



CITY OF MELROSE

CITY COUNCIL

ORDERS OF THE DAY • OCTOBER 21, 2024

Council Chamber, First Floor, Melrose City Hall Regular Meeting
562 Main Street, Melrose, MA 02176

7:45 PM

I. CALL TO ORDER

Pledge of Allegiance

II. PUBLIC COMMENT

Zoom webinar.

Sep 9, 2024 06:30 PM Eastern Time (US and Canada)

Melrose City Council

Please click the link below to join the webinar:

<https://cityofmelrose->

[org.zoom.us/j/95494388791?pwd=PAKGorNTa4LCHaGlb1MBmQ5Q4NvA9t.1](https://cityofmelrose-org.zoom.us/j/95494388791?pwd=PAKGorNTa4LCHaGlb1MBmQ5Q4NvA9t.1)

Passcode: 060677

Webinar ID: 954 9438 8791

III. COMMUNICATIONS FROM HER HONOR, THE MAYOR AND OTHER CITY OFFICIALS

IV. NEW BUSINESS

A. Filings by the Honorable Mayor

1. **(ID # 12111):** Appointment of Kaitlyn Calhoun, 585 Main Street, Apt. 212, Melrose, to the Melrose Conservation Commission.
2. **APPT-2025-13:** Reappointment of Craig Molway, 58 Goss Avenue, to the Melrose Conservation Commission

From: City Council

APPOINTED

B. Filings by members of the Honorable City Council

1. **(ID # 12151):** A Resolution In Recognition of Timothy Morris's Two Hundredth Win as the Head Coach of the Melrose High School Football Program

Sponsored by: At-Large Ward Hamilton, Ward 6 Cal Finocchiaro, Ward 4 Mark Garipay

V. UNFINISHED BUSINESS

1. *Licenses*

1. **LIC-2025-1** : Gasoline and Storage Licenses post deadline Renewal 2024

From: City Council

ASSIGNED TO COMMITTEE

2. **LIC-2025-2** : New Common Victualler Application -Alfredo's Italian Kitchen

From: City Council

ASSIGNED TO COMMITTEE

3. **(ID # 12154):** New Common Victualler Application Planted Organic Cafe

2. *Ordinances*

1. **ORDNC-2025-1:** Amending Melrose Zoning Ordinance Chapter 235, Articles I-XVI to recodify, or restructure and clarify, the contents of the Melrose Zoning Ordinance.

From: Appropriations & Oversight Committee

OUGHT TO PASS

3. *Grants*

1.

2. **GRANT-2025-4** : Acceptance of a Grant in the amount of \$14,662.00 to support the Municipal Road Safety Program

From: City Council

ASSIGN TO COMMITTEE

4. Appointments/Reappointments

1. **APPT-2025-11:** Appointment of Robert Carrillo, 28 Baxter Street, Melrose, MA as Superintendent of Parks & Open Spaces

From: City Council

ASSIGN TO COMMITTEE

2. **ORDER-2025-3 :** Calling a State Election on Tuesday, November 5, 2024

5. **APPT-2025-10:** Appointment of Lori Massa, 145 Bellevue Avenue, Melrose, MA, as Director of Planning and Community Development

From: City Council

ASSIGN TO COMMITTEE

VI. EXPIRIES

VII. RULE 53 REPORTS

VIII. ADJOURNMENT

The City of Melrose does not discriminate based on disability and is committed to hosting accessible meetings and events. Individuals with disabilities who need auxiliary aids and services for effective communication, written materials in alternative formats, or reasonable modifications in policies and procedures, in order to access the programs and activities of the City of Melrose or to attend meetings, should contact the City's ADA Coordinator, Polina Latta platta@cityofmelrose.org.

IX. RESOLUTIONS

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

(ID # 12111)

Appointment of Kaitlyn Calhoun, 585 Main Street, Apt. 212, Melrose, to the Melrose Conservation Commission.

BE IT ORDERED

Appointment of Kaitlyn Calhoun, 585 Main Street, Apt. 212, Melrose, MA to the Melrose Conservation Commission, for a three year term, said term to expire the last day of February 2027.

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Appointment/Reappointment (ID # 12111)

Meeting

Date

Date

Kaitlyn Calhoun

[REDACTED] | [REDACTED] | [linkedin.com/in/kaitlyn-b-calhoun](https://www.linkedin.com/in/kaitlyn-b-calhoun)

August 22, 2024
Melrose Conservation Commission

Dear Melrose Conservation Commission,

I am writing to express my interest in joining the Melrose Conservation Commission as a member or alternate member. I have lived in Melrose for the past year, though I was primarily based in Cologne, Germany, during that time. Recently, I have returned to Melrose, where I will be residing full-time. I am currently pursuing a Master's degree in Natural Resource Management and Development at the Cologne University of Applied Sciences, which I will be completing remotely from Melrose over the next year.

My professional background includes consulting on drinking water systems, working as a remediation intern, and conducting independent research. I also hold a degree in environmental engineering, and my career experiences have deepened my commitment to environmental stewardship. After a few years in the field, I realized the importance of understanding natural resource management from an interdisciplinary perspective, which inspired me to pursue my current master's degree.

My experience includes communicating with various stakeholders to ensure that engineering projects meet deadlines and budgets, writing and submitting grant applications and permits for municipalities, and performing technical engineering tasks such as air, soil, and water sampling, as well as utilizing ArcGIS and CAD. I am also familiar with the community, having worked as a representative for Tata & Howard on the Lead Service Line Replacement and Unidirectional Flushing projects here in Melrose.

