

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, March 13, 2024
7:30 p.m.
Remote Meeting**

Present:

Curtis B. Dooling, II
Daniel Gelormini
Benjamin Rosenberg
Megan Carriere
Chris Coughlin

Absent:

Bryan Thorp

Staff Present: Lori Massa, Senior Planner

The meeting was called to order at 7:30 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

23 031 – 365 Porter Street (continued public hearing)

The appeal of George D. Lynch, Jr., Trustee for a Variance from §235-18 and -19 of the Zoning Ordinance for frontage to remove the tennis court and construct a single family house at 365 Porter Street in Melrose on a lot consisting of 37,060 sf and shown on Assessor's Map G10 0 57. The proposal includes constructing a driveway from Porter Street to access the lot.

Patrick McAvoy, Attorney, submitted a written request to withdraw the case without prejudice.

By roll call the Board voted 4-0, to grant the request to withdraw without prejudice. Voting Members included Curt Dooling, Benjamin Rosenberg, Daniel Gelormini, and Megan Carriere. Chris Coughlin abstained because this was his first meeting as a Board Member, and he was not present at the previous meeting.

Documents: Request to withdraw

24 002 – 1047 Main Street (continued public hearing)

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.

Jay Bradley, Architect, submitted a written request to withdraw the case without prejudice.

By roll call the Board voted 4-0, to grant the request to withdraw without prejudice. Voting Members included Curt Dooling, Benjamin Rosenberg, Daniel Gelormini, and Megan Carriere. Chris Coughlin abstained because this was his first meeting as a Board Member, and he was not present at the previous meeting.

Documents: Request to withdraw

24 003 – 106 West Foster Street

The appeal of Nicholas Riccio for Variances from §235-18 and -19 of the Zoning Ordinance to construct a second story deck in the nonconforming right side yard of the two-family house at 106 West Foster Street in Melrose on a lot consisting of 6,729 sf and shown on Assessor's Map C7 0 19.

Samantha Riccio, 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 right side yard setback. Voting Members included Curt Dooling, Chris Coughlin, Benjamin Rosenberg, Daniel Gelormini, and Megan Carrier, in favor.

Documents: ZBA Application Case 24-003

24 004 – 9 Park Street

The appeal of Stephen Longmuir for Variances from §235-41.1 of the Zoning Ordinance for the distance between the entrance to the driveway and the curblineline of the intersection and §235-5 for maximum impervious surface in the front yard to construct a driveway in the front yard of the single-family house at 9 Park Street in Melrose on a lot consisting of 4,015 sf and shown on Assessor's Map D5 0 114.

Patrick McAvoy, Attorney, appeared before the Board to present the case. He explained that the owner of the property, Stephen Longmuir, is requesting variances to construct a driveway in the front yard. The current tenants park on the street. The back of the lot shares a paved driveway with the abutting drive-in car service that Mr. Longmuir owns but intends to rent out. Because the property lines are not delineated, vehicles for the business are often on the private property.

Attorney McAvoy noted that due to the small lot size and the presence of ledge, the owner faces hardships and cannot construct a conforming driveway.

Board Members felt that the proposed size of the driveway was large for one vehicle. They emphasized that the property is on the side of the street that has the only sidewalk on Park St. and creating an additional curb cut would negatively impact pedestrians. One Member commented that the ledge is in an area that should not affect the placement of the driveway and therefore is not a hardship. Members agreed that the ample rear yard parking obviates the need for front yard parking and one Member suggested installing a delineation in the back to designate the residential parking spots to reduce confusion between the commercial property and the private residence.

Attorney McAvoy commented that the owner would be open to making the driveway smaller. He explained that residents that park in the back have a difficult time exiting the driveway and must back out onto a busy street; if there was a driveway in the front, it would create safer conditions. Members felt that there was enough room to turn around on the commercial lot to exit the driveway. One Member commented that many residents on Lebanon St. back out of their driveways, but the Applicant could consider moving the section of retaining wall in front of the driveway so that tenants could pull straight into the driveway if it was a concern. One Member felt that backing out onto Park St. is dangerous because drivers speed through to get to Lebanon St.

Members wondered when the owner purchased the house and Attorney McAvoy responded that he has owned it for a long time but has not addressed this problem until now. Attorney McAvoy argued that if someone else owned the commercial lot, the garage on that property would not be usable because there is not room to back out of the garage bays facing Park St. and it would require an easement. Members disagreed and felt that the properties can function independently from one another. They found that this situation only existed because the two properties were owned by the same person.

One Member asked about the owner's willingness to convert the rear yard from asphalt to landscaping; however, the members concluded that thinking long term about this property it would not be logical to remove the rear driveway that fits at least three cars for a new driveway, that does not meet regulations and only fits one car.

The Board received two written comments, both in opposition, and David Griffin of 35 Linwood Ave. appeared to speak in opposition to the project. He reiterated his comments in a letter submitted to the Board of Appeals.

Board Members requested a physical representation of the location of the lot lines and pictures of the garage bays facing Park Street.

Attorney McAvoy requested a continuance to the hearing on May 8, 2024.

By roll call the Board voted, 5-0, to grant the continuance to May 8, 2024. Voting Members included Curt Dooling, Chris Coughlin, Benjamin Rosenberg, Megan Carriere, and Dan Gelormini.

Documents: ZBA Application Case 24-004

OTHER BUSINESS

Meeting Minutes

Mr. Rosenberg made a motion to approve the meeting minutes from February 28, 2024. Ms. Carriere seconded the motion. By roll call the Board voted, 4-0, to approve the minutes. Voting Members included Curtis Dooling, Benjamin Rosenberg, Megan Carriere, and Daniel Gelormini. Chris Coughlin abstained because this was his first meeting as a Board Member, and he was not present at the previous meeting.

Next Meeting

The next meeting is scheduled for April 10, 2024.
The meeting adjourned at 9:00 pm.