

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, October 28, 2020
7:45 p.m.
Remote Meeting

Present:

Rita Mercado, *Chair*
Katherine Moore
David Roache
Bryan Thorp

Absent:

Curtis Dooling, II
Julianna Hanlon, *Associate*

Staff Present: Lori Massa, Clerk

The meeting was called to order at 7:45 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/remote-meetings. 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.

Application materials were posted to the City's website: www.cityofmelrose.org/board-appeals.

CASES BEFORE THE BOARD

20 018 – 28 Belmont Street

The appeal of Maria V. Daddieco for a Special Permit under §235-17 of the Zoning Ordinance to establish a two-family dwelling and Variances from §235-18, -19 & - 44.G to construct a 2nd floor addition & two-story rear addition to the house in the nonconforming front & rear yards of the corner lot with insufficient lot area and from §235-41.H for parking in the front yard and §235-41.O for a parking space with no direct access to a driveway at 28 Belmont Street, Melrose, MA, on a lot of land containing 6,708sf and shown on Assessor's Map B12 0 117.

This case was continued from the September 9, 2020 hearing. Applicant, Maria Daddieco was present remotely to explain the revised plans that she submitted to respond to the Board's prior comments. 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, to grant the requested Special Permit and Variances.

Documents: ZBA Application 20-018

20 017 – 52 West Emerson Street

The appeal of 52 West Emerson Street LLC for a Special Permit under §235-17 of the Zoning Ordinance to establish a 6-unit dwelling and Variances from §235-18 & -19 for lot area, frontage/lot width, and number of stories for the proposed building and from §235-41.O for driveway width at 52 West Emerson Street, Melrose, MA, on a lot of land containing 11,079sf and shown on Assessor's Map C8 0 115.

This case was continued from the September 9, 2020 hearing. Attorney Clark, Owner James Lister and Architect Philip Sima were present remotely to explain the revised plans. 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, to grant the requested Special Permit and Variances with conditions.

Documents: ZBA Application 20-017

20 021 – 138 Main Street

Metro Credit Union's request to amend ZBA Decision 90-16 that allowed for the bank use with 5 parking spaces, parking in the front yard and dimensional relief and their appeal for Variances from §235-41.H for parking in the front yard & §235-19 for open space provided all required to redevelop the lots with a new building with a drive through and associated parking lot at 138 Main Street and expansion into the Sylvan Street lot, Melrose, MA, owned by Gas & Electric Employees Credit Union n/k/a Metro Credit Union and Janet & Edward Higgins. The properties are on lots of land containing 10,022 & 3,972 sf and shown on Assessor's Map C3 0 8-9 & C3 0 6-7.

The Chair opened the case. Attorney Christopher Tolley, John Cavanaro, Engineer, Robert Cashman, Metro Credit Union CEO, Craig Fishman, Building Coordinator, Jeff Bandini, Traffic Engineer, Camilo Villa, and Jessica Palm, Facilities Manager, were present to present the case.

Attorney Tolley explained the huge growth in Metro Credit Union's business in this location since they took over the building in 2011. They are trying to meet today's demand with this proposal. Their employees park on the street and have to move their cars because of the limits on street parking. They will be petitioning the Traffic Commission to change the parking regulations on Sylvan Street. Even if the regulations change, the business needs more parking and a drive-

through ATM. They submitted a traffic study. The increase in trips generated from the larger building is negligible. Attorney Tolley explained the estimated number of turning movements out of the site during the peak hour. The October 9 letter from the Department of Public Works reviewed the traffic study and agreed that the increase in trip generation would be insignificant. The application does not need relief for snow storage because snow will be removed from the site and the driveway opening width because it will be reduced to 24 feet.

Attorney Tolley said that the proposal will cleanup the edge of the property that bleeds into the road and the Sylvan Street lot. They will install landscaping in the right of way and will need the City Council's approval.

The Board discussed how the 1990 ZBA decision was tied to an existing building that was originally a house. The decision specifies that an ATM was not part of that proposal. This application involves a new building, expansion onto an addition lot, and a drive-through ATM, which seems to require a new use variance and not just an amendment to the prior variance. The current building is 1,500 square feet and the proposed building is approximately 2,500 square feet. The proposed scale is appropriate. Where the building sits on the lot and how the parking is distributed is not appropriate.

Members asked why the building's footprint could not be moved forward with two rows of parking behind to reduce the number of variances. Mr. Fishman showed an alternative site plan that they have been working on accomplish this goal. He said that they could construct a solid fence to block headlights from the neighbors.

Members made the following comments. Most of the banks in Melrose do not have drive-through ATMs nor parking in front of the building. If there is a curb cut on Main Street it should only be one-way. The amount of open space should be increased. If it is beneficial to the residential neighborhood to move the building into one of the required yards, this would be a more justified variance, especially considering that this is a corner lot with more restrictive setback requirements.

Six people appeared to speak in opposition to the application. City Councilor McMaster of Ward 5, Robert and Laura Moylon of 144 Main Street, Zerong You of 103 Ledgewood Avenue, Michele Engber of 152 Main Street, and Finn McSweeney of 160 W Wyoming Avenue and the Pedestrian and Bicycle Committee. Comments included the following:

- This proposal will negatively impact the quality of life of the residential neighborhood.
- It will change the character of the neighborhood. This residential neighborhood is slowly becoming commercial. The bank should be in a more commercial area.
- There are public safety concerns.
- There will be headlights shining directly into houses.
- People do not need to be physically at a bank to conduct business.
- The developer did not collaborate or do outreach with the neighborhood.
- The drive-through will be within feet of the abutters' bedroom window.
- The traffic study does not accurately show traffic because the counts were done before Christmas.
- The noise and illumination from the ATM will be impactful 24 hours per day.

- The neighbors will lose their privacy and ability to concentrate when working from home.
- There will be rodents.
- The proposal will negatively impact the street improvement plan for this section of Main Street, which will improve non-vehicular trips to Oak Grove Station. The Pedestrian and Bike Committee's letter also point out other negative impacts of the proposal and auto-centric drive-through ATM.

Attorney Tolley said that there is already a 24-hour ATM in the building. They will not be increasing traffic to the site. They provided a traffic study and changed the site plan based on the Planning Board's feedback. Mr. Cashman said that the issues can be addressed. People applying for loans and mortgages need to come into the building and need parking. The market demands a drive-through ATM.

Members responded with the following comments. When this Applicant was before the Board a year ago, the Board asked for a parking utilization study. The traffic data does not make the case for why they need more parking. This is a very different application than the last one. The level of activity may not be the right fit for this site. A member asked if a study was done to see how adding a drive-through would impact traffic or queuing.

The Board asked for the City Solicitor's advice on if a use variance is required if one is not sought. Members also asked for clarification on if the 2-4 Sylvan Street property can be separated from lot that is part of this application.

Members said that it would be best to only have a curb cut on Sylvan Street. The building should be used to buffer the bank's activity from the residential neighbors. It seems that a drive-through ATM is too much stress on this small site.

Attorney Tolley requested a continuance to the hearing on December 9, 2020. By roll call the Board voted, 4-0, to grant the requested continuance.

OTHER BUSINESS

Review of changes to 299 Beech Avenue plans

The Board found unanimously that the proposed changes are de minimis in nature and the decision as written would allow for the construction of the addition as proposed on these plans. Information regarding the Board's discussion regarding this requested change are documented in the letter from Chair to the Building Commissioner dated November 5, 2020.

Due to the late hour, the approval of meeting minutes was postponed to the next meeting.

The next meeting is set for November 18, 2020.
The meeting adjourned at 12:13pm.