

**MELROSE PLANNING BOARD
MEETING MINUTES**

**Annual Meeting
Monday, March 23, 2015**

7:45 PM

Mayor's Conference Room, Second Floor, City Hall, 562 Main Street

PRESENT: Carla Morelli, Michael Cassavoy, Ed Cassidy, Anne DeSouza-Ward, Paul King, Robert Mercado, Sharon Petrillo, John Sadowski and Jack Welch.

ABSENT: none

Denise Gaffey, Director and City Planner, Erin Zwirko, Assistant Planning Director, and Jessica Mitchell, Planning Coordinator, were present.

The meeting was called to order at 7:50 PM by Ms. Morelli.

MINUTES

Joint Public Hearing, February 17, 2015

Mr. Mercado MADE a MOTION to accept the minutes of February 17, 2015. Ms. DeSouza-Ward SECONDED the MOTION. Mr. Sadowski, Mr. Cassavoy, and Mr. Welch abstained. All members voted in favor. None were opposed.

Planning Board Regular Meeting, February 23, 2015

Mr. Welch asked that a statement on the minutes that he had made be corrected.

Mr. Sadowski MADE a MOTION to accept the minutes of February 23, 2015 as corrected. Mr. Mercado SECONDED the MOTION. Mr. Cassidy and Ms. Petrillo abstained from the vote as they were not present at the meeting. All members voted in favor. None were opposed.

BOARD OF APPEALS

Case 15-002, 305 Vinton St, Drew and Kimberly Morin

Ms. Kimberly Morin presented her application to the Board. She stated that they seek to convert their basement into an in-law apartment for her Mother-in-law. They require a Special Permit from the Board of Appeals for the use.

Ms. DeSouza-Ward asked about outside entrances to the basement and about the inside access from the proposed in-law apartment to the interior of the house. Ms. Morin replied that there are two exterior door that enter the basement from the exterior as the basement is half above ground. There is one interior door at the top of the basement stairs that does not lock.

Mr. Cassavoy asked about the rules regarding an in-law apartment in the Zoning Ordinance. Ms. Morelli looked up the rules and read them. They state that the square footage of the separate living area can't exceed 1/3 of the gross floor area of the dwelling as it existed on January 1, 1990 and that the Special Permit is only issued for 3 years. They also stipulate that the dwelling unit shall be located within the single-family dwelling as it existed on January 1, 1990. Ms. Morin confirmed that the proposal met these requirements.

Mr. Mercado asked Ms. Morin if they have spoken to their neighbors regarding the appeal. Ms. Morin said that they had spoken to the two most directly abutting neighbors and that they were in support of the proposal.

Ms. DeSouza-Ward stated that the concern about creating in-law apartments is that people will convert them to rental units when the in-law use is no longer necessary, which is not allowed. She said that this is why the interior access to the rest of the house is important as access will discourage rental use, and that this is why the permit is only issued for 3 years.

The Board discussed the interior layout of the unit and asked some questions regarding the work that would be required to convert the basement space into an in-law apartment. Ms. Morin said that they would need to make some reinforcements to the fieldstone foundation, but that no exterior modifications would be made.

Ms. DeSouza-Ward MADE a MOTION to send a standard letter to the Board of Appeals stating no objection to the petition and that the proposal appears to comply with the ordinance. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Document: ZBA Application Case # 15-002

PRELIMINARY SUBDIVISION PLAN
53 Dexter Road, Brookstone Development

Ms. Morelli began the discussion by asking Ms. Gaffey to give a report on the regulatory context that they should be considering for this discussion.

Ms. Gaffey stated that this was a preliminary subdivision request, which meant that the meeting was open to the public, but was not a Public Hearing and therefore there would not be a public comment portion of the meeting. The purpose of the request is for the applicant to ascertain if the Planning Board would grant permission for the applicant to go forward to the next step of the process which would be a definitive subdivision plan and would require a Public Hearing.

The two waivers that the applicant is seeking will be the subject of the discussions. They are; 1) A waiver on the requirement of a 500-FT maximum dead end roadway. They are proposing a 960-FT dead end roadway. 2) A waiver on the requirement of sidewalks on both sides of the roadway.

The applicant sent a six page document in support of their proposal which was received on Friday and sent to the Planning Board members. This document addressed many issues related to the Slope Protection Ordinance, which is not in front of the Planning Board at this time, but will be a requirement for the applicant if the proposal moves forward.

The Planning Board attended a Site visit in the evening on Monday, March 16, 2015 to walk the site of the proposed subdivision.

Mr. Williams stated that they are here to reconvene the discussion and answer any questions that have resulted from the Site visit.

