

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, September 12, 2018
7:45p.m.
Aldermanic Chamber, Melrose City Hall, 562 Main Street**

Present:

James Bradley
Curtis Dooling, II
Krista Lillis, *Associate* (present for case 18-019)
Rita Mercado, *Chair*
David Roache
Bryan Thorp

Absent:

None

Staff Present: Lori Massa

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

CASES BEFORE THE BOARD

**CASE 18 016: The appeal of Rita O. Gilligan
21 Spear Street**

As advertised, case 18-016, was for a Special Permit under Section 235-17 to establish a two-family house and for Variances from Sections 235-18 & 235-19 of the Zoning Ordinance for nonconforming front and side yard setback in order to construct a dormer on the existing single-family house and construct a 1,170 sf, 2 ½ story attached structure at 21 Spear Street, Melrose, MA, owned by Rebecca Spinale, on a lot of land containing 14,102 sf and shown on Assessor's Map E4 0 110.

The Board of Appeals continued this case as requested by Rita Gilligan on August 1, 2018 to September 12, 2018 and opened the case at this hearing. The Chair swore in the Applicants and those choosing to speak at the hearing. Applicant, Ms. Gilligan and Architect, Morris Schopf, appeared to withdraw the request for a Special Permit to establish a two-family and a Variance for the associated addition. They explained that they were just moving forward with the Variance request for a dormer. No one appeared to speak in support of or in opposition to the proposal. One neighbor submitted a letter to oppose the two-family but the letter did not reference the dormer.

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 revised application and withdrawal request.

Documents: ZBA Application 18-016
Revised plans dated August 30, 2018

**CASE 18 017: The appeal of David Lucas
22 Slayton Road**

As advertised, case 18-017, was for an appeal under §235-60.C of the Zoning Ordinance regarding the determination of the Building Commissioner as to the need for Variances from §235-18, 235-19, 235-44.D and 235-44.G to construct an approximately 300 sf second floor addition on the single-family house in the nonconforming rear yard on the nonconforming corner lot at 22 Slayton Road, Melrose, MA, on a lot of land containing 7,547 sf and shown on Assessor's Map G7 0 71. The Application, depending on the outcome of the appeal, includes a request for Variances from §235-18, 235-19, 235-44.D and 235-44.G in order to construct the addition.

Due to a lack of a quorum, the applicant agreed to and the Board approved a continuance for the case from August 1, 2018 to September 12, 2018 and opened the case at this hearing. The Chair swore in the Applicants and those choosing to speak at the hearing. Owner, David Lucas, appeared to explain the proposal. One person appeared to speak in support of the proposal and Mr. Lucas submitted four supportive letters from neighbors.

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 Variances and deny the request to overturn the Building Commissioner's determination.

Documents: ZBA Application 18-017

**CASE 18 018: The appeal of Underwood & Beacon, LLC
24-28 Hurd Street**

As advertised, case 18-018, was for an appeal for a Special Permit under Section 235-17 of the Zoning Ordinance to establish four townhouses and for Variances from Sections 235-18 & 235-19 for lot area for four dwelling units, frontage and lot width and from Section 235-41.O for insufficient driveway/aisle width at 24-28 Hurd Street, Melrose, MA, on a lot of land containing 10,274 sf and shown on Assessor's Map B6 0 46.

The Board of Appeals opened the case. The Chair swore in the Applicants and those choosing to speak at the hearing. Joe Roman and Matt Roman, Owners and Applicants, Judy Clark, Attorney, and Ryan McShera, Architect, appeared to explain the proposal. Two people appeared at the hearing to ask questions, Mr. Roman submitted four letters in support of the proposal and an alderman submitted a letter with concerns.

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 and Variances.

Documents: ZBA Application 18-018

**CASE 18 019: The appeal of Gary D. Benard
11 Fairfield Avenue**

As advertised, case 18-019, was for an appeal for Special Permits under Section 235-15/17 of the Zoning Ordinance to establish a two-family dwelling and to establish an in-law apartment and for Variances from Sections 235-18/19 for minimum lot area for a two-family dwelling and Section 235-5 for a standard of an in-law apartment at 11 Fairfield Ave, Melrose, MA, on a lot of land containing 10,180 sf and shown on Assessor's Map E4 0 19. Alternatively the appeal is for Variances from Sections 235-15/17 of the Zoning Ordinance to legalize a two-family dwelling, 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. To the extent necessary, the application includes a request for a Variance from Section 235-32 for the number of required parking spaces. The application also includes an appeal as a party aggrieved by the Building Commissioner's determination under Section 235-60.C that this is not a lawful two-family or multi-family dwelling based upon prior use.

The Board of Appeals opened the case. The Chair swore in the Applicants and those choosing to speak at the hearing. Attorney McAvoy appeared to explain the proposal. One person appeared to speak in support of the application and Mr. McAvoy submitted eight supportive letters from neighbors.

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 Permits for a two-family dwelling and an in-law apartment, conditionally approved dimensional Variances for these uses and to withdraw the Variances for parking and the appeal of the Building Commissioner's determination.

Documents: ZBA Application 18-019

OTHER BUSINESS

The next meeting is tentatively scheduled for October 10, 2018.

The meeting adjourned at 9:45 pm.