

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, February 10, 2021
7:45 p.m.
Remote Meeting

Present:

Rita Mercado, *Chair*
Megan Carriere, *Associate*
Curtis Dooling, II
Katherine Moore
David Roache
Bryan Thorp

Absent:

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

20 021 – 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 §235-15 to establish a 'Miscellaneous professional and business offices and services' for the bank use, §235-41 for Parking Standards, and §235-18 & -19 for the building's front yard setback all required to redevelop the lots with a new building with an ATM, drive through for a pneumatic tube 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 December 9, 2020 and was continued to this hearing. Attorney Christopher Tolley, Brendan Sullivan, Engineer, Robert Cashman,

Metro Credit Union CEO, Craig Fishman, Building Coordinator, Jeff Bandini, Traffic Engineer, and Jessica Palm, Facilities Manager, appeared to present the case.

Attorney Tolley explained that the revised plan responds to the concerns raised about the curb cut on Main Street and puts the pneumatic tube on the westerly side of the building so that it is not visible from Main Street. There will be no headlights shining into the abutters' homes. The building is the same size as it was on the previous proposal. The relief requested is the same as it is in the Building Commissioner's letter except for the front yard setback relief.

Board members voiced the following concerns. The driveway abuts a residential neighbor with no setback. It appears that the driveway could be reduced in width from its current width on the plan of 24 feet to create a buffer for the neighbor. At least a five or six-foot buffer would be needed for there to be significant plantings. This would create a buffer for the entire side of the property from Main Street to the back of the lot. The Applicants said that they could fine tune the turning radius in the driveway but that the driveway and building would have to shift to make this buffer and this would put the building more into the required side yards. One member said that this would be preferable if there was a better outcome for the neighbor.

They discussed the pneumatic tube. All of their patrons would have access to the pneumatic tube. It was described as being like a two-way television. The Applicants said that it does not make noise but members discussed the noise of people talking into the microphone. The screen would be dark after hours.

They also discussed why they needed so many customer parking spaces. A member asked if they are still going to seek a change to the parking rules on Sylvan Street with the Traffic Commission. They reached out to the Traffic Commission staff but did not get traction with the proposal moving forward at this time. A member stated that the street is not available for parking for two hours in the morning but that does not limit customers from parking on the street for the rest of the day. Others said that the plan only increases the number of parking spaces by four and MCU's goal of the project was to increase parking. One member said that without the drive-through they would probably want more parking.

Four people appeared to speak in opposition to the application including Laura Moylon of 144 Main Street, Zerong You of 103 Ledgewood Avenue, Michele Engber of 152 Main Street, and Lisa Wilson-Wright of 9 Ledgewood Avenue. Comments included similar concerns that they voiced at the past hearings. There was a new comment about the Board adding a condition, if they do approve the project, to require solar panels or an EV charging station to off-set the carbon emissions from idling at the drive-through.

Ms. Engber, Ms. Moylon, Ms. You, and Ms. Wilson-Wright also submitted letters opposed to the revised plan. Stephen Nedell who is a member of the MCU submitted a written comment in the Webex Chat stating that the parking lot could be partly reserved for employees and members who only need five to twenty minutes of short term parking could park on the street. He also said that drive-throughs are not needed nowadays. The Melrose Pedestrian and Bicycle Committee submitted a letter that states that the revised plan resolves a number of their concerns but they are not in support of the auto-centric drive-through.

The development team responded to the comments. They said that the Credit Union has a personal relationship with their customers, unlike banks, and they need more parking for meeting with customers. They are a good neighbor not being open on Sundays and taking pride in the neighborhood. They are forgoing the latest technology by proposing the less invasive pneumatic tube.

Some members felt that if there was no change to the site there is no solution to the future of the vacant parcel on Sylvan Street. There does not seem to be a compromise that will make everyone happy. MCU has made efforts to try to address some concerns. The buffer makes this a reasonable use but finding a hardship is a struggle. Some felt that the viability of the business and its inability to expand could be a hardship; however, the justification for the pneumatic tube is a stretch.

Attorney Tolley requested a continuance to the hearing on March 10, 2021 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, Revised Plan dated January 18, 2021 & Pneumatic Tube Specifications

20 033 – 9 Harding Road

The appeal of Michael Stankavish and Amy Basile for Variances from §235-18 & -19 of the Zoning Ordinance for side and rear yard setback to construct an addition to the single-family house at 9 Harding Road, Melrose, MA, on a lot of land containing 4,737sf and shown on Assessor's Map E10 0 58.

Attorney Charles Gill, Applicants, Michael Stankavish and Amy Basile, and Architect Andrew Zolewski appeared to present the case. They cannot make reasonable use of their house with their family and work space needs without an addition. Mr. Zolewski said that they tried to utilize the existing garage for the addition and did not want to take away yard space.

