

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, June 9, 2021
7:30 p.m.
Remote Meeting**

Present:

Rita Mercado, *Chair*
Megan Carriere, *Associate*
Curtis Dooling, II
Julianna Hanlon, *Associate*
Bryan Thorp

Absent:

Katherine Moore
David Roache

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

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.

This case was continued from the April 14, 2021 hearing. Attorney Patrick submitted a letter dated May 21, 2021 requesting to withdraw the application without prejudice.

By roll call the Board voted, 5-0, to grant the request to withdraw the application without prejudice.

Documents: ZBA Application 21-010
Letter from Attorney McAvoy dated May 21, 2021

21 015 – 27 Temple Street

The appeal of Joseph H. Higgins and Robin L. Higgins, Trustees for Variances from §235-18 & -19 of the Zoning Ordinance for lot area and front yard setback, and §235-73.C.1 & §235-73.C.2 from the Slope Protection Ordinance all to retain the existing single-family house 27 Temple Street Melrose, MA and construct a new single-family house on a separate lot. The property contains 23,126 sf of land and is shown on Assessor's Map F4 0 63 & F4 0 64.

Attorney Patrick submitted a letter dated June 9, 2021 requesting to continue the application to the July 7, 2021 hearing.

By roll call the Board voted, 5-0, to grant the request to continue the case to July 7, 2021.

Documents: ZBA Application 21-015
Letter from Attorney McAvoy dated June 9, 2021

21 014 – 14 Hawes Avenue / Ells Avenue

The appeal of M. Razvan Teodorescu & Tina Teodorescu for Variances from §235-21 of the Zoning Ordinance to separate the lot into two, for Lot 1 Variances from §235-18 & -19 for lot area, lot depth, front yard, rear yard, and §235-41.O for tandem parking and for Lot 2 Variances from §235-18, & -19 for lot area and lot depth, §235-25.J for lot width at the rear building line, and §235-41.O for tandem parking, all required to retain the existing single-family house at 14 Hawes Ave and construct a new single-family house on Ells Ave, Melrose, MA, on a lot of land containing 13,114 sf and shown on Assessor's Map D13 0 154 & D14 0 16.

Attorney Judith Clark, and Applicants Tina and Razvan Teodorescu appeared to explain the application. Attorney Clark explained how she found the application met the variance findings. The backyard is unruly and it is a hardship to maintain it. She mentioned other cases for which the ZBA granted approval to build a single-family house on a lot with variances. Many houses in the neighborhood have tandem parking. The front and the rear yard variances are for the existing house which is not changing. They purchased the house in 2008 and were not aware that the City was going to do a drainage project that affected their yard. It was a hardship for them but the project fixed the drainage problems in the neighborhood. There is one deed that describes each lot separately. They receive two separate tax bills. There is an ANR plan on file at the Registry of Deeds from 1960 that shows multiple parcels.

The Board asked why the triangular piece of land would be added to the Ells Avenue property. It would even off the property lines between the two parcels. Members were concerned with the plans which show structure close to and over the drainage easements. They asked if the end of the road is on private property or a paper street and who will be responsible for extending the road. The road is a paper street and they will get more information on who will construct the street.

The following people submitted letters in opposition to the application: Audra Bieg of 18 Ells Avenue, Patricia Jones of 22 Ells Avenue, Robert & Judith Casey of 21 Heywood Avenue, Paul Cornacchini of 40

Boardman Avenue, and Joan Hurley of 32 Ells Ave. Concerns were due to the high water table in the neighborhood, drainage and flooding, increased traffic on Ells Ave, impact of construction vehicles on the street and the large size of the proposed house for the lot.

The following people appeared to speak in opposition to the application: Patricia Jones of 22 Ells Avenue, Michael Bouche of 25 Heywood Avenue, and Audra Bieg of 18 Ells Avenue. They said that this piece of land is a catch basin for rainwater to collect, the road does not have a standard width and it is hard to get by parked cars, it will be detrimental to have more curb cuts on the street, drainage is a problem, and asked since other projects on this small street in the area were denied – why approve this one?

Members said that the DPW will ensure that the drainage easement is protected; however, they would like to know if the Planning Board will be reviewing and approving the stormwater management during the subdivision approval. It is typically not in the ZBA's purview to consider drainage but it is related to siting a house here. The large lot coverage of the proposed house is complicating this request. There is not a lot of pervious surface on the site with the house and double-wide driveway. The drainage system in the neighborhood is resolved but putting a lot of impervious surface on this site might cause problems.

It is always challenging to consider hardship when applicants buy an unbuildable lot and claim that it should be buildable. The lot currently has a reasonable use as a single-family house.

A member suggested that the Applicants reach out to the neighbors on Ells Avenue. They are all against the proposal because this is a small street and they are concerned about extending the road among other things. If the ZBA approves the plan it sends a signal that the roadway extension is acceptable and they do not have any information about this part of the project. Adding one house on the street will not create a traffic problem but it may make maneuvering on the street more difficult.

Attorney Clark said that they will contact a drainage engineer and work with the City on the roadway construction plan. The Applicants are proposing to live in the house so they do not want stormwater to be an issue. They were not in a position to engage an engineer before knowing if the project would move forward.

Attorney Clark requested to continue the case to have time to work on the additional information requested during the hearing. By roll call the Board voted, 5-0, to grant the request to continue to August 11, 2021.

Documents: ZBA Application 21-014

21 016 – 735 Newburyport Turnpike

The appeal of Pugh Management, LLC for Variances from §235-18 & -19 of the Zoning Ordinance for building height and open space, and §235-41.L for the entrance/exit driveway width. The relief is sought to construct a 94,000 sf warehouse at 735 Newburyport Turnpike, Melrose, MA, on a lot of land containing 218,324 sf, of which 100,251 sf is in Melrose, and shown on Assessor's Map J3 0 9.

John Pugh, Applicant, Michael Rosen, Attorney, Doug Landry, part of the development team, and Jordan Loffredo, Civil Engineer, 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 21-016

OTHER BUSINESS

Mr. Thorp made a motion to approve the meeting minutes from May 12, 2021. Ms. Carriere seconded the motion. By roll call members Rita Mercado, Curtis Dooling, Megan Carriere, and Bryan Thorp voted, 4-0, to approve the minutes.

The next meeting is set for July 7, 2021.

The meeting adjourned at 9:35 pm.