



## CITY OF MELROSE

## OFFICE OF THE MAYOR

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*Mayor*

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February 16, 2024

Ms. Katherine Miller, Planning and Programs Specialist  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, MA 02108

RE: Response to Summit Ridge Site Approval Application Notification  
MH ID No. 1211

Dear Ms. Miller,

Thank you for the opportunity to respond to the request for Site Approval for The Summit Ridge Development proposal submitted by Ronald Lopez of Summit Development, LLC. Our understanding is that the proposal is to demolish the two existing houses at 34 and 55 Summit Avenue and construct a 36-unit mixed-income townhouse development on that land. Nine of the units (25%) would be affordable to households earning at or below 80% of area median income and the remainder would be market rate. The residential units are proposed as homeownership units and only the 9 affordable units would count on the City's Subsidized Housing Inventory.

The project site is located in the Melrose Highlands area of the city on the border with the Town of Wakefield in an Urban Residence A (UR-A) zoning district. This district allows for single-family dwellings by right and two-family and townhouses by Special Permit. The uses in the vicinity are single-family homes. The parcels that comprise this site are heavily wooded with steep slopes and ledge outcroppings and are surrounded by conservation land. The abutting Wakefield land is owned by the town and is wooded. Summit Avenue is a steep and narrow dead-end street with 20 feet of pavement and an 11.8% grade. There are single-family houses on it that were built at the turn of the twentieth century.

The City is unable to support The Summit Ridge Development for a number of reasons, chief being public health and safety concerns driven by steep topography and other serious site constraints, along with threats to the natural environment, and the loss of open space. For these reasons, which are documented at length below, we respectfully encourage MassHousing to deny Site Approval for this proposal.

### Project Background

This property has been the subject of numerous proposals that have come before the Melrose Zoning Board of Appeals and the Planning Board over the course of several years, but the significant site challenges were never properly addressed, and the proposals were ultimately

withdrawn or denied. The zoning regulations are not overly restrictive for this property. Rather, the issues with past proposals were with stormwater management, the risks associated with the extensive land disturbance, and the safety issues associated with the steepness and length of the narrow, dead-end road. These challenges continue to exist and are exacerbated by this intensely dense townhouse proposal.

It is important to clarify the procedural history that has occurred with this property and this Applicant to date. In February 2021, Mr. Lopez appeared before the Zoning Board of Appeals (ZBA) to request a special permit to establish four, two-family dwellings. During the public hearings, ZBA members raised concerns about numerous aspects of the proposal that were not addressed by the plans, including the length and accessibility of the street and the topography of the land, among other things. They noted the impossibility of adequately evaluating the 8-unit development proposal without the necessary engineering studies and design plans, and they opined that the project should follow the more logical process of first subdividing the land and obtaining a slope protection special permit from the Planning Board before applying for the two-family use. Mr. Lopez requested to withdraw the application and the ZBA granted his request without prejudice.

Several months later, in June 2021, Mr. Lopez filed an application with the Planning Board for a subdivision of this land as a *modification* of a previously approved subdivision plan, referencing a plan from 1968 illustrating seven lots. Following the City Solicitor's opinion, the Board found that the application could not be considered a modification of a definitive subdivision plan because there was no record that a subdivision of the land was approved by the Planning Board. Mr. Lopez's application for a subdivision plan modification also included a request for several waivers from the Melrose Subdivision Rules and Regulations. The Planning Board had many concerns with the plans including, among other things, the design of the roadway and the lack of emergency vehicle access and concluded that the plans were lacking critical information. Based on these concerns and the fact that the application was filed improperly as a subdivision plan modification, the Board voted to deny the application.

One year later, in June 2022, Mr. Lopez filed an application with the Planning Board for a Definitive Subdivision Plan for seven single-family house lots, which was reduced to six during the public hearing process, a Slope Protection Special Permit, and three waivers from the Melrose Subdivision Rules and Regulations. Although the project incorporated some of the Planning Board's comments from the previous application, the plans proposed a stormwater management system that the City Engineer determined would, result in icing in the right-of-way and erosion and potentially flooding to private properties along Summit Avenue. After six public hearings, Mr. Lopez requested to withdraw the application and the Planning Board granted his request without prejudice.

