

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, April 15, 2020
7:45 p.m.
Remote Meeting**

Present:

Curtis Dooling, II
Julianna Hanlon, *Associate*
Rita Mercado, *Chair*
David Roache
Bryan Thorp

Absent: None

Staff Present: Denise Gaffey, Director, Lori Massa, Clerk

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Melrose Zoning Board of Appeals was conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting were found on the City of Melrose's website, at www.cityofmelrose.org. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings in real time, or in the event that we are unable to do so, on the mmtv3.org website an audio or video recording, transcript, or other comprehensive record of proceedings was posted as soon as possible after the meeting. A link was also available on www.cityofmelrose.org.

Meeting access information was found at the following link and the application materials were posted to the City's website: www.cityofmelrose.org/remote-meetings

CASES BEFORE THE BOARD

**CASE 19 043: The appeal of Matthew Roman
360 Main Street**

As re-advertised, case 19-043 was for Variances from Sections 235-18 & -19 of the Zoning Ordinance for building height, number of stories and floor area ratio, 235-41.N for parking space size, 235-41.O for driveway widths and 235-33 for not providing a loading dock all required in order to construct a mixed use building including 42 residential units, approx. 3,400 sf of retail and/or restaurant space and approx. 3,500 sf of community facility space with 43 parking spaces

at 360 Main Street, Melrose, MA, owned by PBA Associates, Inc., on a lot of land containing 17,257 sf and shown on Assessor's Map C6 0 56. The application includes Special Permits under Sections 235-41.M for a 20% reduction in the number of parking spaces required and 235-40.A for a reduction of required parking spaces for a site within 1,000 feet of a municipal parking lot. Depending on the outcome of the Special Permit requests, the application includes a Variance from Section 235-17.Q & -32 for the number of parking spaces for 2 residential units, 6 spaces for the community facility space and the parking for the retail and/or restaurant use.

The Board of Appeals opened the case on February 12, 2020 and after discussion continued the case to March 11, 2020. The case was re-advertised for the March meeting. Due to only four of the members appearing at the meeting due to illness, Attorney Robert Bell requested a continuance to the April meeting, which the Board granted.

Attorney Robert Bell, Applicant Matthew Roman, and Architect Peter Quinn, were part of the April hearing to present the additional information requested.

For this hearing the Board received ten letters in support of the project from Jonah and Katie Chiarenza of 515 Lebanon Street #2, Caitlin Donahue of 31 Warwick Road, Dana LeWinter of 21 Brigg Street, Ben Bradley of 21 Brigg Street, Andy Monat of 57 W Hill Avenue, Dan Krechmer of 110 East Emerson Street and Ryan and Amber Williams of 88 Malvern Street and City Councilors Jack Eccles, Cory Thomas, and Maya Jamaledine. Members of the public that spoke in opposition to the application included Attorney David Chaffin who also submitted a letter on behalf of John Wise, manager of 10 Corey Street, to the Board dated April 14, 2020.

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

By roll call the Board voted, 4-1, to grant the requested Variances and Special Permits.

Documents: ZBA Application Materials 19-043
Supplemental Application Materials: financial information summary and gross rents, Memo from Peter Quinn dated March 10, 2020, Memo from Wilcox & Barton, Inc. dated March 9, 2020, 3-D Renderings A0.1-A0.5 – dated revised November 11, 2019, Shadow Study

CASE 20 006: The appeal of Ky Phan 26 N Cedar Park

As advertised, case 20-006 was for Variances from §235-5 of the Zoning Ordinance to construct two dormers that do not comply with the definition of half story on the two-family house, and §235-18, -19, & -44.G to construct a stair, landing and dormer in the nonconforming side yard and to add a third story to the house at 26 N Cedar Park, Melrose, MA, owned by Ty Phan, on a lot of land containing 11,775 sf and shown on Assessor's Map B8 0 58.

The Board of Appeals opened the case. The Chair swore in the applicant and those choosing to speak at the hearing. Applicant Ty Phan was present remotely for the meeting. He said that he bought the house last July. He thought that since the house next door was the same structure and

has full dormers and stairs on the right side that he would be able to do the same thing to 26 N Cedar Park. He requested to withdraw the request for the dormers to be greater than 50% of the length of the roof to which they are attached because the Planning Board did not recommend approval of this variance. The Building Commissioner sent Mr. Phan a letter stating that a second means of egress is required for the second-floor unit. He is required to construct some kind of egress.

