

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, November 22, 2021
7:30 PM
Remote Meeting

PRESENT: Tim Bailey, Beth Delahaij, Anne DeSouza Ward, Paul King, Robert Mercado, Carla Morelli, Greg Sampson & Jack Welch

ABSENT: None

STAFF PRESENT: Denise Gaffey, Director and City Planner & Lori Massa, Senior Planner

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, October 25, 2021

Ms. DeSousa Ward made a motion to approve the meeting minutes. Mr. Welch seconded the motion. All members voted in favor, except for Mr. Mercado who abstained from the vote. None were opposed.

Design Review Subcommittee Meeting, November 4, 2021

Mr. Welch made a motion to approve the meeting minutes. Mr. Mercado seconded the motion. All members voted in favor. None were opposed.

SUBDIVISION PUBLIC HEARING

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

North Shore Residential Development, Inc. submitted an application for a modification of a subdivision plan for Summit Avenue.

This case was continued from September 27, 2021 and October 25, 2021. Attorney McAvoy, Attorney Michael Rosen, Applicant Ron Lopez, Engineer Jack Sullivan, and Owner Stephen Pazyra appeared to present the proposal.

Attorney McAvoy and Attorney Rosen explained why they disagreed with the opinion of the City Solicitor that the proposal cannot be a revision of a Definitive Subdivision which is documented in letters from Attorney Rosen dated September 20, 2021 and in the Planning Board's decision. They asked for a continuance to be able to go to the Land Court to look for additional documents to support their application. They did not want to file the application as a new Definitive Subdivision because they believed that the Board's ability to require changes to the plan would be more limited as an application for a modification versus an application for a new subdivision. They are not claiming that the lots are grandfathered under M.G.L. c.40A and they are trying to fix nonconformities with the current proposal.

The Board was not inclined to allow for another continuance as there was no assurance of when or if the Applicant would find more information on the past approval and there were no records of a subdivision approval for this land in the Planning Board's historic records.

The Board agreed with the City Solicitor's opinion that the Application cannot be considered a modification of a definitive subdivision plan; however, since they initially accepted the application for review and advertised the public hearing, they allowed the Applicant's team to present the plans and open the hearing up for public testimony.

Engineer Jack Sullivan explained details of the proposal. The road would be extended 341 feet and would match the grade and width of the existing street. Requiring a wider street would increase the amount of impervious surface on the development. There would be vertical granite curbing. A water booster station is proposed to supply sufficient water pressure, which would be on its own separate parcel that would be conveyed to the City. The water pump would need a generator. The hammerhead turnaround at the end of the street would be a benefit for the whole street. The plan includes installing a hydrant, street trees and street lights. The lots would have driveways made of pervious pavers. Low impact stormwater management is proposed, which they are continuing to analyze. The rainwater from the roofs of the houses would be captured and reused for irrigation. They will follow DEP's stormwater management requirements.

The Board opened the hearing up for public testimony. The following people spoke: Attorney Charles Gill for Paula Byrnes of 88 Woodland Avenue, Ruth Greenholz of 68 Woodland Avenue, Chris Spendley of 28 Summit Avenue, and Sean Malkus of 60 Woodland Avenue. They raised concerns about rock slides, stormwater runoff, the need for a peer review, the soil erosion that has already occurred with the removal of trees on the property, the effectiveness of stormwater retention tanks on ledge, generator noise, sewer pipe connection from 8 inches to 6 inches, the quantity of requested waivers, the blind curve in the road, increase in density on the steep road, view of the water pump, and blasting or hammering near surrounding houses that are old, some dating back to 1880's, with field stone foundations. The Board received twenty-five letters of opposition that included similar concerns.

