

**MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, June 12, 2024
7:30 p.m.
Remote Meeting**

Present:

Daniel Gelormini
Benjamin Rosenberg
Megan Carriere
David Roache
Bryan Thorp

Absent:

Curtis B. Dooling, II
Chris Coughlin

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

24 004 – 9 Park Street (continued public hearing- request to withdraw)

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, provided a written request to withdraw the case without prejudice. The Board discussed the request and noted that the front yard was restored to its original state and that the withdrawal was prudent.

By roll call the Board voted 5-0, to grant the request to withdraw the appeal without prejudice. Voting Members included Benjamin Rosenberg, Megan Carriere, Dan Gelormini, David Roache, and Bryan Thorp.

Documents: Request to withdraw

24 007 – 59 Ridgewood Lane (continued public hearing)

The appeal of Doug White for Variances from §235-18 and -19 of the Zoning Ordinance for minimum open space and §235-24 for right side yard setback to construct a shed in the yard of the single-family house at 59 Ridgewood Lane in Melrose, owned by Neil R. Burke, on a lot consisting of 7,998 sf and shown on Assessor's Map H9 0 16.

Neil Burke, Owner, 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 to install a shed in the right yard. Voting Members included Benjamin Rosenberg, Megan Carriere, Dan Gelormini, David Roache, and Bryan Thorp.

Documents: ZBA Application Case 24-007

24 008 – 376-386 Main Street

The appeal of Global Companies, LLC c/o Carolyn Parker for a Variance from §235-30.A(1) of the Zoning Ordinance to install an LED on the sign displaying prices at the gas station at 376-386 Main Street in Melrose on a lot consisting of 18,883 sf and shown on Assessor's Map C6 0 54-55.

Carolyn Parker, 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 request for an LED sign. Voting Members included Benjamin Rosenberg, Megan Carriere, Dan Gelormini, David Roache, and Bryan Thorp.

Documents: ZBA Application Case 24-008

24 010 – 8 Prescott Street

The appeal of David & Amanda Roache for a Variance from §235- 18 & -19 of the Zoning Ordinance to construct a deck in the required rear yard on the single-family house at 8 Prescott St, Melrose, MA, on a lot of land containing 12,399 sf and shown on Assessor's Map F3 0 76-77.

David Roache, 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 4-0, to grant the request to install a deck. Voting Members included Benjamin Rosenberg, Megan Carriere, Dan Gelormini, and Bryan Thorp.

Documents: ZBA Application Case 24-010

24 011 – 83 Bellevue Avenue

The appeal of Paul and Mary Cunningham under §235-60.C of the Zoning Ordinance to overturn the ruling that the property is being used as a two-family dwelling. Depending on the outcome of the appeal, the application includes a request for a Variance from §235-18 & -19 for lot width/frontage and a Special Permit under §235-17 to convert the single-family dwelling to a two-family dwelling with no exterior changes at 83 Bellevue Ave, Melrose, MA, on a lot of land containing 22,416 sf and shown on Assessor's Map E9 0 7.

Lou Izzi, Attorney, and Paul and Mary Cunningham, Applicants, appeared before the Board to present the case. Attorney Izzi explained that the previous owners installed a second kitchen on the second floor of the dwelling and appealed to the Board of Appeals to convert the structure to a two-family dwelling, but the request was denied. When Mr. and Mrs. Cunningham purchased the house, they were told that the kitchen would have to be removed but prior to closing, the Building Commissioner changed his mind and allowed it to stay. When Mr. and Mrs. Cunningham were raising their children, Mr. Cunningham's mother lived upstairs. Now, Mr. Cunningham's son lives upstairs with his family.

Attorney Izzi explained that the family decided to renovate the attic so that the son and his family would have more space. The plans were submitted to the City and a building permit was issued but when the Building Commissioner came to inspect the project, he determined that the dwelling was being used as a two family. Attorney Izzi explained that Mr. and Mrs. Cunningham have no desire to have a two-family house and feel as though it has been used as a single-family dwelling with two kitchens.

Board Members asked if the house has a single utility service. Attorney Izzi noted that the house is not submetered and there is one gas and one electric account. Board Members asked if there is a door separating the front vestibule from the stairs leading to the second unit and Attorney Izzi confirmed that there is. Board Members noted that the units appear to operate independently, and the structure is not free flowing. They wondered if the Applicant could make interior changes to the structure so it would read as a single-family structure if they did not want it established as a two-family.

One Member suggested installing a staircase in the kitchen on the first floor with access to the second floor. Mr. Cunningham explained that there was a staircase that was closed off prior to their family purchasing the house but now the utility connections for the second floor are located there and there is not another appropriate location for a staircase. Board Members wondered if the first floor could be considered an in-law unit. Attorney Izzi noted that the Cunningham's would feel more comfortable with that designation and requested a continuance to the next hearing so that the appeal could be updated.

By roll call vote, all were in favor of the continuance. None were opposed.

24 013 – 112 Lynde Street

The appeal of Tana Qoqi for Variances from §235-18 &-19 of the Zoning Ordinance for lot size to convert the nonconforming single-family dwelling to a two-family dwelling, and front and rear yards to construct an addition that increases the height to 2 ½ stories, and add a rear staircase at 112 Lynde St., Melrose, MA on a lot of land containing 4,672 sf and shown on Assessor's Map D6 0 67. The Applicant also requests a Variance from §235-5, definition of a half story for dormer length.

Jay Bradley, Architect, and Tana Qoqi, Applicant, appeared before the Board to present the case. Ms. Qoqi explained that she is renovating her house and converting it to a two-family to accommodate her aging parents. She received a variance for the project in 2022 but it expired before she applied for a building permit. She noted that she is requesting most of the same variances that were originally approved, but the plans were revised to include extra space for an office and an additional bedroom.

Board Members felt that the revised project was materially different than what was originally approved, and the house will be much larger with the added building area. Members also pointed out that the floorplans do not match the Applicant's presentation and the addition will be 5 ft. closer to the property line, which increases a pre-existing nonconforming dimension. Board Members requested finalized plans to understand what the space is going to be used for and why it is needed.

Ms. Qoqi requested a continuance to the hearing on July 10, 2024. By roll call vote, all were in favor of the continuance. None were opposed.

OTHER BUSINESS**Meeting Minutes**

Mr. Thorp made a motion to approve the meeting minutes from May 8, 2024. Ms. Carriere seconded the motion. By roll call the Board voted, 5-0, to approve the minutes. Voting Members included David Roache, Benjamin Rosenberg, Megan Carriere, Bryan Thorp and Dan Gelormini.

Next Meeting

The next meeting is scheduled for June 26, 2024.

The meeting adjourned at 9:30 pm.