The Board asked about consideration of alternate proposals since the proposal is very close to the property line and would change the garage from an accessory structure to a principal structure. A two story house, 2.4 feet to the property line is tight and will greatly increase the nonconforming setback. A revised proposal may still be nonconforming but could have larger setbacks. Since the garage's foundation would be rebuilt it could be shifted. Part of the addition could also be over the existing one-story portion of the house in the back. The proposal tries to fit a lot of programming on this small lot. The house will appear significantly larger and out of scale with the addition as proposed.

Neighbors from six properties submitted letters in support of the proposal including Patrick and Kimberly Bruno of 114 Lincoln Street, Constance and Michael Castro of 20 Harding Road, Tom and Terese Delia of 4 Harding Road, Jen Felice of 17 Harding Road, William Pistorino of 3 Harding Road, and Fred and Carol Richards of 144 Porter Street.

Attorney Gill requested to continue the case to have time to revise the plans in response to the Board's comments. By roll call the Board voted, 5-0, to grant the requested continuance to April 14, 2021.

Documents: ZBA Application 20-033

20 034 – 27 Temple Street

The appeal of Joseph Higgins and Robin Higgins, Trustees for Variances to re-divide property into three lots and construct two additional single-family houses on the newly created lots at 27 Temple Street, Melrose, MA, on a lots of land containing 8,368 sf & 14,758 sf and shown on Assessor's Map F4 0 63 & F4 0 64. The Variance requests include the following. For Lot A: Variance from §235-18 & -19 & §235-73.2.C (1) and (2) of the Zoning Ordinance for lot area and slope protection; §235-18 & -19 lot frontage and width and front and left side yard setback. For Lot B: Variance from §235-18 & -19 & §235-73.2.C (1) and (2) for lot area and slope protection; §235-18 & -19 lot frontage and width and front and left side yard setback. For Lot C: Variance from §235-18 & -19 & §235-73.2.C (1) and (2) for lot area and slope

protection; §235-18 & -19 lot frontage and width, lot depth, and front and left side yard setback. For the retaining walls: Variance from §235-24B for setback required for accessory structures.

Attorney McAvoy, Andy Bramhall, Land Surveyor, and Joseph Higgins appeared remotely to present the case. Information regarding the hearing and the Board's discussion regarding the proposal and findings are documented in the decision for the case.

The Board took roll call votes on the dimensional relief and slope protection relief for each lot separately. They granted some of the Variance requests and deny others. The Board denied the Special Permit request. Chair Rita C. Mercado, Members Megan Carriere, Curtis B. Dooling II, Katherine Moore, and Bryan E. Thorp were present for the vote with David Roache recused.

Documents: ZBA Application 20-034

20 035 – 33 Ryder Avenue

The appeal of Joseph Guzzo for Variances from §235- 18, -19 & -44.G of the Zoning Ordinance for front and rear yards to construct a second-floor addition, garage addition and front porch in the nonconforming yards on the single-family house at 33 Ryder Avenue, Melrose, MA, on a lot of land containing 5,673 sf and shown on Assessor's Map D4 0 35.

Mr. Guzzo appeared 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, 5-0, to grant the requested Variances.

Documents: ZBA Application 20-035

21 001 – 2 Hemenway Avenue

The appeal of Eleni Kaplan and Marc Okrent for Variances from §235-18, -19 & -44.G of the Zoning Ordinance for front and rear yards on the corner lot to construct a two-story addition in the nonconforming yards on the single-family house at 2 Hemenway Ave, Melrose, MA, on a lot of land containing 16,897 sf and shown on Assessor's Map G3 0 12.

Applicants Eleni Kaplan and Marc Okrent appeared to present the case. They tried to work with the massing of their house in designing the addition.

Board members encouraged them to try to come up with a plan for an addition that is farther from the side lot line. They have a large lot but slope and grading issues may prevent the addition from being in a different location on the lot. The Board reviewed the email from the Conservation Commission agent about erosion controls and the 100-foot buffer from the wetlands.

The Board received two letters of opposition for the application from Gayle and William Rose of 4 Hemenway Avenue and Carly Rose of 8 Maple Terrace. Mr. Rose spoke during the hearing as well. Councilor Cory Thomas appeared and reiterated the neighbor's concern.

The Applicants described how there is a row of trees that will block the proposed addition from the abutters. They could propose more trees. They designed the addition so that the closet would be closest to the neighbor and there would be no windows that would infringe on their privacy. They spoke with the neighbors and they were supportive at that point.

The Applicants requested to continue the case to have time to revise the plans in response to the Board's comments. By roll call the Board voted, 5-0, to grant the requested continuance to April 14, 2021.

Documents: ZBA Application 21-001

OTHER BUSINESS

Mr. Thorp made a motion to approve the meeting minutes from January 13, 2021. Ms. Moore seconded the motion. By roll call the Board voted, 5-0, to approve the minutes.

The next meeting is set for February 24, 2021.

The meeting adjourned at 12:20pm.