Regarding the review of the plans and materials submitted, Board members cited many concerns with the proposal. There were a number of issues that were either not addressed in the application materials or are insurmountable with the proposed lot and street configuration. Lots 6 and 7 would need a Slope Protection Special Permit to be buildable and with the information provided Board members would not be supportive of approving special permits for these lots. This would leave two of seven lots with an indeterminate state. They asked if blasting would be required. The Engineer said that he is hoping only hammering would be needed. The quantity of the anticipated ledge that would be removed should be determined. An extensive erosion control plan would be needed. The number of test pits conducted is limited. The Engineer said that he had done 6 to 7 more but did not yet put the information on the plan. They requested that the abutters are also included on the plan. Members found that the requested waiver of the maximum length of the dead-end street was concerning, given the existing roadway grade and design and the number of additional lots that are being proposed that would need to be served by Summit Avenue. The hammerhead turnaround was a concern. These types of turnarounds are not present in the City and more information is needed to understand how it would function especially in this location. The hammerhead would be at the end of a steep road, compounded by the steep grade of the turnaround area. How this turnaround area would be accessible for large vehicles such as a fire truck and kept clear was an issue. The use of the hammerhead layout to meet frontage requirements for two of the lots was not viewed favorably, as it creates undesirable yard configurations and limits the potential for the future roadway improvements should the hammerhead design be unworkable. The proposed house footprints appear to be larger than the area can support. The Board expressed that they would want the materials to be peer reviewed.

The Board was not opposed to a 40 foot right-of-way with 20 feet of pavement. These dimensions have been shown to be functional and less environmentally impactful for certain residential streets in the City. Members also did not specifically object to the request to match the existing 11.8 percent grade for the roadway; however, several members noted that this grade in combination with the length of the road and hammerhead turnaround caused considerable concern.

Attorney Rosen said that they did not have sufficient time to respond to the opinion that this application cannot be considered as a modification. Ms. DeSouza Ward said that the Board received a memo from the City Solicitor last month about this issue and that this case has been continued for a while.

Upon a determination that the application was filed improperly and the failure to justify this application to be considered as a modification to a subdivision plan, Mr. Welch made a motion to deny the Modified Definitive Plan. Mr. Mercado seconded the motion. By roll call all members voted to deny the application.

Documents: Form C Application Form & Addendum
Drainage Report dated June 14, 2021
Pre-development Drainage Plan dated June 3, 2021
Post-development Drainage Plan dated June 3, 2021
Modified Definitive Subdivision Plan prepare by Sullivan Engineering Group dated June 3, 2021 and revised November 15, 2021

Memorandum from Michael Rosen dated September 20, 2021
Memorandum from City Solicitor dated October 21, 2021
Pump Station Plan
Memorandum from DPW dated October 25, 2021
Staff Report dated September 23, 2021

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on December 8, 2021:

Case 21-033, 30 Hancock Street

The Board took no position on the requested side yard variance. They found that the proposed deck layout was logical considering the circumstances with the elevated backyard and location of the side door; however, it would be very close to the neighbor's fence and house. They had no objection to the one-foot rear yard variance request. It is a minor request and would allow for a rear deck to provide access to the elevated rear yard.

Ms. DeSouza Ward made a motion to send the Board of Appeals a letter with this information. Ms. Morelli seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-033

Case 21-034, 61 Heywood Avenue

The Board expressed that the addition was large and that there was no justification for it to be three-stories tall. Additions should be subordinate to the main house. They recommended denying the height variance.

The Board took no position on the requests for the addition to be in nonconforming front and rear yards because these yards function as side yards on this corner lot. They did note that the ZBA should consider if a car parked in front of the garage doors will overhang the right of way even if there is no sidewalk along Hawes Ave. The addition may need to be shifted back. Also, should the ZBA approve the yard variances, the Board would recommend that it be conditioned such that the existing driveway off of Heywood Avenue is removed and that a tree is planted in this space or in another spot in the yard to replace the street tree that will be removed for the new curb cut.

Ms. DeSouza Ward made a motion to send the Board of Appeals a letter with this recommendation. Mr. Welch seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant materials for Case 21-034

NEXT MEETING

Planning Board Meeting, Monday, December 20, 2021

The meeting adjourned at 9:00 pm.