

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, August 14, 2019
7:45 p.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 19 018: The appeal of Joshua & Ngoc Anh Goldstein
26 Prospect Street** (continued from July 10, 2019)

As advertised, case 19-018, was for Variances from Sections 235-24.A & -24.B of the Zoning Ordinance for front and side yard setback for an accessory structure in order to construct a retaining wall near the property lines at 26 Prospect St, Melrose, MA, on a lot of land containing 19,944 sf and shown on Assessor's Map A8 0 32.

The Board of Appeals opened the case at the July 10, 2019 meeting and after discussion continued the case to August 14, 2019. Mr. and Mrs. Goldstein submitted a letter dated August 11, 2019 with a request to withdraw the application without prejudice. The Board acknowledged receiving a letter dated August 14, 2019 from the Fix Family of 14 Prospect Street which documented their concerns. Michael Fix also appeared at the meeting.

The Board voted, 4-0 with Mr. Thorp recused, to approve the request to withdraw the application without prejudice.

Documents: ZBA Application 19-018
Written withdrawal request dated August 11, 2014

**CASE 19 019: The appeal of Elm Capital and Investments, LLC
8 Spear Street**

As advertised, case 19-019, was for Variances from Sections 235-18 & -19 of the Zoning Ordinance for lot area, front and rear yard setbacks, and lot depth and Section 73.2 for slope protection regulations to subdivide the lot at 8 Spear Street, Melrose, MA, into one parcel that contains an existing single-family house on it and another parcel fronting onto Forest Street that would seek zoning relief for construction at another time. The total land area is approx. 28,737 sf and is shown on Assessor's Map E3 0 111.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Attorney Patrick McAvoy and Jumanthro Sianturi, manager of the Elm Capital and Investments, LLC appeared to explain the proposal. Six people appeared to speak in opposition to the application and one person wrote a letter in opposition.

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

Attorney McAvoy withdrew the Variance request for Section 73.2 for slope protection regulations and the Board accepted this request.

The Board voted 2-3 to approve the requested Variances and therefore the request was denied.

Documents: ZBA Application 19-019

**CASE 19 020: The appeal of Caroline Petrovick
20 Faxon Street**

As advertised, case 19-020, was for a Variance from Sections 235-18 & 235-19 of the Zoning Ordinance for front yard setback in order to construct a 1 ½ story front addition onto the single-family house at 20 Faxon Street, Melrose, MA, owned by Bethany Ellis & Caroline Petrovick on a lot of land containing 9,801 sf and shown on Assessor's Map E6 0 181.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Applicant and owner, Ms. Petrovick, appeared to present the proposal. No one appeared to speak in support of or in opposition to the application. Nine neighbors submitted supportive letters.

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 19-020

**CASE 19 021: The appeal of Bradley J. and Kristen P. Schreck
67 & 73 Lovell Road**

As advertised, case 19-021, was for Variances from Sections 235-18 & 235-19 of the Zoning Ordinance for lot area, lot frontage/width and side and rear yards for a detached garage for 67 Lovell Road and Sections 235-18 & 235-19 for lot area, lot frontage/width, side yard for the principal structure and side and rear yards for a detached garage, and Section 235-46.A for further reducing a nonconforming side yard at 73 Lovell Road, Melrose, MA, on lots of land containing 5,807 & 5,777 sf and shown on Assessor's Maps E12 0 36 & E13 0 35. The purpose of the application is to allow for the reconfiguration of a lot line between the properties so that they each have their own driveway and detached garage.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Attorney McAvoy and Owner, Bradley Schreck, appeared to explain the case. They submitted an updated plan that included a revised parcel line and conforming garage setbacks for all but one setback. One neighbor appeared to speak about 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, 4-0, with Mr. Bradley recused, to approve the requested Variances as revised with an attached condition.

Documents: ZBA Application 19-021
Revised Plot Plan dated July 12, 2019

CASE 19 022: The appeal of Rebecca O'Grady 11 Fields Court

As advertised, case 19-022, was for Variances from Sections 235-44.A & 235-44.B of the Zoning Ordinance to extend a nonconforming use and structure and Sections 235-18 & 235-19 for front and side yards to construct a two-story deck at 11 Fields Court, Melrose, MA, on a lot of land containing 5,580 sf and shown on Assessor's Map C7 0 98-11.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Rebecca O'Grady, Owner, and Daniel McDermott, Contractor, appeared to present the proposal. One person appeared to speak on a topic unrelated to the deck.

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 19-022

CASE 19 023: The appeal of Rebecca Sandlin 12 Fields Court

As advertised, case 19-023, was for Variances from Sections 235-44.A & 235-44.B of the Zoning Ordinance to extend a nonconforming use and structure and Sections 235-18 & 235-19 for front and side yards to construct a two-story deck at 12 Fields Court, Melrose, MA, owned by Timothy Sandlin, on a lot of land containing 5,580 sf and shown on Assessor's Map C7 0 98-12.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Rebecca and Timothy Sandlin, Applicants and Owners, and Daniel McDermott, Contractor, appeared to present the proposal. One person appeared to speak on a topic unrelated to the deck.

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 19-023

OTHER BUSINESS

Approval of meeting minutes from June 26 and July 10, 2019

Mr. Thorp made a motion to approve the meeting minutes from June 26 and July 10, 2019. Mr. Roache seconded the motion. All members present voted in favor. None were opposed.

The next meeting is set for September 11, 2019 in the Aldermanic Chamber.

The meeting adjourned at 10:05 pm.