

MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, March 24, 2025
7:00 PM
Cassidy Conference Room, 562 Main Street, Melrose

PRESENT: Gregory Sampson, Brian Gregory, Beth Delahaij, Jack Welch, Michael Aveni, Tim Bailey, Carla Morelli

ABSENT: Anne DeSouza Ward and Paul King

STAFF PRESENT: Lori Massa, Director & City Planner, Maya Noviski, Senior Planner, and Adam Forrester, Assistant Planner

The meeting was called to order at 7:05 PM by Mr. Sampson.

SLOPE PROTECTION SPECIAL PERMIT

Case 24-002, Beech Avenue (G6 0 44 & 53), Szecon Development Inc. (continued public hearing)

Jesse Schomer, Attorney, Donnie Garrity, Architect, Rich Williams, Engineer, and Sean and Laura Szekely, Applicants, appeared before the Board to present on the updated plans for the Beech Avenue project.

Attorney Schomer presented an overview of the proposed changes. The proposed changes are the following:

- Added Slope Protection area detail, including grading and contour lines on abutting land the plans.
- Landscaping plan has been updated to incorporate changes suggested by the City. A stone wall to stop vehicles from going over the ledge and a safety fence has been added.
- Updated erosion control plan and drainage study
- Updated construction management plan, including construction fences and mulch sock on property edge.
- Oak Street access has been ruled out by the development team.

Mr. Garrity, architect, presented an overview of the updated architectural plans. The proposed changes are the following:

- Basement height has been updated to meet ordinance requirements
- Mitigated building massing with updated design changes. The building is now 2.5 stories in appearance with decreased massing.

Board members appreciated the design in the updated plans. They had issues with the rendering and how certain features were shown. Mr. Garrity explained that the renderings are not perfect and the areas outside of the limit of work will be preserved even though the rendering depicts this area as looking different.

Mr. Williams, engineer, presented an overview of the proposed work and the details of the stormwater calculations.

Ms. Massa, Director & City Planner, shared the updated DPW memo, which included stormwater management review, and sewer/utility connections review.

A Board member asked about the Oak Street access plan and why the development team had ruled this out.

The Board heard several public comments. Rob Harding, 31 Mt. Hood Terrace, Mike Ford, 27 Mt. Hood Terrace, and Alex Carroll, 33 Mt. Hood Terrace, had the following comments and questions:

- Concerned about water runoff. Where is the water from the property going?
- Concerned about the disturbance of the ledge.
- Mr. Ford wrote a letter detailing his concerns to the Board.
- Impact of blasting, notices for blasting, who will be informed, and if there is a study of the existing conditions of the ground/rocks and blasting impact.
- The length of time abutters have to file a claim over damage to their property due to blasting.
- Is the developer open to a time extension for damage claims to be filed?

Also, Councilor Finocchiaro submitted a memo regarding the case. The Councilor is against the proposed access being on Beech Avenue and feels it should be on Oak Street to lessen the impact on the neighborhood.

Mr. Sampson explained that this is a Slope Protection Special Permit, and the focus is on slope protection and not on access to the property. He has concerns about how much of the slope area will be impacted and wants the slope protected area to be staked out and marked before construction. Other Board Members had concerns about water runoff.

Attorney Schomer shared an overview of land court decisions about slope protection and recommended that the Board consider granting the permit with conditions instead of denying. He also explained the purpose of the slope protection ordinance and that the project should be allowed if it fits within the slope protection requirement.

Mr. Szekely, Applicant, and Mr. Williams, engineer, gave more information on the updated drainage report and explained issues with Oak Street Access including the following:

- Updated report based on feedback from the City.
- Included the gravel edges of the driveway in the calculations.

- There will be a reduction in runoff from the site for all storm events.
- There is an infiltration system proposed in the rear yard.
- Overview of Oak Street construction plan and issues it would cause.
- Water line and utility services would be more difficult through Oak Street.

Board Members had the following questions and comments for the development team:

- Why is it not possible for water lines to come through Oak Street?
- Members did not agree with Attorney Schumer's assessment that the Slope Protection ordinance was directly related to the case law that he cited. They asked the City Solicitor to review and look at the land court case referenced for future reference.
- Can the driveway width be less?
Mr. Williams, engineer, explained that the driveway width is required for emergency vehicle access.
- How many of the abutters are included in the preblasting survey? Can the buffer zone for preblasting survey cover a larger area?
Mr. Szekely, Applicant, agreed to a 500 ft. buffer zone as a condition. This covers a larger area than is required by State law.
- Will the removal of trees on the property have an impact on stormwater calculations? How will the stormwater system be maintained and tracked? Are pervious pavers part of the stormwater management plan and how will they be maintained? Mr. Williams gave an overview of the stormwater modeling and what the impact of tree removal and other items mentioned would have on the stormwater report.
- Members asked for maintenance to keep the driveway pervious to be included in the conditions.

Members discussed the updated plans. Members offered support for the project due to the incorporation of feedback from the City and a thorough review from DPW. Members also commented that support for the project would come with conditions attached. The following conditions were discussed:

- Updated Stormwater Management Plan to show how system will be installed and maintained.
- Preblast survey notice to be sent to abutters in 500 ft buffer.
- Staked out slope protection area prior to construction.
- 60-day insurance claim for abutters.
- Show location and maintenance of pervious pavers on plan.

