

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, August 22, 2022
7:30 PM
Remote Meeting

PRESENT: Tim Bailey, Beth Delahaij, Anne DeSouza Ward, Brian Gregory, Carla Morelli, Greg Sampson, Jack Welch, Michael Aveni & Paul King

ABSENT: None

STAFF PRESENT: Denise Gaffey, Director & City Planner, & Maya Noviski, Assistant Planner

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

Pursuant to An Act Relative to Extending Certain State of Emergency Accommodations, signed into law by Governor Baker on July 16, 2022, 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:
<https://www.cityofmelrose.org/remote-meetings>

APPROVAL OF MINUTES

Planning Board Regular Meeting, July 25, 2022

Board Members had no comments or adjustments to the minutes. Mr. Welch made a motion to approve the meeting minutes. Ms. DeSouza Ward seconded the motion. All members voted in favor. None were opposed.

SUBDIVISION PUBLIC HEARING

Summit Avenue, North Shore Residential Development

Patrick McAvoy, Attorney, appeared before the Board to present the case. Attorney McAvoy explained that after modeling several different design ideas, the Applicant decided to build seven single family homes on the lot of land. He also noted that the Applicant had previously applied for approval of a modification of a Definitive Subdivision Plan for this property but was denied by the Planning Board. That decision is currently under appeal but has been stayed allowing the

Applicant to apply for a Definitive Subdivision Approval. The Applicant is also applying for three waivers, two of which Attorney McAvoy posited are for existing conditions that the Applicant is extending rather than creating.

Attorney McAvoy explained that in addition to improving roadway safety by installing the turnaround, this project will increase water pressure for fire protection for surrounding houses through the installation of a pump station located underground on Lot C. .

Apart from the Definitive Subdivision Approval and the three waivers, the Applicant is also requesting a Slope Protection Special Permit for Lot C, Lot 6 and Lot 7. Attorney McAvoy noted that while much of Lot 7 is in the slope protected area thereby affecting any construction, Lot 6 has less slope protected area but still requires a special permit to build a back wall and to allow for yard space. Attorney McAvoy explained that the Applicant is trying to avoid building in as much of the slope protected area as possible and that if this plan does not get approved by the Planning Board, the Applicant may explore alternative approaches for project approval.

Jack Sullivan, Engineer, presented the subdivision plan which included a full site buildout. The plans show the seven lots which have sufficient frontage, land area, and lot width. The seven lots also comply with the 75 ft. rear building line requirement. He acknowledged the concerns expressed by Board Members and Staff regarding proper drainage for the site by preparing a detailed drainage report with pre and post development scenarios that include 10-, 25-, and 100-year storm events. Mr. Sullivan explained that he modeled four different design points for the storms: one showing runoff flowing towards Wakefield and the other three showing natural water runoff down slope. In all four designs, the post development scenario had reductions in peak rates of stormwater runoff and volume.

He explained that the project proposes a multifaceted drainage system that tries to retain as much of the site topography, tree cover, and vegetation as possible to fit the houses, driveways, and provide yard space for future residents. Mr. Sullivan also noted that the design blends conventional drainage techniques such as catch basins and underground infiltration chambers, with more innovative systems such as the rain garden located in the center of the turnaround at the top of the street. Additionally, the driveways will be built with pavers and each home will have a rainwater harvesting process that will collect and store water from the roof for reuse.

Mr. Sullivan described the planned roadway, which will match the current 20 ft., 11.8% grade. There will be vertical granite curbing on both sides and a fully compliant cul de sac with a center island. The design also proposes additional streetlights and street trees. The development will be serviced by an 8" water main. There will be two hydrants: one at the end of the cul de sac and a high-pressure hydrant placed alongside the water booster. The project proposes an 8" gravity sewer system that ties into the existing gravity system servicing Summit Avenue. Mr. Sullivan also noted that a series of soil tests were conducted, and the site has shallow to bedrock areas. Test totals indicate the project can support water recharge and the Applicant can maintain the necessary 2 ft. separation from any ledge to the bottom of the drainage infiltration fields.

