

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, February 28, 2024
7:30 p.m.
Remote Meeting**

Present:

Bryan Thorp
Curtis B. Dooling, II
Daniel Gelormini
Benjamin Rosenberg
Megan Carriere

Absent:

None

Staff Present: Maya Noviski, Assistant Planner & Lori Massa, Senior Planner

The meeting was called to order at 7:32 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

23 030 – 40 Rivers Lane (continued public hearing)

The appeal of Robert and Kimra Fleming for Variances from §235-18 and -19 of the Zoning Ordinance for rear and front yard setback to construct a two-story addition on the side of the single-family dwelling at 40 Rivers Lane in Melrose on a lot consisting of 12,497 sf and shown on Assessor's Map G12 0 7.

Kimra and Robert Fleming, Applicants, and Joe DeRenzis, Contractor, 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 request for rear and front yard setback. Voting Members included Curt Dooling, Bryan Thorp, Benjamin Rosenberg, Daniel Gelormini, and Megan Carrier, in favor.

Documents: ZBA Application Case 23-030

23 033 – 15 Faxon Street (continued public hearing)

The appeal of John Doucette/Eagle Eye Construction for Variances from §235-18 and -19 of the Zoning Ordinance for left side yard setback to remove the existing rear deck and construct an addition on the single-family dwelling at 15 Faxon Street in Melrose on a lot consisting of 6,616 sf, owned by Gregg and Amy Kamosa and shown on Assessor's Map E6 0 159.

Amy Kamosa, Applicant, and Andrew Jones, 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 request for left side yard setback. Voting Members included Curt Dooling, Bryan Thorp, Benjamin Rosenberg, Daniel Gelormini, and Megan Carrier, in favor.

Documents: ZBA Application Case 23-033

24 002 – 1047 Main Street

The appeal of Kevin Carrigan for Variances from §235-24 of the Zoning Ordinance for maximum coverage of an accessory structure to construct a detached, two-story garage in the rear yard of the single-family house at 1047 Main Street in Melrose on a lot consisting of 10,335 sf and shown on Assessor's Map D13 0 107.

Kevin Carrigan, Applicant, and Jay Bradley, Architect, appeared before the Board to present the case. Mr. Carrigan explained that the plans were updated to reduce the roof coverage, remove the kneewall, and replace the cement slab in the entranceway with pavers. Members questioned if the Applicant showed the plans to the Building Inspector and Mr. Carrigan had not. It was unclear if the Building Commissioner would continue to interpret the overhang as counting in the coverage calculation with the changes made.

It was clarified that the maximum allowable lot coverage for an accessory structure is 750 sf and the proposed is 820 sf. The garage, which is already built and received a building permit without the overhang, is 736 sf and the overhang has not yet been built.

Board Members discussed the proposal. Some agreed that the covering seems logical, and noted that the updated plans reduced the overall square footage of the previous plan. Others felt that there is no hardship and commented that this project involves new construction that creates a new nonconformity that could have been avoided if the garage's footprint were smaller. One Member added that the overhang is unnecessary, and the structure would still function as a garage without the extra roof and the Applicant could design a by-right entranceway covering.

Mr. Bradley requested a continuance to the hearing on March 13, 2024.

By roll call the Board voted, 5-0, to grant the continuance to March 13, 2024. Voting Members included Curt Dooling, Bryan Thorp, Benjamin Rosenberg, Megan Carriere, and Dan Gelormini.

Documents: ZBA Application Case 24-002

OTHER BUSINESS

Case 22 029—27 Temple Street Request for Variance Extension

Robin Higgins, Applicant, submitted a written request for the Board of Appeals to grant a six month time extension for the Variances approved for 27 Temple Street, as allowed under Melrose Zoning Ordinance §235-60.C.4.c

By roll call, the Board voted, 4-0, to grant the requested time extension. Voting Members included Curtis Dooling, Bryan Thorp, Benjamin Rosenberg, and Megan Carriere. Daniel Gelormini was not present for the vote.

Case 21 003—12-16 Essex Street Review of Plan Modifications

Tim Johnson, Architect, and Dana Lopez, Project Manager, appeared before the Board to present the materials. This project was permitted as a Comprehensive Permit under Chapter 40B, which the Board approved in 2021. Mr. Johnson explained that the condition of the abutting building, which is located on the property line, was further evaluated during the demolition of the existing structure and it was determined that the foundation wall is in very poor condition that would be undermined by constructing a basement on the subject property. The revised plans remove the basement and propose a slab on grade except for the elevator pit, which is 5 ft. below the building. Mr. Johnson explained that the building's utilities, which will now be on the first floor, and tenant storage space, were both located in the basement. He added that the infiltration system will be underneath the slab in the garage. Everything else, including the building design, the unit count, and the commercial space, will remain the same.

Lori Massa, Senior Planner, explained that the plans still include one commercial tenant, 24 residential units, and six affordable units. There are 36 conditions of approval that must be satisfied, mostly involving engineering related items. Ms. Massa explained that any change in plans must be reviewed by the Board and the City felt that this was a minor change that did not require a public hearing.

By roll call, the Board voted, 4-0, to grant the minor plan modification. Voting Members included Curtis Dooling, Bryan Thorp, Benjamin Rosenberg, and Megan Carriere. Daniel Gelormini was not present for the vote.

Meeting Minutes

Mr. Thorp made a motion to approve the meeting minutes from February 7, 2024. Ms. Carriere seconded the motion. By roll call the Board voted, 5-0, to approve the minutes. Voting Members included Curtis Dooling, Bryan Thorp, Benjamin Rosenberg, Megan Carriere, and Daniel Gelormini.

Next Meeting

The next meeting is scheduled for March 13, 2024.

The meeting adjourned at 9:30 pm.