MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, December 9, 2020
7:45 p.m.
Remote Meeting

Present:
Rita Mercado, *Chair*
Curtis Dooling, II
Julianna Hanlon, *Associate*
Katherine Moore
David Roache
Bryan Thorp

Absent:
None

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

20-021 – 138 Main Street (re-advertised)

The appeal of 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 §235-15 to establish a 'Miscellaneous professional and business offices and services' for the bank use & §235-41 for Parking Standards 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.

This case was heard by the Zoning Board of Appeals on October 28, 2020 and was re-advertised for this hearing on December 9, 2020. 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 that the drive-through ATM is a convenience that their patrons want and other banks have. They have designed a building that considers the aesthetics of the neighborhood. They reached out to the Ward Councilor and the abutters denied meeting to discuss the proposal. They changed the plan to only have the drive-through to service the pneumonic tube. Patrons will no longer have to walk across the drive-through lane to get to the building. The building's footprint shifted and no longer needs zoning relief. The ATM was shifted to the Sylvan Street side of the building. They would install an opaque fence and landscaping. Attorney Tolley went through justification for the variance findings that they sought and the differences between what was in the prior zoning decision and the current proposal.

Board members voiced the following concerns. Just because the prior decision does not explicitly prohibit an ATM does not mean that it is allowed. The lot merger question was still outstanding. They view this application as a new use variance request as was included in the re-advertisement for the case. The interior space to service the pneumonic tube has sufficient room to install an ATM in this location. A future tenant may be tempted to do this in the future.

A member asked about the proposed fence and drive-through. The fence would be new and would be six feet tall. The drive-through would be for the pneumonic tube and a night deposit box. Mr. Cashman said that the deposit box could be moved to the ATM vestibule.

Seven people appeared to speak about 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, Lisa Wilson-Wright of 9 Ledgewood Avenue and Finn McSweeny of 160 W Wyoming Avenue and the Pedestrian and Bicycle Committee. Comments included the following:

- Councilor McMaster explained how he met with Mr. Cashman and they offered to have a virtual meeting with the neighbors but they refused. The Applicants heard the feedback and made changes to the plan and he was hoping that they could meet to come to a compromise. He has sympathy for the business but also the residents.
- The 1990 decision is not for what exists today. Is success and growth a hardship?
- There will be headlights shining directly into houses.
- A person in the drive-through could crash into someone's house.
- Traffic, speed and the many pedestrians in the area make the curb cut dangerous. It is already hard to pull out of Ledgewood Avenue.
- The drive-through is not desirable to the people living closest to it.

- The bank's patrons will not have to cross the drive-through lane but all pedestrians on Main Street will be negatively impacted.
- The Pedestrian and Bicycle Committee submitted parking utilization counts of the parking lot. The median number of cars was 4 and it was only full 2 times and one of these times was during street construction.
- The drive-through incentivizes people to drive.
- The neighbors cannot be outside without inhaling car emissions.
- Privacy is a concern.
- This business should move to a downtown location or just renovate the existing building. They are only proposing to add 300 square feet to the building.

Ms. Moylon, Ms. You, Ms. Wilson-Wright and the Pedestrian and Bicycle Committee also submitted letters opposed to the revised plan. Two people, John Taglieri and Stacey Ventre, who did not provide their addresses submitted letters in support.

The development team responded to the comments. The building needs a lot of work and employees that park on Sylvan Street get parking tickets. Mr. Cavanaro explained how the building shifted away from the neighbors and how the proposed building is shorter than the existing. The applicant team said that they would be fine with a condition of approval that there would be no further relief granted. Their business is of cooperative ownership and they have a petition with over 200 signatures of people that would like these improvements but have not submitted it. Many of their branches are next to residences. The traffic on Main Street already exists and there will be no change. The traffic study shows that there will be no change in traffic impacts and the DPW agreed with this assessment. The pneumonic tube will not emit noise or light and there will be no cameras on the abutting houses. The neighbors could pick their preferred fence. Many of the homeowners bought their properties after Metro Credit Union acquired the property. There have no issues with the neighbors with the current operation.

A member asked if they are still going to seek a change to the parking rules on Sylvan Street with the Traffic Commission. They are; however, the additional parking is integral to the proposal.

Members felt that the revised plans made concessions and changes to try to address the neighbors' concerns. The building was pulled away from the neighbors, there is no longer parking in front of the building along Main Street and the ATM is no longer at the drive-through and is at the southern side of the building away from the houses. The six-foot solid fence and plantings will screen headlights from the neighbors. The drive-through at the front of the building and curb cut on Main Street which does not fit with the Complete Streets Plan were still concerns.

Attorney Tolley asked if there was another scheme that the Board would support. They discussed moving the building closer to the intersection and getting a drive-through behind the building so that a curb cut on Main Street is not necessary. The required setback along Sylvan Street was less of a concern than the setback along Main Street. They cautioned against proposing screening along Main Street because it would create a wall along the street. They were willing to review another design if one was possible with these specifications.

Attorney Tolley requested a continuance to the hearing on February 10, 2020 to work on a revised plan. By roll call members Rita Mercado, Bryan Thorp, David Roache and Katherine Moore voted, 4-0, to grant the requested continuance.

Documents: ZBA Application 20-021

20-027 – 169 E Emerson Street

The appeal of Denise Mitchell for Variances from §235-24.A of the Zoning Ordinance for rear setback for an in-ground pool and side and rear setback for an accessory structure/equipment at 169 East Emerson Street, Melrose, MA, on a lot of land containing 23,380 sf and shown on Assessor's Map E8 0 68.

Attorney David Lucas, Owner Denise Mitchell, Architect Timothy Burke and Mark O'Hearn from the pool company appeared remotely to explain the proposal. 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 grant the requested Variances.

Documents: ZBA Application 20-027

20-028 – 133 Sewall Woods Road

The appeal of Lisa M. Foucher for Variances from §235-24.A of the Zoning Ordinance for rear setback for an above-ground pool at 133 Sewall Woods Road, Melrose, MA, on a lot of land containing 9,100 sf and shown on Assessor's Map B11 0 3.

Lisa and Donald Foucher appeared remotely to explain the proposal. 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, with Julianna Hanlon voting for Katherine Moore, who was no longer present at the meeting, to grant the requested Variances.

Documents: ZBA Application 20-028

OTHER BUSINESS

Mr. Dooling made a motion to approve the meeting minutes from November 18, 2020. Mr. Thorp seconded the motion. By roll call the Board voted, 5-0, to approve the minutes.

The next meeting is set for January 13, 2021.
The meeting adjourned at 10:50pm.