Bill Jones, Engineer, continued and described the water booster station, which is necessary to provide adequate pressure up the hill and to bolster domestic flow and fire protection. The station

will draw water in from the existing main, discharge it into the new main, and extended it up Summit Ave. The pressure will be boosted between 30-35 lbs. and will be located underground in a concrete tank alleviating any noise concerns. Above ground, there will be a transformer to bring electrical power to the station and a standby power generator to be used during outages; all above-ground equipment will be screened. The proposed system is a progressive system with four pumps and pump alternation. The pumps run on a low speed when there is low demand, and Mr. Jones explained that while one pump could service all the homes, the other pumps will be triggered during emergency situations.

The station will require minimal maintenance and will have an alarm system alerting a 24-hour monitoring station of any malfunctions. The project will provide a cross connection to allow water pressure to flow up Summit Avenue through a check valve, and a hard pipe connection that can be opened if the station must be repaired.

Denise Gaffey, City Planner, noted that the City has received proposals from three third party consultants that are not affiliated with the development team to conduct a peer review. A firm has been selected and the contractual agreement is being drafted. Ms. Gaffey also discussed scheduling a site visit before the next public hearing for Staff and Board Members.

Board Members had several comments and questions for the Applicant. Members were concerned with the site's drainage and water pressure challenges, as well as the length of the dead end, the roadway slope, and the parcel's ledge. One Member felt that the homes could be smaller and more tastefully designed, and the lots less developed.

One Member asked if the Applicant has conducted excavation quantities, particularly of the ledge. He noted that several test pits indicate refusal at very shallow depths. He also mentioned the lack of test pits where infiltration basins are being placed signifying that ledge will have to be removed to install subsurface drainage facilities. Mr. Sullivan explained that some cut and fill calculations were conducted but they have not yet been submitted to Staff. He also explained that everything will be hammered, rather than blasted, and a consultant will be hired to oversee that aspect of the work. Mr. Sullivan noted that the basins at the top of the site are storage basins rather than infiltration basins but where test totals were not taken, no infiltration credit is being considered. He explained that water will be intercepted as it moves on the site, stored, and released through piping to lower areas of the site where there is suitable soil for infiltration.

Mr. Russell explained that the street drainage will come down the roadway and connect to the catch basins, into the underground infiltration chambers and out the outlet by Lot 7, which is the main point of discharge for the site. One Board Member expressed concern that the location of the discharge will negatively impact the abutters below. Mr. Russell responded that the water currently runs to the lowest point on the site and discharged offsite, adjacent to the lower left section of the parcel. The design he is proposing will have different sub catchment systems affecting water flow, volume, and rate, and will move to the same, existing point. The water will also go through a controlled release from the top of the site.

A Member commented that this still reduces discharge to a single point whereas currently, runoff is more widespread. He predicted that this design will create a stream of water at that single point

of discharge. Mr. Russell responded that he has proposed a swale to mitigate a potential stream. He also noted that there are four main design points where water discharges on site but the peer review will help illuminate other suggestions.

One Member asked for more information about the quantity of required material to be removed to support the proposed basements. He also asked who will be responsible for maintaining and monitoring the water pump station, and if the water pressure will impact the existing homes on the street. Mr. Jones responded that the owners of the seven homes will most likely pay an association to oversee the station's function and there will not be a change to existing water pressure.

One Member asked about the Applicant's plans for Lot C, specifically the legality of conveying land to the City on which a structure is being placed and if there is an alternative location for the water booster station so it is more common to the housing lots rather than adjacent to an abutter. Attorney McAvoy clarified that if the City is amenable, the parcel can be conveyed. Mr. Jones explained that the water booster station needs to be located at the bottom of site to comply with City and State standards for water pressure, which regulate that pressure cannot fall below 20 lbs. As the water extends up the hill, the available water pressure goes down and the pressure complies. It was clarified that the pumps are 10 horsepower and at the limit of single-phase power; frequency drives have been identified to run the motors.