Ms. DeSouza-Ward stated that she had significant concerns about the proposed subdivision. The first issue is the steepness of the site and the long dead end roadway proposed. She stated that she believes a looped roadway is a better idea for safety, convenience and utilities. She thought perhaps an option to

connect to the paper street could be left open so that option could be developed in the future if the technology allowed it. Second, she was concerned with the large retention ponds that would be located within private yards. She thinks large retention ponds are a safety issue and create maintenance issues for the homeowner whose property they occupy. She thought perhaps fewer houses in the subdivision might allow for more green space within the development and therefore the retention areas could be spread out within these public green spaces. Finally, she was concerned with the elevation of the proposed development and the possibility of large tall houses looking down on the smaller more modest homes that already exist in the neighborhood. She thought that there would need to be conditions that limited the height of the houses to perhaps one and one half stories so that the houses could fit within the hilly landscape while still providing an adequate living space by developing living space on the above grade ground level.

Mr. Mercado stated that he was also concerned with the length of the roadway and the amount of slope at the end of the long roadway. He thought if the roadway were shortened, it would not disturb as much of the slope as most of the rock is located at the end of the roadway. He thought that perhaps the first seven or eight lots could be developed if the roadway were shortened.

Mr. Cassavoy asked how much of the slope would not be disturbed under the current plan. Mr. Williams stated that this figure had not been calculated at this point in the planning process but that he guessed the number to be approximately 30 percent. Mr. Cassavoy thought that from a visual inspection of the site and the amount of vegetation that existed on it, he doubted the amount of the site that complies with the Ordinance would equal 70 percent. He said that he is not as concerned about the length of the cul-de-sac. He was also concerned with the amount of time it would take new vegetation to grow.

Mr. Cassidy asked the applicant to describe what the pictures on the screen were depicting and to correlate them to the locations on the site plan.

Mr. Jones said that the model was created to show the approximate finished grade of the development and that the houses depicted were placeholders from the software package and were larger than what would be proposed for the actual site. Mr. Jones then walked the Board through the computer simulated pictures and described the various vantage points that they were created to depict.

Mr. Sadowski asked about the mature trees that were shown in the model and to what degree the landscape provided mature trees? Mr. Bruce stated that a nice amount of mature trees existed along the property line near Dexter Road in the lower part of the site and that these trees would remain. He said that further into the area for development, most of the trees were pretty bad and that he assumed they would need to provide mature plantings and the infrastructure within the rocky landscape for the trees to thrive. He would blast holes within the rocks to create area for the root development of the trees, which would allow them to reach full mature growth. He also stated that he would be willing to create a no development buffer between the existing houses and the proposed development so that an area of natural buffer would always exist.

Mr. Sadowski stated that the dilemma that he faces is that it is difficult to consider the waiver proposals in front of the Board at this time without considering the severely sloped topography of the lot. He felt that because this issue was not in front of the Planning Board at this time, the information that he would need to make an informed decision on the proposal was not available to him. However he did not want to prematurely disapprove a potentially good proposal.

Mr. Bruce said he would like to address the Board's concerns. He would like the flexibility in his plan so that he can reduce the impact on the neighbors and that with the proposed density, he would be able to

give something back to them, such as fixing Dexter Road. He can be flexible about how these goals are achieved. He could create a buffer zone with berms and tree plantings on top of the berms. His goal is to have a subdivision that looks good and does not have steep inclines. He would like an easy road that traverses reasonable inclines which both looks good and is practical for the people that live there. He also thought that the long list of what he was willing to provide to the residents and to the City would set a high bar for future developers with similar proposals. He didn't think that his current proposal would have a big impact on the City as the proposal is located in a remote area of the City and he is willing to work with the neighborhood to minimize impact. In response to the comments on the retention ponds, in his experience he has found it better for a development to keep these areas as compact as possible. He tries to keep them small and to hide them by planting around them.

Mr. Sadowski asked about the height of the retaining walls depicted in the computer models. Mr. Williams responded that they would not need large retaining walls on the individual lots, but there would be a retaining wall on the left side of the road entering into the development. Mr. Bruce said that with the proposed layout, they will not need a lot of walls and he could agree to only stone walls because there won't be any walls that will need to be taller than 6-FT.

The Board discussed the drainage and the proposed stormwater management plan and areas. Mr. Williams stated that they have not completed these studies yet, but that they are required to not increase the run off to Dexter Road. He thought that the conversion of ledge areas to grass would help this process. Some of the stormwater from the new roadway would be piped to the City's stormwater system.

