

**MELROSE PLANNING BOARD
MEETING MINUTES
Special Meeting
Monday, June 8, 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.

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.

MODIFIED DEFINITIVE SUBDIVISION PLAN

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

Ms. DeSouza-Ward reviewed the permitting timeline for this case. The case was discussed by the Board on January 27, May 4, May 18 and at the current meeting. The Conservation Commission met on May 21 and issued waivers from the Wetlands Protection Act and local wetlands ordinance required for the project to move forward and they will be issuing an Order of Conditions.

Sean Szekely, Owner/Developer, and Rich William, Civil Engineer, as well as other members of the development team were present remotely to present the revised plans and additional information. Mr. Szekely said that he met with the neighbors individually to answer their questions. Three of the twenty pre-blast surveys were conducted without complaint. They submitted a written response to fifty questions that came up at the last meeting and additional documents to address questions and concerns including a construction sequencing diagram, stockade fence examples, a sketch of the blasting and cut depths, a letter from the blasting contractor about inspections with Covid-19 protection procedures, a plan showing the width of Maple Terrace, a plan of the temporary construction road and topographic plan.

Frank DiPietro, Civil Engineer, who is the third-party peer review consultant that the City hired at the Applicant's expense was present remotely in case any questions arose about the second supplemental peer review report of the project.

Mr. Sampson MADE a MOTION to open the public hearing. Mr. Welch 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. She read a letter from Brent Robie of 58 Crescent Lane, Malden & 0 Hemenway Court, Melrose into the record as requested. The Board received a letter from Sarah Farooqi of 57 Swains Pond Avenue who also spoke during the public hearing.

Some of the comments and questions included the following:

- The letter details various reasons against building the house on lot 9 and what that land could be to help mitigate the loss of habitat from the development and connect people to the trail system.
- A granite curb over a bituminous curb should be installed along Swains Pond Avenue.
- The utility pole 1081 does not appear to fit in the right-of-way.
- Is there a new design for the intersection?
- How will communication work going forward?
- Is there a stop sign at the bottom of Patrick's Place?
- The sidewalk will increase the occurrence of people going down to the stream on the west side of 57 Swains Pond Avenue where there is a drainage easement. Ms. Farooqi would like guidance on installing a fence to block access to the stream.
- There was a request for paper communication onsite as well as email or paper mailings.
- The City should hire the Clerk of the Works to ensure transparency.

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

- The City hiring the Clerk of the Works can be difficult due to municipal finance law. The City is involved with the hiring of the Clerk and the City Engineer is comfortable with this approach. The City of Boston hires the Clerks of the Works there but they have so many projects that it is a different situation.

- Mr. Szekely said that City staff frequently inspected the Regan's Way project and did not only rely on the Clerk of the Works. Rick Cantone in the Engineering Department visited hundreds of times. The Conservation Agent and others also visited the site.
- They discussed if the Clerk of the Works could be responsible for the communication with the neighbors regardless of who hires him/her.
 - Mr. Williams said that Mr. Szekely would be the best person to communicate with the neighbors because he will be there all of the time and have the best information on what is happening. The Clerk has the technical skills to review the work.
- A member asked about the possibility of posting communication at the site.
 - Mr. Szekely said that there are problems with having a bulletin board like where to put it so that there is access during construction. He would rather electronically inform people. He would mail letters, call or stop by to speak with people that do not have email.
 - If there is a problem neighbors will call the Planning Department or Inspection Services and City Staff will call Mr. Szekely quickly.
- Is there room for the utility pole 1081 without interfering with the sidewalk?
 - The pole was drawn at 3 feet wide for emphasis. There is space for it. It will not be on private property. Additionally utility companies make sure that poles are in the right-of-way.
- Is granite curbing proposed along Swains Pond Avenue? Granite is far superior to asphalt because it will last for much longer. The City requires granite when home owners replace curbs.
 - A bituminous curb is proposed for Swains Pond Avenue because that is what exists on the street. If it is damaged it will be more expensive for the City to replace than if it is granite. The City is installing bituminous curbs on Dexter Road. Mr. Szekely said that he would install granite curbs along Swains Pond Avenue if requested by the City and tie it into the existing bituminous curb. He was planning on using granite through the rest of the development.
- Has the intersection changed? Where will the stop signs be located? Ms. Gaffey explained that the City Engineer reviewed the stop sign locations and said that the proposed intersection should be safer than the existing intersection. She reviewed Ms. Farooqui's sketch for the intersection and did not agree that this would be a safer alternative. The hatched pavement markings are a typical feature to let pedestrians know that they are in a safe area. Staff have discussed with Mr. Szekely that we will see how the roadway works and evaluate its effectiveness. There maybe an opportunity to make modifications.
 - There will be two stop signs but they are not yet on the plan. One will be on Maple Terrace at the intersection with Swains Pond Avenue and the other will be on Maple Terrace at the junction with Patrick's Place to stop before turning left.
 - There will be a cross walk at the end of Maple Terrace.
 - Mr. Williams asked that the areas be painted on the binder coat to do the evaluation so that they are not ripping up the newly constructed street.

