

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, April 26, 2021
7:30 PM
Remote Meeting

PRESENT: Beth Delahaij, Anne DeSouza-Ward, Robert Mercado, Carla Morelli, Sharon Petrillo, John Sadowski, Greg Sampson & Jack Welch

ABSENT: Paul King

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

The meeting was called to order at 7:40 PM by Mr. Sampson.

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 Annual Meeting, March 22, 2021

Ms. DeSouza-Ward made a motion to approve the meeting minutes with the amendment that Mr. Mercado will be on the Design Review Subcommittee. Mr. Welch seconded the motion. All members present by roll call voted in favor. None were opposed.

Design Review Subcommittee Meeting, March 22, 2021

Mr. Mercado made a motion to approve the meeting minutes. Ms. Morelli seconded the motion. Mr. Sadowski stated that he did not attend this meeting and the minutes will be amended to reflect the correct attendance. All members present by roll call voted in favor. None were opposed.

SLOPE PROTECTION SPECIAL PERMIT

Case 20-003, 22 Montvale Street, Armando Plato

This case was heard on November 23, 2020 and has been continued several times. Attorney Robert Bell and Applicant Armando Plata appeared to explain the revisions to the plans. Mr. Plata said that the excavating contractor is available to discuss the excavation work. Attorney Bell stated that the proposal works with the land with minimal grading, will generate no additional runoff, and uses innovative architecture and landscaping. The slope protection ordinance is not a restriction on development but a process for impact review. The design works with the outcroppings, trees, etc. The footprint of the house is minimal. Mr. Plata showed a model of the structure and presented the elevations and floor plans of the house. He received a new list of items to review from the Engineering Department that day and has not had time to fully prepare a response.

The Board discussed and asked questions about the following. The street appears to be a standard width on the plan but it is not in reality and it is difficult to turn around on the street. Will the abutters be able to get into their driveways? The neighbors currently park on the street. Mr. Plata said that the stone wall along the street would remain and there would be space for neighbors to park on the street. A member suggested that Mr. Plata create a plan that shows the relationship of his proposed driveway to neighbors' driveways.

Attorney Bell stated that everyone on the private way has the right to construct the way to its legal limits. The road will not extend past this property because there is a raising slope at the end of it. The slope protection ordinance does not apply to the road. They feel that widening the street will benefit the neighbor across the street. The proposal will not exacerbate the parking situation because there will be parking onsite.

Board members asked more about the width of the street and the area in the street that would be excavated to make access to the parking area. The plans are surveyed but the surveyors may not have measured to the other side of the street. The site plan shows the front property line accurately. Is this a paper street with a record title that clarifies the legal width? What is the reason for the widened street? The only reason to widen the street is to have access to the site to have two parking spaces onsite. Attorney Bell said that the site plan clearly shows that the parking spaces will be on the private property. Members would like to see that they have the right to widen the way and the documentation of the street width.

Mr. Plata said that the street will be constructed to City standards. A new fire hydrant is required to be installed. The exact location will be determined in the field.

Board members asked about how much of the land that falls under the slope protection area will be disrupted. Mr. Plata said that about five percent of the lot will be cut. The maximum depth of the cut is nine feet. No work is required on the abutting land. A licensed landscape architect will work on the site with a greenscape to blend the yard into the natural landscape. They asked for a plan that shows the limit of disturbance and a plan of the existing and proposed grade. The site plan does not adequately show where the clearing will be within the land that is at greater than a 25% slope and what trees will be removed. This information is needed because this is the main issue to review for a slope protection special permit. Mr. Plata will do a closer survey of the trees and a more detailed landscape plan. Mr. Plata said that the grading will be minimal. The footprint will sit over the ledge.

The Board took public testimony and nine people spoke. One was in support.

Evan Zahner of 32 Wyoming Heights read the letter that he submitted. His concerns are with protecting the slope. The building would take up most of the land that you can actually stand on. The building will obstruct the attractive part of the lot which is at the back of the lot. The house and driveway will increase the runoff. The runoff problems are worse in the winter and during this season the proposed pavers in the driveway will be covered with ice. There will be pneumatic drilling that will disturb surrounding houses. The Applicant has not looked at the abutters' houses. The water runoff is already a problem. The road is narrow and people park where the driveway would be. There is conservation land next to the property and there are many animals on this land. He offered to purchase the land but Mr. Plata wanted to sell the land for double what he paid for it. Mr. Plata's wife no longer wants to live there. Another owner will not maintain the landscape and stormwater management. An engineer should study the effect on the neighborhood. There should be an acoustic study for the drilling and comments from the Police and Fire Departments.

