

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, June 28, 2021
7:30 PM
Remote Meeting

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

ABSENT: Sharon Petrillo

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

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

Pursuant to An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency signed by Governor Baker on June 16, 2021, this meeting was be conducted via remote participation. 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 could be 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, or in the event that we are unable to do so, they would be post on the mmtv3.org website an audio or video recording, transcript, or other comprehensive record of proceedings 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: www.cityofmelrose.org/remote-meetings.

SITE PLAN REVIEW

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

This is the fourth hearing for the case. Attorney McAvoy reviewed the history of the permitting process so far. The revised plans eliminated the basement, brought down the height, moved the bicycle parking to the first floor, increased the buffer along the residential district, added solar panels on the roof, and electric vehicle charging stations to the plan. They submitted two designs since the last meeting with a mansard style roof. This is a smaller building than what is allowed. Mark Wilcox, Architect, explained the revised plans with the mansard roof with bays that extend through it. Other members of development team present were Daniel Galvin, Developer, and Michael and Kevin Carter, Civil Engineers.

The Board opened the meeting up for public comment. Finn McSweeney of 160 West Wyoming Avenue, commended the revisions to the bicycle parking layout. Since the bicycle parking

spaces are easier to use more people will use them. He also said that it is a requirement in the Zoning Ordinance for this district that all of the landscaping should be native materials and in the last plan set they were not.

The Board asked about the rooftop equipment. The condensing units will be on the roof and the solar panels will act as a screen for them. The SEER ratings were included in the last submission. The Board will defer the landscape species review to the Design Review Subcommittee. A member commented that the building material specification were not consistent across plans. The materials on the plan are part of the approval and a change may need review by the Planning Board. The architect said that he will make the materials consistent and that gray tones will be used for the roof.

The Board reviewed the draft conditions prepared by the staff and made the following modifications. It should be clarified that the mockup should be onsite and show the relationship between the major elements of the façade that reasonably represents the details. A condition should be added as requested by an abutter to staff that the Applicant/Owner, its successors and/or assigns, shall be required to maintain communication with abutters throughout construction including the demolition timeline. A member requested to add to Condition 28 to specifically call out that that all plantings including the buffer plantings need to be maintained in perpetuity. Condition 17 regarding the water service should specify that the PVC pipe should be SDR35 thickness and strength.

Mr. Mercado made a motion to close the public hearing. Mr. Welch seconded the motion. All members voted in favor. None were opposed.

Mr. Mercado made a motion to approve the Site Plan with the conditions as amended. Mr. Welch seconded the motion. All members by roll call voted in favor except for Ms. Delahaij and Mr. King who abstained because they were absent for a public hearing. None were opposed.

The Affordable Housing Special Permit is not needed because incentives are not sought. The project will provide one affordable unit and there will be a payout for the fractional unit required.

Documents: Architectural Plans, Proposal A, Revised 5/21/2021
Architectural Plans, Proposal B, Revised 5/21/2021
Civil Plan Revised 5/20/2021

Case 21-002, 735 Newburyport Turnpike, John T. Pugh II

John Pugh, AJ Bowman and Bonnie Burgett, of Pugh Management, Michael Rosen, Attorney, Doug Landry and Jordan Loffredo of Langan, Ellen Moshier, Traffic Engineer, Michael Hunton, Landscape Architect, and Hannah Schur are also part of the applicant team appeared to present the case.

Mr. Pugh gave an overview of the proposal. Attorney Rosen explained the permitting process so far, which is outlined in the presentation submitted for the file.

Ms. Loffredo described the site. MassDOT will not allow tractor trailers to use the curb cut on Route 1 in this location. They also will not allow trucks to cross into oncoming traffic when entering or exiting on Route 99. The team will add a no left turn sign for trucks exiting the site. The MBTA was glad for some improvement along this stretch of Route 99. Mr. Hunton described the details of the lighting of the site and native plantings. There will be raingardens along both frontages. There will be a six-foot wooden face along the southern boundary. They updated the plans to address Malden's request to infiltrate the runoff from the roof.