Ms. Gaffey emphasized that the City Solicitor will review the City's position on the Lot C conveyance. She also noted that the peer review will explore other feasible options for the water booster station.

One Member asked about the size of the houses and commented that the proposed structures appear to be much larger than the other homes on Summit Ave. She also noted that the conventional design could be redrawn to better compliment the slope of the land. Ron Lopez, Applicant and Developer, explained that the houses vary in size but the majority are roughly 3,000 sq. ft. of living area with a basement, attic, and two-car garage. The house on Lot 7 will be 1,800 sq. ft. He also noted that the proposed lot coverage ranges between 9-20%, which is permissible in the Urban Residential-A (URA) District where the project is located. The structures' design is standard for the development team and Mr. Lopez explained that the garages are designed so residents can drive in at a reasonable grade. He noted that the team will recycle and reuse the excavated rock on the masonry walls and on site—in foundations, walls, etc.-- to limit the trucking.

One Member asked about the height of the retaining walls. Mr. Lopez explained that there will be two types of retaining walls. The first type will be natural fieldstone walls built by masons and placed near driveways. These will be 4 ft. tall. The walls at the end of the cul de sac and below the booster station will be made of shay concrete and require stamped engineered plans. The wall at the top of the street will range from 2 ft.- 8 ft. and the back will be screened. Members asked for more information about the heights of the retaining walls, specifically on Lot 7, and if the Applicant has landscape plans to provide an additional buffer between the wall and the abutter on the southern side of the lot. Mr. Lopez responded that he is open to any suggested

screening. He emphasized that the booster station will be screened and will not be visible from the street.

One Member asked if there has been a safety assessment for neighbors at the bottom of the slope, specifically around falling rock during excavation and construction. Mr. Lopez noted that he has hired GEI Consultants, a geo-technical firm, that will conduct an initial assessment and monitor the project through to completion. It was clarified that the Applicant is only proposing a sidewalk for the western side of the street and a Board Member suggested requiring sidewalks on both sides as a condition of approval.

Board Members were unsure how the Applicant will satisfy the Slope Protection Special Permit findings and meet the standards for work with so much slope protected area. One Member felt that the project could be redesigned to maintain more of the site's natural features. He also wanted more information about how the Applicant would ensure the property is permanently protected, a rendering of the booster station from the street, and information on generator noise levels. He requested that during the site visit, the Applicant flag the booster station.

The Board received 27 letters from community members, all in opposition to this project. In addition, John Kowlakowski of 31 Summit Ave., Donna Murphy of 154 Greenwood St., Charles Gill on behalf of Paula Byrne at 88 Woodland Ave., Matthew Maines of 98 Woodland Ave., Lindsay and Sean Malkus of 60 Woodland Ave., Myles Lane of 11 Summit Ave., Kimberley Smith of 23 Summit Ave., Paul Moore of 35 Laurel St., Ruth Greenholz of 68 Woodland Ave., and Joshua Robbins of 14 Summit Ave., appeared before the Board to express opposition to the project. Public concern included:

- Stormwater runoff
- Disturbance of the hillside and wildlife
- Removal of old growth trees and vegetation on conservation land abutting the project
- Wastewater management
- Turnaround for safety vehicles
- Snow removal
- Location of the generator and water pump station, and noise disturbance
- Elimination of green space
- Erosion control
- Effects of project on downslope abutters
- Water pressure
- Sewer connection
- Traffic
- Amount of hammering and ledge removal
- Compensation for abutters

Board Members noted that during the site visit, they would like to see the seven lots identified, the limits of the excavation, where any significant walls will be located, especially over 6 ft., the property boundary, the rough location of the proposed structures, the extent of the cul de sac, the drainage areas, and what trees will be saved and removed. Members also requested that the plans include the outline of the area that has already been cleared and an aerial view of the parcel with

the property boundary. It was underscored that peer review comments will be made available to the public.

Ms. Morelli made a motion to continue the public hearing to October 24, 2022. Mr. Welch seconded the motion. All voted in favor of a continuance. None were opposed.