Ms. DeSouza-Ward asked who would maintain the retention ponds; would there be a Homeowners Association? Mr. Williams said that usually an operation and maintenance plan would be put into place by the City or the homeowner. Mr. Bruce stated that if the City preferred to see a Homeowners Association maintain the retention ponds, he would be willing to create one and put some money in to start the fund. He said that because it was off of a Town Road, the City would end up being responsible for the retention areas. Ms. Gaffey responded that the City Engineer has not weighed in on this proposal yet, but that they generally are not in favor of take responsibility for maintaining a development's stormwater system.

Ms. Morelli asked about the blasting plan and about how long it would take. She said that she had a notation from the last meeting that Mr. Bruce had said it would take 8 weeks to blast in sections and crush the fill on site. Could Mr. Bruce confirm this? Mr. Bruce said that this information was correct. He plans to blast in sections so that he blasts for one day, then he removes the fill the next day. This process is more expensive, but it allows more control over the blasting. He also said that he pays for seismograph services to survey the abutter's homes before and after blasting. In addition, he is personally hypersensitive to issues of safety concerning children and takes all precautions possible to keep children away from the blasting site.

Ms. Morelli asked about the crushing. Mr. Bruce responded that he will only crush on site what is needed to fill the site and the rest of the material will be hauled away. The crushing is done by a very large machine that is brought onto the site and that the operation was noisy and dusty. However, he only anticipated approximately 3 days and the operators would be controlling the dust with water.

Ms. Morelli asked about the hauling operation and said that the hauling operations on Dexter Road would probably ruin the existing road, which means that Mr. Bruce would be required to fix the road. Mr. Bruce responded that he would only be required to repair the road and not replace the road as he has offered.

Mr. Mercado asked about the existing utilities running beneath the roadway. Mr. Williams responded that they are located far enough below the surface of the road that they will not be harmed. Mr. Williams argued that snow plowing impacts roadways more than truck traffic.

Mr. Welch asked if less blasting would be required if the development were less extensive and the highest ledge were left in tact? Mr. Bruce said that there would not be a big difference and he did not consider the additional blasting time to be substantial enough in light of all that he was willing to offer with the current proposal.

The Planning Board discussed various options for a shorter roadway with fewer lots.

Mr. Williams said that if the Board were not favorable to the idea of the waiver, then they would not look to reduce the number of lots. They would look into the option of developing the paper road from Hillside Park instead. Mr. Bruce added that he only needed to meet the standard for a second means of egress in developing Hillside Park. Mr. Bruce indicated that he would not improve the traveled portion of Hillside Park or Maple Terrace in this scenario.

Mr. Mercado expressed concern with the amount of rock located on the proposed lots numbered 7 & 8. Mr. Bruce responded that the area was only a very small portion of the development at the pinnacle of the peak.

Ms. Morelli asked the Board to focus questions on accepting the road at the proposed length.

Mr. King stated that he also had a very difficult time disassociating the length of the road without discussing the other elements of the topography of the lot. He is struggling with this particular length of road and that the site that this road occupies makes a difference.

Mr. Cassavoy added that Dexter Road itself is already a long dead end road, so to add this long dead end road from Dexter Road is creating a very long dead end situation. In addition, the current proposal really shatters the intent of the Slope Protection Ordinance. He noted that this may be one of those lots that cannot be developed.

Ms. DeSouza-Ward said that although she appreciates the applicants repeated commitments to work with the City and the residents, the current plan as it is presented now is hard to accept.

Mr. Cassidy stated that the intent of the Slope Protection Ordinance was to protect slopes such as this and he has a conceptual problem with the proposal based on that. He sees three concepts that could be explored by the developer. First, create a cul-de-sac at the base of the slope with six or seven lots. Second is the concept of the proposed plan, which blows up the hill. Finally, create a road that goes along the side of the hill closer to Dexter Road. He is not persuaded that the retaining walls would have to be much higher. He is also not persuaded that single family houses are a real benefit to the community when he thinks the real need is for multifamily and affordable housing close to public transit. In addition, he is against the 950-FT proposed length of the road, which is linked to the highest impact on the slope. Mr. Cassidy stated that he strongly believes that granting the roadway length waiver would set an unwanted precedent.

Mr. Welch stated that he also could not just look at the length of the road without considering other impacts and conditions and he would be against the current proposal as a result. He could see some acceptable alternatives in the beginning area of the property where the topography was much flatter.

Mr. Mercado said that he would be more inclined to support a proposal where less area of the slope was disturbed. He said that he did not know how long of a road could be put in before there would be significant disturbance of the slope.