The concerns that were evident with the previous proposals are significantly exacerbated with the current scheme, which proposes six times the number of units on the site. As set forth more fully herein, we are convinced that MassHousing must conclude that the proposed project is unacceptable.

### Land Alteration

The site is comprised of steep slopes and ledge outcroppings, and the proposal makes no attempt to work with the varied terrain in a creative way or set aside any land as open space. A substantial amount of hammering and re-grading will be necessary to prepare the site for building each set of townhouses. In the most recent proposal for this land, 18,000 cubic yards of rock removal was estimated for six houses. The current proposal entails substantially more construction and land alteration and will require significantly more rock removal. Trucks used for rock disposal will need to traverse the existing steep, narrow street, disrupting the neighborhood.

Of special concern are townhouses numbered 1 through 5, which will require significant alteration of the natural character of the land. The grade changes on that portion of the lot range from about 172 feet on the southern end to about 200 feet on the east end. Similarly, townhouses numbered 36 through 32 are proposed to be built on land with grades changing from 182 feet on the southern end to about 216 feet on the western end. Not only does this topography create challenges for the management of groundwater and stormwater as evidenced in prior proposals that included much less development, but the hammering and site work will be disruptive and significantly compromise the quality of life for neighbors. The excessive land alteration will also jeopardize the safety of abutters on Woodland Avenue whose homes are at great risk from the potential dislocation and instability of large outcroppings and boulders that may result from the site work.

### Stormwater

The proposed sitework and final grades present challenges with groundwater and stormwater runoff. When the prior owner of the lot removed trees illegally from the adjacent conservation land, the increased runoff onto abutting properties was evident. Considering the extensive site work and increased impervious areas, residents on Summit Avenue could be subject to substantial flooding and residents on Woodland Avenue could be subject to both surface runoff flooding and groundwater breakout from the face of the proposed slope.

Given that stormwater management was not designed in accordance with the Melrose stormwater design standards in the prior proposals reviewed by the city, we are especially concerned with this issue. After many iterations of proposed stormwater management designs with the last submission, the final proposal created a point source discharge in Summit Avenue via a catch basin grate. This catch basin structure would discharge directly at the top of the existing street and only impact existing properties and not the new houses. In the calculations, the total volume of runoff would increase for all storms for Summit Avenue. Other issues that the City Engineer noted are that the steepness of the road may cause issues with the catch basin grates not being able to capture all the runoff at the higher velocities. Runoff may bypass the catch basins, increasing unaccounted for flows to Summit Avenue. The proposed outfall was not modeled in the drainage report and there were other issues that needed to be changed with the model to accurately reflect the complexities of the site. Some specific examples include that gutter flow velocities would bypass catch basins; downstream catch basins were not modeled and the outlet

control structure would hold back water volume. The City Engineer's opinion was that the proposed design will result in adverse impacts to the right of way and the private properties along Summit Avenue and Woodland Avenue. This situation is not acceptable.

Another issue with the prior stormwater management system was the potential for ground water breakout. Infiltration basins were proposed; however, due to the site consisting of bedrock, they would function as strictly storage units because there was no ability for the land to absorb the water. The captured stormwater runoff will likely flow along the subsurface bedrock layers following the natural topography down to Woodland Avenue having the potential for breakout from the slopes adjacent to the existing homes.

The 36-unit townhome proposal increases all these issues to a much larger order of magnitude. There does not appear to be any open space large enough to collect, treat, and infiltrate the stormwater generated by the proposed development.