Ms. Morelli made a motion to close the public hearing. Mr. Aveni seconded the motion. All voted in favor. None were opposed.

Mr. Gregory made a motion to grant the Slope Protection Special Permit. Ms. Morelli seconded the motion. Six members voted in favor with conditions attached. Mr. Aveni was opposed.

Documents: Application Materials

SITE PLAN APPROVAL

Case 24-003, 40 Vine Street, 140 Tremont Street, LLC (continued public hearing)

Rick Salvo, Engineer, submitted a written request for a continuance to the Planning Board meeting on April 28, 2025, prior to the hearing. The request noted that the Applicant required additional time to respond to the items requested by the Planning Board at the previous meeting.

Mr. Gregory made a motion to continue the case to April 28, 2025. Mr. Bailey seconded the motion. All voted in favor. None were opposed.

Documents: Email requesting continuance

SITE PLAN APPROVAL & SPECIAL PERMITS

Case 24-004, 186 Tremont Street, Ronen and Nir Drory (continued public hearing)

Ronen and Nir Drory, Applicants, David Lucas, Attorney, and Douglas Annino, Architect, appeared before the Board.

Attorney Lucas presented an overview of the proposed changes. The proposed changes are the following:

- Updated trash receptacles.
- Updated bike storage plan.
- Updated Construction management plan.
- Affordable units and residential unit mix are designated on the updated plans.

Ms. Massa shared an overview of the issues the City had with the proposed project. These could be included as conditions if the project is approved. Conditions that include the following:

- Site operations plan needs to be updated to show trash pickup logistics on site.
- The bike room needs to be redesigned to be more accessible.
- The front courtyard/plaza should be redesigned to be more pedestrian friendly and usable.
- The roof line should be redesigned.
- The affordable units needs to be distributed through the building.
- The drainage pipe that runs underneath the building will need to be replaced.

Board Members discussed the updated design and proposed conditions. They had the following questions and comments:

- This will be the first major project with the new bike parking requirements. A redesign of the bike storage room should be done to improve accessibility.
- The three commercial parking spaces are important to attract commercial tenants.
- Trash is a building management issue, and they will figure it out.
- The 10th floor of the building should be redesigned to reduce the massing, not draw attention to it.

Attorney Lucas shared comments on the proposed conditions. The development team agrees with the conditions related to building redesign, updated building operations plan, bike room redesign, sound attenuation measures, and working with design review subcommittee. Also, he expressed concern with the 3rd party review requirement of building safety and ADA access. The Applicant requested the omission of a condition requiring the removal of three parking spaces along the left side of the building as they are vital to the success of the commercial space. Ms. Massa explained the reasoning behind each condition.

There were no public comments.

Members offered support for the project due to the incorporation of feedback from the City and a thorough review from DPW. Members also commented that support for the project would come with conditions attached.

Ms. Morelli made a motion to close the public hearing. Mr. Aveni seconded the motion. All voted in favor. None were opposed.

Mr. Welch made a motion to grant the two Special Permits and Site Plan Review. Mr. Gregory seconded the motion. Six members voted in favor with conditions attached. None were opposed. Mr. Bailey missed a meeting and was not eligible to vote.

Documents: Application materials

ZONING ORDINANCE AMENDMENT PROPOSALS

Ms. Massa, Director & City Planner, provided an overview of the proposed zoning amendments related to the Floodplain Overlay District, Registered Marijuana Dispensaries and Marijuana Establishments. She also provided an update on the Accessory Dwelling Unit (ADU) zoning amendment.

Mr. Aveni asked about the reason for the marijuana amendment and the buffer zone distance. Ms. Massa explained that this amendment and buffer zone requirement are required to comply with state law.

The Board voted unanimously to initial the two proposed zoning amendments by sending them to the City Council.

Documents: Floodplain Overlay District & Registered Marijuana Dispensaries and Marijuana Establishments Zoning Amendments

ELECTION OF OFFICERS

Mr. Sampson was reelected Chair of the Planning Board by unanimous vote. Mr. Sampson reappointed Ms. Morelli as Chair of Design Review Subcommittee, Ms. DeSouza Ward as Chair of Zoning Subcommittee, and Mr. King as Clerk of the Planning Board.

OTHER BUSINESS

Application Fees

At the request of the Mayor, the Board reviewed the application fees and agreed with the staff recommended increases.

Mullin Rule

Ms. Massa provided an overview of Massachusetts General Law (MGL) Chapter 39 Section 23D, otherwise known as Chapter 79 of the Acts of 2006, or the “Mullin Rule”. Staff will request that the City Council adopt this provision in the state law that allows for members to miss one public hearing, listen to a recording of the session and review the materials from it, and vote at a future meeting. The City Council adopted the rule in 2006; however, the Council did not specify which boards or commissions that hold adjudicatory hearing this rule applies and so it will be back before them. Members were supportive of the Board being included in the adoption of the Mullin Rule.

The next regular Planning Board meeting is scheduled for April 28, 2025.

The meeting adjourned at 10:35 PM.