I am excited about the opportunity to bring my skills and passion for environmental conservation to the Commission and to serve the Melrose community. Please find my resume attached. Feel free to contact me via phone, email, or mail if you have any questions.

Thank you for considering my application.

Sincerely,

Kaitlyn Calhoun

Kaitlyn Calhoun, E.I.T

[linkedin.com/in/kaitlyn-b-calhoun](https://www.linkedin.com/in/kaitlyn-b-calhoun)

Education & Certification

Cologne University of Applied Sciences Cologne, Germany (Remote Student based in Melrose, MA)
Master of Science, Natural Resource Management and Development Expected Completion: July 2025

Engineer Intern (E.I.T.) License #ET32100201
Indiana Professional Licensing Agency November 2021

University of Notre Dame Notre Dame, IN
Bachelor of Science, Environmental Engineering May 2021

Skills

Report Writing
Literature Research

Stakeholder Communication
Permit Writing

Teamwork in Multicultural
Environments

Engineering Experience

Tata & Howard Marlborough, MA
Engineer I & II • October 2021 – September 2023

- Organized communication and meetings between contractors, clients, and governmental agencies
- Wrote and submitted grant applications for municipal governments
- Prepared project budgets and schedules for multi-year engineering projects
- Created and edited CAD and GIS drawings and figures for water distribution and treatment systems
- Prepared permits for Massachusetts Historical Commission, Natural Heritage and Endangered Species Program, etc.

Geosyntec Consultants Acton, MA
Remediation Intern • July 2021 – October 2021

- Sampled air, water, and soil for contaminants to support remediation efforts
- Planned and prepared for field events by gathering all supplies and anticipating and planning for setbacks
- Wrote Task Hazard Analyses, litigation summaries, and memoranda to communicate environmental results

City of South Bend Public Works South Bend, IN
Engineering Intern • May 2020 – August 2020

- Inspected construction sites, sanitary sewer installation and road projects, to make sure construction met the plans provided by the engineering firm
- Reviewed and compared bid documents for Public Works projects

Projects

Environmental Monitoring of Erft River Cologne, Germany
Student Researcher • April 2024 – July 2024

- Prepared environmental monitoring plan to determine river health according to EU's Water Framework Directive

Nanovic Institute at the University of Notre Dame Notre Dame, IN & Greece
Independent Researcher & Grantee • December 2019 – March 2020

- Determined microplastic concentrations by filtering in-situ water samples in Greece
- Wrote and received a grant from the Nanovic Institute to plan all logistics to conduct research

Practicum in Field at the University of Notre Dame Notre Dame, IN & Galapagos Islands
Student Researcher • August 2019 – December 2019

- Characterized the dispersion of microplastics in the ecologically sensitive area by filtering microplastics at different islands and analyzing the data
- Wrote a report on my findings and their correlation to currents and human presence

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

APPT-2025-13

Reappointment of Craig Molway, 58 Goss Avenue, to the Melrose Conservation Commission

BE IT ORDERED

Reappointment of Craig Molway, 58 Goss Avenue, to the Melrose Conservation Commission for a three-year term, said term to expire on the last day of February 2027.

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Appointment/Reappointment 2025-13

Meeting of October 21, 2024

Date

Date

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

(ID # 12151)

A Resolution In Recognition of Timothy Morris's Two Hundredth Win as the Head Coach of the Melrose High School Football Program

BE IT ORDERED

A Resolution In Recognition of Timothy Morris's Two Hundredth Win as the Head Coach of the Melrose High School Football Program

Offered by Councilor Ward Hamilton, At-Large, Councilor Mark Garipay, Ward 4, Councilor Cal Finocchiaro, Ward 6

WHEREAS, The Melrose City Council recognizes that participation in athletics in the public schools promotes the development of student-athletes by instilling the qualities of good character, discipline, integrity, and teamwork; and,

WHEREAS, Since 1983, Timothy Morris has taught and coached thousands of Melrose Public Schools students in Football, Wrestling, and Track, becoming Head Coach of the Melrose High School Football Program in 1994; and,

WHEREAS, Timothy Morris has been recognized with many prestigious honors and awards over the years, including the Boston Globe Coach of the Year in 1998, Middlesex League Coach of the Year in 1998, 1999, 2004, and 2007, named Patriots Coach of the Week in 1999, 2004, 2007, and 2017, named coach of the Shriner's All Star Classic four times and, in 2019, was inducted into the Massachusetts High School Football Coaches Association (MHSFCA) Hall of Fame; and,

WHEREAS, The Massachusetts Interscholastic Athletic Association named Timothy Morris the Coach of the Year in 2017, an award that recognizes and honors "teacher coaches" who: have had an impact on the lives of student-athletes by encouraging them to succeed and by helping them develop self-confidence, ambition, a sound work ethic, and other skills and values necessary for success in their later lives; as well as a record of encouraging student-athletes to be well-rounded by displaying excellence in the areas of scholarship and citizenship; and, a reputation, among their peers and the broader athletic community, for fair play, good sportsmanship, and the development of these attributes in their student-athletes; and,

WHEREAS, On September 27th, 2024, Timothy Morris achieved his 200th win as the Head Coach of the Melrose High School Football Program with a hard fought 34-27

victory over Swampscott High School; and,

NOW, THEREFORE

BE IT RESOLVED, That We, the Melrose City Council, congratulate Timothy Morris on the occasion of his Two Hundredth Win as the Head Coach of the Melrose High School Football Program, making him the only coach to mark such an achievement in the program's esteemed One Hundred, Forty-Two year history; and,

BE IT FURTHER RESOLVED,

That We, the Melrose City Council, recognize and commend Timothy Morris for his lifetime of service to the youth of the City of Melrose as a "teacher coach" who has had a positive impact on the lives of thousands of student-athletes, on this twenty-first day of October, 2024,

