

MELROSE BOARD OF APPEALS
MEETING MINUTES
Public Hearing
Wednesday, March 12, 2025
7:30 p.m.
Remote Meeting

Present:

Jeffery Ugino
Bryan Thorp
Chris Coughlin
Daniel Gelormini
Benjamin Rosenberg
Raj Singh

Absent: David Roache

Staff Present: Lori Massa, Director and City Planner, & Adam Forrester, Assistant Planner

The meeting was called to order at 7:30 pm.

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

24 009 – 164 Essex Street

Notice and Request for Finding of Insubstantial Project Change

Jesse Schomer, Attorney, Donnie Garrity, Architect, Rich Williams, Engineer, and Sean and Laura Szekely, Applicants, appeared before the Board to present on proposed project changes to 164 Essex Street.

Attorney Schomer presented an overview of the proposed changes. The proposed changes are the following:

- Acquisition of adjacent MBTA land that will be used for additional parking spaces.
- Additional parking will be at the rear of the building. This required adjustments to the layout of the overall parking for the building.

- Access path added for MBTA to access their land; which was part of the easement agreement.
- Residential unit mix was modified to include more studio and one-bedroom units. The building size will not increase. The new unit count is 80, the old count was 76.

Donnie Garrity, architect, gave an overview of proposed design changes.

- The front of the building remained relatively the same. Changes to the rear and side of the building are due to the new parking layout and MBTA easement access path.
- Window layout and building design has been altered due to the modified residential unit mix.
- The garage is open air on the ground floor with wood panels added as visual screening of the garage from the street.

Rich Williams, engineer, provided an overview of the civil plans.

- Details on the MBTA access path going through the property.
- More in depth details of the parking layout on the acquired MBTA land.
- New parking area will have pervious pavers/paving.
- There is not an updated landscaping plan. Landscaping can be added in small areas of open space in the new area.
- Discussed ideas for safety fence design and location – plan detail not yet provided.

Attorney Schumer explained that the MBTA was amenable to the easement agreement being for parking. Parking is still under the ratio of the 1:1 parking requirement.

Sean Szekely, Applicant, gave an overview of the parking layout and need for it. The number of spots was maximized and still comes in under a 1:1 ratio of spaces per unit. Visitor parking spots are located in the garage.

Laura Szekely, Applicant, gave an overview of the process of acquiring MBTA land. The Applicants requested for the land to be used as parking and then the MBTA had an internal process to gather feedback to see if parking would be an accepted use. The easement was written to include that the land would be used for parking.

Attorney Schumer gave an overview of what the State considers substantial change, specifically about residential unit % increase, and parking. The Development Team said that parking is necessary to make the units marketable. Parking will be decoupled from the units so residents can still choose to not pay for parking and not have a car. They have abundant and convenient bicycle parking in the plan to make biking a convenient form of transportation. Attorney Schumer said that conditions can be attached to an approval of finding of an insubstantial project change if there are additional items that Board would like to review or have addressed before construction.

Board Members questioned the proposed changes. Their questions/comments focused on:

- They wanted to make sure that the original approved building setback and new setback are the same; which they are.

- They asked questions about the screening for the additional parking in the rear yard since the view of the houses across the tracks was a topic of conversation in approval of the original plan.
- Will the acquired MBTA land have any landscaping? The MBTA land left as is provided some landscaping in the rear of the lot and residents that spoke at the public hearing wanted more landscaping on the site. The Board would like to see a revised landscape plan including the MBTA lot.
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- They asked about snow removal areas and the answer was any substantial snow would have to be hauled offsite.
- An updated stormwater management report is important to show the impact of the new parking area. The Engineer stated that the stormwater will permeate into the pervious asphalt and any runoff would be picked up by the catch basins in the garage.
- How many visitor parking spaces will there be? How will they be accessed? There will be three inside of the garage.
- Members felt that the proposed plans seem more car-centric than a transit-oriented commuter friendly building.
- Is the agreement between Applicant and MBTA contingent upon approval of new parking? The answer was no; however, the agreement would not be needed if it could not be used for parking.
- Members asked how the traffic study would change with the increase in parking spaces. The Engineer explained that the traffic study uses the number of residential units, not the number of parking spaces to project traffic. This is the industry standard. The increase in traffic for four small units is negligible.
- The Board reviewed the slight changes to the exterior materials of the building.
- Members asked about the type of fence that the MBTA would approve along the tracks. The Applicants have not received an answer. The members said that they would want a condition of approval to review the fence.

Lori Massa, Planning Director, gave an overview of MAPC's Perfect Fit Parking Study, which was referenced by the Applicant in support of the parking ratio, , specifics about the idea of approaching the MBTA to see if this land could be incorporated into the development considering the jagged property lines along the tracks, and that the Developer was upfront with the ZBA that he was working on gaining approval to use the adjacent MBTA land during the public hearings.

One member questioned what the benefit of leaving the MBTA land undeveloped would be since it is behind the building and the increased traffic from the additional parking spaces would be minimal.

The Members discussed in length if these changes were insubstantial or substantial. The Board focused their discussion on two parts: change of the building design/residential unit mix and site plan/parking. A Board member shared the State's legal definition of what can be considered a substantial change or not and a change to parking is not listed.

Members opposed felt that the changes to the number of parking spaces and landscaping were substantial because they had been discussed at length during the public hearings and members of public had concerns about these aspects of the plan.

The Board, by the votes of Bryan Thorp, Daniel Gelormini, and Jeffery Ugino in favor, Benjamin Rosenberg and Chris Coughlin opposed, voted to grant the requested Comprehensive Permit Amendments as insubstantial and approved them with the condition of the ZBA's review of the final landscape plan including additional landscaping and the rear fence detail, 3-2.

Documents: ZBA Application Case 24-009
Updated Architectural Plans dated 2.13.25 & Memo from Architect,
Updated Civil Plans dated 2.25.25 & Memo from Engineer
Letter to ZBA dated 3.5.25
Updated project waiver list dated 3.5.2025

OTHER BUSINESS

Review Zoning Board of Appeals Draft Rules and Regulations & Updated Application Forms

Members voted to adopt the Rules and Regulations for the Zoning Board of Appeal and updated application form, 5-0.

Mullin Rule

Lori Massa, Planning Director, provided an overview of Massachusetts General Law (MGL) Chapter 39 Section 23D, otherwise known as Chapter 79 of the Acts of 2006, or the "Mullin Rule". Staff will request that the City Council adopt this provision in the state law that allows for members to miss one public hearing, listen to a recording of the session and review the materials from it, and vote at a future meeting. The City Council adopted the rule in 2006; however, the Council did not specify which boards or commissions that hold adjudicatory hearing this rule applies and so it will be back before them. Members asked if adoption for the ZBA would impact the role of alternate members. Alternate members will still vote if a regular member is not present and the case will not be continued just so that a regular member will be able to vote. This Board has more flexibility with having two alternates; however, it can still be challenging for cases that take two or more public hearings to have enough members and especially for cases that are required to have a supermajority vote in support for approval. Members were supportive of the Board being included in the adoption of the Mullin Rule.

Meeting Minutes

Mr. Ugino made a motion to approve the meeting minutes from February 12, 2025. Mr. Thorp seconded the motion. By roll call the Board voted, 5-0, to approve the minutes. Voting Members

included Benjamin Rosenberg, Jeffery Ugino, Chris Coughlin, Bryan Thorp, and Daniel Gelormini.

Next Meeting

The next meeting is scheduled for April 9, 2025.

The meeting adjourned at 9:30 pm