charm are apparent, and asks the Board to consider adding the requested zoning protection to it.

Rich Yannaco, 36 Boston Rock Road says that "rock" is the operative word. Rock is extended throughout the neighborhood and he looks at Wyoming Hill as part of it. He would like to see that area protected and supports the petition.

Marie Monk-Smith, 40 Wyoming Heights says her family has lived in and has owned her home for more than forty years, and to overdevelop the neighborhood would be an absolute nightmare. Development has already ruined the charm of the City.

Katherine Clark, 64 Prospect Street says she was one of the people in the back of Linda O's car a few years ago. She has moved across town from the Wyoming Heights neighborhood and is very much in favor of granting them parity in protecting their rights as property owners and the opportunity to maintain its special quality in the community.

James O'Dell, 35 Frances Street endorses the petition. His home needed much repair when he bought it and he has tried to use conscientious development. He loves Melrose and the appeal of the downtown, homes and the historical nature of the homes. He encourages the Board to support the petition.

Peg Botte, 95 N Cedar Park supports the proposal and reads two letters from local residents into the record: the first is by Christopher and Jessica Lietz, 11 Chestnut Street. The second is by Joe Gormley, 142 E Emerson Street.

Verge Brincheiro, 16 Summer Street says he is renovating a great old Victorian house and is looking forward to living in Melrose. He supports the petition.

Drake Jacobs, 80 Mount Vernon Street has been an architect for 40 years. He has been hired by people that do nice things to their buildings and sometimes not so nice things. He is working with a university in Philadelphia that wants to preserve its history. Melrose has the opportunity to do things right or not so right. Some will take umbrage to the zoning change but historic Melrose is entitled to keep its character. Consistency in zoning helps to maintain the right way of doing things. He supports the proposed change that is on the table.

Denise Springborg, 66 E Wyoming Avenue is a civil engineer, and as a resident hopes the Board supports the change. She bought her home 2½ years ago and hopes the Board considers that the site in question is difficult for extensive development.

Edith Mooers, 89 E Wyoming Avenue would like to remind everyone about the safety issues on Wyoming Heights. It consists of narrow, one-way streets. The map is very deceptive because it does not reflect the steep precipice. She strongly supports the zoning change. She has put a lot of money into her home to preserve it.

Phil Kukura, 79 Mount Vernon Street bought his house 31 years ago and continues to find delight in the people that discover the neighborhood. He would love to see the neighborhood continue in the same character. He asks the Board to support the change so the historical quality may continue.

Jim Berube, 1 Summer Street has lived there for 16 years. During that time he has seen the people in the houses change but the neighborhood stays the same. He thinks every home in the area should be allowed to be zoned UR-A so that more restrictive regulations are in place.

Bob Hassett, 37 Damon Avenue owns property on Wyoming Avenue and asks what would happen if the change passes tonight.

Vice-Chairman Tramontozzi states he is closing the portion of the Public Hearing that for those speaking in favor of the petition. On a Point of Information, Alderman Infurna says she will be looking to recess the Public Hearing. On a Point of Order President Mortimer states that at the end of the Public Hearing a motion to recess the Public Hearing may be made. Vice-Chairman Tramontozzi invites anyone wishing to speak in opposition to Order No. 07-027 to come forward.

Ralph Wilbur, 27 Marbleridge Road, North Andover, MA, owns a residence on Mount Vernon Street and a few abutting lots of land in the area proposed for rezoning. He thinks the Planning Board has made a fair and reasonable assessment of the issue. He says rezoning should not be taken lightly or undertaken based on inaccurate information. He refers to charts he has brought to the hearing. (Note: copies are included in the

