

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, July 7, 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 An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency signed by Governor Baker on June 16, 2021, this meeting was be conducted via remote participation. 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

21 015 – 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 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.

By roll call the Board voted, 5-0, to grant the requested Variance from the requirements of §235-18 & -19 of the Zoning Ordinance for lot area to create two separate lots of approximately 8,383 sf and 14,783 sf. By roll call the Board voted, 5-0, to grant the requested Variance from the requirements of §235-18 & -19

of the Zoning Ordinance for front yard setback to construct a new single-family house with a 15.5 foot front yard and the existing single-family house with a 16.2 foot front yard. By roll call the Board voted, 1-4, for the requested Variance from the requirements of §235-73.C.1 & §235-73.C.2 from the Slope Protection Ordinance to construct a new single-family house on a separate lot; therefore denying the request.

Documents: ZBA Application 21-015

21 017 – 4 Spear Street

The appeal of Barun Bhatarai for Variances from §235-18 & -19 of the Zoning Ordinance to construct front and rear additions and a rear deck on the single-family house in the nonconforming front and side yards and into the conforming rear yard at 4 Spear Street, Melrose, MA, on a lot of land containing 5,365 sf and shown on Assessor's Map E3 0 112.

Mr. Bhatarai appeared remotely to explain the proposal. He spoke with his neighbors and he submitted signatures stating that they do not object to the project. Some of them have been through this variance process for their own houses.

Ana Zamarron of 16 Temple Street spoke at the hearing in support of the family and their need for more space.

Board members asked if Mr. Bhatarai had considered moving the front addition space to the back to preserve the front yard of the house. He said that two stories in the back may block light to his neighbor's house. He has a shared driveway and it is more convenient to bring things into the front door. Members said that it is more typical to just enclose the front door as his neighbors have done. This proposal is a big addition to the front with a full room proposed.

A members said that there is a second mudroom proposed on the side of the house but Mr. Bhatarai said that this side space will just be a passageway. They felt that the side yard setback is small and asked how close the neighbor's house would be to the addition.

Members felt that the deck will be large at 10 by 18 feet but did not have objections to the rear addition as proposed. Because of the slope of the land the deck will be a full floor in height.

Members suggested redesigning the front with a four-foot-deep open front porch with the space near front door enclosed if needed. They said that the front addition should feel like an accessory/additive element and not the main body/volume coming towards the street as it does with the current plan. The room proposed on the front could be on the second floor of the rear addition. This location may even cost less to construct than building a new foundation in the front of the house.

Mr. Bhatarai requested to continue the case to the next meeting to have time to respond to the comments. By roll call the Board voted, 5-0, to grant the requested continuance to August 11, 2021.

Documents: ZBA Application 21-017

21 018 – 47 Hawley Road

The appeal of Alan Swanson for Variances from §235-18, -19 & -44.G of the Zoning Ordinance construct a one-story rear addition on the single-family house in the nonconforming side yard at 47 Hawley Road, Melrose, MA, on a lot of land containing 5,000 sf and shown on Assessor's Map D14 0 93.

Mr. Swanson 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 21-018

21 019 – 50 Prospect Street

The appeal of Rick Visconte for Variances from §235-18, -19 & -44.G of the Zoning Ordinance to construct an addition over the existing single-story portion of the house in the nonconforming front yard on the corner lot that will affect the nonconforming building height at 50 Prospect Street, Melrose, MA, on a lot of land containing 8,740 sf and shown on Assessor's Map A8 0 36.

Mr. Visconte 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. Mr. Thorp stated that he lives within 300 feet of the property and received notification of the hearing; however, he can judge this case fairly and without prejudice.

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

Documents: ZBA Application 21-019

21 020 – 58 Prospect Street

The appeal of Brian Wright for Variances from §235-18 & -19 of the Zoning Ordinance to construct a rear deck in the nonconforming rear yard on the corner lot at 58 Prospect Street, Melrose, MA, on a lot of land containing 8,873 sf and shown on Assessor's Map A8 0 37.

Mr. Wright 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. Mr. Thorp stated that he lives within 300 feet of the property and received notification of the hearing; however, he can judge this case fairly and without prejudice.

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

Documents: ZBA Application 21-020

OTHER BUSINESS

Mr. Thorp made a motion to approve the meeting minutes from June 9, 2021. Mr. Roache seconded the motion. By roll call members Rita Mercado, Megan Carriere, Bryan Thorp and David Roache voted, 4-0, to approve the minutes.

The next meeting is set for August 11, 2021.

The meeting adjourned at 9:35 pm.