Ms. Moshier discussed traffic of passenger vehicle and trucks. There will be mix of smaller trucks as well as tractor trailers. Tractor trailers are currently using the site as a turn-around spot. The ITE land use code used for the trip generation was for a warehouse building. There will be no change to the Level of Service. They would only add a small number of through traffic. A member asked what state road permits are required. They will seek a vehicular access permit from MassDOT. They will have to seek a 'state highway access break location' approval and alter a drainage easement with proper documentation.

Mr. Pugh explained the community outreach and community benefits.

Members asked about the closest pedestrian crossing on Route 99. Ms. Moshier pointed out the two signalized crosswalks to the north and south of the site; which they are not proposing to change. MassDOT has standards for crosswalks and a midblock crosswalk for this site would not be safe. A member pointed out that the bicycle racks that they are proposing are not going to be used by people coming from Melrose because the only bicycle access is from Malden. The Applicants should consider bicycle crossing. They said that they are upgrading the bus stop and improving the pedestrian sidewalk. Midblock crosswalks are not likely. MassDOT will review and approve the final right of way design.

Members asked about site conditions and operations. The development will reduce both runoff volume and flow. Any curbing along the frontage will be vertical granite curbing. Onsite there will be concrete curbing. All of the lights will project downward and inward. From a safety standpoint the Applicants may want some lights to stay on. They do not yet have a tenant and therefore do not know the hours of operation. They are intending to operate within allowed hours; however, they may want to operate 24-hours per day if allowed. They are not proposing to change the pavement markings on Broadway. The topography will be slightly altered to raise the grade at the building to accommodate the height needed at the loading dock. They have done subsurface investigation with boring tests and found some sand and gravel. They ran into ledge at some points. There are some areas of higher ground water which has been incorporated into the stormwater management plan. The building will be slab on grade. They did a Phase 1 and did not need to do any additional environmental testing.

The Board opened the meeting for public comment. Finn McSweeney of 160 W Wyoming Avenue said that he read a report that cited that e-commerce transportation nodes generate a lot of traffic. He questioned if their ITE data is correct. Trish Sargent of 685 Broadway spoke with

the applicant team previously and is in full support. Trucks currently use the mobile home driveway to turn around. It will be a huge improvement over the last use of the site.

Mr. Pugh said that this site does not meet the criteria for a large company like Amazon to locate here. The building will not be a huge trip generator given its size and number of parking spaces. The maximum number of trucks per day is one truck per bay and there are 23 bays. The assumption about the number of vehicles entering and exiting is based on ITE data for a warehouse. They are estimating 46 truck trips over 24 hours.

The Board asked about number of parking spaces since the spaces limit the amount of open space on the site. The Planning Board recommended against the variance for open space. The variance approval for open spaces does not necessarily remove it from Planning Board consideration during Site Plan Review. The number of parking spaces meets the zoning ordinance on each side of the city line. A member said that compact parking spaces could be utilized to increase the open space percentage. The Applicants said that making 30% of the spaces compact would increase the amount of open space by 500 square feet. Given the expected use as a warehouse the employees will likely drive larger cars. A member said that with the large number of parking spaces it is likely that some percentage of employees will drive smaller cars. There is a bank of eight spaces that need a large amount of asphalt that the Board felt should be removed. The Applicants said that they could share information on pervious pavement for the parking areas.

Some parking spaces will be electrical vehicle charging station ready as needed. The Board would like to hear more about sustainability and the green building aspects of the building.

Once they break ground they expect to have a tenant. Construction is expected to take 10 months and about 2 months for tenant fit out. Members felt that the case could come back to the Design Review Subcommittee when a tenant is identified. There should be a condition that monitors the assumptions that were put into the traffic impact report at that time.

Ms. DeSouza Ward made a motion to continue the case to July 26, 2021. Ms. Morelli seconded the motion. Mr. Rosen asked for confirmation from the Board so that he could relay to Malden's Planning Board that there will not be substantial changes in the plan. Malden's Board wanted to know this before they took a vote on the application. Members said that they are generally supportive and would not ask for substantive changes beyond what was discussed at this meeting. All members by roll call voted in favor. None were opposed.

