

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, December 19, 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, Lori Massa, Senior Planner & Maya Noviski, Assistant Planner

The meeting was called to order at 7:31 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, December 19, 2022

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

SUBDIVISION PUBLIC HEARING

Summit Avenue, North Shore Residential Development (continued public hearing)

Patrick McAvoy, Attorney, Ronald Lopez, Applicant and Developer, Jack Sullivan, Engineer, and Michael Rosen, Attorney, appeared before the Board to present the case. Attorney McAvoy explained that the development team is still working through the peer review comments but they are ready to present the proposed cross sections and supporting information regarding the requested waivers for road length and grade for the new road. He posited that the extended

roadway should be kept at the same grade because this will require less ledge removal. He explained that the development team requires the Planning Board to approve a waiver for the length of the new road and road grade over 10% but clarified that because, he believes, a Slope Protection Special Permit is no longer required, the design of the homes in the subdivision is out of the scope of the Planning Board's review.

Mr. Sullivan continued by presenting the updated plans. He noted that the Developer reduced the number of proposed homes to six and removed all encroachments on slope protected areas except for the roadway. The original water booster station was also eliminated, and each home is now equipped with an individual water booster. Mr. Sullivan explained that the stormwater design is being updated to comply with comments from the peer review and to better mitigate the impacts of peak runoff rates. A drainage operation and maintenance plan for how the stormwater system will be handled in post development was also submitted.

An erosion and sediment control plan was submitted to the Board, which details the locations of pre-construction erosion controls around the perimeter of the entire site. On the steeper slopes, there will be a chain link fence fronted by jersey barriers and mulch socks. Mr. Sullivan explained that the ledge will be hammered and there will be no blasting on the site. The development team has submitted echo barrier sound material and will use mobile rock crushing equipment.

He noted that 18,000 cubic yards of ledge will need to be removed from the site, but 4,000 cubic yards will be reused to build the proposed stone masonry walls. He explained that if they were to reduce the road grade, ledge removal would increase by 43%. He posited that the proposal seeks to continue the grade of the existing road rather than making the road steeper. He also noted that lowering the elevation of the road would lower the elevation of the houses on Lots 4-6, reducing the amount of space between the new development and the existing houses on Woodland Rd.

Mr. Sullivan also noted that the turning radius of the City of Melrose Fire Department's largest fire apparatus was tested around the proposed cul de sac and the vehicle was successful in its maneuvering.

Board Members felt that the width of the road was still too narrow for a large fire truck to successfully access the proposed new development, especially during the winter. Members clarified that the trash trucks currently back up the street. Members wondered whether the roadway requires a Slope Protection Special Permit. Attorney McAvoy posited that he does not think so based on an opinion from the City Solicitor from a project on Dana St. where it was ruled that slope protection does not apply to existing roadways. One Member disagreed noting that he believes slope protection is needed for private infrastructure but when the road becomes a public street, it is not subject to zoning requirements.

Board Members were curious about how the updated stormwater design is different than the original one that was proposed. Mr. Sullivan noted that in the first iteration, they were proposing

rain harvesting units and rain gardens whereas the new design incorporates comments from the peer review. One Board Member commented that there are inconsistencies among the different items submitted and that there is exposed ledge at the top of the site, which is not and should be, depicted. He also noted that the cross sections do not show swales and that there are walls greater than six feet on the plans.

Mr. Lopez and Mr. Sullivan presented the proposed renderings. Mr. Lopez explained that the houses on the left side of the street will match the existing houses and the other three houses will be built into the slope to keep the massing down. It was also noted that pavers will be used in the driveways.

The Board received six letters in opposition to the project. Additionally, John Kolakowski of 31 Summit Ave., Andrew Brayton of 63 Boltoph St., Sean Malkus of 60 Woodland Ave., Charles Gill representing Paula Byrne at 88 Woodland Ave., Ruth Greenholz of 68 Woodland Ave., Donna Murphy of 4 Summit Ave., and Chris Spendley of 28 Summit Ave., appeared before the Board to voice their opposition to the proposal. Concerns included:

- The street is already highly problematic and during the winter it becomes narrower
- Erosion and stormwater impact for abutters downhill
- How runoff will be detained or where the proposed outflow will be given the implausibility of infiltration into bedrock
- The number of truck trips over the course of the project
- Increased traffic
- Problematic access for emergency vehicles considering the turning radius out of the cul de sac and onto the existing road

Others had questions about whether there will be blasting and how the water storage units will be maintained. Mr. Sullivan noted that no blasting will occur, only hammering. He also noted that they are not taking credit for infiltration and large underground storage chambers will be installed with controlled release of runoff so peak runoff will not be discharged. The water storage tanks for each house were removed from the plan. He explained that a chain-link fence with jersey barriers and mulch socks will be installed prior to construction to mitigate possible erosion risks for downhill abutters. Mr. Sampson clarified that there will be a Homeowners Association who will be responsible for the maintenance of the stormwater systems.

Mr. Welch made a motion to continue the public hearing to January 23rd. Ms. Morelli seconded the motion. By roll call vote, all voted in favor. None were opposed.

