

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, June 13, 2018
7:45p.m.
Aldermanic Chamber, Melrose City Hall, 562 Main Street**

Present:

Rita Mercado, *Chair*
James Bradley
Curtis Dooling, II
Krista Lillis, *Associate*
Bryan Thorp

Absent:

David Roache

Staff Present: Lori Massa

The meeting was called to order at 7:50 pm.

CASES BEFORE THE BOARD

**CASE 17 023: The appeal of Gary D. Benard
11 Fairfield Avenue**

As advertised, case 17-023, was for Variances from Sections 235-15 and 235-17 of the Zoning Ordinance to legalize a three-family dwelling, Sections 235-18 and 235-19 for front yard setback, Section 253-41.H for parking in the front yard, and Section 235-41.O for parking without direct access to an aisle and a Special Permit under Section 235-41.M for an 80% reduction in the required number of parking spaces for the property owned by Gary D. Benard Trustee of the Gary D. Benard Trust at 11 Fairfield Avenue, Melrose, MA, on a lot of land containing 10,180 sf and shown on Assessor's Map E4 0 19. To the extent necessary, the application includes a request for a Variance from Section 235-32 for the number of required parking spaces.

The Board did not receive any correspondence for the case and therefore voted, 5-0, to continue the case to July 11, 2018.

Documents: ZBA Application 17-023

**CASE 18 008: The appeal of David Rouse
125 Myrtle Street**

As advertised, case 18-008, was for Variances from Sections 235-18 & 235-19 of the Zoning Ordinance to construct a two-story addition and deck in the rear of the two-family house within

the nonconforming side yard at 125 Myrtle Street, Melrose, MA, on a lot of land containing 7,524 sf and shown on Assessor's Map C8 0 125.

The Board of Appeals opened and discussed the case at their hearing on May 9, 2018.

David and Catherine Rouse appeared for the case. Mr. Rouse explained that at the last hearing he agreed to change the plans to pull the wall of the sunroom in a foot and to eliminate the deck. The revised plans were not complete for this meeting. He asked if the Board would reconsider his original request and approve the plans without the setback. He still does not want to build the deck.

No one appeared to speak in support of or in opposition to the proposal.

The members said that it can be problematic to approve a proposal without a clear plan of what they are approving. Also, they outlined what they discussed at the last meeting regarding why the proposed addition would be better with a setback from the wall of the existing house. The reasons included that the setback allows the house to not appear to be as long as it otherwise would and the roof would be easier to construct if it does not tie into the existing roof. Mr. Rouse asked if the setback needs to be on both sides of the addition and the Board said that they would not comment on the setback for the conforming side of the addition.

Mr. and Mrs. Rouse asked for a continuance to discuss the setback with their architect and contractor. The Board voted, 4-0, without Curtis Dooling who was not present at the May 9 hearing, to continue the case to July 11, 2018.

Documents: ZBA Application 18-008

CASE 18 012: The appeal of Laura & Ryan Fay 3 Geneva Road

As advertised, case 18-012, was for a Variance from Sections 235-18, 235-19 and 235-44.G of the Zoning Ordinance to increase the height of the single-family house in the nonconforming rear yard on the corner lot at 3 Geneva Road, Melrose, MA on a lot of land containing 8,129 sf and shown on Assessor's Map E8 0 104.

The Board of Appeals opened the case. The Chair swore in the Applicants and those choosing to speak at the hearing. Owner, Ryan Fay, appeared to explain the proposal. No one appeared to speak in support of or in opposition to the proposal.

Information regarding the hearing and the Board's discussion regarding the proposal and findings are documented in the decision for the case.

The Board voted, 5-0, to approve the requested Variance.

Documents: ZBA Application 18-012

**CASE 18 013: The appeal of James P. O'Hare
14 East Street**

As advertised, case 18-013, was for a Special Permit under Section 235-17 of the Zoning Ordinance to establish an in-law apartment in the single-family dwelling owned by James & Jessica O'Hare at 14 East Street, Melrose, MA, on a lot of land containing 9,211 sf and shown on Assessor's Map F9 0 140.

The Board of Appeals opened the case. The Chair swore in the Applicants and those choosing to speak at the hearing. Owner, James O'Hare, and Representative, Joel Crowley, appeared to explain the proposal. No one appeared to speak in support of or in opposition to the proposal.

Information regarding the hearing and the Board's discussion regarding the proposal and findings are documented in the decision for the case.

The Board voted, 5-0, to approve the requested Special Permit.

Documents: ZBA Application 18-013

**CASE 18 014: The appeal of MKC Properties, LLC
538/540 Lynn Fells Parkway**

As advertised, case 18-014, was for Variances from Sections 235-31 & 235-31.2 of the Zoning Ordinance to remove the preexisting nonconforming ground sign and install a new ground sign for the accessory professional office, Melrose Orthodontics, at 538/540 Lynn Fells Parkway, Melrose, MA, on a lot of land containing 9,885 sf and shown on Assessor's Map D10 0 122.

The Board of Appeals opened the case. The Chair swore in the Applicants and those choosing to speak at the hearing. Attorney, Judith Clark, and Applicant, Dr. Moira Casey, appeared to explain the proposal. No one appeared to speak in support of or in opposition to the proposal.

Information regarding the hearing and the Board's discussion regarding the proposal and findings are documented in the decision for the case.

The Board voted, 5-0, to conditionally approve the requested Variances.

Documents: ZBA Application 18-014

OTHER BUSINESS

The Board voted, 5-0, to approve the minutes from the hearing on May 9, 2018.

The next meeting is tentatively scheduled for July 11, 2018.

The meeting adjourned at 9:00 pm.