Attest: Members of the City Council

Resolution (ID # 12151)

Meeting of October 21, 2024

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Date

Date

CITY OF MELROSE

CITY COUNCIL

JOANNE PERPERIAN

City Hall, 562 Main Street
Melrose, MA 02176
Telephone - 781-979-4115

To: Mayor Jennifer Grigoraitis
From: Joanne Perperian
Meeting Date: October 21, 2024
Subject: License: Gasoline & Storage post deadline renewal 2024
Order #: LIC-2025-1

Pursuant to the General Legislation of the City of Melrose Administrative Code specifically Chapter 137, Inflammable's and Explosives, below is the post deadline renewal list for gasoline and storage licenses for licensing period May 1, 2024 through April 30, 2025:

Holcim-Ner, Inc, 1831 Broadway

History:
10/07/24 City Council ASSIGNED TO COMMITTEE

FINANCIAL IMPACT: None

CITY OF MELROSE

CITY COUNCIL

JOANNE PERPERIAN

City Hall, 562 Main Street
Melrose, MA 02176
Telephone - 781-979-4115

To: Mayor Jennifer Grigoraitis
From: Joanne Perperian
Meeting Date: October 21, 2024
Subject: Common Victualler - Alfredo's Italian Kitchen
Order #: LIC-2025-2

That the Honorable City Council grant a new common victualler license.
Common victualler application attached.

History:
10/07/24 City Council ASSIGNED TO COMMITTEE

FINANCIAL IMPACT:

§ 152-12. Common victuallers and innholders. [Amended 6-15-1981 by Ord. No. 20718 ; 4-21-2009 by Ord. No. 09-125 ; 11-16-2020 by Ord. No. 2021-34 ; 12-20-2021 by Ord. No. 2022-56]

No person shall hereafter engage in the business of innholder or common victualler without first obtaining a license therefor from the City Council. A fee of \$75 shall be paid for each of such licenses. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2021 as a result of the ongoing impacts of the COVID-19 global health pandemic. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2022 as a result of the ongoing impacts of the COVID-19 global health pandemic.

State law reference — Law of the commonwealth authorizing cities to grant licenses to common victuallers, innholders, etc., MGL c. 140, § 2, construed in *Liggett Drug Co. v. Board of License Commissioners*, 296 Mass. 41, 4 N.E. (2d) 268.

New

Common Victualler License Application Instructions

Annual Fee - \$100

Licenses Expire annually on December 31

Common Victualler Licenses are valid from January through December and are required to be renewed annually. To avoid delays in processing your application, please do not leave any applicable sections blank. All incomplete applications will be returned.

- ✓ **Please refer to the check list below to ensure all steps are completed prior to submitting the original application to the City Clerk's Office:**

	Completed application with "wet signature"
	Inspection and approval from the following Departments: ○ Melrose Fire ○ Melrose Health and Human Services Department ○ Melrose Police ○ Inspectional Services ○ Treasurer Collectors Office
	Signed acknowledgement of receipt of City Charter §152-12
	Completed Business Certificate Application, if applicable
	Completed Worker's Compensation Insurance Affidavit, including a copy of Declarations page of Workers' Compensation Policy.
	Copy of Current ServSafe Certificate
	\$100 Application Fee payable by cash, credit card or check payable to the City of Melrose.

Please email clerks@cityofmelrose.org with any questions.



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

☐ **New Application**

Requires applicants' attendance at a City Council Protection and License Committee meeting and approval from the City Council.

☐ **Renewal Application**

CITY CLERK MELROSE-MA
2024 SEP 23 AM 11:47

COMMON VICTUALLER LICENSE APPLICATION
LICENSING PERIOD JANUARY 1st - DECEMBER 31st

Business Name: Alfredos Italian Kitchen		Tax ID Number: 272891257	
Business Address: 126 West Emerson St		Business Phone Number: 781 307 81665 3008	
Owner's Name: Fadi Najjar		Owner's Cell Phone Number: 	
Residential Address of Owner: 2 Em: f		Number of Employees: 4	
24-hour Emergency Contact Name: 781 308 9106 / Sami Najjar		Emergency Phone Number: 781 308 9106	
Circle all that apply:	Breakfast	Lunch	Dinner
			Take-out
Please List Daily Hours of Operation			
Sunday	Monday	Tuesday	Wednesday
11-10			
Approved Number of Seats:		14	
Floor Space/ Square Feet:		(2000-2500)	

Attachment: Alfredos Kitchen Application 1 of 2 (LIC-2025-2 : Common Victualler - Alfredo's Italian Kitchen)



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

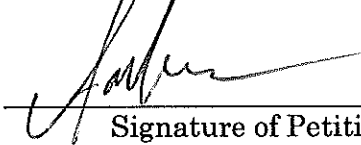
562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4111

TAX CERTIFICATION FORM

Business Name:	Alfredos Italian Kitchen
Business Address:	126 West Emerson St
DBA (if applicable):	Melrose Alfredo's Italian Kitchen, INC
Owner's Name:	Fadi Najjar

By signing below, you are requesting to be granted a Common Victualler License from the City of Melrose. In addition, you swear and affirm that the contents of the document are truthful and accurate to the best of your knowledge and belief.

Additionally, you hereby certify under the penalties of perjury that you have, to the best of your knowledge and belief, filed all state tax returns, paid all state taxes, local taxes, all water, sewer and solid waste disposal bills, all tax titles, utilities, and all motor vehicle excise taxes to the City of Melrose required by law.


