

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, January 12, 2022
7:30 p.m.
Remote Meeting

Present:

Rita Mercado, *Chair*
Megan Carriere, *Associate*
Curtis Dooling, II
Katherine Moore
Bryan Thorp

Absent:

Julianna Hanlon, *Associate*
David Roache

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

21 035 – 19 Sharon Road

The appeal of Eric Nyland for Variances from §235-5 of the Zoning Ordinance to construct a dormer that does not comply with the definition of half story on the single-family house at 19 Sharon Road, Melrose, MA, on a lot of land containing 9,143 sf and shown on Assessor's Map G9 0 84.

Eric Nyland appeared remotely to explain the proposal. He is in need of redoing his roof and would like to create more living space and an office space so he is proposing to add dormers to his house. The house has a two-part roofline. The newer part of the house is setback and the dormers would not encroach farther than that portion of the house.

The Board asked questions of the Applicant and had the following comments. The Applicant did not want to construct two smaller dormers on the back of the house. He said that the dormers would not be symmetrical in the back because there is a staircase in the middle of the house, which needs more head height to meet code. He wanted the largest amount of head clearance because the top floor does not have a lot of depth. A board member said that a plan showing the section of the third floor was not provided so

it is difficult to understand the space, the need for more living space, and the hardship. They cannot make the variance findings on the inability to get the maximum amount of living space. The Board suggested that the Applicant look at other options for the dormers. If a variance is still needed it should be the minimal necessary to achieve their goal. Also, a section of the space should be provided.

No one appeared to speak in support or in opposition to the application.

The Chair read the Planning Board recommendation letter and noted that the DPW memo did not contain any issues that would impact their review of the case.

Mr. Nyland requested a continuance to the next meeting.

By roll call the Board voted, 5-0, to grant the requested Continuance to February 9, 2022.

Documents: ZBA Application 21-035

21 036 – 60 Mooreland Road

The appeal of Lauren & Keith Howell for Variances from §235-19 & -19 of the Zoning Ordinance for left side yard to construct a two-story addition on the single-family house at 60 Mooreland Rd, Melrose, MA, on a lot of land containing 8,670 sf and shown on Assessor's Map F9 0 67.

Lauren and Keith Howell and Jay Bradley, Architect, 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 21-036

21 037 – 1023 Main Street

The appeal of Cara Drew for Variances from §235-18, -19 & -44.G of the Zoning Ordinance for the dimensions of height and yards to construct a 3-story addition on the single-family in the nonconforming front and rear yards on the corner lot at 1023 Main St, Melrose, MA, on a lot of land containing 4,857 sf and shown on Assessor's Map D13 0 72.

Cara and Justin Drew, and Jay Bradley, Architect, appeared remotely to explain the proposal. They are in need of more living space, an office and a two-car garage. Building a garage as a separate structure would take up most of the backyard. The existing rear deck overlooks the neighbor's pool. The plan was designed so that the deck would be along the street and give the neighbor more privacy. They did a shadow study and the addition will not impact the neighbors' rear yards.

The Chair read the Planning Board recommendation letter and noted that the DPW memo did not contain any issues that would impact their review of the case.

Four neighbors submitted letters of support and one person appeared at the hearing to speak in opposition to the application. Jeff Marvin of 1019 Main Street objected to the size and height of the addition which would only be six feet from the property line. He said that the current plans will be detrimental to him and went into detail on why this would be the case. There would be six new windows that would provide view of his pool and backyard. The plan does not show utilities and there is a phone and cable line that run through this property that go to his house. The addition would be in the way of the lines. Water runoff, snow and ice will fall into his yard from the addition. Traffic and parking for the addition will difficult

because there is not a lot of on-street parking. The Applicants said that they would inform him of the plans along the process but they did not show him the plans until they were final. He has no obligation to meet to discuss the plans in person. The plans can be revised to meet their goals.

The Applicants provided responses to these comments. The snow falling from their existing house on the neighboring property is due to the solar panels. The addition would not have solar panels and they would install clips so that snow did not slide off onto the neighbor's property. The cables that run over their property to the neighbor's house would have to be rerouted and they would be willing to be the liaison between the neighbor and the cable companies to make this happen. There is no easement that allows for the cables to cross over their property but they are willing to continue to allow this to happen. They would install textured privacy glass in all of the new windows facing this neighbor's property. They would be screening the views of existing windows so there would only be two new windows that have view of his backyard. They let the neighbor know that they hired an architect and invited the neighbors to review the plans. They offered to invite the architect to talk through the design. They withdrew the prior variance application to have more time to talk with the neighbors. They have a six-foot tall fence and would plant 20 foot trees along the property line to provide privacy.

The Board asked questions of the Applicant and had the following comments.

- The three story determination for the existing house and addition is based on the average grade. The structure is below the 35-foot height limit. The Board felt that the design of the addition and the number of stories was appropriate. The addition would work with the existing floor elevations of the house, the sites slopes down towards the backyard and the addition will be lower than the main body of the house.
- Is the garage driving the depth of the addition? It is deeper than is needed for car storage. They do want some storage space in the garage but the addition is driving the depth of the garage, not the other way around. They would like the additional living space to be at the levels of the first and second floors of the house, and not in the basement, so the addition would be on stilts if the garage was not there.
- They discussed the driveway depth in front of the garage. They can fit their cars in this depth; however, they would not be parking cars in the driveway. They have only parked two cars on the lot for the 14 years that they lived there.
- The Board asked the Applicant to consider an addition with a greater side yard setback. This will provide more a buffer to the neighbor and break up the façade along the side of the house. Ten feet would be required if this was not a corner lot. There is comfort with an eight-foot setback but the Board was not going to dictate a certain setback. They need to see a revised plan. The roof of the addition may need to change, the window at the top floor in the gable end of the house may be covered, and the stair down from the deck needs adjustment but the architect can figure these things out. They discussed the question of if the addition could be shifted towards Pearl Street. The houses on Pearl Street look to have a consistent setback and the addition should be in context with this setback.

The Applicants requested a continuance to the next meeting.

By roll call the Board voted, 5-0, to grant the requested Continuance to February 9, 2022.

Documents: ZBA Application 21-037

OTHER BUSINESS

Meeting Minutes

Mr. Thorp made a motion to approve the meeting minutes from December 8, 2021. Ms. Carriere seconded the motion. By roll call members voted, 5-0, to approve the minutes.

The next meeting is set for February 9, 2022.

The meeting adjourned at 9:30 pm.