Two people spoke in opposition during the hearing. Jerry Feeley of 30 N Cedar Park said that he has no issue with the full dormers but he does have an issue with the egress stair. The stair would be detrimental to his primary view from his house. This type of stair is not something that you see in Melrose. There would be a landing and 4 exposed 6x6 supports. He was also concerned that this entrance may become a primary egress for the second floor unit. Ms. Mercado asked if Mr. Feeley had an exterior stair on the right side of his house and he said no. Steven Zelinsky of 31 N Cedar Park said that he would see the proposed stair from his front yard. He does not think that it would fit in the neighborhood.

Ms. Mercado read the Planning Board recommendation letter and DPW memo.

A member said that he was concerned with the appearance of the stair and its proximity to the property line. He asked Mr. Phan if he could construct the stairs on the left side of the house and have the stairs lead to the back yard. Mr. Phan seemed amenable to this location. They discussed suggestions of where a door and stairs would be located.

After some discussion about options for moving forward, Mr. Phan requested to continue the case to the next hearing. He was going to draw up new plans and send them to the Building Commissioner to see if he still needed a variance or not.

By roll call the Board voted, 5-0, to grant Mr. Phan's request to continue the case to May 13, 2020.

Documents: ZBA Application 20-006

CASE 20 007: The appeal of Oak Grove Mill, LLC 99 Washington Street

As advertised, case 20-007 for Variances from §235-71.1.F.5.a.1 of the Zoning Ordinance for parking within 30 feet of a public street, §235-71.1.F.5.a.3 for parking within 10 feet of a structure, & §235-71.1.F.5.a.4 for parking within 5 feet of a rear or side yard setback, §235-38.A for parking within the front yard, §235-41.O for aisle width for 1-way and 2-way traffic, §235-41.N for parking space width, §235-71.1.G.8.b.3 for signage setback in the front yard, and §235.71.1.E.4.a for the number of residential units all required in order to alter and convert existing buildings into a mixed use development with 141 residential units, commercial and community spaces with approx. 174 parking spaces at 99 Washington Street, Melrose, MA, owned by Joseph J. Tozza, as Trustee of Furniture Realty Trust, on a lot of land containing 138,447 sf and shown on Assessor's Map B2 0 16-18.

The Board of Appeals opened the case. The Chair swore in the applicants and those choosing to speak at the hearing. Attorney David Lucas, and the development team including Christopher Kelly, Insight Partners; Ray Murphy, Eastern Real Estate; Nancy Ludwig, Architect; Brian Jones, Civil Engineer; and Elizabeth Peart, Traffic Engineer; were present remotely for the meeting.

No members of the public spoke in support of or opposition to the application. The Board received five letters of support for the project.

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

By roll call the Board voted, 5-0, to approve the requested Variances.

Documents: ZBA Application 20-007

CASE 20 008: The appeal of Amanda Waterman & John Doody 101 Stratford Road

As advertised, case 20-008 was for Variances from §235-24.A of the Zoning Ordinance for front and rear setbacks for an in-ground pool & §235-25.K for fence distance from an intersection in order to install a pool and fence at the corner lot at 101 Stratford Road, Melrose, MA, on a lot of land containing 8,512 sf and shown on Assessor's Map E9 0 73.

The Board of Appeals opened the case. The Chair swore in the applicant and those choosing to speak at the hearing. Applicant Amanda Waterman was present remotely to explain the case and request to withdraw the variance requests related to the fence and rear yard setback. No one appeared to speak in support of or in opposition to the proposal. The Board received one letter from an abutter who was not in support of the fence variance.

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

By roll call the Board voted, 4-0, with Curtis Dooling recused, to accept the withdrawal request and approve the front yard setback variance for the in-ground pool.

Documents: ZBA Application 20-008

OTHER BUSINESS

Approval of meeting minutes from March 11, 2020

Mr. Thorp made a motion to approve the meeting minutes from March 11, 2020. Mr. Roache seconded the motion. All members present voted by roll call in favor. None were opposed.

The next meeting is set for May 13, 2020.

The meeting adjourned at 11:20pm.