

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, September 20, 2023
7:30 p.m.
Remote Meeting**

Present:

Bryan Thorp
Katie Moore
Curtis B. Dooling, II
Daniel Gelormini
Benjamin Rosenberg

Absent:

Rita Mercado
Megan Carriere

Staff Present: Maya Noviski, Assistant Planner

The meeting was called to order at 7:33 pm.

Pursuant to Chapter 2 of the Acts of 2023, this meeting will 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

23 015 – 71 Sheffield Road (continued public hearing)

The appeal of Chris Cybart under §235-18 and -19 of the Zoning Ordinance for front and left side yard setback to reconstruct a detached shed for the single-family house at 71 Sheffield Rd., Melrose, MA, on a lot of land containing 5,567 sf and shown on Assessor's Map G9 0 28.

Chris Cybart, Applicant, requested a continuance to the October 11, 2023 meeting.

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

Documents: Request for continuance

23 017 – 10 Beacon Place (continued public hearing)

The appeal of Jeffrey & Shannon DeAmato under §235-18 and -19 of the Zoning Ordinance for front yard setback to construct a single-story addition in the front yard on the nonconforming single-family house at 10 Beacon Pl., Melrose, MA, on a lot of land containing 5,369 sf and shown on Assessor's Map C6 0 92.

Jeffrey DeAmato, Applicant, and Jenna Ellison, Architect, appeared before the Board 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 variances.

Documents: ZBA Application Case 23 017

23 016 – 14-24 Tremont Street

The appeal of K&K Developers, Inc. (c/o Garden Homes Development) for Variances under §235-18 and -19 of the Zoning Ordinance for lot coverage, front, left-side and rear yard setbacks, and under §235-65.C.1.c for floor area ratio, to demolish the existing structures and construct a five-story building with 87 residential units and 90 parking spaces on the property located at 14-24 Tremont Street in Melrose, on a lot consisting of 42,102 sf and shown on Assessor's Map D9 0 105.

David Lucas, Attorney, Michael Lawson, Architect, John Barrows, Engineer, and Greg Young and Eli Pechtold, Developers, appeared before the Board to present the case. Attorney Lucas provided a brief overview of the project. The proposal includes developing an underutilized lot that is targeted by the City's Housing Production Plan (HPP) as an opportunity site. The site, located in the Rail Corridor Overlay District (RCOD) is irregularly shaped and mostly paved. There are several existing businesses including Dogwood Cottage and Steve's Towing, and structures, which will be demolished to construct a five-story, 87-unit, multifamily building with 90 indoor parking spaces and 13 affordable units. The project went through five Planning Board hearings where the design was significantly revised.

Attorney Lucas explained that because the RCOD allows a limited amount of density, the Planning Board granted the Applicant a special permit for residential use in a nonresidential district. This requires the project to abide by the dimensional requirements of the URC district, which are more restrictive than the BB-1 and the RCOD and results in the project requiring zoning relief. He also noted that this project abuts the BA-2 district, which allows for more density.

Mr. Young continued by explaining that this transit-oriented project will activate an underutilized lot while adding to the housing supply and contributing to the City's tax base. Plans include extensive landscaping and public benefits such as sustainability features, a public bench on Tremont St., street trees, a midblock crosswalk with a Rapid Flashing Beacon and underground parking. Locating the parking inside the building will provide for a better streetscape and will reduce heat island effect. It also reduces the amount of fill needed thereby eliminating truck trips to and from the site. Mr. Lawson noted that the lot configuration makes

the underground parking layout challenging and a rectilinear design is most efficient due to the tapered nature of the site. The existing grade limits the location of the underground parking so there will also be parking on the ground level that will be contained within the building.

Mr. Young noted that the site currently has a brick wall on the front property line that spans the front of the lot. The URC zoning requires a 20 ft. setback and although the average front yard setback of the building is 23.5 ft., the left side of the building has a 10 ft. from the front property line. However, the front stoops on the left side, the staggered front massing, and the stepped back middle section reduce the impact on the street and positively contribute to the streetscape. There is also a drop off/delivery area in front of the building, which will help reduce potential on-street traffic conflicts. Mr. Young posited that the proposed setbacks are in line with the other nonresidential uses in the vicinity of the project.

Mr. Young explained that the current left side yard setback is 1.1 ft. and the proposed is 6.4 ft. The building is pushed closer to the left side to reduce the number of queued cars closer to the Tremont St. and Lynn Fells Parkway intersection, and to provide some space between the driveway and the abutter on the right. The existing rear yard setback is 0.6 ft. and the proposed is 2.3 ft. but the building cannot be moved closer to the rear because of the parking configuration. Mr. Young explained that the building covers 57% of the lot but there is a stormwater recharge system onsite, and this development will reduce stormwater runoff, which is currently captured by MWRA and city drains.

Board Members asked about the power lines and the location of the transformer. Mr. Young explained that the power lines cannot be buried but the team is working with a landscape architect to ensure that there is no conflict between the power lines and the proposed trees. The transformer will be pad mounted and screened by landscaping to the right of the drop off area. One Member asked about the expected tree height and Mr. Young explained that they will be as tall as the renderings. One Board Member asked about the different front yard setbacks. Mr. Young explained that the building is setback 10 ft. from the front lot line on the left portion of the building, 32.5 ft at the front entrance, and 26.5 ft by the loading area. One Board Member felt that the Applicant should consider removing the front stoops on the left side of the building and installing another public bench or providing increased landscaping.