Documents: Applicant materials for Case 21-002

REPETITIVE PETITION

ZBA Case 21-015, 27 Temple Street, John H. & Robin L. Higgins

Mr. Sampson explained why the case is before the Planning Board for a repetitive petition vote of consent. Members clarified that by consenting to the application moving forward they are not giving up any opposition to granting a variance from the Slope Protection Special Permit. Attorney Patrick McAvoy for the Applicant appeared and stated that a public hearing with public

testimony is not required for a repetitive petition vote. Ms. DeSouza made a motion to give consent for the case to move to the ZBA public hearing. Mr. Mercado seconded the motion. All members by roll call voted in favor. None were opposed.

Document: Letter from Planning Staff dated June 22, 2021
ZBA Decision for Case 20-034
Applicant materials for ZBA Case 21-015

SLOPE PROTECTION SPECIAL PERMIT

Case 20-003, 22 Montvale Street, Armando Plato

This case was heard on November 23, 2020 and April 26, 2021. Attorney Robert Bell, Armando Plata, Applicant, John O'Keefe, Landscape Architect, Richard Groll, Excavation Consultant, James Hanley and Meera Cousens, Civil Engineers, appeared to explain the additional information submitted that was requested at the last meeting.

The Board requested a plan showing the portion of the land that is at a 25 % grade or greater over a distance of 30 feet, a landscape plan, the street width, a response to the City Engineer's comments and more information about drilling and the construction management plan.

Mr. Plata explained the plan that showed the amount of land area over a 25% slope that will be disturbed and the impact to the street parking. They are proposing to flatten the street in front of the neighbor's house to make room for an on-street space. They are proposing to install a fire hydrant at the end of the line. Mr. Hanley and Mr. O'Keefe explained the civil and landscape plans. The existing vegetation is in poor condition. The Norway Maples are not allowing for a diversity of plant species beneath them because of the shade that they create. They would remove seven Norway Maples and replace the trees with native species. They will have to figure out where the new trees will go depending on where the soil is sufficient. Mr. Groll, an industrial seismologist, explained how the hammering would work and its impact. He described the composition of the rock and how it will react to hammering.

The Board asked about the sound of the drilling and hammering. The drill creates a sound of 80 decibels at 50 feet. The hammer is 86-88 decibels at 50 feet. The equipment will be noisy but there will be minimal vibration. They estimate that it will take a couple of weeks to hammer. A member asked where the excavator will park to do the work. They will make a staging area onsite. They will also need a backhoe. Not all of the vehicles will be onsite at the same time. Mr. Plato or a project manager will be onsite to direct the trucks and ensure that the neighbors' cars are not disturbed.

The Board opened the public hearing. Shawn MacMaster, City Councilor for Ward 5, spoke in opposition. He said that the seismologist's report is predictive science and it does not ensure that the contractors will following the rules or hit unknowns. The infrastructure may be negatively impacted by the hammering and drilling.

Ernest Karelas of 25 Montvale Street spoke. He said that there are two more vehicles that park at his house that are not shown in the photograph that Mr. Plata showed. Hammer and drilling will affect the neighbors' foundations. His house will flood out if his well breaks from the drilling. It takes 20 years for trees to mature so removing trees will increase runoff. The proposed wall will not stop the rainwater runoff from the site.

Mike Furtado of 21 Montvale Street cannot be inconvenienced by trucks on the street and the noise of the hammering will be disruptive.

Evan Zahner of 32 Wyoming Heights said that the consultants do not have objective opinions. Denying the project would not be a regulatory taking. 25% of the house being on a 25% slope is significant. If there was a condition that the catch basins are cleaned out regularly who is going to ensure that this is done? The Seismologist said the rock will easily fracture but the rock will not fracture more than is needed. This is a contradiction. Mr. Plata never spoke with him to discuss the case.

Lea Fasano of 32 Wyoming Heights has a pool on her property that abuts the proposal that she is concerned about with the proposed construct. She said that the Applicants did not mention hammer drilling until after the neighbors asked about how the rock would be removed if there was no blasting. She wanted to know how many hours a day will hammering be done and said that it will likely take longer than two weeks. The seller felt obligated to sell it at a low price because the lot is not buildable. The street is narrow and there are parking issues.

