

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, August 23, 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: Denise Gaffey, Director and City Planner, Emma Battaglia, Senior Planner & Lori Massa, Planning Coordinator

The meeting was called to order at 7:35 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.

APPROVAL OF MINUTES

Planning Board Regular Meeting, June 28, 2021

Ms. DeSouza Ward made a motion to approve the meeting minutes. Mr. Welch seconded the motion. All members voted in favor, except for Mr. Sadowski who was not yet present. None were opposed.

Planning Board Regular Meeting, July 26, 2021

Mr. Mercado made a motion to approve the meeting minutes. Mr. Welch seconded the motion. All members voted in favor, except for Mr. Sadowski who was not yet present. None were opposed.

SITE PLAN REVIEW

Case 21-001, 52 West Emerson Street, 52 West Emerson Street, LLC c/o Frank Barbosa

The case was heard on May 24, 2021 and July 26, 2021. Frank Barbosa, Applicant, and Eric Bradanese, Engineer, appeared to present updated plans.

Mr. Bradanese explained the updates to the case. The comments from the City Engineer have been received. They have resolved the issue with the access to the trash storage. They were in discussions with the rear abutter to create a landscape easement to plant and maintain the area behind the subject property. The abutter did not grant the easement but will allowed Mr. Barbosa to plant this area.

The Board asked who would maintain the land if there is not an easement. Mr. Barbosa said that they have not drafted a maintenance agreement yet. The Board could condition that the applicant maintains the land to ensure that it is done. They asked if the back lot will be filled, which would impact the stormwater runoff for the abutters. Mr. Bradanese said that the back of 52 West Emerson Street will be graded down at the back of the lot and there will be no fill added to the lot behind it.

Mr. Bradanese said that the row of rose of Sharon bushes were shifted back to make room for snow storage.

He also explained the parking layout. The civil plan at the last meeting had 13 spaces but only 12 were marked on the plan. The architectural site plan did not match this plan. The current site plan has 11 spaces. Board members wanted less parking space to eliminate pavement which would help create more pervious surface for rainwater infiltration. Mr. Bradanese said that the trash area will be pervious pavement and that the stormwater systems have been designed to handle the runoff on the site in consideration of groundwater levels. The Engineering Department has signed off on the project but asked that this applicant be responsible for any stormwater issues that arise so they are not assured that there will be no issues. Members said there is a contextual issue here that the development has to consider, which is typical of any development. They felt that the project cannot add more of a problem to the existing flooding in the neighborhood. Even with the storage chambers to hold rainwater, because of the elevation of the land, the water will leach into the groundwater behind the site, which may impact the current conditions. Less parking would help with the stormwater issues on the site.

Members said that reducing the parking not only increases pervious surface, it also would discourage the use of single-occupancy vehicles and encourage the use of public transportation. This is within a block of the bus line, close to the commuter rail station and close to the municipal parking lot for overnight guests. Developments like this that they have approved have

a 1 to 1 parking ratio or 1.5 spaces per unit. With the 11 spaces that they are now proposing, not every unit would have two spaces so it would not be a change in marketing if other units only had access to one parking space. They discussed uncoupling the parking with the units to encourage people to have less cars.

Some members felt that parking space number 6 seems difficult to maneuver into and out of. Mr. Bradanese said that he used auto-turn template with a typical passenger car and found that it will be accessible with a 3-point turn. Removing this parking space would not help with increasing the amount of pervious surface because it is in the garage.

Mr. Bradanese asked which parking spaces the Board would prefer were removed. They said that if they show the turning template for space 6 and it works, two spaces should be removed outside. Or if the maneuvering space will be too tight, the trash storage could be inside in the parking space 6 area and one outdoor space could be removed. This scenario would remove the exterior pad for trash storage; however, there may still need to be a walkway outside of the trash area to use to access the driveway if the garage door is not available for trash removal. Members said that they may want to market the units to have at least one per unit in the garage. The Design Review Subcommittee would be comfortable handling the details of the parking locations with 9 parking spaces onsite with all of these considerations in mind.

The handicapped accessible ramp is still shown on the site plan to the left of the main entrance but this is an error. It is not needed and will not be constructed. The ramp from the sidewalk to the front door is accessible. Mr. Bradanese checked with the Architectural Access Board about the accessibility requirements. One of the parking spaces would need to be a van handicapped spaces if requested. Space 1 in the garage could be adapted.

The Board received letters for this hearing from Richard Curl of 155 Myrtle Street and Jeff Lee and Scott Noddin of 39-41 Winthrop Street. The letters included comments about seasonal flooding, the deteriorating retaining wall on the north side of the property, and the landscape easement/condition of the land behind the subject property. Josephine Ovalle representing the Kesak Group, Inc of 42-44 West Emerson Street submitted a letter detailing the agreements between Mr. Barbosa and the Kesak Group regarding the improvements to the land behind 52 West Emerson Street and the retaining wall between the properties. The letter also discussed the flooding in the neighborhood.

