

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, November 23, 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 Battaglia, Senior Planner & Lori Massa, Planning Coordinator

The meeting was called to order at 7:55 PM by Ms. DeSouza-Ward due to technical difficulties with the virtual meeting website.

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. Meeting access 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/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. 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.

APPROVAL OF MINUTES

Planning Board Regular Meeting, October 26, 2020
Design Review Subcommittee Meeting, November 5, 2020

Mr. Mercado made a motion to approve both of these meeting minutes. Mr. Sampson seconded the motion. Mr. Cassavoy proposed an edit to the Design Review Subcommittee minutes to state that the rear stairs are existing onto the abutter's property. Mr. Cassavoy made a motion with this amendment. Mr. Mercado seconded the amended motion. All members by roll call voted in favor. None were opposed.

SLOPE PROTECTION SPECIAL PERMIT

Case 20-003, 22 Montvale Street, Armando Plata

Attorney Bell, Representative, Andy Street, Engineer from Design Consultants, and Armando Plata, Applicant and Architect, were present for the case. Attorney Bell went over Mr. Plata's credentials to explain how he is highly qualified to develop this sloped site. He went over the special permit findings that are detailed in the staff report. Mr. Plata said that his goal is to preserve the natural character of the site and minimize disruption. The only area where the rock will be cut is on the southeast corner. Twenty by twenty feet will be cut for parking. The abutter at 16 Montvale Avenue told him that he would like to construct a driveway next to the proposed subject driveway. The house steps up with the slope to minimize disruption. Mr. Street explained the civil plans. He will respond to the outstanding items in the City Engineer's memo.

Board members discussed and asked for more information on the following:

- Plans more clearly showing the area that is subject to the slope protection regulations, the limit of work, tree preservation, and erosion control during construction.
- The specifications around the retaining wall at the back of the house including but not limited to how it affects stormwater runoff and what is in the gap between it and the house. The wall will be three feet tall and will sit below the floor of the house.
- Members also asked what will be in the space in the voids between the floor and the ledge. Additional spot grades and cross sections were requested to see how the house integrates with the slope. The horizontal and vertical scale should be the same.
- The walls that will be built in the street will impede on the abutters' rights to pass and repass the private way. The rights exist even though the paper street is not going to be extended because of the steep ledge conditions. Why is the wall proposed? There is an existing wall that is about 3.5 feet tall that will be replaced. There will be the same access as there is today. The wall may need an easement agreement with the neighbors. Can the rock in the right of way be cut back?
- There are a lot of vehicles parked on the street and it is difficult to maneuver. Did the Fire and Police Departments review the proposal?
- Some of the floor heights differ from the architectural plan set and the civil plan set.
- How will the house be bound to the rock? It will depend on the soil/ledge condition at each point. When it is directly connected to rock rebar and epoxy will be used to create a footing. The footings will be screwed in to the rock. If there is soil, the footing will need to go below the frost line, about four feet below grade. Members said that there will be varying conditions with rock and ledge. Mr. Plata assured them that he would not level the rock to create the footings.
- More rock may need to be removed for the water and sewer lines and footings for the retaining wall. A trench may be dug or shallow footings installed.
- How will the permeable pavers set on rock percolate water?
- Does erosion become an issue in the future? Mr. Armando said that rock is the best condition on which to build. There will be no settling. Clay is the worst soil condition.
- It would be helpful to see examples of similar projects that Mr. Plata has designed.

Mr. Cassavoy made a motion to open the public hearing up for public comment. Mr. Welch seconded the motion. All members by roll call voted in favor. None were opposed.

City Councilor Shawn McMaster, Lea Fasano of 32 Wyoming Heights, Marie Monk-Smith of 40 Wyoming Heights, Mike Furtado of 21 Montvale Street, Ernie Karleas of 25 Montvale Street, Evan Zahner of 32 Wyoming Heights, Brian Timm of 89 East Wyoming Avenue, Alethea Campbell of 42 Wyoming Heights, Antoniette Tenaglia –father owns 9 Montvale Street, Finn McSweeney of 160 W Wyoming Avenue, and Anne Linehan of 3 Wyoming Heights spoke in opposition. Dawna Spaulding of 8 Montvale Street wrote a letter of opposition. Comments included the following:

