

**MELROSE BOARD OF APPEALS  
MEETING MINUTES  
Public Hearing  
Wednesday, June 26, 2019  
7:45p.m.  
Aldermanic Chamber, Melrose City Hall, 562 Main Street**

**Present:**

James Bradley  
Krista Lillis, *Associate*  
Rita Mercado, *Chair*  
David Roache  
Bryan Thorp

**Absent:**

Curtis Dooling, II

**Staff Present:** Lori Massa

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

**CASES BEFORE THE BOARD**

**CASE 19 007: The appeal of Xunming Chen  
86-88 Lake Avenue**

As advertised, case 19-007, was for Variances from Sections 235-18 & 235-19 of the Zoning Ordinance for minimum lot area, front yard, and side yards to convert the two-family structure into a three-family structure with an exterior alteration for an emergency egress and from Sections 235-41.O for driveway width, 235-41.H for front yard parking, and 235-41.I for backing of vehicles onto the street. The application includes a request for Special Permits under Sections 235-17 to establish the use as a three-family dwelling & if the Board finds that the number of parking spaces is insufficient, Section 235-41.M for a reduction in the number of required parking spaces. The property is 86-88 Lake Avenue, Melrose, MA, owned by Xunming Chen & Weiling Jin, on a lot of land containing 7,036 sf and shown on Assessor's Map C9 0 21.

The Board of Appeals opened the case at the hearing on May 8, 2019 and after discussion asked the Applicant to provide more information. Attorney Judy Clark and Owner, Xunming Chen, appeared to present additional information about the proposal. The fire escape location was not tied down at the last meeting and the Board members had questions about the size of the parking spaces and open space on the lot. They presented a site plan with a fire escape at the back of the building. In this plan a door will replace a window in a third floor dormer and stairs will be constructed from there to the ground. Mr. Chen consulted with an architect who said that this stair was feasible. They also presented letters of endorsement from some of Mr. Chen's tenants at other properties.

Ms. Clark listed the actions that Mr. Chen has taken at the property. He has replaced the heating system, two water heaters, gutters and carpets, and deleaded a unit, painted, and fixed the roof. She said that they are not starting fresh with an eye towards perfection. They will find better tenants and neighbors with three smaller units. They should be provided the relief that was granted next door.

Board members asked a lot of questions about the proposed stairs and Mr. Chen answered them. The stairs will be near the bathroom on the third floor and the bathroom would remain. There are trash barrels on the ground where the stairs will be located. He did not want to pay for architectural drawings until he knew that three units would be allowed. Members stated that part of what they consider is what the structure will look like and how it affects the building. They understood Mr. Chen wanting certainty but the drawings that he provided are not sufficient to show what it will look like and the footprint of the stair could be different when the stairs are actually designed. The 6x11 foot space does not appear to be sufficient for a stair to reach that height. A member mentioned that the footprint of the stair now affects the parking layout.

The Board asked that Mr. Chen reach out to the neighbors at the last meeting and members were disappointed that he did not. The neighbors had significant concerns about front yard parking and the existing condition of the property.

The Board understood the intent of the proposal to not have large units but was not seeing the effort to improve upon the issues at the property or present sufficient plans. A member said that the care that goes into these parts of the application speak to what kind of a neighbor Mr. Chen will be in fixing up his property.

Since no new information was presented, the Board did not take public testimony.

Ms. Clark requested that the Board continue the case to September 11, 2019. The Board voted, 5-0, to approve the continuance request.

#### **CASE 19 012: The appeal of Jonathan D. & Judith H. Rick 159 Laurel St**

As advertised, case 19-012, was for a Special Permit under Section 235-17 of the Zoning Ordinance to establish a two-family dwelling and Variances from Sections 235-18 & 235-19 for minimum lot area for a two-family and lot frontage/width at 159 Laurel Street, Melrose, MA, on a lot of land containing 8,510 sf and shown on Assessor's Map F7 0 96.

The case was advertised for the June 12, 2019 meeting. At that meeting Attorney Mitchell appeared to request a continuance and the Board approved the request to continue the case until June 26, 2019. At the current meeting the Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Attorney Mitchell and Jonathan Rick and his daughter Rebecca Longo, appeared to explain the proposal. Two people appeared to speak in support of and one person appeared to speak in opposition to the application.

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 19-012

**CASE 19 014: The appeal of Steven Meyers  
45 Warren Street**

As advertised, case 19-014, was for Variances from Sections 235-18, 235-19 & 235-44.G of the Zoning Ordinance for front and rear yards to add a second story onto the nonconforming single-family house and a one-story shed attached to the house on a corner lot owned by Sean & Chrissy Finn at 45 Warren Street, Melrose, MA, on a lot of land containing 6,000 sf and shown on Assessor's Map B12 0 39.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Architect Steven Meyers and Owners Sean and Chrissy Finn appeared to explain the proposal. No one appeared to speak in support of or in opposition to the application.

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 Variances.

Documents: ZBA Application 19-014

**CASE 19 015: The appeal of Jesse Nicholson & Megan Willey  
29 Wheeler Avenue**

As advertised, case 19-015, was for Variances from Sections 235-18, 235-19 & 235-44.G of the Zoning Ordinance for the side yard requirement for a second-story rear addition and deck on the nonconforming single-family house at 29 Wheeler Ave, Melrose, MA, on a lot of land containing 7,200 sf and shown on Assessor's Map F6 0 138.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Owners, Jesse Nicholson and Megan Willey, and Architect, Robert Caruso, appeared to explain the proposal. Two people appeared to speak in support of the application.

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 Variances.

Documents: ZBA Application 19-015

**CASE 19 016: The appeal of Austin Frakt  
647 Main Street**

As advertised, case 19-016, was for a Special Permit under Section 235-40.A of the Zoning Ordinance for the reduction of required parking spaces for a site within 1,000 feet of a municipal parking lot for a by-right non-profit art studio/community art center at 647 Main Street, Melrose, MA, shown on Assessor's Map D8 0 2-3.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Applicant/Owner Austin Frakt and Owners Kristina Rodolico and Michael McCormack appeared to explain the proposal. No one appeared to speak in support of or in opposition to the application.

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 19-016

**OTHER BUSINESS**

**Approval of meeting minutes from June 12, 2019**

Mr. Thorp made a motion to approve the meeting minutes from June 12, 2019. Ms. Lillis seconded the motion. All members present voted in favor. None were opposed.

The next meeting is set for July 10, 2019 in the Aldermanic Chamber.

The meeting adjourned at 10:00 pm.