The following people spoke at the public hearing to voice the issues that were in the letters that they submitted: Scott Noddin 39-41 Winthrop Street, Richard Curl of 155 Myrtle Street, and, Josephine Ovalle, representative of 42-44 West Emerson Street.

Mr. Barbosa and Mr. Bradanese responded to some of the comments made. Mr. Barbosa has agreed to replace the retaining wall along the eastern side of the property with a full concrete retaining wall. They said that the season when the test pits were dug does not make a big difference in the results. The soil shows where the water has been. They are confident of the groundwater height. The top soil of the back lot will be removed but the lot will not be filled to change the grade. Only a small portion of the back of 52 West Emerson will be filled to make for a gradual transition to the area behind the lot.

Ms. Gaffey went through the draft conditions and the Board discussed the following changes. In condition 1, the final parking space number will be listed as 9. Condition 2 and 3 will be edited to reflect the updated civil plans that were reviewed at the hearing. Condition 26 will be removed because it is not needed with the change in the ramp and the accessibility of the building and site. Units will need to be made accessible if requested and the parking space labeled 1 could be a van accessible space. Condition 27 will be changed to require that the back lot is landscaped as shown on the landscape plan. A condition will be added to require that an updated site plan is shown to the Design Review Subcommittee. This should be done sooner rather than later to ensure that construction includes the Subcommittee's feedback.

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

Ms. DeSouza Ward made a motion to waive of the traffic impact report. Mr. King seconded the motion. All were in favor. None were opposed.

Ms. DeSouza Ward made a motion to approve the Site Plan Review. Mr. Welch seconded the motion. All were in favor except that Mr. Mercado and Mr. Sadowski abstained because they missed one of the public hearings. None were opposed.

Documents: Civil Plans, Revised 7/26/21
Response to DPW review, dated 7/26/21
DPW Review, Revised 7/26/21
Architectural Plans, Revised 7/23/21

Case 21-003, 373 Pleasant Street, Boghos Properties, LLC

The case was heard on July 26, 2021. Raymond Boghos, developer, Giovanni Fodera, Engineer, and Venket Holi, Architect, appeared to present the changes to the case.

Mr. Boghos explained the changes from the last hearing. The Planning Board asked them to better define the snow storage area, reduce the number of variances needed, provide additional plantings, rework the pedestrian access to the sidewalk, provide a programed usable open space in the rear yard, coordinate the architectural and civil plans for downspouts, and give more detail

for trash storage. They simulated a trash truck of a size that a company that they will hire will use to figure out access to trash totes in the rear. They made room for snow storage at the back of the site. They narrowed the building to be able to have a 20 foot drive aisle. They reduced the cantilever to get below the 1 FAR and create more distance from the abutting Webster Willow building. They brought in landscape architects to design a programmed area in the back and added fences and plantings. They are proposing 211 plants. The townhouse doors have pedestrian access to the sidewalk.

Staff received comments today from the City Engineer and she is satisfied with the plan.

A member asked about the MBTA stop on the street that will need to be shifted to accommodate the proposed driveway. Mr. Boghos needs to reach out to the MBTA to coordinate a shift in location if needed. Mr. King explained that there are requirements for curb heights and the condition of the curb at the front and rear doors of the bus.

The Board felt that the plans were responsive to the comments that they made at the last hearing.

They asked questions about details of the plans. The architectural plans were not changed except that the building was reduced in width. The width of the driveway that is open to the sky is 13.3 feet. Trash and plow trucks can get underneath the cantilever. The Fire Department had no problem with the plan because the building will have a sprinkler system and a fire truck can be within 200 feet of the end of the building.

A member mentioned that the trash storage is located next to the office space in the end unit. Mr. Boghos said that it is designed in this way to have the turning space for the trash truck and a second means of egress. The doors in the units would be too close to each other if the one by the trash was shifted towards the end of the building.

They asked about the fencing around the site. Mr. Boghos said that the neighbor to the south wanted to install a fence but could not because of the shared driveway. Since the shared driveway will no longer be needed, Mr. Boghos will install a stockade fence along this property line. The driveway easement can be eliminated. This will make the neighbor's property more valuable. The chain link fence along the back of the site is not being proposed to be removed for a new fence because it may be on the MBTA land or required for the easement. The retaining wall along the northern property line is 4 feet tall. The fence proposed on top of it would be about 3.5 feet tall. A member suggested that the wood fence should be carried around the property.

Webster Willow residents requested a shadow study with the driveway on the other side of the building. The shadow only shifted 3 to 4 feet between these scenarios. Members felt that the shadows that the building casts on the adjacent building are unfortunate but this is a risk of buying a property in a dense area. They found that the massing is appropriate for the site and Mr. Boghos has mitigated the shadows by locating the building as it is proposed.