Alethea Campbell of 42 Wyoming Heights is opposed. He had concerns about standing water onsite and questioned whether it will attract bugs and pests.

Ann Linehan of 3 Wyoming Heights said that her neighbor's pool was built in fill and the work will cause it to go rolling down the hill.

Board members said that the plan for the site is creative, attractive and the proposed structure has a small footprint; however, because of the context of the site at the end of a small, narrow dead-end street with close abutters it is a difficult case. The Applicants have brought in consultants to issue reports but there would need to be close monitoring during construction to ensure that everything went as planned. Mr. Mercado does this type of work of rock removal on projects professionally and he thought that the hammering would probably take more than two weeks. A few members did not think that the proposal fits in with the character of the neighborhood. Members felt that it does not seem feasible to be able to work only within the area indicated considering the equipment that they will need. It seems that more of the rock would need to be removed to have the space to construct the house. The construction management plan lacked sufficient detail to understand how the project was feasible. The lot area is minimal when considering the amount of the land that is sloped. The impact on the street during construction will be dramatic and will greatly limit neighbors' access to their properties. This is the best plan considering the circumstances; however, the negative impacts to the neighborhood will be great. The first buyer of the property may be in tune with the maintenance required for this sloped site but a future buyer may not be. The project only meets the innovative design finding and not the findings about detriment to the neighborhood.

Ms. Morelli made a motion to deny the Slope Protection Special Permit. Mr. Mercado seconded the motion. By roll call, Ms. DeSousa-Ward, Mr. Mercado, Ms. Morelli, Mr. Sadowski, Mr. Welch, and Mr. Sampson voted to deny the special permit.

Documents: Civil Site Plan, revised June 16, 2021
Plan Set, revised June 23, 2021
Seismologist Report,
Tree Removal/Site Rehabilitation Plan
Grading Plan
Construction, Erosion Prevention, and Stormwater Management Plan, revised June 16, 2021
Rendering, revised June 23, 2021
Response to City Engineer's April 26, 2021 Comments
Comments from City Engineer, June 8, 2021
Response to City Engineer's June 8, 2021 Comments

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on July 7, 2021:

Case 21-017, 4 Spear Street, Barun Bhatarai

The Board was not supportive of the application and did not recommend approval. They found that the most objectionable aspect of the proposal is to increase the nonconformity of the front yard. Maintaining the streetscape is important to the Board. Open front porches add character and a transitional space between the public street and private living space. Creating the look of an enclosed front porch on the first floor of the house in the nonconforming front yard is not ideal. An enclosed front porch moves the private living space closer to the sidewalk and is less interesting for pedestrians and the streetscape. It appears that the office space that is proposed to be in the front addition could instead be on the second floor of the rear addition, which would allow the front setback of the house to remain as is.

The rear yard setback variance request is significant because it would create a new nonconformity. Also, the structure would occupy much of the useable backyard space.

Mr. Sadowski made a motion to send the Board of Appeals this recommendation. Mr. Welch seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-017

Case 21-018, 47 Hawley Road, Alan Swanson

Mr. Welch made a motion to send the Board of Appeals a letter stating that they took no position on the application. They found that this case involves judgments that can best be determined by the Board of Appeals based on the application materials and the information provided by the applicant and abutters at the public hearing. Ms. DeSousa-Ward seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-018

Case 21-019, 50 Prospect Street, Rick Visconte

Mr. Welch made a motion to send the Board of Appeals a letter stating that they took no position on the application. They found that this case involves judgments that can best be determined by the Board of Appeals based on the application materials and the information provided by the applicant and abutters at the public hearing. Ms. DeSouza-Ward seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-019

Case 21-020, 58 Prospect Street, Brian Wright

Mr. Welch made a motion to send the Board of Appeals a letter stating that they took no position on the application. They found that this case involves judgments that can best be determined by the Board of Appeals based on the application materials and the information provided by the applicant and abutters at the public hearing. Ms. DeSouza-Ward seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-020

NEXT MEETING

Planning Board Meeting, Monday, July 26, 2021

The meeting adjourned at 11:35 pm.