It should be noted that the City's Stormwater Ordinance requires collection and management of stormwater on site. It is not ideal to allow a new development to directly connect to the City's drainage system and it is not routinely allowed; however, this was offered as a way for the prior proposal to move forward. There is no drainage infrastructure in Summit Avenue so the developer would need to install a drainage pipe in Summit Avenue and a portion of Botolph Street in order to connect to the existing drainage system on Woodland Avenue and protect against icing, erosion and flooding. This is a huge expense and would cause considerable disruption to the street. The case was withdrawn before discussing this option.

The City delayed repaving Summit Avenue for many years in anticipation of the development of the subject property. After the last proposal was withdrawn, the City repaved the road since it was in very poor condition. Installation of a drainage pipe down the length of Summit Avenue will require digging up the newly paved road and full curb-to-curb restoration will be required.

#### Design and Consideration of Conservation Land

The design of this development is not innovative and does not respect the natural and built environments. The excessive number of units overwhelms the property and is not consistent with the pattern of housing in the surrounding area. The project does not protect or enhance important existing natural or scenic features and does not protect adjacent properties from detrimental impacts.

This project threatens the bordering City-owned conservation land, which is known to shelter an array of plants, animals, and insects. Concerns about encroachment into conservation land are particularly acute given the proximity of the townhomes in the current proposal and the lack of available open space. The proposed housing typology will likely attract families with children and the lack of play space will impede their quality of life. While the decks that are included with each unit provide some access to the outdoors, the desire for green space may push residents to mistake the abutting conservation land as public open space and harm the existing vegetation and wildlife.

It is unclear how the plans will protect residents from the exposed ledge face, which in some cases is located as close as 10.5 ft. from the structures, and the large retaining walls that are required to construct this proposal. Without netting or other safety measures, residents will be at risk of getting hurt and could incur damage to their properties and downhill abutters.

The proposed land alteration will have a significant impact on the character of the neighborhood. Residents will lose the serenity and environmental benefits of this forested site and those who frequent the area to enjoy the adjacent High Rock Woods will be impacted by the degradation of the surrounding wooded area.

### Access

The 72 proposed parking spaces proposed for this development will vastly increase the number of vehicles on the road, which will overload Summit Avenue and put the safety of current and future residents at risk. Although the proposed development is technically a ½ mile from the Melrose Highlands Commuter Rail Station, the topography of the road is steep and is challenging for walking or biking, which is a core value of the smart growth principles that the City has practiced for many years. Additionally, the grade of the sidewalk does not comply with ADA standards due to its slope and addressing this will be a challenge.

Visitors coming to the development will add to the vehicular activity and cause access issues when they park on the street. Emergency vehicles, trash, mail and delivery trucks currently back down the street because it is too narrow and steep for them to turn around. A loop at the top of the road would help with these issues; however, when visitors and residents park on the street they will restrict large vehicles from being able to maneuver. The six proposed visitor spaces for 36 townhomes will be insufficient. If parking is not allowed on the new portion of the road to keep it clear for access, visitors will park on the existing portion of Summit Avenue, which will impact existing residents and further limit access.

### Infrastructure

The location of the proposed development poses significant infrastructure challenges. Given its elevation, a water booster station is required to provide adequate water pressure up the hill for domestic use and fire protection. The pump requires a transformer for electrical power to the station and the plans include a standby power generator to use during outages. The infrastructure that is required for the feasibility of this development is complex and signals that the Applicant is trying to force 36 units onto a site that is clearly unable to support this much development. Furthermore, this machinery is located at the southern edge of the property adjacent to the existing residential neighborhood. During the Planning Board hearings for the last proposal for this property, which included a water booster station and generator in the same location, the Applicant acknowledged that the pump and generator will emit audible noise and it was evident that it would be disruptive to the existing neighborhood and negatively impact the abutters' quality of life.

Apart from the insufficient water pressure, the ability to install infrastructure for stormwater management as discussed above is a cause for concern. The Applicant's engineer was unable to

design a system that responded to the City Engineer's concerns for the last proposal. It is perplexing how stormwater could be managed with this current proposal that involves more land area disturbance and impervious surfaces.