Ms. Morelli said that after this process, the applicant would need to file a definitive subdivision plan as well as apply for Slope Protection if he chooses to move forward. So, this is an opportunity to indicate to the applicant if there was no way that the current proposal would be approved.

Mr. Sadowski said that he is aware that Slope Protection has not been applied for, but it is difficult to look at the current proposal without looking ahead. He thinks that once Slope Protection Ordinance is considered there might be seven lots that can be developed. He thinks that the percentage of what is being proposed needs to be reduced to a number that everyone is more comfortable with. If that makes it economically infeasible to have the funds to improve Dexter Road, then that is too bad.

Ms. Morelli asked if everyone on the Planning Board had an opportunity to speak. She then asked Mr. Bruce if he would like to respond to the comments.

Mr. Bruce said that he would like an opportunity to respond. He started out by saying that a project with only 7 or 8 lots would be a different kind of project. He said that 7 or 8 lots would not make it possible to help the neighborhood with improvements. He said that he had already chosen a small scale project for this site, but that he has done very large affordable projects before as well. He indicated that the slope was well hidden from view and the removal of it would not impact anyone. He said that during the development of the current proposal, they had considered some of the alternatives that the Planning Board was suggesting and that they decided against them. The proposal to develop the road closer to Dexter Road would involve very large retaining walls on that side of the project within view of the houses on Dexter Road. He did not think that this would be visually appealing or desirable to the existing neighborhood. He did not think that this type of project would benefit anyone.

Mr. Sadowski said that it is difficult to see the current proposal as working when much of the finer detail has not been provided yet. He does not want to indicate acceptance of the current plan and encourage the applicant to spend additional funds developing the proposal, however he doesn't want to deny the plan either as it may in fact be a good plan.

Mr. Bruce said that the project would be bonded and that once it is started, it would be completed.

Ms. DeSouza-Ward said that some compromises could be considered, but that the issue went beyond just blasting, that Slope Protection was put into place so that steep slope would remain untouched.

Mr. Bruce said that a lot of thought has gone into the current plan. A second means of egress did exist that could be developed on the other side of the hillside, but that this was avoided because it is not a great means of egress and would require cutting a road through an area that is currently surrounded by conservation land, and thus untouched. He said he could look at ways to reduce the visual impact and keep the same development. He said that forcing 13 or 14 lots in without touching the slope would not look good in the end.

Mr. Cassidy said that he felt the Board was facing a political problem as they did not want to prematurely cut off a potentially good project, but that they really did not have enough information on alternatives and that he thinks it would be unwise of the Board to make a final decision tonight. He would like to see some information on alternative plans that were looked into.

Mr. Williams said that if they did not touch the areas of greater than 25% slope, the plan would involve cutting up to those points and then filling and adding vertical retaining walls.

Ms. DeSouza-Ward asked if Mr. Bruce would be willing to explore some compromise plans that might represent a middle ground.

Mr. Bruce said that he didn't think a good alternative existed, but he would be willing to look at it. He would consider removing a lot and leaving some of the slope if the road could be kept in the same general location. He did not like the idea of the road along the side of the property as it would be more expensive to put a road in there and he thought it was less attractive to the neighborhood.

Mr. Sadowski said that it would be helpful to see some sections on the alternatives and if they had some information that they had already developed while exploring these alternatives, it would be helpful to the Planning Board when trying to visualize the alternatives. It would also be helpful if the Ordinance could be honored in some areas of the development.

Ms. Cassidy said that part of the intent of the ordinance was to limit development in some of the few naturally wooded areas that remain in the City. He would like to see a conceptual sketch of the road along the side. It would help him to make a better decision about the current proposal. However, he realizes that they may be at the time limit for making a decision.

Mr. Bruce said that he would be willing to grant another extension.

Mr. Sadowski said that he'd like some conceptual ideas to be explored along the lines of removing a couple of lots and honoring more of the Slope Protection Ordinance. He thought it would be helpful for the Board and the abutters present at the meeting.

Mr. Williams said that they have done these studies and can share them. Mr. Bruce reiterated that they could explore some options to leave some open space with the road in the same location.

Ms. Morelli said that they are sensitive to asking the developer to incur additional expenses and they try to limit requests for additional design but that in this case, bringing some alternatives to the table would be useful. However, she wanted to make sure that Mr. Bruce understood that he should be willing to build any alternatives that he brought to the meeting.

Mr. Bruce said that his business was to build subdivisions and that if the Planning Board approves a plan, he will build it. He tries to come up with a plan that people will like, but ultimately, the Board needed to approve the plan and therefore the ultimate plan was a function of what they think is nice. He said that he builds beautiful houses with good workmanship and people will buy them.