The following people spoke at the public hearing. Christopher Morgan of Webster Willow said that the proposal needs three variances and is too much development for the site. The front yard

variance is still being required. The building is too tall for the narrow lot. Mr. Morgan thinks that the parking in the garage is in the required front yard and needs a variance. Kathleen Cowell of Webster Willow said that the shadow study shows that the building will shade entire units and will negatively impact their quality of life. The project will also introduce noise from cars in the driveway. The lot is too narrow and maximizes its use.

Mr. Fodera said that this is a low traffic area and the noise pollution should not be a huge concern.

Mr. Boghos said that the parking regulation says that parking is not allowed in the front yard, not within the front setback. The parking will be in the building, not in the front yard. Mr. Boghos said that he will check on the need for a variance for parking as proposed. The variances that they will seek from the Zoning Board of Appeals are for front yard setback, lot frontage, and unit density, which is off by 400 sf.

Members said that any development will need the lot width variance. The front yard setback is not preexisting because they are building a new building.

Ms. Morelli asked questions to term if all designs were explored to reduce the shadow as much as possible. If the front setback was increased, the front units of Webster Willows would have more light. Mr. Boghos said that the easement causes the building to be shifted forward. They also discussed the impact of the cantilevered portion of the building on the shadow. They proposed a flat roof to mitigate shadow.

Members felt that the impact of the shadow is not enough to deny the project. There will be hours when there will be full sunlight on Webster Willows. A member asked if there could be a way to get brightness to the neighboring building with reflective materials or light colors. A light paint color will at least not hurt. They found that this is an appropriate development for the site. Some things could be tweaked but the shadow is not going to change much.

Ms. Gaffey went through the proposed conditions. The condition about the MBTA passes will be modified to allow for issuance of commuter rail or subway passes.

Mr. Welch made a motion to close the public hearing. Ms. DeSouza Ward seconded the motion. All voted in favor. None were opposed.

Mr. King made a motion to waive the submission of traffic report. Mr. Sadowski seconded the motion. All voted in favor. None were opposed.

Mr. Mercado made a motion to the approve the Site Plan Review. Mr. Sadowksi seconded the motion. All voted in favor. None were opposed.

Documents: Summary of Plan Changes
Architectural Plans, Revised 8/16/21
Civil Plans, Revised 8/16/21
Response to DPW Review

Stormwater Report, Revised 8/13/21
Sewer Pipe Calculations
Landscape Design Package
Shadow Studies
Shadow Studies, Alternate Building Orientation

ACCEPTANCE OF SUBDIVISION APPLICATION

Summit Avenue Modified Subdivision, North Shore Residential Development, Inc.

North Shore Residential Development, Inc. submitted an application for a definitive plan for Summit Avenue. The Board needs to vote to accept the submission of the application. The Board will review the application and take a vote at a future public hearing. Staff are still waiting on some of the application materials but expect to receive them and do not recommend delaying the acceptable of the application on account of their absence.

Mr. Welch made a motion to accept the application. Ms. Morelli seconded the motion. All voted in favor. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on September 22, 2021:

Case 21-022, 33 Goss Avenue, John M. Doucette

The Board members deliberated considerably on the application and had mixed opinions on the recommendation.

Some members felt that the proposed two lots would be in keeping with the lots in the neighborhood in terms of frontage, lot depth and size. At the same time by reusing the garage's footprint, they found that a large single-family house would be built that is not consistent with the small houses on the street and would not conform to the side yard setback requirement. A house could be designed to be more conforming to the dimensional requirements. Additionally, they determined that the current driveway and parking is potentially over the property line in the rear and the proposed parking spaces on both lots should be redesigned to be easier to access. The use of 33 Goss Avenue should be restricted to a single-family house if the Zoning Board of Appeals approves the project.

Other members could not support the variances even with changes. The existing house could be used as a two-family house, which would be substantially more conforming than the current proposal and would still provide two dwelling units.

Mr. Sadowski made a motion send the Board of Appeals a letter that includes these considerations for them to take into account in making a determination on the case. Mr. Mercado seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-022

Case 21-023, 41 Nowell Road, Andrew Katz & Melinda Home

Mr. Sadowski made a motion to send a supportive letter to the Board of Appeals for this case. The proposed open front porch that will not farther encroach into the existing nonconforming side yard. Mr. Welch seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-023

OTHER

Tripartite Agreement for Swains Pond Avenue Subdivision

The schedule of values has been reduced because all of the blasting is now complete. The Engineering Department has approved of the amount. The City Solicitor has reviewed the agreement. The Planning Board is a party to the agreement. By signing the agreement, they are releasing the covenant.

Mr. Mercado made a motion to endorse the agreement. Ms. Morelli seconded the motion. All members voted in favor. None were opposed.

NEXT MEETING

Planning Board Meeting, Monday, September 27, 2021

The meeting adjourned at 11:00 pm.