

MELROSE BOARD OF APPEALS
MEETING MINUTES
Regular Meeting
Wednesday, May 11, 2022
7:30 PM
Remote Meeting

Present:

Rita Mercado, *Chair*
Megan Carriere, *Associate*
David Roache
Katherine Moore
Bryan Thorp

Absent:

Curtis Dooling, II

Staff Present: Lori Massa, Clerk & Maya Noviski, Clerk

The meeting was called to order at 7:34 PM by Ms. Mercado.

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 could be found on the City of Melrose's website, at www.cityofmelrose.org. 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, they would be post on the mmtv3.org website an audio or video recording, transcript, or other comprehensive record of proceedings 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

22 006 – 194 Melrose St.

David Lucas, Attorney, and Olja Radic, Applicant, appeared before the Board to present their case. Attorney Lucas explained that approximately 35 years ago, the owner at that time built a two-story garage and was denied a Special Permit to legalize a second dwelling unit above the garage. He went on to explain that while the lot is large enough for residential units, there is insufficient frontage. He noted that there will not be any construction and that the property has been used and taxed as a two-family dwelling for several years. He explained that Ms. Radic thought the home was a two-family dwelling at the time of purchase. He also mentioned that Ms. Radic listed the house for sale several months ago due to a potential relocation that did not materialize resulting in her removing the property from the market.

Board Members were confused how the Applicant could have purchased the home under the assumption that it was a two-family dwelling when it was listed as a single-family home. Ms. Carriere also asked about access to the second unit in the event of an emergency due to its location behind the main house and lack of street access. Ms. Radic explained that there is a front and back door, and that it would not be possible to create a front entrance with direct access to Melrose St. from the second unit.

Ms. Mercado read the Planning Board's recommendation to the Board of Appeals dated April 28, 2022, into the record. The Planning Board took a neutral position. The Department of Public Works' memo dated April 28, 2022, was read into the record which included information on utilities, permits and infiltration/inflow fees. The meeting was then opened for public comment. Four people appeared to comment including: Lindsay Toghil of 186 Melrose St., Tim Palmer of 335 Vinton St., Michael Iudice of 201 Melrose St. and Donna Pefine of 11 Malvern St. Those opposed raised concerns over the way in which the second unit was illegally built, its safety, and the impact of a two-family home on the predominately single-family neighborhood. One person also mentioned that the space over the garage has not been occupied for over twenty years. One person spoke in support of the application. Three people submitted letters of opposition to the Board.

Attorney Lucas responded to the comments by noting that the Building Inspector examined the property and informed Ms. Radic that she would need to either remove the kitchen that was illegally built or receive a Special Permit to legalize a two-family dwelling. He reiterated that due to the shape of the lot, which has a conforming depth but not enough frontage for a two-family dwelling, the Applicant faces a unique burden. Board Members responded by clarifying that if the Applicant decides to modify her application and request a Special Permit to legalize the second unit as an In-Law apartment instead, variances for the lot frontage and front yard setback would not be required.

Ms. Mercado closed the public hearing. Board Members discussed the undesirable layout of the second unit on the lot and the lack of an entrance to the second unit from Melrose St. Members suggested that permitting the second unit as an In-Law apartment rather than a second-family dwelling would be more satisfactory and would meet the Applicants need of providing a space in which her parents could live. They confirmed that the Applicant could withdraw both the Special Permit and front yard setback variance without prejudice. Attorney Lucas requested to withdraw the application without prejudice.

By roll call, all voted in favor to grant the withdrawal of the application without prejudice. None were opposed.

Documents: ZBA Application 22-006

22 007 – 25 Rockland St.

The Applicant submitted a written request to continue this case until June 8, 2022. By roll call, all voted yes to continue the case to June 8, 2022. None were opposed.

Documents: Written request for a continuance dated May 10, 2022

22 008 – 69 Gooch St.

Matthew and Elizabeth Galvin, Applicant, and Brigitte Fortin, Architect, appeared before the Board to present their application. Mr. Galvin explained his proposal to construct a two-car attached garage with a second story addition that would consist of a family room, and master bathroom and closet. He explained that the garage was designed in its proposed location due to the location of a preexisting playroom which obstructs access for a second car. Ms. Fortin added that there is a bulkhead entrance to the basement on the right side of the house, which also affects the placement of the garage and if the garage were pushed towards the rear of the property, the project would require lot coverage and rear yard setback variances. Ms. Fortin also explained that the minimum size for a two-car garage is 20 feet wide.

Mr. Thorp questioned the proposal's design and impact. Mr. Galvin described his family's personal situation, and wondered how this structure would be different than the others in their neighborhood. Mr. Thorp explained that while neighborhood texture is important, the Board of Appeals is bound by the zoning ordinance for new construction and considers different elements when reviewing an application. Mr. Roache added that one of the main differences with this project and the neighboring garages is that the Applicant is proposing an attached versus a detached garage, which poses different externalities on the abutters. Mr. Galvin noted that if they were to design a detached garage, there would be three garages within a few feet of each other, one being on the abutting property, which could be unaesthetically pleasing. Mr. Roache suggested that the Applicant includes that in the application.

Ms. Mercado read the Planning Board's recommendation to the Board of Appeals dated April 28, 2022, into the record. The Planning Board recommended denying the application and felt that the addition could be redesigned so as to not infringe on the right side yard setback. Ms. Mercado read the Department of Public Works' memo to the Board of Appeals dated April 28, 2022, into the record, which included information on utilities, permits and infiltration/inflow fees. Two letters of support were submitted to the Board and the Applicant submitted a petition of support signed by all immediate abutters.

Mr. Roache suggested that the Applicant presents figures or drawings illustrating efforts to accommodate the setback to understand the hardship. Mr. Thorp reiterated that demonstrating process drawings to show what configurations have been considered would be helpful; any amount that the garage can be brought into conformity would be preferred. Board Members had no issue with the size or scale of the garage.

Mr. Galvin requested a continuance for this project until June 8th, 2022. By roll call vote, all members voted in favor of the continuance. None were opposed.

Documents: ZBA Application 22-008

APPROVAL OF MINUTES

Board of Appeals Regular Meeting, April 13, 2022

Board Members had no comments or adjustments to previous minutes. Ms. Carriere made a motion to approve the meeting minutes. Mr. Roache seconded the motion. All members voted in favor. None were opposed.

NEXT MEETING

The next regular meeting of the Board of Appeals is scheduled for Wednesday, June 8, 2022. The meeting adjourned at 9:00 pm.