- What are the hours of construction and hours that trucks will be hauling stone? A proposed condition is that the hours will be 7am on Monday through Friday and 8am on Saturday. Ending hours will be between 3 and 5pm. These hours are more restrictive than the City's Noise Ordinance because construction has impacts beyond noise.
- Why are heat pumps not proposed? During the winter months it will be dangerous to have trucks delivering propane.
 - Residents can choose to upgrade to have heat pumps instead. They will still need a furnace. The propane tanks are allowed to be buried.
- There was discussion about the number of truck loads of stone that will be removed to give the neighbors a sense of the level of activity. For 5 ½ months of blasting there will be approximately 10 to 12 truck trips a day or one every 20 minutes to an hour. It is understandable that they have not done borings all over the site because that is usually only done when a ledge is supporting a structure. Will crushing of stone be done onsite?
 - Until they strip away the dirt they are estimating how much rock will need to be blasted.
 - Stone will not be crushed onsite.
- Are there any slopes steeper than 3 to 1? Rip rap should not be used in the development.
 - Lot 9 will have a ledge cut that will be steeper. The land in front of 9 maybe terraced or there may be a sloped wall with larger flat stones. Rip rap will not be used.
- What are the final fencing materials?
 - There will be PVC fence for Lots 1, 2, 3 and possibly 4. The abutter requested that the fence along Lot 1 and 2 be brown or black. The abutters at 14 Hillside Park requested that the fence at Lot 9 be a decorative vinyl coated metal fence. They will leave it to the abutters. No one chose the black vinyl coated chain link fence even though this is the one that is least prominent.
- The documentation of some of the development elements states that they will be constructed according to city standards. The City does not have standards for all of these details.
- Is there a level of vibration that is not acceptable?
 - Yes, this is in the blasting contractor's written statement.
- Will there be crack monitors on the existing houses? Some have stone foundations and it would be best to have close monitoring of them for everyone involved. Will the wells be inspected pre and post construction?
 - The blasting contractor had left the call. Mr. Szekely said that they would do what is required. No wells are registered. The abutter from 77 Swains Pond Avenue who spoke at the last meeting said that he has a well. That will be documented during his property pre-blasting inspection.
 - Mr. Szekely is offering to pay for blasting surveys for abutters within 500 feet of the site whereas only abutters within 200 feet are required.
- How will people be notified about the pre-blast survey?
 - They will receive an email or call to schedule a convenient time.
- How long will the temporary road be in existence and what will it be made out of?
 - It will be there for approximately two months and will be made of gravel.

- Who pays for the police details? Who will be enforcing the traffic flow when the police detail is not there? The developer will pay for the detail. People will complain to the City if access is blocked and action will be taken quickly. Also, a truck route will be required.
- The constructing sequencing of this project will be difficult and needs more attention. There is going to be no way for trucks to turn around.
- All documents that were submitted as part of the application are attached to the approval. Some of the documents change or add to the plans. The Board members will have a chance to review the final plan when they sign it.

Mr. Cassavoy MADE a MOTION to close the public hearing. Mr. King SECONDED the MOTION. All members by roll-call voted in favor. None were opposed.

Mr. Sampson MADE a MOTION to approve the eight waivers from the subdivision regulations. Mr. Sadowski SECONDED the MOTION. He said that all of the waivers except for one were common. The reduction in the roadway width allows for less aggressive site work and less impervious surface. The percentage grade of road is not typical or encouraged but in this unusual circumstance it is appropriate. All members by roll-call voted in favor except for Mr. Mercado who was opposed.

Mr. Mercado said that the development will have a big impact and irrevocable harm on the neighborhood. Also, there are unanswered questions about how the construction will be done.

Ms. DeSouza-Ward said that a 9-lot subdivision was approved in the past and a 40B project was approved by the site for the site. This is the reality and not a threat. Something will be built here and this is the best proposal so far. It is a work in progress but there will be controls on the development.

Mr. Welch said that he has grave concerns about the construction as this site is woven into a neighborhood.

Ms. Petrillo said that Mr. Szekely discussed improving the property in front of houses on Maple Terrace and Swains Pond Avenue that will be disrupted with the construction. Also, the abutters have agreed to the width of Maple Terrace as shown on the plan. She asked how these items are documented into the decision. The emails regarding the work are in the file and will be mentioned in the decision.

Ms. Gaffey reviews the draft conditions to attach to the approval. The Board changed the conditions in the following ways.

- #1 –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.
- #14 – Add: The construction work shall be done during low flow conditions.
- #23 – Add: The Applicant/Owner shall also provide an example of the sloped placed stone wall. No rip rap shall be allowed.

- #41 - 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 area entitled “Open Space” just west of the intersection of Patrick’s Place and Hillside as undevelopable open space in perpetuity.
- Add: The plans that the Board endorses shall have all of the plan elements discussed and agreed upon including the granite curb and stops signs.
- Add: All curbing shall be made of granite.
- Add: The landscape plan shall be designed by a professional landscape architect.
- Add: The 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.
- Add: Queuing of trucks on the residential streets shall be kept to a minimum.

Mr. Cassavoy MADE a MOTION to approve the modification to the subdivision plan with the attached conditions as amended and with the original conditions. Mr. Sampson SECONDED the MOTION. All members by roll-call voted in favor except for Mr. Mercado who abstained. None were opposed.

Documents: Subdivision Application Materials
Construction Sequence Diagram
Letter from Blasting Contractor
Second Supplemental Peer Review
Sketch Plan Showing Blasting/Cut Depths
Sketch Plan Showing Road Layout Widths on Maple Terrace
Sketch Plan Showing Temporary Construction Road
Stockade Fence Examples
Topographic Plan

OTHER BUSINESS

87 Essex Street has a mockup of building materials and colors that is ready for the Design Review Subcommittee to review. The Subcommittee planned to meet at the site on June 9 at 5pm to review the mockup.

NEXT MEETING

The next meeting is scheduled for June 29, 2020 at 7:30pm.
The meeting adjourned at 10:45 pm.