Finally, as mentioned above, Summit Avenue was repaved in 2023 and is now under a 5-year moratorium. Installation of new utilities and excessive heavy truck traffic from construction will degrade the excellent condition of this street. The applicant will be required to perform curb-to-curb paving for the entire length of the road (approximately 800 linear feet) if the project moves forward, significantly adding to their costs.

### Consistency with the Commonwealth's Sustainable Development Principles

All Comprehensive Permit Site Approval Applications require the developer to conduct a self-assessment for consistency with the Commonwealth's Sustainable Development Principles. Without strong municipal support, the Applicant is required to meet a minimum of five principles. It is clear from this self-assessment that the Summit Ridge proposal fails to meet even this minimum standard.

#### *(1) Concentrate Development and Mix Uses:*

This location fails to concentrate development and mix uses. While the Summit Ridge development, at 14 units per acre, is higher density than the single-family district that surrounds the site, this narrow, steep dead-end street is not an appropriate location for density and a mix of uses. In other areas of Melrose multifamily housing can be built as of right with substantial density. For example, in the Smart Growth Overlay District and Rail Corridor Overlay District, a density of up to 35 units per acre is allowed. In terms of uses, only one housing typology (townhouses) is proposed for this site and the development fails to bring any new amenities to the neighborhood that might incentivize abutters to support the project.

Furthermore, the application fails to comport with basic common sense and land use planning principles. The proposal violates almost 400 years of planning and development patterns in the City of Melrose (the City was settled 390 years ago). There is simply no rational basis for proposing, let alone approving, such a grossly inconsistent density and use on this land.

#### *(2) Advance Equity & Make Efficient Decisions:*

The project does little to advance equity and efficiency. Constructing nine affordable homes will have a negligible impact on affordable housing in Melrose. Furthermore, the City of Melrose has made a concerted effort not to locate affordable housing on the outskirts of the city and away from the excellent amenities that this community has to offer. Instead, the City has carefully planned for this important housing stock to be in walkable districts near amenities and transportation hubs. Due to the grade of the road, this location is not truly accessible by foot or by bike and will be difficult to access without a vehicle or for those requiring any physical assistance.

*(3) Protect Land and Ecosystems:*

Instead of protecting land and ecosystems, the Summit Ridge development would do exactly the opposite. It would clear cut and hammer through a beautiful natural landscape that is home to a variety of different species and replace it with impervious surface area. While the Applicant is prohibited from performing work in the bordering conservation land, the activities proposed are sure to contribute negatively to the environmental habitat. Additionally, the Applicant makes no effort to create useable open space for residents of the development. In the Comprehensive Permit Site Approval Application, the developer states that the project addresses public health and safety risks when in fact the construction and resulting destruction will put abutters at serious risk of flooding and falling bedrock. They also note that half the site will be open space, but it is unclear how that will be accomplished given the site's constraints and challenges. It is unconscionable that this project will have such a profound impact on the surrounding neighborhood but will only result in the creation of nine affordable homes.

*(4) Use Natural Resources Wisely:*

Beyond providing Energy Star or equivalent appliances in all units, which is required by MassHousing, the Applicant does not try to conserve natural resources through the efficient use of land, energy, water, and materials. The Applicant has indicated that no low impact development techniques or alternative technologies will be utilized. Implementing such practices should be embraced given the large amount of vegetation that will be cleared and replaced with impervious surface area. The city is dedicated to ensuring that new construction is built with green building practices and energy efficient systems and the project should propose such features as high-performance building envelopes and insulation, electrification, air or ground source heat pumps, solar panels, and electric vehicle charging infrastructure.

*(5) Expand Housing Opportunities:*

This project will not expand housing opportunities in accordance with Melrose's vision for future growth. In order to reduce our impacts on climate change and promote the use of public transportation, the city feels strongly that new growth should be concentrated around Oak Grove Station, the three Commuter Rail Stations and downtown Melrose. In addition to their transit access, these walkable neighborhoods also have a variety of services available to residents, so they are not reliant on an automobile.