- There is conservation land in the area. This is one of the last remaining natural habitats in the city and it is a wildlife sanctuary. The natural character of the site will be ruined.
- This is a continuous ledge and drilling will negatively affect others. A neighbors pool and foundations will be affected. They cannot guarantee that blasting will not occur.
- The real estate listing states that this land is unbuildable.
- This is not a smart growth area.
- This is a narrow street and parking is difficult on it. The abutters will lose their parking. It is possible to ask a neighbor to move a car but it is not possible to ask a neighbor to move a wall. Neighbors have an agreement about parking cars on the street.
- Public safety is a concern.
- Stormwater run-off is a concern. Abutters have problems with flooding and erosion already. There are three rivers coming down from the rock when it rains. Drilling the rock will put cracks in it and the water will follow. Where there is pooling will be mosquitos.
- Neighbors would have purchased the site and donated it for conservation. The City should adopt the Community Preservation Act so that there is money to buy property like this for conservation. The neighbors should not have to buy it to preserve it.
- The construction management plan needs to include how big vehicles will get to the site and how materials will be stored.
- It looks like footings will be run over the sewer service.
- The house will be shoehorned in on the site.
- The slope protection special permit should prohibit building here.

Members discussed how the purpose of the slope protection special permit was not to prevent development but to go through the process to see if the proposal could meet the special permit findings. They would like to see the information requested above as well as a plan showing where this property is in comparison to surrounding properties and a response to abutters' concerns. The Police and Fire Departments should provide feedback.

Mr. Sampson made a motion to continue the case to January 25, 2021. Mr. Mercado seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials for Case 20-003

SITE PLAN REVIEW

Case 20-002, 138 Main Street, Metro Credit Union

Attorney Christopher Tolley submitted a written request to continue the case to a future meeting to continue to work on the plans and attend the ZBA meeting. Mr. Sampson made a motion to continue the case to December 21, 2020. Mr. Sadowski seconded the motion. By roll call, all voted in favor. None were opposed.

INCENTIVE ZONING DISCUSSION

Ms. Gaffey explained the zoning amendment text and map that the Zoning Subcommittee has been working on over the last couple of months. Members discussed the amendments. Mr. Mercado thought that the contribution to the streetscape fund was small. Ms. Gaffey said that we could give it some thought but this contribution was in addition to other amenities provided. Mr. Cassavoy made a motion to move the amendments to the City Council as written. Mr. Mercado seconded the motion. By roll call, all voted in favor. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on December 9, 2020

Case 20-027, 169 East Emerson Street, Denise Mitchell

Some members did not object to the requested variances and preferred to remain neutral in the recommendation due to the narrow depth of the backyard and consideration of the existing screening of the abutters backyards. Others expressed concern for the lack of justification for the variances because it appears that there is the ability to shift the pool and equipment to have more conforming setbacks.

Mr. Sampson made a motion to send the Board of Appeals a letter with these comments. Mr. Sadowski seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-027

Case 20-028, 133 Sewall Woods Road, Lisa Foucher

Some members did not object to the requested variance and preferred to remain neutral in the recommendation due to the consideration of the existing screening of trees and ledge at the back of the lot. Others expressed concern for the lack of justification for the variance because it appears that there is the ability to shift the pool to have more conforming setbacks.

Mr. Sadowski made a motion to send the Board of Appeals a letter with these comments. Mr. Welch seconded the motion. By roll call, all voted in favor. None were opposed.

Documents: Application Materials, Case 20-028

OTHER BUSINESS

Case 19-006, Oak Grove Mill - Request to Modify Construction Management Plan

Attorney David Lucas appeared to request a clarification on the construction management plan for 99 Washington Street. The plan says that there will be construction on Saturdays as required

by permits. Construction is allowed on Saturdays in Melrose and no additional permits are needed. They discussed how the project will get done faster with work on Saturdays. Also, with the pandemic there is a chance that the project could get shut down. A stalled project would be difficult to live with. Neighbors submitted letters opposing the Saturday work. Board members had no issues with work between 9am and 5pm on Saturdays and did not find it fair to change the construction hours for this project.

Ms. Petrillo made a motion to clarify that construction work is allowed between 9am and 5pm on Saturdays for this project and to approve the amended Construction Management Plan. Mr. Cassavoy seconded the motion. By roll call, all voted in favor. None were opposed.

OTHER BUSINESS

Ms. Gaffey reminded Planning Board members of the Housing Production Plan online survey and virtual open house on December 2, 2020.

Ms. Gaffey suggested that the Planning Board sign on to a letter to the MBTA to oppose cutting the 131 and 136 bus routes and eliminating the Cedar Park commuter rail stop. The Planning Board supported this idea. OPCD will send a draft of the letter to Ms. DeSouza Ward to review prior to the December 4 deadline.

NEXT MEETING

A Design Review Subcommittee meeting is being scheduled to discuss 99 Washington Street details next week.

The next regular meeting is scheduled for Monday, December 21, 2020 at 7:30pm.

The meeting adjourned at 11:18 pm.