

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, November 18, 2020
7:45 p.m.
Remote Meeting

Present:

Rita Mercado, *Chair*
Curtis Dooling, II
Julianna Hanlon, *Associate*
Katherine Moore
Bryan Thorp

Absent:

David Roache

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

20 026 - 121 Green Street

The appeal of Patricia Burns O'Brien for Variances from §235-25.B to have two principal structures on one lot, §235-18 & -19 for lot area for three units and rear yard setbacks, §235-41.H to park in the front yard and §235-41.L for driveway width all to construct a single-family dwelling on the lot with the existing two-family house at 121 Green Street, Melrose, MA, on a lot of land containing 10,918 sf and shown on Assessor's Map D11 0 94.

Applicant Patricia Burns submitted a written request to continue the case to January 2021 to have time to reformat the architectural drawings and plot plan to be more in line with what the Planning Board's recommendation. By roll call the Board voted, 5-0, to grant the requested continuance to January 13, 2021.

Documents: Email from Patricia Burns dated November 9, 2020

20 022 – 3 Wildwood Road

The appeal of Alfred and Diane Porcaro for Variances from §235-24.A of the Zoning Ordinance for the required front yard setback for an in-ground pool at 3 Wildwood Road, Melrose, MA, on a lot of land containing 8,258 sf and shown on Assessor's Map H9 0 43.

Attorney Robert Bell was present remotely to explain the revised plans. Mr. Porcaro was planning to be present but was having trouble accessing the online meeting. Attorney Bell explained that the pool cannot be located towards the rear yard because of the soil conditions. He was not aware of this issue at the Planning Board meeting. He showed a City map that indicates the location of water, drainage and sewer lines. These soil conditions would deprive the applicant of having a pool, which many other neighbors have.

Board members asked for documentation of the soil conditions. They often grant variances for setbacks for corner lots if a variance would not be needed otherwise. In this case a variance would still be needed if it was not a corner lot. It is not in keeping with the character of the neighborhood to have a pool this close to the street. They could have an above ground pool if the soil conditions are not possible for an in-ground pool.

Ms. Mercado read the Planning Board's recommendation letter. No one appeared to speak in support of or in opposition to the request. Attorney Bell submitted a petition with sixteen signatures of residents that are not opposed to the pool.

Attorney Bell requested a continuance to have time to acquire additional documentation. By roll call the Board voted, 5-0, to grant the requested continuance to January 13, 2021.

Documents: ZBA Application 20-022

20 014 – 133 Mt Vernon Avenue

The appeal of Greg Lang for Variances from §235-18 & -19 of the Zoning Ordinance for front and left side yards to reconstruct the roof, construct front & rear additions, dormers, & 2-story deck & stairs on the 3-family dwelling with nonconforming lot area, frontage/width & yards at 133 Mt Vernon Ave, Melrose, MA, owned by Greg Lang, Sarah Lang, Elliott Feedore, on a lot of land containing 4,657 sf and shown on Assessor's Map C5 0 89.

This case was discussed on August 12 and continued to September 9, October 14 and November 18, 2020.

Attorney Patrick McAvoy and Applicants Sarah and Greg Lang were present for the case. Attorney McAvoy said how they spent time and money fixing the interior of the three-family after purchasing it. When they started working on the outside they realized that it would be better to renovate the whole house. They are trying to make the house a better place to live. They would need relief for any work done. It is not a significant request for the setback relief. They submitted new plans that changed the façade detail on the gable end and included screening on the side of the exit stairs. Mr. Lang met with the neighbors that he could connect with. He had a survey done and staked out the property line so that the abutter could see its location.

Five people, Paul Goldin of 27 Fellsvie Terrace, Sarah and Timothy Hillios of 127 Mount Vernon Avenue, Melissa Rinaldi of 133 Mount Vernon Avenue appeared to speak in opposition to the proposal and all submitted letters detailing concerns. Irina Ioffe of 10 Boston Rock Road also spoke in opposition. Tim Kochanski of 135 Mount Vernon Avenue submitted a letter of opposition. Comments included the following:

- The proposal will not fit in with the character or aesthetics of the neighborhood. It is too big and close to the street.
- The Applicant has not met with all of the neighbors and has not made a sufficient attempt to do so or to have meaningful interactions.
- The decks in the back will interfere with their privacy.
- Parking is a problem.
- The survey markers were helpful to know the location of the property line.
- The privacy screening proposed is transparent.
- There were no real changes to the proposed plans since the last meeting.
- This property should really be a two-family considering the building and small lot.
- The neighbors have not noticed any improvements to the property.

Mr. Lang said that he would prefer to rent the units but may sell them as condos. The units do not have a good layout and he is trying to fix this to attract long-term tenants. He would look for tenants that only own one car. The work that he has done so far is repointing, plumbing and replacing knob and tube wiring that they could find. He needs to do a large enough project to fix the property and recuperate his costs. He is fond the community feel in this neighborhood. He said that he could not reach all of the neighbors to discuss the plans.

Mr. Lang said that the height of the building is not in question and he is not changing the height. The Board discussed with him the extent of the zoning relief needed. They felt that the proposed changes to the plans do not address the neighbors' concerns. A five-foot depth addition at the front of the house is significant even with keeping it to the existing height of the building. Its proposed presence on the street is concerning to neighbors. The front porch should be rebuilt or removed and the main body of the house built at the existing front yard setback. The lattice screen will not give the privacy that the neighbors are seeking. The rear decks increase the intensity of use of the site. Rear egress stairs could be built without decks.

Attorney McAvoy requested a continuance to the hearing on January 13, 2021. By roll call the Board voted, 5-0, to grant the requested continuance.

Documents: ZBA Application 20-014

20 025 - 68 Windsor Street

The appeal of Gregory Lane for Variances from §235-18 & -19 side yard setback and §235-44.D to alter the single-family house on the nonconforming lot to construct a two-story addition at 68 Windsor Street, Melrose, MA, on a lot of land containing 9,377 sf and shown on Assessor's Map F14 0 9.

Mr. Lane was present remotely to explain the case. 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 2 in favor and 3 opposed; therefore, the Variance request was denied.

Documents: ZBA Application 20-025

OTHER BUSINESS

Mr. Thorp made a motion to approve the meeting minutes from October 14 and October 28, 2020. Mr. Dooling seconded the motion. By roll call the Board voted, 5-0, to approve the minutes except that Ms. Hanlon abstained from the vote on the October 28, 2020 meeting because she was not present for that meeting.

The next meeting is set for December 9, 2020.
The meeting adjourned at 9:50pm.