*(6) Provide Transportation Choice:*

Because of the nature of the site's location, transportation choices are lacking. As mentioned, the change in elevation from the top of the road to the Melrose Highlands Commuter Rail will dissuade future residents from walking or biking. Current residents have told City Staff about the reality of the conditions that prevent them from walking to the commuter rail or using bikes to get around despite a desire to do so. The city does not consider development at the end of this street to be smart growth. There are developable parcels around the transit stations that can accommodate high-density projects in a way that is much less impactful to public health and the

environment. By providing two parking spaces per unit, the Applicant is all but guaranteeing that each household will own and use two cars.

*(7) Increase Job and Business Opportunities:*

According to the Applicant, “The project will provide temporary construction jobs as well as a new condominium management job. It will support the service industries including HVAC, snow plowing and landscaping.” This would do little to improve the local economy as these are generally seasonal or temporary positions with low wages. It also does not justify the amount of destruction and level of risk to surrounding abutters and properties that is posed by this development.

*(8) Promote Clean Energy:*

The proposed project cannot comply with the threshold criteria related to the Commonwealth’s Sustainable Development Principles nor can it comport with the requirements of 760 CMR56.04(4)(c) (“that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns...”). The amount of pollution that will occur because of the construction negates any promotion of environmentally friendly features.

*(9) Plan Regionally:*

This project poses serious safety and environmental concerns for residents in both Melrose and Wakefield and does not support smart regional growth. The lack of public support for developing this land was clear from the abundance of neighbors and community members who opposed this project during the hearings for the prior proposals. The uncertainty that Planning Board Members and the City had regarding the Applicant’s ability to ensure abutter protection during construction further indicates that this site is inappropriate for the proposed density. As discussed above, this plan does not protect vulnerable land and ecosystems, and the Applicant has not indicated that practices will be instituted to conserve regional natural resources and promote clean energy. Rather than construct a dense, transportation-oriented development on a site identified in the Melrose Housing Production Plan, which considers regional impacts, the challenging site conditions prevent the Applicant from adding a meaningful number of housing units to the region’s dire shortage and supporting regional housing goals.

Melrose’s Progress on Smart Growth and Affordable Housing

As evidenced by our decade’s long history of promoting the development of multifamily housing and the creation of affordable housing opportunities, the City of Melrose is not averse to growth and does not practice exclusionary zoning. Recognizing its strong transportation assets, the City is committed to advancing smart growth and transit-oriented development. This goal is articulated in the City’s *Melrose Forward* Master Plan and the Melrose Housing Production Plan (HPP). The HPP sets a goal of creating 237 new affordable housing units in the next five years. There are ten development sites identified in the plan that are prime locations for new housing.



The properties have underutilized structures and parking lots on them. They have little to no vegetation and pervious surface and no need for land alteration to be redeveloped. The City encourages development of multi-family and mixed-use buildings on these sites and sites like them. The subject property is antithetical to these plans for growth given the amount of land alteration needed and the surrounding context of the access road and neighborhood.

Even before these recent Plans were written and long before "transit-oriented development" and "smart growth" became commonplace, the city created opportunities for dense development near transit through progressive zoning and cooperative relationships with developers. The City has had progressive, growth-oriented zoning in place since the early 1980s and, in recent years, has created zoning overlay districts such as the Rail Corridor Overlay District and Smart Growth Overlay District that allow high-density housing around transit stations through the by-right Site Plan Approval process.

Melrose has seen redevelopment activity in the downtown and near commuter rail and the Oak Grove stations over the last several years due to the progressive zoning in these areas and the flexibility of the Planning Board to ease or waive parking requirements in these districts. In the last five years 234 net new units were constructed in the city. An additional 224 net new units have been permitted and several developments are under construction. A 34-unit project is currently under review by the Planning Board and the city has recently expressed support for a 76-unit 40B development proposal planned for one of the development sites identified in our HPP.