Mr. King asked what the best approach was, should the Board reject this plan and ask the Developer to submit a new plan?

Ms. Gaffey said that there was no restriction on how the Board would like to proceed.

Mr. Bruce said that he would modify the current plan..

Mr. Cassavoy MADE a MOTION to continue the meeting until the next regular meeting of the Planning Board on April 27, 2015. Ms. DeSouza-Ward SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Letter to Planning Board from Attorney James P. Mitchell, dated March 20, 2015
Plan Sheet 1 of 1, Preliminary Subdivision Plan, 53 Dexter Road, Prepared by Williams and Sparages, dated November 21, 2014, revised January 15, 2015
Profile Sheet 1 of 1, Preliminary Subdivision Plan, 53 Dexter Road, Prepared by Williams and Sparages, dated November 21, 2014
Cross Section Locations, Sheet 1 of 3, Preliminary Subdivision Plan, 53 Dexter Road, Prepared by Williams and Sparages, dated January 8, 2015
Section A-A, Sheet 2 of 3, Preliminary Subdivision Plan, 53 Dexter Road, Prepared by Williams and Sparages, dated January 8, 2015
Section B-B, Sheet 3 of 3, Preliminary Subdivision Plan, 53 Dexter Road, Prepared by Williams and Sparages, dated January 8, 2015

ZONING AMENDMENTS

Report to the Board of Aldermen on the Proposed Commuter Rail Station Area Zoning Amendments and Other Related Amendments

Ms. Denise Gaffey, City Planner, summarized the draft report prepared by the Zoning Subcommittee which documents the discussion at the recent Joint Public Hearing with the Board of Alderman on the proposed Zoning Amendments. She reported that there were no public comments to respond to. She said that there were some comments from the Aldermen including some questions on the limit of Medical Use on the first floor for the new district. The draft Report does not recommend any changes to the proposed Amendment based on comments raised at the joint public hearing.

Mr. Sadowski asked if the medical use was an issue that the Aldermen felt strongly about as he thought that the Zoning Subcommittee of the Planning Board had spent a lot of time considering these issue.

Ms. Gaffey responded that it was difficult to gage how strong the objection was, but that the Zoning Subcommittee considered it and did not feel that the language should be changed. The Aldermen could amend the Zoning Amendments at their meeting if they chose to.

Mr. King commented that Auto use on Tremont Street seems to be expanding and that therefore limiting it in the new zones seems appropriate.

Mr. Sadowski asked about the parking changes.

Ms. Gaffey responded that parking was a big issue. However, the provision in the Ordinance to substitute parking in municipal lots for required parking is hardly ever used. The parking exemption for downtown businesses is used much more frequently. She said that there was some discussion regarding housing and developments. Single family house development tends to bring more children into the school system as opposed to multifamily transit oriented housing. However, the demographics in Melrose do seem to be shifting and the upcoming Kindergarten class for next year has about 60 more children than last year. She said that the addition of more downsized housing for childless homes could contribute to that as it frees up housing for families.

Ms. Morelli asked the Planning Board if they would like to send the Report recommending no changes to the Zoning Amendments as proposed.

Ms. Gaffey said that the next meeting of the Board of Aldermen was scheduled for April 6, 2015 and she suspected that they would vote on them at that time.

Mr. Mercado MADE a MOTION to send the Report as drafted to the Board of Aldermen. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Draft Report to the Board of Aldermen on Order 2015-90: Commuter Rail Station Area Zoning Amendments and Other Related Zoning Amendments

ELECTION OF OFFICERS

Ms. Morelli asked if anyone was interested in pursuing a leadership role for the upcoming year.

The members of the Planning Board discussed that they were happy with the leadership roles as they were currently. Right now Ms. Morelli holds the position of Chairperson and Ms. DeSouza-Ward holds the position of Clerk. The Board also indicated that they would like to keep the subcommittee assignments the same for the upcoming year as well.

Mr. Mercado MADE a MOTION to keep the current slate of officers and subcommittee assignments and officers. Mr. Welch SECONDED the MOTION. All members voted in favor. None were opposed.

NEXT MEETING

Special Meeting and Public Hearing on Stone Place, Monday, April 13, 2015

Scheduled for April 13 2015 at 7:45PM in the Mayor's Conference room. Ms. Morelli said that she will be returning from a conference that day and asked if Ms. DeSouza-Ward would chair the meeting until she arrives.

Next Regular Meeting

Scheduled for Monday, April 27, 2015

The meeting adjourned at 10:45 PM.