Signature of Petitioner 1

09-17-24
Date of Signature

06/18/77
Date of Birth

Signature of Petitioner 2

Date of Signature

Date of Birth

***This license will not be used or renewed unless this certification clause is signed by the applicant.**

****Your Social Security number or Federal Identification number will be furnished to the Massachusetts Department of Revenue (DOR) to determine whether you have met tax filing or tax payment obligations. Licensees failing to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Laws, Chapter 62C, Section 49A.**

City of Melrose Administrative Code General Legislation

ACKNOWLEDGEMENT OF RECEIPT OF MELROSE ORDINANCES



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

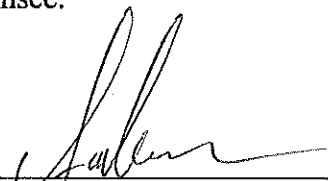
§ 152-12 Common victuallers and innholders

[Amended 6-15-1981 by Ord. No. 20718; 4-21-2009 by Ord. No. 09-125; 11-16-2020 by Ord. No. 2021-34; 12-20-2021 by Ord. No. 2022-56]

No person shall hereafter engage in the business of innholder or common victualler without first obtaining a license therefor from the City Council. A fee of \$75 shall be paid for each of such licenses. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2021 as a result of the ongoing impacts of the COVID-19 global health pandemic. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2022 as a result of the ongoing impacts of the COVID-19 global health pandemic.

State law reference — Law of the commonwealth authorizing cities to grant licenses to common victuallers, innholders, etc., MGL c. 140, § 2, construed in *Liggett Drug Co. v. Board of License Commissioners*, 296 Mass. 41, 4 N.E. (2d) 268.

By signing below, you are acknowledging that you have read the City of Melrose Charter and Administrative Charter Chapter 152 §12 pertaining to Common Victuallers and Innholders and understand all that is required as a licensee.


Applicant Signature

09-17-24
Date

Attachment: Alfredos Kitchen Application 1 of 2 (LIC-2025-2 : Common Victualler - Alfredo's Italian Kitchen)

CITY OF MELROSE
OFFICE OF THE CITY CLERKKristin Foote
City Clerk562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

The Commonwealth of Massachusetts
Department of Industrial Accidents Office of Investigations
 600 Washington Street, Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Business
Applicant Information Please Print Legibly

Business Name: Alfredo's Italian Kitchen
 Address: 186 West Emerson St.
 City/State/Zip: Melrose MA.
 Phone #: 981 665 3008

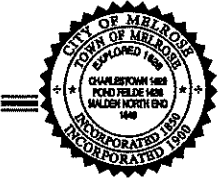
Are you an employer- (check one):	
☒	*I am an employer with <u>4</u> employees (full/part-time)
☐	I am sole proprietor or partnership and have no employees working for me in any capacity (No workers' comp insurance required)
☐	We are a corporation and its officers have exercised their right of exemption per c. 152, § 1(4), and we have no employees. (No workers' comp insurance required)
☐	We are a non-profit organization, staffed by volunteers, with no employees. (No workers' comp insurance required)

Business Type- (required):	
☐	Retail
☒	Restaurant/Bar/Eating Establishment
☐	Office and/or Sales (incl. real estate, auto, etc.)
☐	Entertainment
☐	Manufacturing
☐	Non-profit
☐	Health Care
☐	Other:

***Any applicant that checks box #1 must also fill out the section on the next page showing their workers' compensation policy information.**

**** If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required, and such an organization should check box #1.**

Attachment: Alfredo's Italian Kitchen Application 1 of 2 (LIC-2025-2 : Common Victualer - Alfredo's Italian Kitchen)



CITY OF MELROSE
OFFICE OF THE CITY CLERK

Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

I am an employer that provides workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: WESCO Insurance Company

Insurer's Address: 874 Walker Rd, Suite C

City/State/Zip: Dover, DE 19904

Policy # or Self-Insurance License #: WWC3742892 Expiration Date: SEP/20/25

Required:

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expirations date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,5000.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP Work Order and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury, that the information provided above is true and correct.

Signature: [Signature] Date: 09-24-24

Phone #: 7813081610

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigation has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a homeowner or citizen is

Attachment: Alfredos Kitchen Application 1 of 2 (LIC-2025-2 : Common Victualer - Alfredo's Italian Kitchen)



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

COMMON VICTUALLER LICENSE
CITY DEPARTMENT REVIEW
LICENSING PERIOD JANUARY 1st - DECEMBER 31st

Instructions:

Please complete the section below before obtaining approval from each of the City Departments listed on the back of this page. Departments will not review and approve if any fields are left blank.

REPORT OF INVESTIGATION - RELATIVE TO APPLICATION FOR

Business Name: Alfredo's Italian Kitchen

Owner Name: Fadi Najjar Owner DOB: 6/18/77

Business Address: 126 West Emerson St

Please List Daily Hours of Operation

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11-10	10-10	11-10	11-10	11-10	11-10	11-10
Approved Number of Seats:			14			
Floor Space/ Square Feet:			2000 sq ft			



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 021
Telephone - (781) 979-41

Attention City Officials: Please review the information submitted by the applicant on the reverse side to ensure all fields are complete prior to researching your records and signing off.

