

**MELROSE PLANNING BOARD
MEETING MINUTES
Special Meeting
Monday, May 18, 2020
7:30 PM
Remote Meeting**

PRESENT: Mike Cassavoy, Anne DeSouza-Ward, Paul King, Robert Mercado, Carla Morelli, Sharon Petrillo, John Sadowski, Greg Sampson & Jack Welch

ABSENT: None

STAFF PRESENT: Denise Gaffey, Director, Emma Schnur, Senior Planner & Lori Massa, Planning Coordinator

The meeting was called to order at 7:40 PM by Ms. DeSouza-Ward. Attendance was taken by roll call.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Melrose Planning Board was conducted via remote participation to the greatest extent possible. 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 was found on the City of Melrose's website, at www.cityofmelrose.org. 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. An audio or video recording, transcript, or other comprehensive record of proceedings was posted on the mmtv3.org website as soon as possible after the meeting. A link was also available on www.cityofmelrose.org.

Meeting access information was found at the following link and the application materials were posted to the City's website: www.cityofmelrose.org/remote-meetings.

APPROVAL OF MINUTES

Planning Board Meeting Minutes May 4, 2020

Mr. Mercado MADE a MOTION to accept the meeting minutes from May 4, 2020. Mr. Welch SECONDED the MOTION. All members voted in favor by roll call. None were opposed.

MODIFIED DEFINITIVE SUBDIVISION PLAN

Swains Pond Avenue, 0 Swains Pond Avenue Realty Trust
(continued public hearing)

The development team Sean Szekely, Owner, Rich William, Civil Engineer, Brian Decot of Rock Splitters Inc, and Attorney Jim Mitchell were present remotely to present the revised plans and additional information.

Mr. Williams discussed some of the items that were part of the new materials submitted including the modified subdivision plan and site plan in color, construction sequencing, Maple Terrace and Swains Pond Avenue intersection comparison, retaining wall and fence examples, the stormwater pollution prevention plan, and the work zone map. The orientation of the intersection at Maple Terrace and Swains Pond Avenue will be a more difficult movement which will slow cars down. There will also be a stop bar and sign. The houses on Lots 1 and 4 were not able to move forward as was requested at the last Planning Board meeting because of setback requirements. The houses on Lots 2 and 3 were moved about fifteen feet towards the road. They were not brought to the front setback line because, if they did, the driveways would be too steep and more blasting would be required. The stormwater pollution prevention plan is a work in progress because conditions are determined and changed during construction. They are proposing the same flat-stone retaining walls that they constructed on Reagan's Way. The stones that are blasted will be used to construct the walls. The fencing could be either black vinyl coated chain link or aluminum fencing. The retaining wall at Lot 4 was proposed to be 14 feet tall and that was revised to 6 feet by cutting the corner and terracing the land. They provided a response to items discussed during the May 4, 2020 hearing.

Frank DiPietro, Civil Engineer, who is the third-party peer review consultant that the City hired at the Applicant's expense was present remotely to give an overview of his findings. He also submitted a letter with the information. He is going to speak at the City's Conservation Commission meeting on Thursday night. Mr. DiPietro said that Williams & Sparages responded quickly to his comments but that he has not had the chance to look over all of the responses in detail. He explained that the means and methods of construction are put together by the contractor, not the engineer, just before construction. Therefore, some of the items that neighbors and the board members are concerned with will have to be conditions of approval. For example, the stormwater pollution prevent plan will have to be updated as the project moves along and the developer will need to communicate with the City and neighbors.

Some of the items that Mr. DiPietro commented on from his review are that the Maple Terrace culvert should be replaced at a time of low flow. More detail should be provided on how blasting is actually implemented. Rock Splitters laid out the requirements but not a plan and this will be needed as the project moves forward. The plan should include estimates of how much ledge will be blasted and for what duration, what will stay on or go off site, and the truck traffic. He asked if the phases in the construction schedule could be concurrent. Mr. Williams confirmed that the blasting phases can be concurrent once they get access over the stream. Mr. Szekely said that there is a cover letter that explains this.

Mr. Williams said that phase 1 will be done first. Maple Terrace will be widened during phase 1 and the sidewalk can be constructed later. The details of construction will be reviewed by City Departments and will be communicated.

