



CITY OF MELROSE

Inspection Services

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May 9, 2022

Armando Plata
11 Landry Rd
Medford, MA 02155
Via Electronic Mail ag23studion@gmail.com

Re: Montvale St, Parcel ID # D5 0 40A

Dear Owner,

I have reviewed your building permit application and plans to construct a new single-family home. The plans submitted with your application (received March 7, 2022) are a certified existing condition plot plan by Otte & Dwyer dated January 13, 2022, a (proposed house) plot plan by Otte & Dwyer dated March 2, 2022, proposed house plans A1 through A8 by Armando Plata dated April 10, 2020, revised February 4, 2022, and Plans A0 (4/3/20); T3 (5/3/20-Rev 3/4/22); L1 & L2 (12/30/21) by Armando Plata.

§235-17 Use: In accordance with 235-17 the proposed single family is allowed as of right.

§235-18, §235-19 and §235-25 Dimensional and Density Regulations:

The property is in the UR-B District and consists of 7,750 SF of lot area. Based on the proposed plot plan, there is 5,131.7 SF of the lot that exceeds a 25% slope. Therefore, in accordance with Chapter 235 §235-73.2.C (2) of the Melrose Zoning Ordinance (Ordinance), the 5, 131.7' SF is slope protected. In accordance with §235-73.2.C (1) of the Ordinance, the 5,131.7 SF of slope protected area" is not counted towards the required 7,500 SF of lot area.

In accordance with §235-18 and §235-19 of the Ordinance (in part) a single family within the UR-B district is required to provide a minimum of, 7,500 SF of lot area and 75' of lot frontage.

- 7,750 SF of lot area; after subtracting the 5,131.7 SF of slope protected lot area, leaves 2,618.3 SF of qualifying lot area. Therefore, the proposal is in violation of §235-18 and §235-19 of the Ordinance for required lot area.

- 75' of lot frontage; Montvale St. is not developed for the entire front property line of the lot. Also, that portion Montvale St. does not meet the minimum requirements for a street (see 235-5 below), thus the proposal does not meet the minimum requirements for lot frontage. **Therefore, the proposal is in violation of §235-18, §235-19 of the Ordinance for lot frontage.**

§235-5 FRONTAGE *The length of continuous linear footage of a lot as measured between the intersection of the side lot lines along a street. In the case of a corner lot, frontage shall be measured from the side lot line along the street to the intersection of street lines or street lines extended. A circle, the diameter of which is not less than 80% of the required minimum lot frontage and is tangent to the street lot line at any point, must be able to fit within all other lot lines. The acute angle measured between the frontage and any side lot line shall not be less than 55°.*

§235-5 STREET: *A way which is 21 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the words "road," "avenue," "highway" and "parkway" and similar designations.*

It is noted that all other dimensional requirements for the proposal comply with the Ordinance.

§235-32 through §235-42 Off-street parking requirements:

- §235-32 of the Ordinance requires a minimum of 2 spaces.
- §235-38.A of the Ordinance requires the parking to be on the same lot as the principal use Or obtain a Special Permit form the ZBA.

The proposal shows 2 parking spaces (not located on the lot see §235-5 below) within the private way. **Therefore the proposal is in violation of §235-38.A of the Ordinance.**

§235-5 LOT; *An area or parcel of land or any part thereof, not including water area, in common ownership, designated on a plan filed with the Building Commissioner by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.*

§235-73.2 Slope Protection:

In accordance with 235-73.2. C (2) of the Ordinance, all slope protected areas shall remain in their natural state. The proposal shows the house overlapping the slope protected area of the lot, (Plan L1) a rip-rap dry well, retaining walls, trees being removed and a new bio-retention area all within the slope protected area. **Therefore your proposal is in violation of 235-73.2.C.(2) of the Ordinance.**

§235-73.2 C (1) *All areas with natural slopes exceeding 25% over a horizontal distance of 30 feet on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.*

§235-73.2 C (2) *All natural slopes exceeding 25% over a horizontal distance of 30 feet are protected and shall remain in their natural state.*

Although not within this office's purview, based on the proposed plot plan you are proposing to reconstruct retaining walls within the way. If this is even possible it is most likely it would require the City Engineering and/or City Council approval. Please contact DPW Director Elena Proakis Ellis at eproakis@cityofmelrose.org regarding this issue.

Based on the violations noted above your permit application is denied. Prior to this office issuing any permits for this proposal you are required to obtain.

- A variance for §255-18 & §23519 of the Ordinance for lot frontage.
- A variance for (§255-18 & §235-19) of the Ordinance for lot area, or a §235-73.2.D Special Permit from the Planning Board.
- A §235.38.A of the Ordinance Special Permit for the 2 parking spaces from the Zoning Board of Appeals.

To the extent you are aggrieved by this determination you may appeal as outlined in Chapter 235 §235 – 60.C of the Melrose Zoning Ordinance.

***Building Code:** The proposed project was not reviewed for building code conformance. However please note that if you are successful in obtaining all your zoning approvals all foundation, structural and framing plans are required to be stamped by a Structural Engineer.*

Very truly yours,

Paul Johnson

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Director of Inspectional Services
Building Commissioner

Cc: Denise Gaffey, Director of Planning and Community Development
Maya Noviski, Board of Appeals Clerk