MELROSE HEALTH & HUMAN SERVICES 781-979-4130		Date Signed: 9/23/24 Anthony Chui	FOOD PERMIT EXP DATE:
<i>Anthony Chui</i> Health & Human Services Signature		Health & Human Services Name Printed	
☐ Denied	☒ Approved	☐ Other	
Comments:			

MELROSE FIRE DEPARTMENT 781-979-4405		Date Signed: 9/23/24 Gibson	\$50 Fee Paid (Yes/No)
<i>[Signature]</i> Melrose Fire Captain Signature		Fire Captain Name Printed	
☐ Denied	☒ Approved	☐ Other	
Comments:			

MELROSE POLICE DEPARTMENT 781-665-1212		Date Signed: 09-23-2024 LT. Paul J. Norton
<i>[Signature]</i> Melrose Police Signature		Melrose Police Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

INSPECTIONAL SERVICES DEPARTMENT 781-979-4135		Date Signed: Stephen Ducey
<i>[Signature]</i> Building Commissioner Signature		Building Commissioner Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

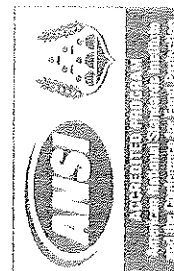
TREASURER COLLECTORS' OFFICE Available in person during City Hall business hours		Date Signed: 9-23-24 Janean Shairs
<i>[Signature]</i> Treasurer Collector Signature		Treasurer Collector Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

Attachment: Alfredos Kitchen Application 1 of 2 (LIC-2025-2 : Common Victualer - Alfredo's Italian Kitchen)

ServSafe® CERTIFICATION

SAMI NAJJAR

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)—Conference for Food Protection (CFP).



#0655

23260623

CERTIFICATE NUMBER

5594

EXAM FORM NUMBER

2/6/2023

DATE OF EXAMINATION

2/6/2028

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

Sherman Brown

Sherman Brown
Executive Vice President, National Restaurant Association Solutions

In accordance with Member Labor Convention 2006, Resolution ADVN 06-8-2013 (Resolution 3.2), Section A5.21.

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This document cannot be reproduced or altered.
1/7/10811

v.1711



CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: Sami H Najjar

Date of Completion: June 2, 2022

Date of Expiration: June 3, 2027

*The above-named person is hereby issued this certificate
for completing an allergen awareness training program
recognized by the Massachusetts Department of Public Health
in accordance with 105 CMR 590.009(G)(3)(a).*

This certificate will be valid for five (5) years from date of completion.

Issued By:

Berkshire
AHEC
Area Health Education Center
Pittsfield, Massachusetts
www.massallergytraining.org

ServSafe® CERTIFICATION

FADI NAJJAR

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)—Conference for Food Protection (CFP).

23260624

CERTIFICATE NUMBER

5594

EXAM FORM NUMBER

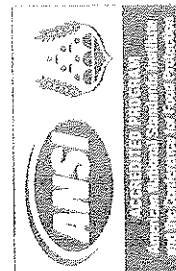
2/6/2023

DATE OF EXAMINATION

2/6/2028

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

Sherman Brown

Sherman Brown
Executive Vice President, National Restaurant Association Solutions



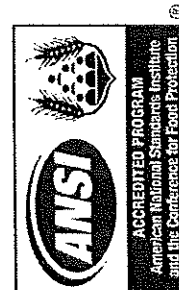
In accordance with Maritime Labour Convention 2002, Resolution A848/N 048-2013 (Reg. Annex 2.2, Standard A3.2),
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This document cannot be reproduced or altered.
17710811 v.1711

Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.

ServSafe® CERTIFICATION

SAMER NAJJAR

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)—Conference for Food Protection (CFP).



#0655

23260692

CERTIFICATE NUMBER

5594

EXAM FORM NUMBER

2/6/2023

DATE OF EXAMINATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

2/6/2028

DATE OF EXPIRATION

Samer Najjar
Sherman Brown
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labour Convention 2015, Resolutions ADM N 0163-0019 (Resolution 27, ServSafe AS 21).

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v.1711

Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.



AmTrust North America
An AmTrust Financial Company

MELROSE ALFREDOS ITALIAN KITCHEN INC
126 W Emerson St
Melrose, MA 02176

RE: Workers' Compensation Policy
Policy: WWC3742892
Payroll Company: ADP Insurance Services

Dear MELROSE ALFREDOS ITALIAN KITCHEN INC,

Thank you for choosing AmTrust PAYO (Pay-As-You-Owe) as your workers' compensation payment plan. PAYO provides you a way to pay your workers' compensation premium based on your actual reported payroll. Your payroll company will remit your payroll reports directly to AmTrust on your behalf. Please see the payroll company listed above. If it is not your current payroll provider, or you decide to change your payroll provider any time during the policy period, please notify us immediately at (855) 829-1948.

Below is a list of the classification codes currently on your workers' compensation policy, along with a description of each.

State	Class Code	Description of Operations	Estimated Annual Payroll	Net Rate
MA	9079	Restaurant NOC	\$125,240	0.009388

When assigning your employees to a specific classification code, please keep in mind that each classification code has a specific description of operations, as well as their own rate per \$100 of payroll. If your employees are not properly classified throughout the policy period, it will be corrected at audit and may create an additional premium amount due. Please contact your agent if you have any questions regarding the classification of your employees.

If an employee's duties span multiple class codes, i.e.: a bookkeeper who also bakes bread, place their entire payroll in the higher rated classification code.



Commonwealth of Massachusetts
CITY OF MELROSE
562 MAIN STREET
MELROSE, MA 02176
781-979-4135

BUILDING PERMIT

PERMISSION IS HEREBY
GRANTED TO:

TO PERFORM WORK AT: 126 EMERSON WEST ST

CHANDLER STEVEN W., TRS

OWNER

Additional/Restoration/Other

PROJECT CATEGORY:

Commercial

OCCUPANCY TYPE:

TO PERFORM THE FOLLOWING WORK: Rebuild restaurant to original condition due to fire. Install new partition walls, plumbing, electrical, insulation, flooring, toilets and sinks in two bathrooms, install appliances if Edilberto DOS Santos, declare that I taking this project over, because my former business partner (Gary Lepratti) passed away last year.