Mr. DiPietro also mentioned that two test pits were done for two of the infiltration systems and the soil conditions met the requirements for infiltration. Two other test pits should be conditioned for the two other infiltration systems and the Applicant has agreed to do them. He also spoke about the impervious barrier between Maple Terrace and the infiltration system and needing to attach it to the ledge. Finally, he mentioned that the wetland replication area to the west of the culvert is two feet lower than the stream and may fill with water. It should be raised in elevation.

Mr. Williams is in agreement with Mr. DiPietro's comments. He mentioned that in terms of the condition with the infiltration system near Maple Terrace, the ledge is below the road and they may want to install a drain rather than attach the barrier to the ledge.

Mr. Casavoy MADE a MOTION to open the public hearing. Mr. Sadowski SECONDED the MOTION. All members by roll-call voted in favor. None were opposed.

Ms. DeSouza-Ward explained that members of the public could use the chat function of the virtual meeting or email the Planning Director to alert the Board that they would like to speak. Some members of the public had requested to speak in advance of the meeting.

Diane Waddell of 14 Hillside Park, Sadie Brown of 87 Swains Pond Avenue, Sarah Farooqi of 57 Swains Pond Avenue, Michael Hancock of 77 Swains Pond Avenue, and Ryan Williams of 88 Malvern Street spoke. The Board received two letters from Brent Robie of 58 Crescent Lane, Malden and Fred Cefalo of 1 Maple Terrace.

Some of the comments and questions included the following:

- The trees saved should be chosen by a certified professional. The limits of de-forestation should be planned and the Melrose Tree Warden should be involved.
- The site should be designed by a certified landscape architect who specializes in sustainable landscaping to lessen the impact on the downstream wetland.
- The habitat of plants and animals and the ecosystem will be destroyed.
- The development will negative impact the environment.
- Who will be maintaining the subsurface infiltration systems and open space easements if the HOA fails at this? The City and abutters should be non-assessed beneficiaries of the association.
- The Planning Board's approval of the homeowner's documents should be a condition of approval at a future date.
- There were concerns due to the pandemic about moving forward with the application when only virtual meetings are possible, not wanting inspectors to be in their homes, if the economic crisis would slow down finishing the project or selling the houses, and having no escape from construction or being able to play in the yard while the stay-at-home orders are in place.
- Hillside Park should be made a public street and the developer should fix the other half of it.
- There is no detail on the road that will be constructed to access Hillside Park.

- More information should be given regarding the concerns about radon and propane.
- Ms. Brown's house is built into the ledge that will be blasted and her backyard is ledge.
- There will be pollution from the runoff from the development that will impact the pond and neighbors' backyard wells.
- What type of fence is proposed for the stockade fence? There may be natural barriers that would be better than a fence.
- The developers should show where the fence would be located that abuts neighbors' yards.
- The proposed blueberries are a nice addition to the landscape plan.
- How will communication happen in the future to make sure that questions are answered?
- A cut and fill pattern should be provided.
- How far have lots 2 and 3 been shifted?
- Safe pedestrian access should be provided through construction.
- There should be a T-intersection at Maple Terrace and Swains Pond Avenue that meets modern accessibility requirements.
- The need to locate a utility pole and handrail were not considered in the width of Maple Terrace.
- Maple Terrace should be narrowed to one-lane and a full sidewalk installed to slow traffic.
- The contractor should have pollution insurance in case of an accident.
- The house types should consider the existing grade to reduce the amount of blasting.
- Mr. Hancock's house was built in 1680 and he is concerned about damage to his house from the blasting and construction. There are cracks in the ceiling from a house that was built nearby. His cellar used to flood before he put fieldstone near the brook. With more runoff it may flood again.
- There will be pollution and noise disturbances from trucks for a year.
- The value of the nearby properties will go down because there will be tall walls with fences on top that will be 40-60 feet to the top of the fence.
- The homes should use the heat smart/cool smart program that the City has initiated to reduce the use of propane tanks.

The Planning Board members discussed the following. The Applicant's responses are below.

- The home owners association (HOA) maintenance will be extensive. Will money be held in escrow or a fund for future maintenance?
 - The HOA will commit two times the yearly maintenance cost into an operating fund. The homeowners will be personally liable for damages. Mr. Szekely said it is not a good idea to add abutters to the association but they can add the City.
- Access to existing homes will be maintained during construction. Where will the temporary road be constructed and when?
 - Lot 9 will be constructed first. The temporary access will be built before the house is constructed.

