

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, September 22, 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

21 022 – 33 Goss Avenue

The appeal of John M Doucette for Variances from §235-18, -19 of the Zoning Ordinance for lot area, frontage and side yard setbacks, §235-25.J for lot width, and §235-21 to create two lots with insufficient dimensions all to retain the existing single-family house at 33 Goss Ave, Melrose, MA, and construct a new single-family house on a separate lot. The property contains 13,200 sf of land, is shown on Assessor's Map F6 0 25, and is owned by John M Doucette, Mary A Doucette and Anne C Lenehan.

Attorney Lucas and Mr. Doucette appeared remotely to explain the proposal. The property used to be two separate lots. In the 1980's the owner of 33 Goss Avenue bought the adjacent lot and they therefore merged for zoning purposes. Mr. Doucette has lived in the house for 20 years. He cleaned out the garbage in the conservation land behind the property and built a retaining wall and installed asphalt for parking.

He learned that the wall and asphalt that he installed are on the City's property. Land surveyor, Edward Farrell, confirmed this encroachment. Mr. Doucette offered to remove the retaining wall and asphalt.

Attorney Lucas said that they cannot acquire land behind the property because it is conservation land. There is a lot of undeveloped land behind the property with these restricted conservation parcels, the unpaved portion of Florence Avenue and undeveloped lots on the other side of Florence Avenue. Many of the lots in the area are 60 feet wide. They are using the existing house as a single-family despite paying taxes on it as a two-family. They have recorded a restrictive covenant with the Registry of Deeds and Inspectional Services to document that it is a single-family house. They will not be blasting the rock on the property. They are willing to extend the sidewalk which ends at the property to the end of the street.

They can adjust the proposed driveway to have cars pull into and back out of the driveway and not have to make a turn. The garage would not be demolished. They would remove the interior of it and keep the existing framing for the house. The house would be the same height as the existing garage, although they would construct dormers. The proposal includes building an addition onto the side of the garage.

They spoke with many neighbors and submitted a petition that 19 signed in support of the proposal. They did not reach the neighbors across the street and one other abutter. Five neighbors submitted letters of support. The only issue that a few neighbors raised was with blasting if it would occur to construct the house.

The Chair read the Planning Board's recommendation letter into the record and noted that there is a memorandum from the DPW as part of the record.

The Board discussed redesigning the driveway so that it is in the side yard, which is a typical condition in Melrose. This may require making the addition smaller.

Attorney Lucas said that they will submit revised plans and a colored rendering to scale for the next hearing. He requested a continuance until then.

By roll call the Board voted, 5-0, to grant the requested continuance to October 13, 2021.

Documents: ZBA Application 21-022

21 023 – 41 Nowell Road

The appeal of Andrew Katz & Melinda Home for a Variance from §235-18 & -19 of the Zoning Ordinance for side yard to construct an open front porch on the single-family house at 41 Nowell Road, Melrose, MA, on a lot of land containing 11,669 sf and shown on Assessor's Map C13 0 87.

Andrew Katz and Melinda Home 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 Variance.

Documents: ZBA Application 21-023

21 025 – 52 West Emerson Street

The appeal of Frank Barbosa West Emerson Luxury Condominiums, LLC for a Special Permit under §235-40.A of the Zoning Ordinance for a reduction in the required number of parking spaces for a site within 1,000 feet of a municipal parking lot at 52 West Emerson Street, Melrose, MA, on a lot of land containing 11,709 sf and shown on Assessor's Map C8 0 115. A redevelopment of the site was approved that includes demolition of the existing structure and the construction of a 3-story multifamily building with 6 residential units.

Richard Salvo and Frank Barbosa 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 Special Permit.

Documents: ZBA Application 21-025

OTHER BUSINESS

272 Tremont Street Variance Time Extension – Attorney Lucas submitted a request for a time extension for the variances granted under Case 20-013. He explained that there are still tenants living in the existing building and with the COVID pandemic they did not want to displace them. By roll call members voted, 5-0, to extend the timeframe of the variances by 6 months.

52 West Emerson Street Variance Time Extension – Mr. Salvo submitted a request for a time extension for the variances granted under Case 20-017. He explained that they received Site Plan Approval and will be working with the Planning Board's Design Review Subcommittee. They are actively working on the project and expect to receive a building permit in October. By roll call members voted, 5-0, to extend the timeframe of the variances by 6 months.

Mr. Thorp made a motion to approve the **meeting minutes** from August 11, 2021. Mr. Dooling seconded the motion. By roll call members voted, 5-0, to approve the minutes.

The next meeting is set for October 13, 2021.
The meeting adjourned at 8:45 pm.