The original permit # BP 23594

ALBERT TALARICO, Building Commissioner
Zoning Officer

Digitally Approved By:

☒

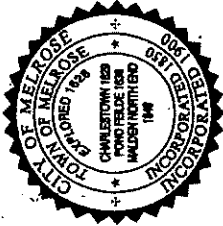
STEPHEN DOUCET

The person accepting this permit shall in every respect conform to the terms of the application on file in this office and to the provisions of the and the Commonwealth of Massachusetts Statutes and Ordinances relating to the Construction, Alterations, and Maintenance of Buildings, and shall begin work on said building within six months from the date hereof, and prosecute the work thereof to a speedy completion. At the completion of each work phase as noted below, an inspection shall be made by the appropriate inspector who will sign this card certifying approval of work under his/her jurisdiction.

Public Works	Plumbing	Gas	Electrical	Building
Water Meter:	Underground:	Underground:	Underground:	Excavation:
Sewer:	Rough:	Meter:	Rough:	Foundation:
Driveway:	Final:	Rough:	Service:	Footings:
Tax Collector		Final:	Final:	Framing:
Final:				Firestop:
Health	Community Development	Fire		Sheet Metal:
Final:	Planning:	Final:		Flue/Chimney:
Assessors	Conservation:			Insulation:
Final:	ZBA:			Shed-roof:
				Final:

7/15/24 OK
JDF G.A.

0



Commonwealth of Massachusetts

CITY OF MELROSE
562 MAIN STREET
MELROSE, MA 02176
781-979-4135

BUILDING PERMIT

PERMISSION IS HEREBY GRANTED TO:

GARY J LOPRESTI

APPLICANT

TO PERFORM WORK AT: 126 EMERSON WEST ST

PROPERTY ADDRESS

CHANDLER, STEVEN

OWNER

CB 0-15

MAP / LOT

Renovation

PROJECT CATEGORY:

Commercial

OCCUPANCY TYPE:

TO PERFORM THE FOLLOWING WORK: Rebuild restaurant to original condition due to fire. Install new partition walls, plumbing, electrical, insulation, flooring, toilets and sinks in two bathrooms, install appliances

ALBERT TALARICO, Building Commissioner
Zoning Officer

Digitally Approved By:



STEPHEN DOUCET

LICENSE NO.: 082284
HIC REG #: 174417

Permit No: BP-23-594
Date Issued: May 16, 2023
Expiration Date: May 16, 2024
Permit Fee: \$3375.00
Project Cost: \$210000.00

The person accepting this permit shall in every respect conform to the terms of the application on file in this office and to the provisions of the and the Commonwealth of Massachusetts Statutes and Ordinances relating to the Construction, Alteration, and Maintenance of Buildings, and shall begin work on said building within six months from the date hereof, and prosecute the work thereon to a speedy completion. At the completion of each work phase as noted below, an inspection shall be made by the appropriate inspector who will sign this card certifying approval of work under his/her jurisdiction

Public Works	Plumbing	Gas	Electrical	Building
Water /Meter:	Underground:	Underground:	Underground:	Excavation:
Sewer:	Rough:	Meter:	Rough:	Foundation:
Driveway:	Final:	Rough:	Service:	Footings:
Tax Collector		Final:	Final:	Framing:
Final:				Firestop:
Health	Community Development	Fire		Sheet Metal:
Final:	Planning:	Final:		Fireplace/Chimney:
Final:	Conservation:			Insulation:
Final:	ZBA:			Sheetrock:
Final:				Final:



City of Melrose
Purchase Order Statement
September 26, 2024

Order Date: 2024-09-26 14:21:12
Order Number: 1667
Online Number: 12254420
Name: ALFREDO'S COMMON VIC RENEWAL
Subject: CHECK 6902

Fulfillment:
Fulfilled: 09/26/2024

Ordered By:
ALFREDO'S COMMON VIC RENEWAL

Transaction Ledger:

Date	Batch	Type	Amount
09/26/2024		Purchase Order	100.00
09/26/2024	CHECK	Payment	-100.00
		Total Due	0.00

DESCRIPTION: COMMON VICTULLAR
SKU: 441003
COST: 100.00
LENGTH: 1
QUANTITY: 1
TAX: 0.00
TOTAL: 100.00
PRICE: 100.00
FULFILLED: 2024-09-26 14:20:23
SOURCE: JPERPERIAN
SERVER IP: 34.237.216.177

CITY OF MELROSE

CITY CLERK

TANJI CIFUNI

City Hall, 562 Main Street
Melrose, MA 02176
Telephone - 781-979-4183

To: Mayor Jennifer Grigoraitis
From: Tanji Cifuni
Meeting Date: October 21, 2024
Subject: Common Victualler - Planted Organic Cafe
Order #: (ID # 12154)

That the Honorable City Council grant a new common Victualler license.
Common Victualler application attached.

FINANCIAL IMPACT:



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 02177
Telephone - (781) 979-4111

COMMON VICTUALLER LICENSE APPLICATION

Annual Fee - \$100

Licenses Expire annually on December 31

☒ New Application

Requires applicants' attendance at a City Council Protection and License Committee meeting and approval from the City Council.

☐ Renewal Application

Common Victualler Licenses are valid from January through December and are required to be renewed annually. To avoid delays in processing your application, please do not leave any applicable sections blank. All incomplete applications will be returned.