Emmanuel Andrade is a licensed architect and Melrose residents. He has known Mr. Plata and thinks highly of his work. Mr. Plata developed a similar project close by with similar characteristics. As an architect he thinks that this is an innovative and creative proposal.

Marie Monk-Smith of 40 Wyoming Heights said that Mr. Plata has not answered the neighbors' questions. She is concerned about her foundation and she feels that this is a taking of public property for private use.

Mike Furtado of 21 Montvale Street said that this proposal is not the right thing to do for four houses on the street and several neighbors on Wyoming Heights. The neighbors do not want to keep following the case with continuances.

Ernie Karelak of 25 Montvale Street said that visitors will have no place to park and he will not be able to access his driveway. The neighbors work with each other to accommodate on-street parking. He is concerned about flooding. Stormwater will not be stopped by a wall and the rock will fracture. The City plows the snow in front of this property and there will be no where to put the snow. He likes to take pictures of the wildlife on the site.

Councilor Sean MacMaster is not in support of the proposal. He finds that it does not meet the legislative intent of the slope protection ordinance. The lot is small and will have an impact on the slope, grading and natural habitat. There is a habitat highway and this is the narrowest section of it. The runoff is an existing problem. It is an innovative design but does not trump the other considerations. Since 2005, there have been 10 cases for slope protection special permits and 8 have been approved. Approving this proposal would signal that the barrier is not high for approval. The lot is small and close to other properties. Acoustic monitoring should be a condition of approval.

David Hunt of 42 Wyoming Heights reiterated his neighbors' comments and added that he had concerns about construction times.

Councilor Cory Thomas said that hammer drilling is a loud process and will be disruptive to the region. Acoustic monitoring should be required.

Donna Spaulding of 8 Montvale Street had concerns about her house due to the hammering. She bought a house here because of the conservation land and cannot imagine a house on this lot. She is concerned about parking because there are at least 16 vehicles on this street looking for parking.

The Board members asked about the following issues that were raised by neighbors. Are pre-construction inspections and inspection of abutters' properties required when drilling? Attorney Bell said that it is not mandatory to do pre-drilling surveys. They could agree to do surveys to understand if damage was done during construction. The construction lender may require it. The developer is liable for any damage caused by the drilling. Some of the damage can happen months after construction. The neighbors would have to have evidence that the damage was the cause of construction. The Board requested to know if the Applicant intends to do pre-inspection surveys or the Board could condition it. Maintenance by a subsequent owner could be a condition of approval. The Board could also condition that acoustical monitoring is done.

A member asked what other approvals are needed for this lot to be built upon since a neighbor said that the MLS listing states that it is an unbuildable. The lot cannot be developed without the Slope Protection Special Permit because of the area needed for parking. The lot will also need variances as well.

The Board requested a plan showing the portion of the land that is at a 25 percent grade or greater over a distance of 30 feet, a landscape plan, the street width, the City Engineer's comments and more information about drilling and the construction management plan. The contractors will likely not park a ten-minute walk to the site as is specified in the current construction management plan.

Mr. Sadowski made a motion to continue the case to June 28, 2021. They requested to receive the materials a week in advance of the meeting. Ms. DeSouza-Ward seconded the motion. By roll call all members voted in support, none were opposed.

Ms. Delahaij is not able to vote on the case because she missed the first hearing.

SITE PLAN REVIEW & AFFORDABLE HOUSING SPECIAL PERMIT

Case 20-004, 40 Vine Street, 39 Tappan Street LLC

Attorney McAvoy, Mark Wilcox, Architect, Daniel Galvin, Developer, and Michael and Kevin Carter, Civil Engineers appeared to present the case.

This is the third hearing for the case. The current version of the plans does not have a basement and the building is shorter than originally proposed. One of the units was changed to a one-bedroom unit to allow for a mailroom, utility room and bicycle storage on the first floor. There will also be bicycle storage outside of the building. Solar panels will be on the roof. Arborvitae

will be planted along the property line to achieve a buffer, which is required in the RCOD. The building is setback the required distance.

Mr. Carter presented the site and landscape changes. He identified three- and four-story buildings in the area. Mr. Wilcox explained the changes to the windows and the façade materials. They reviewed the cut sheets of the air handling units which will be on the roof.

The Board found that the removal of the ramp was a positive improvement. Without the basement, which necessitated the ramp, they are still able to accommodate bike parking. Six to seven bikes can be stored inside and more outside. They may be able to make the inside bicycle storage space larger.