Board Members were curious why the building could not be shifted further back on the left side to comply with zoning regulations. Mr. Lawson explained that coming from the north, the building shifts closer to the property line to transition between the commercial and residential uses. The current design maximizes the parking underneath the building and if the building was farther back, there would not only be a loss of parking spaces, but the top floor would be more pronounced and visible from the street. Additionally, the units facing the street would need to be reconfigured. Board Members asked about the stepback on the fifth floor and Mr. Lawson explained that it is 37.7 ft from the property line on the left and 52.5 ft. on the right. There are rooftop amenity decks in front of the fifth-floor units facing the street.

One Board Member asked if the project had an increased FAR because of the parking configuration. Mr. Lawson explained that the parking increases the lot coverage but if the project complied with the regulations for FAR, underground parking would be financially infeasible.

The proposed FAR allows the building to be economically viable due to the cost of onsite conditions and sitework.

Board Members wondered why the Applicant suggested that the left side yard may have a complying setback, contradicting the Building Commissioner's opinion. Mr. Lawson explained that terraces under four feet in height can project into required yards, up to half of the setback. In this case, the terrace is on top of the underground parking, which is four feet above ground and cannot be dug farther down due to the presence of groundwater.

One Board Member asked if any soil tests were conducted. Mr. Young explained that due to the site's environmental history, the team conducted tests before applying for permits and have done a Phase 1 and a Phase 2 report. Board Members were curious about the stormwater recharge system. Mr. Barrows explained that the site is a big bowl and there will be chambers with catch basins beneath the driveway and the underground parking with cleanouts that can be easily accessed. There will also be an internal drainage system that deposits the roof runoff into the chambers.

It was confirmed that the affordable rental units would be divided equally between one-and two-bedroom units and that although the building will offer sustainable features, it will not seek any sustainability certifications.

The Board received 39 letters in support and opposition. Additionally, James Stringer of 92 Lake Ave., Cindy Luongo of 76 Lake Ave., Nancy Clover of 185 Essex St., Kori Mendonsa of 102 Richardson Rd., Jeremiah Feeley of 30 Cedar Park, and Marilem Ferentinos of 89 Lake Ave., appeared to speak.

Those in support expressed approval of:

- The need for affordable housing
- The transit-oriented nature and reduced number of parking spaces
- The streetscape improvements
- The fiscal benefits
- The design

Most of the public who provided written and/or verbal comments expressed concerns about the proposal including:

- Added traffic volume, congestion, and safety
- Number of parking spaces
- Number of variances requested
- The building's size and shadow
- Site contamination
- Lake Ave. being used as a cut through
- The proposed density

Attorney Lucas responded to the public comments by emphasizing that this project went through five Planning Board meetings where many concerns were discussed and ameliorated. The City hired a third-party consultant to peer review the Applicant's traffic study, which showed that

there will not be additional traffic to the area. The project will have visitor spaces onsite and will be marketed as a transit-oriented development. The shadow studies show minimal impact across Tremont St. and the design benefits the streetscape by providing indoor parking and a stepped back fifth floor.

Board Members agreed that the left side and rear yard violations were minimal, however, one Board Member wondered if the Applicant will be able to market units that are so close to the train tracks. Some Members commented that the front yard setback is a meaningful dimension and if the team is demolishing the site, the design should strive to conform to the site layout. Some wondered about reducing the number of units to achieve a conforming FAR.

One Board Member felt that the building was oversized for the site but wondered how meaningful a conforming front yard setback would be noting that the design was consistent with the City's vision for redeveloping the RCOD. One Member also emphasized that the design went through many Planning Board hearings and ultimately the Board approved of the current plans. Board Members noted that density is allowed in this zoning district and the plans have improved significantly since the Applicant first appeared before the Planning Board. They noted that the parking configuration, which ultimately benefits the streetscape, limits where and how they can build vertically. Additionally, it was noted that the shadow study showed the building casting a shadow across the train tracks but did not significantly impact residential abutters.

Attorney Lucas requested a continuance to the hearing on October 11, 2023 to provide more information to the Board.

By roll call the Board voted, 5-0, to grant a continuance to October 11, 2023.

23 020 – 4 Vinton Street

The appeal of Lawrence Gamst for Variances under §235-18 and -19 of the Zoning Ordinance for front yard setback to install stairs in the nonconforming front yard at 4 Vinton Street in Melrose on a lot consisting of 2,677 sf and shown on Assessor's Map B8 0 25.

Lawrence Gamst, Applicant, appeared before the Board 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.

Documents: ZBA Application Case 23-020

OTHER BUSINESS

Meeting Minutes

Mr. Thorp made a motion to approve the meeting minutes from August 9, 2023. Mr. Rosenberg seconded the motion. By roll call members voted, 4-0, to approve the minutes, except for Ms. Moore who abstained.

Next Meeting

The next meeting is scheduled for October 11, 2023.
The meeting adjourned at 11:00 pm.