- ✓ Please refer to the check list below to ensure all steps are completed prior to submitting the original application to the City Clerk's Office:

	Completed application with "wet signature"
	Inspection and approval from the following Departments: - o Melrose Fire - o Melrose Health and Human Services Department - o Melrose Police - o Inspectional Services - o Treasurer Collectors Office
	Signed acknowledgement of receipt of City Administrative Code Section §152-12
	Completed Business Certificate Application, if applicable
	Completed Worker's Compensation Insurance Affidavit, including a copy of Declarations page of Workers' Compensation Policy.
	Copy of Current ServSafe Certificate
	\$100 Application Fee payable by cash, credit card or check payable to the City of Melrose.

Please email

with any questions.



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-411

COMMON VICTUALLER LICENSE APPLICATION
LICENSING PERIOD JANUARY 1st – DECEMBER 31st

Business Name: Planted - Organic Cafe		Tax ID Number: 99-3840678	
Business Address: 523 main st.		Business Phone Number: 781-620-0494	
Owner's Name: Zachary Pietrantonio		Owner's Cell Phone Number: 781-307-3318	
Residential Address of Owner: 15 Green St, Stoneham MA 02180		Number of Employees: 01	
Email Address of Owner (required): zpietrantonio@gmail.com			
24-hour Emergency Contact Name: Zach Pietrantonio		Emergency Phone Number: 781-307-3318	
Circle all that apply:	☒ Breakfast	☒ Lunch	☒ Dinner
			☒ Take-out
Please List Daily Hours of Operation			
Sunday	Monday	Tuesday	Wednesday
Approved Number of Seats:		12	
Floor Space/ Square Feet:		706	

Attachment: New Common Victualler License Planted Organic Cafe (12154 : Common Victualler - Planted Organic Cafe)



Kristin Foote
City Clerk

5.1.3.a
CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-411

TAX CERTIFICATION FORM

Business Name: Planted- Organics LLC LLC
Business Address: 523 main st
DBA (if applicable): Planted- Organic cafe
Owner's Name: Zachary Piantantonio

By signing below, you are requesting to be granted a Common Victualler License from the City of Melrose. In addition, you swear and affirm that the contents of the document are truthful and accurate to the best of your knowledge and belief.

Additionally, you hereby certify under the penalties of perjury that you have, to the best of your knowledge and belief, filed all state tax returns, paid all state taxes, local taxes, all water, sewer and solid waste disposal bills, all tax titles, utilities, and all motor vehicle excise taxes to the City of Melrose required by law.

Signature of Petitioner 1

10/8/24

Date of Signature

11/01/1987

Date of Birth

Signature of Petitioner 2

Date of Signature

Date of Birth

***This license will not be used or renewed unless this certification clause is signed by the applicant.**

****Your Social Security number or Federal Identification number will be furnished to the Massachusetts Department of Revenue (DOR) to determine whether you have met tax filing or tax payment obligations. Licensees failing to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Laws, Chapter 62C, Section 49A.**

Attachment: New Common Victualler License Planted Organic Cafe (12154 : Common Victualler - Planted Organic Cafe)



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4111

City of Melrose Administrative Code General Legislation

ACKNOWLEDGEMENT OF RECEIPT OF MELROSE ORDINANCES

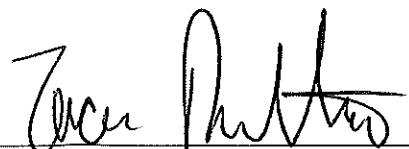
§ 152-12 Common victuallers and innholders

[Amended 6-15-1981 by Ord. No. 20718; 4-21-2009 by Ord. No. 09-125; 11-16-2020 by Ord. No. 2021-34; 12-20-2021 by Ord. No. 2022-56]

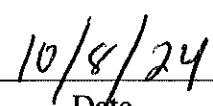
No person shall hereafter engage in the business of innholder or common victualler without first obtaining a license therefor from the City Council. A fee of \$75 shall be paid for each of such licenses. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2021 as a result of the ongoing impacts of the COVID-19 global health pandemic. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2022 as a result of the ongoing impacts of the COVID-19 global health pandemic.

State law reference — Law of the commonwealth authorizing cities to grant licenses to common victuallers, innholders, etc., MGL c. 140, § 2, construed in *Liggett Drug Co. v. Board of License Commissioners*, 296 Mass. 41, 4 N.E. (2d) 268.

By signing below, you are acknowledging that you have read the City of Melrose Charter and Administrative Charter Chapter 152 §12 pertaining to Common Victuallers and Innholders and understand all that is required as a licensee.



Applicant Signature



Date

Attachment: New Common Victualler License Planted Organic Cafe (12154 : Common Victualler - Planted Organic Cafe)



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4111

*The Commonwealth of Massachusetts
Department of Industrial Accidents Office of Investigations
600 Washington Street, Boston, MA 02111*

**Workers' Compensation Insurance Affidavit: General Business
Applicant Information Please Print Legibly**

Business Name: Planted - Organic Cafe
Address: 523 Main St.
City/State/Zip: Melrose MA 02176
Phone #: 781-620-0494

Are you an employer- (check one):	
☒	*I am an employer with <u>1</u> employees (full/part-time)
☐	I am sole proprietor or partnership and have no employees working for me in any capacity (No workers' comp insurance required)
☐	We are a corporation and its officers have exercised their right of exemption per c. 152, § 1(4), and we have no employees. (No workers' comp insurance required)
☐	We are a non-profit organization, staffed by volunteers, with no employees. (No workers' comp insurance required)

Business Type- (required):	
☐	Retail
☒	Restaurant/Bar/Eating Establishment
☐	Office and/or Sales (incl. real estate, auto, etc.)
☐	Entertainment
☐	Manufacturing
☐	Non-profit
☐	Health Care
☐	Other:

***Any applicant that checks box #1 must also fill out the section on the next page showing their workers' compensation policy information.**

**** If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required, and such an organization should check box #1.**

Attachment: New Common Victualler License Planted Organic Cafe (12154 : Common Victualler - Planted Organic Cafe)



Kristin Foote
City Clerk

CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-411

I am an employer that provides workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Liberty Mutual

Insurer's Address: _____

City/State/Zip: _____

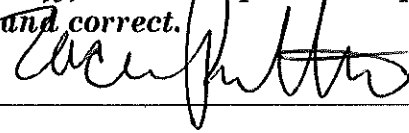
Policy # or Self-Insurance License #: XW0 67974155 Expiration Date: _____

Required:

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expirations date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,5000.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP Work Order and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury, that the information provided above is true and correct.

