

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, March 10, 2021
7:30 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 7:30 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, December 9, 2020, February 10, 2021 and was continued to this hearing. Attorney Christopher Tolley, John Cavanaro, Engineer, Robert Cashman, Metro Credit Union CEO, Craig Fishman, Building Coordinator, Jeff Bandini, Traffic Engineer, Jessica Palm, Facilities Manager, Paul Cavolowsky, and Tom Long, The Long Group, appeared to present the case.

Attorney Tolley explained the changes in the revised plan. At the last hearing a Zoning Board member mentioned that the driveway abutted a residential neighbor had no buffer and there looked to be space to narrow the driveway or shift it to create a buffer. The revised plan included this buffer. Attorney Tolley also restated their hardships. The Metro Credit Union is subject to market forces which necessitates the pneumatic tube and the increase in parking. The building is old and there are different circumstances from when the variance for the property was first granted.

Mr. Long reported on findings from his LocationLab Analysis dated March 2021, which was submitted to the Board. His company consults on siting financial institutions. He discussed the issues with the current location and how the proposal closes the competitive gap. A member asked if part of the scope of his work was to look at relocation as an option. Mr. Long said that the current location is adequate with the increase in parking and the drive-through.

Attorney Tolley discussed the decibel level of the pneumatic tube. Mr. Fishman said that this feature would be for withdrawals and deposits. A member asked how long the transactions would take and when they would occur. He said the transactions last for 35-40 seconds and the drive-through would be open during the Credit Unions hours of operations.

Attorney Tolley said that they have tried hard to minimize the impacts of the proposal. They have done third party studies. There would not be impacts to traffic. Nothing in the prior Zoning Board of Appeals of decisions for this site specify that the site cannot change moving forward. The building is aging and the new building would be architecturally consistent with the neighborhood. Mr. Fishman said that a lot of cars automatically shut off when they are idling and having a requirement that cars are shut off while waiting at the drive-through would cause more emissions. There would be a six foot curb, arborvitae and a six foot fence to buffer the residential neighbors. They moved the building closer to the street. The parking spaces closest to the abutter would be for employees only. They would maintain the property and be good neighbors. They are at a disadvantage compared to their competitors. They would not want to put solar panels on the roof. They do not see other businesses in Melrose that are required to do this. They are not sure that they would continue to operate in Melrose on this site if they do not get the approval. The sale of the lot next door is contingent on is approval.

Janet Higgins of 4 Sylvan Street who is selling the lot to MCU appeared to speak in opposition to the application. She said that she wants to sell the land but as a mother and grandmother she understands her neighbor's concerns about safety and would not want a drive-through so close to them. A car went through the parking lot onto her property and it would have hurt her husband if he had not left the yard a little before the accident. Laura Moylon of 144 Main Street and Zerong You of 103 Ledgebrook Avenue appeared to speak but because of technical difficulties they were not able to. Both had submitted letters and they were read during the hearing. Comments included similar concerns that they voiced at the past hearings.

Councilor MacMaster, the City Solicitor responding to the Councilor's letter, Robert and Laura Moylon, and Zerong You submitted letters for this hearing. The Melrose Energy Commission also submitted a letter with recommended conditions if the Board approved the request and Ellen Katz of the Commission was present at the meeting.

Board members discussed the following opinions. The drive-through brings the nonconforming use in a residential district outside. Currently all of the activity is within the building which minimizes its impact. Adding the additional parcel to expand the use and increase its intensity would be a significant change. Vehicular accidents are not a big concern because of the safety measures proposed but the noise and nuisance of the business to the neighbors is a concern. The neighbors have convinced them that the proposal would negatively impact their quality of life. Without the drive-through, the proposed parking lot could benefit the neighborhood.

Attorney Tolley requested to withdraw the application without prejudice. By roll call members Rita Mercado, Bryan Thorp, David Roache and Katherine Moore voted, 4-0, to grant the requested withdrawal without prejudice.

Documents: ZBA Application 20-021, Revised Plan dated revised February 17, 2021 & LocationLab Report dated March 2021

20 032 – Blueberry Hill Lane

The appeal of Forest Street, LLC (William A. Bruce, Manager), s/i/i to Brookstone Realty Trust under Zoning Ordinance §235-60.C to overturn the order regarding fence height for the approved 19-unit townhouse development on Blueberry Hill Lane, Melrose, MA, on a lot of land containing 3.2 acres and shown on Assessor's Map E2 0 1A1, 1A2, 1A3 & 1A4.

Attorney James Mitchell and Applicant William Bruce appeared at the hearing to request a continuance to a future meeting. Attorney Mitchell said that there are ongoing negotiations and that Pine Banks Park submitted a letter with suggestions. It is not an insubstantial cost to replace a fence along such a distance. They submitted a Freedom of Information Act request. They expect that they will reach a resolution and will request to withdraw the appeal. They would not ask for a future continuance.

Ms. Mercado asked if they have the Malden abutters list, which they did not provide as part of the application materials. Mr. Bruce said that he had it and would provide it to staff to send out notices for the next hearing. Attorney Mitchell requested a continuance to the April 14 hearing because the next meeting on March 24 would not be enough time.