permanent record.) The area in question is dimensionally very small comprising of 9 acres and 30 homes. The petition proposes to detach this area and attach it to the adjacent UR-A zone. Chart 1A is an enlargement of the area in question. Charts 2 and 3 illustrate homes in the two areas. The Planning Board points out in its report the dissimilarities between the two areas. Most of the homes in Chart 2 were built prior to WWII. The houses in Chart 3 were built in the 1950s and 1960s. The architecture in the neighborhood in question is similar to those homes in the UR-B district it is in now, not the UR-A zone it is proposed to be attached to. Quoting from page 22 of the Melrose Master Plan, he reads: "Good zoning must balance providing proper protection for citizens while guarding against undue impact upon those being regulated". There are already adequate regulatory protections in place under existing zoning to deny inappropriate development from happening in the Wyoming Hill area. If he were to do anything to his property it would be similar to the architectural drawing in Chart 5. In the Wyoming Hill UR-B area proposed to be rezoned, the Planning Board reports that almost 50% of the properties already have dimensional non-conformities. Three currently conforming properties would become non-conforming and many that are already non-conforming would become more non-conforming if this proposal passes. This could become problematic for them down the road. As depicted in Chart 6, nearly all the undeveloped land features steep topography and already falls under purview of the Slope Protection Ordinance and requires special permitting; Paragraph 1d of the Ordinance encourages innovative architectural landscaping and site design. Changing this steep area to UR-A would add costly restrictions, impeding innovative efforts. The ability of site planners to be creative with this challenging terrain would become burdensome if not impossible. The research presented by the Planning Board provides a history of court decisions on "spot zoning". Only 24% of these cases resulted in a reversal of Planning Board decisions, but this is an instance of "reverse spot zoning" where the petitioners have singled out a particular area for more restrictive zoning. The record of case law presented by the Melrose zoning department showed that 56% of such appeals resulted in the Planning Board's decisions being overturned. He suggests that efforts to sustain the legality of this rezoning plan may be subject to a greater than 50% failure margin. The Master Plan expresses the intent to alleviate the City's housing shortage due largely to zoning restrictions and the unavailability of buildable lots. This proposal seems to contradict the Master Plan's intent. The Planning Board's report to the Board of Aldermen recommends requiring special permitting for town houses in all UR-B zones city-wide. He supports this decision. It would seem better to implement the restriction City-wide than go through this process again and again from zone to zone. It also appears that there is a history of problems concerning townhouses in Melrose. The Ordinances define a townhouse as a "row of at least three but not more than five one-family dwelling units whose side walls are separated from the other units by a fire wall or walls." The main complaints concern architecture or appearances. He thinks that townhouses may be suitable in some areas but not in others, and perhaps the permitting process could introduce a measure of control to determine that. He wishes to touch on the circumstances underlying the petition. While most people speaking in favor of it have sincere concerns, he believes their concerns have been aggravated by rumors circulated around the neighborhood which inaccurately referenced the intentions of the undeveloped land owners. These rumors have been invented and circulated by those who stand to gain the most by halting any development in the Wyoming Hill area. The green belt in Chart 1A represents most of the undeveloped land in the UR-B area, which is the land referred to in the petition. He finds it no coincidence that the land marked in pink and surrounded by the green belt is owned and occupied by individuals who are

leaders in this effort. He says they stand to gain the most from thwarting any homebuilding in the surrounding undeveloped area. They have spread rumors implying that townhouses and cell towers are about to become a part of this neighborhood's landscape and that is not true. The owners of the land marked in pink have protected themselves by purchasing at least one vacant lot adjacent to their property, and their next-door neighbor has done the same. They would not be affected by the impact of the new UR-A zoning, unlike most other homeowners in the neighborhood. He feels that the rezoning effort could and should have been undertaken in a more responsible way with open communication. An unsigned document was sent to the Planning Board and Board of Aldermen by a group that criticized him for not contacting them. He did not know the group existed until he saw the document. Once he learned that there were neighborhood concerns he wrote twice to Mrs. Linehan and once to Alderman Gail Infurna to see if a neighborhood meeting could take place. Neither one of them followed up. Meanwhile false information and rumors have circulated. Most residents have not been provided with the facts and this is the first reasonable opportunity he has had to address them. The leaders behind the zoning proposal claim they are not "anti-development" but their actions suggest otherwise. This petition should serve as a case study of how not to initiate a zoning change and in the future it should give City officials reason to pause to discern if the change will benefit the majority of residents or just a few. He fully supports the recommendation by the Planning Board in this matter and he believes the Board of Aldermen will make a fair and reasonable decision based on the merits.