- Safe pedestrian access should be maintained and the Board is looking for a stated commitment that this will be the case.
 - They are committed to having pedestrian and vehicular access to Hillside Park. The means and methods document is a working document that will have the details of the access. They do not want people wondering through the site during construction.
 - The roads are not safe right now.
 - The sidewalk was proposed on the northern side of Maple Terrace on the suggestion of City Staff. The sidewalk will continue through the subdivision.
- How will the retaining wall in front of the lot next to Lot 9 be stabilized? It is old, may not have deep footings and deteriorate with the work being done.
 - They would not touch the wall and will build a new retaining wall in front of the old wall.
- Will the existing plastic catch basins be replaced?
 - Yes. The new catch basins will be noted on the next version of the plan.
- There was discussion about if the work on Maple Terrace will encroach on the private property.
 - Mr. Williams 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 but the Board members did not have a chance to review them. They 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 right of way will not encroach on private property.
 - The paved road is now 16-18 feet and they don't know when it was paved.
- Patrick's Place cuts off Maple Terrace.
 - The parcel of land that will be Patrick's Place currently exists in this configuration.
- What will be the nature and ownership of the open space on Lot 1?
 - Mr. Williams explained that the open space here will be on private property with a deed restriction for the sight line easement. This area and it will be planted with a natural wildflower mix.
- Is the tree cut line on the plan?
 - Yes, it is the straw wattle line – the medium green color.
- The retaining walls are attractive but don't have a natural look. How will they be constructed? Will rip rap be used?
 - Building permits will be required and obtained for the retaining walls. Hydraulic relief will be provided. Rip rap will not be used but there may be a few walls that will look better with larger boulders for a more natural look.
- Natural landscaping in terms of plantings and hardscape should be used.
- Do roof leaders go into drywells?
- Are police details required?
 - Yes, there will a police detail when working on Maple Terrace and Hillside Park.

- Can the City hire the Clerk of the Works at the developer's expense? In the typical process the developer will hire the Clerk but the City Engineer will need to approve the hire by reviewing his/her resume.
 - Mr. Szekely said that he will hire the same Clerk of the Works that he hired for the Regan's Way subdivision. The Clerk reports to the Engineering Department. He was responsive and there were no issues.
- The stormwater pollution prevention plan can be a condition of approval.
- The Board asked to hear more about blasting.
 - There was only one complaint and one neighbor broke a seismograph during blasting for the Regan's Way subdivision.
 - Brian Decot from Rock Splitters 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.
 - 65,000 cubic yards of rock will be removed over approximately 6 months.
 - That translates to 1,500 trucks with 40 yards per truck but not all of the rock will be removed from the site.
- Pre-blasting home inspections will be difficult with the pandemic. How long will the inspections take? How long after will insurance cover the neighbors' houses?
 - The blasting contractor will inspect houses within 500 feet of the blast area. Inspectors will be wearing protective gear. They will be at each house for 1 to 2 hours depending on the conditions. About half of that time will be outside.
 - The insurance policy has a one-year duration.
- Will shifting the house footprints on Lots 2 and 3 require more blasting? Can the other footprints shift forward for more consistent setbacks around the cul-de-sac?
 - Yes, a little more blasting.
 - The following lots have conditions that prevent the houses from moving towards the street: Lot 5 due to setback requirements, Lot 6 narrows, the orientation of Lot 7 would have the house look at the back of another lot.
 - The house footprints may change. They have worked with the grades to come up with the current footprints. For example, Lot 9 has a garage under to work with the grade and other lots have walk out basements.
 - If owners want houses that are not as wide they could be shifted forward.
- Is a guard rail needed if a vehicle slid down Patrick's Place?
 - No, the grade is not that steep at the end.
- The board would like to get more detail on the amount, method and timing of rock removal, pedestrian safety, the width of Maple Terrace and the path of the temporary access road to Hillside Park.

Mr. King MADE a MOTION to continue the public hearing to June 1 at 7:30pm. Mr. Sadowski SECONDED the MOTION. All members by roll-call voted in favor. None were opposed.

Documents: Subdivision Application Materials
Blasting Plan
Blasting Sequence
Color Site Plan

Construction Sequence – Updated 5/8/20
Final Supplemental Peer Review
Intersection Comparison
Modified Definitive Subdivision Plans, Revised 5/13/20
Plan Showing Zoning Envelope
Response to Final Supplemental Peer Review
Retaining Wall Fence Examples
Retaining Wall Photos
Storwater Pollution Prevention Plan
Work Zone Map

NEXT MEETING

The next meeting is scheduled for June 1, 2020 at 7:30pm.

The meeting adjourned at 10:30 pm.