By roll call members Rita Mercado, Bryan Thorp, Megan Carriere, David Roache and Katherine Moore voted, 5-0, to grant the requested continuance to April 14, 2021.

Documents: ZBA Application 20-021

21 002 – 40-40A Chestnut Street

The appeal of Magalie Valcin for Variances from §235-25.B of the Zoning Ordinance to have two principal structures on one lot, §235-18 & -19 for lot area, rear yard, left side yard, and §235-17 & -32 for the number of parking spaces to renovate and convert the existing detached garage into a detached single-family dwelling at 40-40A Chestnut St, Melrose, MA, owned by Robinson Vilmont, on a lot of land containing 9,390 sf and shown on Assessor's Map C6 0 67. The Applicant also seeks Variances from §235-18 & -19 for lot area, lot frontage and width, right side yard and front side yard to legalize the violations for the existing two-family.

Attorney Natasha Lucien and Applicant Magalie Valcin appeared to present the case. They said that the carriage house was used as a residential unit before Ms. Valcin purchased the property. She has the hardships of taxes, the mortgage and needing to repair the structure that has had water damage. The approval would help Ms. Valcin generate income and it would help with the need for more housing.

The following people spoke at the hearing: Gary Comeau of 34 Chestnut Street, Suzanne Guirakhoo of 39 Chestnut Street, Michael Hedetneimi of 40 Mt Vernon Street, Stephen Jones of 15 Chestnut Street and Gerry Mroz of 62 Mt Vernon Street. They discussed the following concerns: emergency vehicle access will be difficult, there is plenty of space for parking onsite but residents here park on the street currently, this is a beautiful house that should not change, the proposal does not meet the findings for a variance, other people with large garages will want to convert them to housing, the unit should not be on its own lot, it would be egregious to put a two-story structure on the lot with people looking to the property below, the address 40A Chestnut Street is not an official address and everyone has the financial hardship of maintaining their property. Mr. Comeau, who lives next door said that there has always been someone living in the garage up until a few months before it was sold. There is a game room in the back. He is used to people living there and the increase in bulk of the building would not affect him. His only issue is the increase in cars to the site.

The Board asked when Ms. Valcin purchased the property, how it was marketed and what is the current parking situation. She purchased it in 2018 and it was marketed as a two-family with a third accessory unit. The three garage spaces are not used. There are three cars onsite and Ms. Valcin has adult children who visit with their cars. Here is a summary of the Board's concerns and questions.

- The building will be a principle structure and it will be very close to the property line.
- There are no architectural plans of the existing structure to understand the current conditions and how the structure will be changing.
- The architectural plans are not a clear representation of the situation. One example is the ridgeline will be increasing in height (not staying the same as noted) and another is the back half of the building will go from 1 to 2 ½ stories which is misrepresented. Also, the floor plans do not match the elevations.
- Response to neighbors' concerns about cars parking on the street overnight now.
- How much of the existing structure needs to be repaired? Can the existing foundation be reused?
- There is a grade change to the abutting property – can emergency vehicles access the building?
- They recommended that the Applicant speak with the neighbors.

Attorney Lucien requested a continuance to a future meeting. By roll call members Rita Mercado, Curt Dooling, Bryan Thorp, Megan Carriere, and Katherine Moore voted, 5-0, to grant the requested continuance to May 12, 2021.

Documents: ZBA Application 21-002

21 004 – 4 Wentworth Road

The appeal of Marina Winkler for Variance from §235-18, -19 and -44.G of the Zoning Ordinance for rear yard to construct a one-story addition on the single-family house on the corner lot at 4 Wentworth Road, Melrose, MA, on a lot of land containing 6,411 sf and shown on Assessor's Map A9 0 69.

Applicant Marina Winkler appeared 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 Variance.

Documents: ZBA Application 21-004

20 010R – 423 Pleasant Street

The appeal of MPower Energy, LLC for a Special Permit under §235-40.A of the Zoning Ordinance for a reduction of required parking spaces for a site within 1,000 feet of a municipal parking lot or, in the alternative §235-41.M for a reduction in the number of parking spaces to 80% of that required & §235-38.A for required off-street parking to be on a separate lot. The application also includes requests for Variances from §235-17 to establish a miscellaneous professional/business office and services, §235-32.G for the number of parking spaces provided, and §235-41.O for the existing driveway width. The proposal is to establish administrative offices in approx. 5,900sf of the existing building at 423 Pleasant Street, Melrose, MA, owned by the Sidell Family Realty, LLC, on a lot of land containing 15,065sf and shown on Assessor's Map B5 0 117A & B5 0 117C.

Attorney Michael Rosen appeared 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.

By roll call the Board voted, 5-0, to grant the request.

Documents: ZBA Application 20-010-R

OTHER BUSINESS

Mr. Thorp made a motion to approve the meeting minutes from February 10, 2021. Mr. Dooling seconded the motion. By roll call the Board voted, 5-0, to approve the minutes.

The next meeting is set for March 24, 2021.

The meeting adjourned at 11:00pm.