

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, April 14, 2021
7:30 p.m.
Remote Meeting

Present:

Rita Mercado, *Chair*
Megan Carriere, *Associate*
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 7:30 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

20 029 – 927 Franklin Street

The appeal of Christopher Natale for Variances from §235-25.B of the Zoning Ordinance to have two principal structures on one lot & §235-18 & -19 for lot area, side and rear setbacks all required to construct a 2nd floor and deck and egress stairs on the garage to create a second dwelling unit on the property at 927 Franklin St, Melrose, MA, on a lot of land containing 11,250 sf and shown on Assessor's Map A13 0 41.

This case was continued from the January 13, 2021 hearing. Attorney Judith Clark submitted a written request to withdraw the application without prejudice. By roll call the Board voted, 5-0, to grant the requested withdrawal without prejudice.

Documents: ZBA Application 20-029
Email from Attorney Clark dated April 5, 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.

This case was continued from the March 10, 2021 hearing. Attorney James Mitchell submitted a written request to withdraw the appeal without prejudice. By roll call the Board voted, 5-0, to grant the requested withdrawal without prejudice.

Documents: ZBA Application 20-032
Email from Attorney Mitchell dated April 13, 2021

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.

This case was continued from the February 10, 2021 hearing. Applicants Michael Stankavish and Amy Basile, Attorney Charles Gill and their Architect appeared to explain the changes to 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 20-033 with revised plans

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.

This case was continued from the February 10, 2021 hearing. Applicants Eleni Kaplan, Marc Okrent and Attorney Judith Clark appeared to explain the changes to 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 21-001 with revised plans

21 010 – 34 & 45-55 Summit Avenue

The appeal of North Shore Residential Development for a Special Permit under §235-17 of the Zoning Ordinance to establish four two-family dwellings at 34 & 45-55 Summit Avenue, Melrose, MA. This request is part of a proposal to demolish single-family homes and construct two new single-family homes and four new two-family homes on six lots of varying sizes that currently encompass lots on Assessor's Map B13 0 21-27 & B14 0 1-2.

Attorney Patrick McAvoy, Applicant Ron Lopez and Engineer John Sullivan appeared to present the case. There was a subdivision in the 1970's that established parcels on this land. The Applicant did not want to go through the whole process with the Planning Board before knowing if the Zoning Board of Appeals would grant the special permit for the two-family uses. Attorney McAvoy said that the ZBA could grant the approvals with a condition that it is contingent on the Planning Board's approval. He went through the special permit findings that were in the application materials submitted for the case.

The Board discussed how the 1970 plan does not match up with the current proposal and the layout is not consistent with what exists. With this undeveloped land it is difficult to know if two-families will be possible or not without more information than what was submitted with the application materials. Knowing how the utilities will be handled is important to this decision.

Mr. Sullivan said that the road will be made safer because there will be a turn-around for emergency vehicles, which does not currently exist. There were 6 single-family homes on the 1970 plan and the current proposal has 10 units. They would extend the water and sewer mains up the street in an 8-inch pipe and demonstrate that the utilities will be sufficient.

Board members said that with these types of developments there are often offsite improvement proposed to mitigate the negative impacts of the development. They are having a difficult time evaluating this proposal with the level of detail submitted to know what improvements would be applicable here and what the finished conditions would be for the sidewalks, roadway and lots. The application materials are not detailed enough for them to be able to make the special permit findings.

The following people submitted letters of opposition: James Barker, 4 Summit Ave, John Ceballos & Karen Moreau Ceballos, 67 Woodland Ave, Arthur J. DeFabio, Jr., 53 Greenwood St, Julie Fox & Roger Celis, 29 Clifton Pk, Aletta Schnitzler, 26 Woodland Ave, Charles E. Serpa, 65 Clifton Pk, Andrew Brayton, 63 Botolph St, Gary Slatius, 44 Woodland Ave, Laura Speare, 45 Woodland Ave, Chris Spendley, 28 Summit Ave, Eileen A. Stergiou & Robert P. Corbett, Jr., 12 Woodland Ave, Julia & Jason Chen, 39 Woodland Ave, Antonette Fernandez & Paul Robicheau, 60 Botolph St, Ruth Greenholz & Richard O'Gara, 68 Woodland Ave, John Kolakowski, 31 Summit Ave, Kevin Sullivan & Donna Murphy, 154 Greenwood St, John & Margaret Haheesy, 44 West Hill Ave, Charles E. Gill, Jr. Esq for Paula Bryne, 88 Woodland Ave, Elizabeth & Myles Lane, 11 Summit Ave, Christina & Jeffrey Rosebach, 43 Botolph St, Scott & Kimberly Smith, 23 Summit Ave, Stephanie A. Walkup, 101 Woodland Ave, John Welch, 20 Botolph St, Alexandra Dew Silva, 16 Clifton Pk, Manjula Karamcheti, 24 Botolph St, Eamonn & Linda Sheehan, 32 Botolph St, John Egan and Carol Rosseland, 2 Clifton Park, and Patrick and Alyssa Synan.

The following people appeared to speak in opposition to the application: City Councilor John Tramontozzi, Attorney Charles Gill for Paula Bryne, Arthur DeFabio, John Kolakowski, Lauren Spendley, Manjula Karamcheti, Matthew Manes of 98 Woodland Ave, Myles Lane, Stan Gryghik, Antonette Fernandez, Carol Rosseland, Michael Saint Mary, James Barker, Richard O'Gara, Josh

Robbins, and Aletta Schnitzler. The comments were extensive but a brief summary of those related to the two-family uses, which is the issue before the Zoning Board, were:

- Lack of information to fully understand how the two-family houses would appear and function
- Two-families would have more detrimental effects on the conservation land and residences in the surrounding area
- Concerns about traffic and pedestrian safety on the street
- Two-family houses are not appropriate for this small, narrow street
- As designed they do not fit the character of the neighborhood. The houses are Victorian and single-family.
- The two-family houses will not be affordable, as the Applicant suggested, because they will be large in size.
- Emergency vehicles and the mail truck have a difficult time accessing the houses on the street now.

The Board members did not feel that they could approve the proposal without a better understanding of the development. In general, they are not opposed to the two-family use but the details are important. In particular, they would want to understand the drainage design, which is driven by the intensity of the use. The land is currently mostly unimproved and the drainage will be greatly altered. They also asked for a revision to the turnaround plan for emergency vehicles. The proposal would double the density on the street and the hammerhead turnaround is insufficient. Snow will pile up there and people will park in the turnaround area. They need more information on traffic and pedestrian safety. In the 1988 atlas the street was proposed to continue through and not be a dead end street. They need to see the totality of the project to understand the impacts of the use. Slope protection is another important aspect of this proposal.

Attorney McAvoy requested to continue to a future meeting. He said that the Board always allows for at least one continuance. The Board agreed to let them continue but did not want to let too much time pass since it is a burden to neighbors to follow the case and the Applicants may need months to generate the plans requested. By roll call the Board voted, 5-0, to grant the requested continuance to June 9, 2021.

Documents: ZBA Application 21-010

OTHER BUSINESS

The next meeting is set for April 28, 2021.

The meeting adjourned at 10:20pm.