They discussed the following items:

- Some of the species of plants are not native and it is a standard in the district to use native plants.
- Ms. Morelli wrote a letter to OPCD expressing her concerns about the design. The building looks too bulky and commercial for this residential street. She was not persuaded by the heights of other nearby buildings as justification for the scale of this building. The nearby buildings sited are all on main streets. The revised plans have more articulation but the design does not fit. The massing is too bulky. Changing the roofline would reduce the massing. Attorney McAvoy said that the neighborhood is transitioning. All of their neighbors are on major roads. Mr. Galvin said that the building is within the dimensional regulations of zoning. Mr. Sampson explained that in Site Plan Review the Board looks at the compatibility of the design within the context of the neighborhood. It is possible to meet the intent of the district and dimensional requirements with a design that is more compatible. It is necessary to take into account the neighboring context in the design of the site.
- The landscape buffer along the residential zoning district meets the requirement for a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screening does not meet the standard that there is a 10-foot wide landscaped buffer but the Board has discretion on this standard. A variance is not needed. They have a 7 foot landscaped area at the back corner of the lot but have wider landscaped areas in other portions of the site. Some members found that this is appropriate but would like to see more detail on the dimensions. It is not a square lot, which makes it difficult to have a landscape buffer that is the full 10 feet for the entire lot.

The City Department's review is complete. The affordable unit will be a two-bedroom unit.

No one appeared to speak during the public hearing portion of the meeting. The Board left the hearing open.

Mr. Sadowski made a motion to continue the case to May 24, 2021. Ms. DeSouza-Ward seconded the motion. All members by roll call voted in favor of the continuance. None were opposed.

Ms. Delahaij is not able to vote on the case because she missed the first hearing.

Documents: Architectural Plans dated 4/16/2021
Updated Civil Plan dated 4/16/2021
Aerial Plan of Neighborhood
Signage Plan

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on May 12, 2021:

Case 21-009, 90 Highview Avenue, Sarah Moore

The Planning Board had no objection to this application. The proposed dormer did not need to comply with the restriction of being less than 50% of the length of the roof because this regulation only applies to half stories. The proposed dormer will create more headroom on the second floor, not in a half story. They found that the dormer has an appropriate design. It will have the same pitch, siding, trim and windows as the existing dormer. It will be setback from the side and ends of the house and have windows so that there will be no blank walls. The abutting house does not have dormers so privacy is not anticipated to be a concern.

Mr. Sadowski made a motion to send the Board of Appeals a letter with this information. Ms. DeSouza-Ward seconded the motion. All members by roll call voted in favor. None were opposed.

Documents: Applicant materials for Case 21-009

Case 21-011, 37 South Avenue, Michael Betts

The Planning Board had no objection to this application. Some members questioned if the pool could be shifted or made smaller to get to the required setback but there were no concerns as proposed for this in-ground pool.

Mr. Sadowski made a motion to send the Board of Appeals a letter with this information. Mr. Welch seconded the motion. All members by roll call voted in favor. None were opposed.

Documents: Applicant materials for Case 21-011

Case 21-012, 24 Gibbons Street, Brandon Raymond

The Board discussed how they are generally protective of preserving front yards and do not typically recommend encroachments into this yard. They found that with this proposal a better understanding of the site constraints is needed to evaluate if the addition in the front yard is the best location for the expansion of the house. If the Board of Appeals makes the determination that the proposed location is the ideal location due to the site constraints explained by the applicant at the public hearing and in consideration of the abutters testimony, the Planning Board would not object to it.

Mr. Sadowski made a motion to send the Board of Appeals a letter with this information. Mr. Welch seconded the motion. All members by roll call voted in favor. None were opposed.

Documents: Applicant materials for Case 21-012

Case 21-013, 401 Upham Street, WW Industries, Inc

The Board found that the nature of the nonconforming auto repair use may change with a different operator. Information on the hours of operation, number of vehicles on site and signage are needed to understand if the change will have a detrimental impact on the neighborhood. Without this information, they were not able to make a recommendation on the use variance request. Unrelated to the change in ownership, a member noted that unregistered vehicles have been observed at this site which is not allowed.

The Board recommended denying the variance requests related to the accessory structure. Its size, style and location on the property line do not respect the residential district in which the property is located.

Mr. Sadowski made a motion to send the Board of Appeals a letter with this information. Mr. Welch seconded the motion. All members by roll call voted in favor. None were opposed.

Documents: Applicant materials for Case 21-013

NEXT MEETING

There will be a joint public hearing with the City Council on Thursday, April 29, 2021.

The next regular meeting of the Planning Board is scheduled for Monday, May 24, 2021.

The meeting adjourned at 11:15 pm.