As the City of Melrose has increased its housing supply over the years, it has also remained dedicated to increasing the supply of affordable housing. While Melrose has not yet met the 10% threshold set by the Commonwealth for the percentage of housing units designated as affordable, it has reached 8% by making steady progress over the years. The City adopted the Affordable Housing Incentive Program Ordinance (Section 235-73.1 of the Melrose Zoning Ordinance) in 2004 as its first action upon completing a Master Plan earlier that year. Even prior to the adoption of the zoning requiring developers to contribute affordable units, the city expressed its commitment to affordable housing by negotiating with developers to set aside at least 10% of the units in the larger developments as affordable units.

The zoning established in 2004 codified this approach and expanded it to all developments with five or more residential units. In 2018, upon completion of an updated Master Plan, the City prioritized action on affordable housing again and developed a zoning amendment which increases the percentage of affordable units that developers must contribute to 15%, among other modifications. The amended affordable housing zoning was approved overwhelmingly by City Council.

Since the creation of this Ordinance, the city has overseen lotteries for 20 new condominiums and 78 rental units which have been added to Melrose's Subsidized Housing Inventory (SHI). Additionally, projects have been recently permitted that include 38 more affordable rental units. Developers have paid \$336,000 into the Affordable Housing Trust Fund which the City has recently created. The formation of the Affordable Housing Trust will provide additional capacity

to create affordable housing opportunities where our resources as a small city with lean finances are limited.

As a result of Melrose's efforts to promote smart growth development and affordable housing, the city was designated as a "Housing Choice Community" by the Massachusetts Department of Housing and Community Development in 2018, the first year this designation became available. This designation enabled the city to apply for exclusive funding through the Housing Choice Capital Grants program. Melrose was one of only 19 communities to successfully receive funding through the new grant program due to its strong application, commitment to housing production and best practices to promote housing and affordable housing opportunities.

For a community of 4 square miles considered "built-out" by conventional standards, Melrose has nonetheless been a leader in the region when it comes to supporting housing production. Our zoning is a model for transit-oriented development and meets the requirements outlined in the MBTA Communities Act without any modifications to the use or dimensional regulations. We are proud of this distinction and embrace this critical regional initiative, but if this development is allowed to move forward it will undermine our efforts.


### Conclusion

We are doing the work to increase housing and affordable housing in our community; however, we cannot support this proposal. The Summit Ridge development runs contrary to the proactive planning that the city has undertaken over the past two decades to redevelop the areas around our transit stations, which are also close to jobs, services, and amenities. The project would forever alter the surrounding natural environment and create a host of public health and safety concerns. The City's Engineering Department is continually involved with trying to help current residents that are negatively impacted by past developments that have similar conditions and challenges. It is unjust to surrounding property owners and City staff to allow this project to move forward and have to deal with the consequences.

Despite all of these negative impacts, this development will have a negligible impact on housing production, creating only nine affordable homes, and will be a huge distraction in the community at a time when we endeavor to continue our track record of promoting sustainable, smart growth and affordable housing production with community support.

We thank you for the opportunity to provide these comments in response to the Application for Site Approval and respectfully urge MassHousing to consider the grave consequences of issuing a Project Eligibility Letter for this misguided project. Since this property has already undergone extensive review by City Boards, Staff and peer review consultants with past proposals, we feel confident that the threats to health, safety and the natural environment are not going to be addressed by conditions of approval imposed by the Zoning Board of Appeals. Therefore, we respectfully encourage MassHousing to deny Site Applicability for this Proposal.

Sincerely,



Jennifer Grigoraitis  
Mayor

cc: Melrose City Council  
Melrose Zoning Board of Appeals  
Melrose Planning Board  
Melrose Conservation Commission  
Shannon Phillips, City Solicitor  
Denise Gaffey, Director of Planning and Community Development  
Lori Massa, Senior Planner  
Maya Noviski, Assistant Planner