SITE PLAN REVIEW

Case 22-005, 27 Temple Street, Joseph H. & Robin L. Higgins

Patrick McAvoy, Attorney, appeared to present the case. He explained that this parcel received subdivision approval in the 1970s for three lots with three houses but in 2020 Joseph and Robin Higgins, Applicants, applied to the Board of Appeals for variances to build two houses on two lots and were denied. The current plan proposes a single-family house on about a 15,000 sq. ft. lot. The Board of Appeals approved the necessary setback and lot area variances but the proposal requires a Slope Protection Special Permit. Attorney McAvoy explained that there will not be any blasting and the structure will be built on the front of the lot where the land is most leveled.

Attorney McAvoy posited that the proposed structure is a reasonable size that fits into the neighborhood context. He mentioned that while a contractor was on the property conducting test pits, a rock fell onto a neighbor's property causing concern. Attorney McAvoy explained that there was not a construction management plan in place at the time and moving forward, the development team would exercise caution.

Thad Berry, Engineer, described the proposal and explained that he attempted to work with the elevations and contours of the site when designing the structure. Two test pits were conducted showing fill. To mitigate drainage issues, the surface and roof water runoff will be directed to four rain gardens installed around the structure that will disperse and infiltrate the soil below. The rain gardens will have vegetation that can exist in both wet and dry conditions. Two of the rain gardens are proposed on both sides of the house, to the left near the driveway and to the right by the stairs leading to the back deck. The rear of the house will have a Shea concrete block retaining wall that will vary in height from 1-6 ft. An aerial view of the site was also submitted showing the proposed structure in relation to the neighboring lots.

Ms. Gaffey noted that there have not been any updates to the Staff report but the Applicant has submitted additional plans in response to the report. She explained that Staff is still waiting for materials regarding which of the sloped area will be altered, and which trees will be preserved or removed. Ms. Gaffey emphasized that Staff expressed a desire for a more innovative design and that the proposed structure is large for the lot with the garage too prominently featured. She noted that Staff would like to see a smaller footprint and an outdoor space for residents.

Board Members echoed Ms. Gaffey's comments and expressed dissatisfaction at the lack of outdoor space, other than the deck, and the plan's obscurity regarding work within the protected slope. Members felt that the application does not provide enough detail to support the findings necessary to approve a Slope Protection Special Permit and explained that the plans need to

delineate the location of protected slope and area of impact, and whether the impact is temporary or permanent.

Mr. Berry responded that the Civil Plans symbolize the area that requires a Slope Protection Special Permit through hashed demarcations on page C2. He explained that within some of the work areas, the grade of the slope will not change but grass will be installed modifying the surface conditions. Members requested that the plans show the areas of slope protection and areas of impact on the entire lot rather than just within the scope of work.

One Member asked about the total distance from the area that will be changed to the abutter that is directly behind and below. Mr. Berry explained that there is a minimum 40 ft. offset from the deck to the property line with a 24 ft. drop in grade, and a 19 ft. offset from the side property to the deck which will not have a change in elevation. He also noted that trees that will be preserved are depicted on the Civil Plans. One Board Member clarified that most of the trees that will be preserved appear to be outside of the work limit. Mr. Berry responded that they are restricting the work limit to minimize disturbance.

One Member asked about the proposed legal mechanisms for permanent protection of unimpacted slope once the property is sold. Mr. Berry explained that site is over 14,000 sq. ft. and the limit of work is 7,000 sq. ft. which leaves over half the site untouched and in its natural state. He noted that the Applicant wants to preserve as much of the land as possible.

One Board Member responded that despite the limit of work encompassing less than half of the total site area, only 2,000 sq. ft. of the entire parcel is not in the slope protected area meaning 80% of the lot is protected. She also asked about a concern cited by the Building Commissioner regarding the structure's height and noted that the structure is very large. She noted that while the house will be built on the most level area, she does not believe that the design is innovative enough to meet the special permit requirements nor has the Applicant adequately responded to Staff's requests to reduce the structure's footprint and provide more yard space. She echoed concerns about the size of the two-car garage, which is an atypical feature for many houses in the City. She also commented that the renderings do not include a perspective of the back of the house from the abutter downslope.