Documents: Cross Section Road Profile 12.8.2022
Cross Sections 1 & 2 12.9.2022
Cut and Fill Plan 12.9.2022
Erosion Sedimentation Plan 12.8.2022
Fieldstone Masonry Walls 12.2.2022
Fire Apparatus Access Plan 12.7.2022

Renderings 12.14.2022
Echo Barrier Noise Demo 12.15.2022
Sounds Mitigation 12.1.2022
Supplemental Engineering Information 12.8.2022
Rock Crushing Plan 12.15.2022

SLOPE PROECTION SPECIAL PERMIT

Case 22-005, 27 Temple St., Joseph H. & Robin L. Higgins (continued public hearing)

Patrick McAvoy, Attorney, appeared before the Board to present the case. He explained that he believes that the project is ready for approval. Mr. Sampson clarified that no changes have been made to the design of the house since the last meeting. Denise Gaffey, City Planner, noted that there was a meeting between the City Engineer and the Applicants and their Engineer. The Engineers felt comfortable with the design but suggested including a condition of approval stating that any future adverse impact to the land or drainage system is the applicant's responsibility to mitigate. Mr. Sampson noted that there are 20, mostly standard, proposed conditions of approval.

Board Members had no comments or questions. No one from the public appeared to speak or submitted comments to the Board.

Ms. DeSouza Ward made a motion to close the public hearing. Mr. Aveni seconded the motion.

Ms. DeSouza Ward made a motion to approve the Slope Protection Special Permit. Mr. Welch seconded the motion. By roll call vote, all voted in favor. None were opposed.

Documents: Site Layout 11.17.2022
Operation and Maintenance Summary 12.7.2022
Drainage Plan 12.7.2022
Renderings 11.21.2022

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing on January 11, 2023.

Case 22-026 1019 Main St.

Board Members had no objection to the proposal and felt that the case is best determined by the Board of Appeals and comments from abutters.

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

Documents: Applicant Materials for Case 22-026

Case 22-027 112 Lynde St.

Board Members had no comments or concerns.

Ms. DeSouza Ward made a motion to send a neutral letter to the Board of Appeals. Ms. Morelli seconded the motion. All voted in favor, none were opposed.

Documents: Applicant Materials for Case 22-027

Case 22-028 42-44 West Emerson St.

Board Members supported the proposal to sell the proposed piece of land to the owners of 52 West Emerson St. They noted that it will be contiguous to the site and the land will provide a nice outdoor space for future residents. They emphasized that paving the land would be in violation of the Site Plan Approval and clarified that flooding concerns have been addressed and properly mitigated.

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

Documents: Applicant Materials for Case 22-028

OTHER BUSINESS

Patrick's Place (0 Swains Pond Ave) Tripartite Agreement

The Board received a request for the Patrick's Place Tripartite Agreement to be extended for one year and the Conditional Approval Contract to be released. Ms. Gaffey noted that the Development Team is in the process of closing on the houses at Patrick's Place but the Tripartite Agreement has expired. James Mitchell, Attorney, explained that the Developer would like to extend the agreement until June 2023 and feels confident that this will be enough time but that they will come back to the Board if they require another extension. He noted that most of the completed houses are in the process of closing or have had offers, and the Developer is completing construction on the remaining unfinished homes.

Ms. Morelli made a motion to extend the Tripartite Agreement for an additional one year term. Ms. DeSouza Ward seconded the motion. All voted in favor. None were opposed.

Ms. DeSouza Ward made a motion to formally release the Conditional Approval Contract of the Tripartite Agreement. Mr. Welch seconded the motion. All voted in favor. None were opposed.

Documents: Tripartite Agreement, August 2021
Form G Conditional Approval Contract

Proposed Zoning Amendments

Ms. Gaffey presented a package of proposed zoning amendments that are ready to be sent to the Mayor and City Council for approval. She explained that the amendments attempt to clarify certain zoning requirements and minimize the number of variance requests from outdated regulations. Ms. Gaffey described each of the nine zoning amendments and the rationale behind each proposed update. These include:

- Corner Lot Setbacks

- Definition of a Structure
- A zoning district change at 521-529 Franklin St.
- Definition of a Retail Food Establishment
- Definition of an In-Law Apartment
- Votes for Special Permit Approval & Term
- Site Lines and Fence Height in Front Yards on Corner & non-Corner Lots
- Site Plan Review Criteria
- Vegetation Height for Corner Lots & in Yards Along Streets (General Code)

One Board Member requested including an amendment to the package that updates the lot width and rear lot setback requirements to mitigate proposals that attempt to comply with the regulations and result in buildings with strange footprints.

Ms. DeSouza Ward made a motion to send the proposed zoning changes, and a draft of the lot width amendment, to the Mayor and City Council from the Planning Department. Ms. Morelli seconded the motion. All voted in favor, none were opposed.

NEXT MEETING

The next regular meeting of the Planning Board is scheduled for Monday, January 23, 2023. The meeting adjourned at 9:30 pm.