Karen Farnsworth, 51 Mount Vernon Street says that as a neighbor she was not notified of this petition either by the neighbors or the City. She just learned about it today and came down when she heard that it may be extended to Chestnut Street. Her concern is if the line is extended to Chestnut Street the zoning change will affect her property. She has an old Victorian that she is trying to keep from falling apart. If she can't keep it up she may want to sell it to a developer. It is a legal five-family house but this zoning change would affect a developer's options. She is surprised at how many people are against multi-family houses. She requests that if the change is to include Chestnut Street that Alderman Infurna not be allowed to vote on it.

Mike Hedetniemi, 8 Philpot Terrace #2, says he was under the assumption that the Board of Aldermen would be speaking to the Planning Board's recommendation, which he is in support of. He says there was a lot of discussion about the compatibility of the neighborhood. He does not own property in the area being discussed, but he would like to build a house there, certainly in keeping with the character of the neighborhood. He likes the flexibility that the UR-B zone affords in providing the opportunity to build a home in a cost-effective way.

Vice-Chairman Tramontozzi says that concludes that part of the public hearing.

President Mortimer motions to recess the Public Hearing, 2nd by Alderman Infurna.

On discussion Alderman Infurna says she would like to state for the record that the zoning change does not include Boston Rock Road, where she lives, and expanding it to Chestnut Street does not include 51 Mount Vernon Street. Also, Attorney Bell wishes to address the committee.

President Mortimer withdraws the motion to recess. Alderman Infurna withdraws the second.

Attorney Bell thanks the Board for the opportunity to speak again but says if the intention is to recess there is no need for any further discussion from him unless there are questions from the members of the Board.

Alderman Conn says if the hearing is going to be recessed for new testimony the members can ask questions then.

Alderman Buonopane motions to recess the Public Hearing, 2nd by Alderman Brodeur. All in favor.

Alderman Conn motions to adjourn. There is no second.

Chairman Brodeur takes the gavel. He states the Public Hearing will be recessed to a date certain, that being Monday, 22 January 2007 at 8:00 p.m.

Alderman Conn states that he wants it to be clear that the City does not notify every abutter personally about zoning changes and that notice is given in the newspaper.

Alderman Buonopane motions to reconvene the Public Hearing on Monday, 22 January 2007 at 8:00 p.m., 2nd by Alderman Boisselle. All in favor.

Alderman Conn motions to recess to gain order in the Chamber, 2nd by Alderman Infurna. All in favor.

Appropriations recesses at 9:50 p.m.

Appropriations reconvenes at 10:05 p.m. Order No. 07-102, Amending Melrose Revised Ordinances Chapter 56, Article I, Section 56-7, Salary Schedule (Non-Union Salary Rates) as set forth herein; said revised salary schedule to become effective July 1, 2007 for Fiscal Year 2008.

Human Resources Director Marianne Long says the order will become effective six months from now, on July 1, for next fiscal year. Other employees' salaries are defined in a contract, reflecting the same increase. Non-union employees' increase has to come before the Board of Aldermen for approval. The CFO and she wanted this to come before them now so if approved, the funding will be included in the FY08 budget. The Library, ACHE and Traffic Supervisors will also receive a 2% increase on July 1. The only employees not scheduled for a 2% increase are Police and Fire personnel. This order keeps the non-union employees in line with everyone else.

Alderman Boisselle asks if the chart before them reflects the new schedule in effect as of January 1. Ms. Long says yes.

Alderman Conn asks what the raises will cost. Ms. Long says she does not have that information but will get it for the Board. Alderman Conn says there will be no budgetary impact on this fiscal year; Ms. Long says that is correct. Alderman Conn asks if the

raises will be included in the FY08 budget when presented to the Board. Ms. Long says yes.

Alderman Forbes asks if the raises will be covered by the newly established Stabilization Fund; Ms. Long says yes, as far as she knows.

Alderman Conn moves to recommend, 2nd by Alderman Boisselle. All in favor.

Alderman Tramontozzi motions to adjourn, 2nd by Alderman Boisselle. All in favor.

Appropriations adjourns at 10:10 p.m.

Maribeth Harrington
Clerk of Committees