Mr. Berry explained that the structure meets height requirements, and that the proposal shows an average grade around the foundation. He noted that the house is designed and placed on the lot so that it fits with the contours. He explained that this design is not unique for a sloped site and that a walkout basement with no windows is typical. He believes that future buyers would want a two-car garage and that its location diminishes the amount of necessary impervious surface on the lot. Attorney McAvoy noted that the Applicant feels that the proposed house is the perfect size for the lot and that there are surrounding houses that are bigger than the proposed structure. He also explained that the lack of a lawn is a consequence of not being able to touch a lot of the site's land due to its protected status. He commented that the Applicant can reconsider the design of the building and come back with other ideas but drastically changing the proposal may require

other variances, which is unfavorable. He also noted that much of the structure will be surrounded by trees and shielded.

One Board member indicated that the design succeeds at reducing the massing on the front of the house so it appears as a one story, rather than a three story structure as it does from the back. He acknowledged that due to the uniqueness of the lot, the basement is a walkout rather than subterranean but shifting the space and potentially adding dormers on the back could reduce the mass and take advantage of the slope.

One Member asked if there will be a fence around the back of the site and if there was a plan for erosion control beyond the retaining wall. Mr. Berry responded that there will not be a permanent fence; a temporary construction fence and siltation fence will be installed with holes driven 4 ft into the ground. He explained that the retaining wall is a great structural wall that is premanufactured, and efficient and easy to install. He noted that the top block of the wall is retrofitted to support a fence and he anticipates the higher end of the wall to have fencing. Members felt that this information needs to be provided in a narrative to ensure that building a 6 ft. wall two feet from the property line is accomplishable without disrupting the site's slope with details on how the work will proceed.

One Board member commented that the site appears to be difficult to maintain. Mr. Berry noted that the grassy areas around the proposed house will be easy to maintain and the rain gardens will not require much care other than the occasional weeding and mulching. Mr. Berry emphasized that the rain gardens are vegetated depressions that will be planted with native plants that thrive in various conditions. One Member expressed support of the rain gardens as a means of solving runoff challenges.

Beyond the wall, Mr. Berry explained that the landscape plan includes allowing the land to return to its natural vegetative state but an erosion control mix or an open meadow mix can be planted to stabilize the land and attract wildlife. Below the work area, the land will be untouched.

The Board received nine letters both in support and opposition of this project. Those in opposition cited concerns about increased traffic during construction, implementation of a construction safety plan, tree removal, the size of the proposed structure, drainage, and erosion.

Board Members agreed that a site walk would be beneficial with Mr. Berry and the Applicant.

Ms. DeSouza Ward made a motion to continue the case to the October 24th meeting. Mr. Welch seconded the motion. All voted in favor of a continuance. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on September 14, 2022:

Case 22-016 25 Ashland St.

Board Members had no objection to the request. Members emphasized that they are in favor of and working towards removing the language in the definition of an In-Law Apartment that requires a unit to be placed in a structure as it existed on January 1, 1990. Mr. Sampson noted that this is something the Zoning Subcommittee is reviewing, and he felt that allowing for an in-law when done correctly is an improvement. Members agreed that the Applicant could provide more information about the workshop area and potentially re-position the kitchen so it has access to natural light.

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

Documents: Applicant Materials for Case 22-016

Case 22-017 14 Chipman Ave.

The Board was in support of this application. This project was granted a Site Plan Approval and Special Permit for reduced parking and Density Incentives in the BA-2 District. Through this process, the project's design was modified to incorporate recommended changes and found to be functional with the required variances

Mr. Gregory made a motion to recommend approval. Ms. Delahaij seconded the motion. All members voted in favor. None were opposed.

Documents: Applicant Materials for Case 22-017

NEXT MEETING

The next regular meeting of the Planning Board is scheduled for Monday, September 12, 2022. The meeting adjourned at 10:20 pm.