Signature:  Date: 10/8/24

Phone #: 781-307-3318



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4111

INFORMATION AND INSTRUCTIONS

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, and *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An employer is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address, and phone number along with a certificate of insurance.

Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage.



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-411

Sign and date the affidavit

The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law of if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigation has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a homeowner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigation would like to thank you in advance for your cooperation and should you have any questions please do not hesitate to give us a call. The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111

Tel. # 617-0727-4900 ext. 406 or 1-877-MASSAFE
Fax # 617-727-7749



Kristin Foote
City Clerk

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-4111

COMMON VICTUALLER LICENSE
CITY DEPARTMENT REVIEW
LICENSING PERIOD JANUARY 1st - DECEMBER 31st

Instructions:

Please complete the section below before obtaining approval from each of the City Departments listed on the back of this page. Departments will not review and approve if any fields are left blank.

REPORT OF INVESTIGATION - RELATIVE TO APPLICATION FOR

Business Name: Planted Organic Cafe

Owner Name: Zackary Pietrantonio Owner DOB: 11/01/87

Business Address: 523 Main St. Melrose MA 02176

Please List Daily Hours of Operation

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
7am-6pm	_____					→

Approved Number of Seats:

12

Floor Space/ Square Feet:

706

Attachment: New Common Victualler License Planted Organic Cafe (12154 : Common Victualler - Planted Organic Cafe)

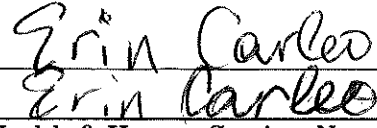


Kristin Foote
City Clerk

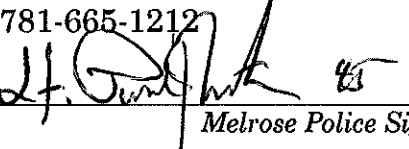
CITY OF MELROSE
OFFICE OF THE CITY CLERK

562 Main Street
Melrose, Massachusetts 0217
Telephone - (781) 979-4111

Attention City Officials: Please review the information submitted by the applicant on the reverse side to ensure all fields are complete prior to researching your records and signing off.

MELROSE HEALTH & HUMAN SERVICES 781-979-4130		Date Signed:	FOOD PERMIT EXP DATE:
			In progress
Health & Human Services Signature		Health & Human Services Name Printed	
☐ Denied	☒ Approved	☐ Other	
Comments: food permit will be issued after construction			

MELROSE FIRE DEPARTMENT 781-979-4405		Date Signed:	\$50 Fee Paid
		10/10/24 GIBSON	☒ Yes ☐ No
Melrose Fire Captain Signature		Fire Captain Name Printed	
☐ Denied	☒ Approved	☐ Other	
Comments:			

MELROSE POLICE DEPARTMENT 781-665-1212		Date Signed:
		10-08-2024 Lt. Paul J. North
Melrose Police Signature		Melrose Police Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

INSPECTIONAL SERVICES DEPARTMENT 781-979-4135		Date Signed:
		10/15/2024
Building Commissioner Signature		Building Commissioner Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

TREASURER COLLECTORS' OFFICE Available in person during City Hall business hours		Date Signed:
		10-10-24 Janean Shairs
Treasurer Collector Signature		Treasurer Collector Name Printed
☐ Denied	☒ Approved	☐ Other
Comments:		

Attachment: New Common Virtual License Planted Organic Cafe (12154 : Common Virtual - Planted Organic Cafe)

CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: ZACHARY PIETRANTONIO

Certificate Number: 6981946

Date of Completion: 4/3/2024

Date of Expiration: 4/3/2029



Issued By:

*The above-named person is hereby issued this certificate
for completing an allergen awareness training program
recognized by the Massachusetts Department of Public Health
in accordance with 105 CMR 590.009(G)(3)(a).*

This certificate will be valid for five (5) years from date of completion.

Massachusetts Restaurant Association
333 Turnpike Road, Suite 102
Southborough, MA 01772
508-303-9905
www.massrestaurantassoc.org

800.765.2122
www.restaurant.org

ServSafe® CERTIFICATION

ZACHARY PIETRANTONIO

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the ANSI (American National Standards Institute) National Accreditation Board (ANAB)–Conference for Food Protection (CFP).

25746108

CERTIFICATE NUMBER

10854

EXAM FORM NUMBER

6/1/2024

DATE OF EXAMINATION

6/1/2029

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



Sherman Brown

Executive Vice President, Business Services

In accordance with Maritime Labour Convention 2006, Resolution ADM N 068-2013 (Regulation 3.2, Standard A3.2).

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Attachment: New Common Victualer License Planted Organic Cafe (12154 : Common Victualer - Planted Organic Cafe)





CERTIFICATE OF PROPERTY INSURANCE

5.1.3.a
DATE (MM/DD/YYYY)
07-25-2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

PRODUCER Liberty Mutual Insurance PO Box 188065 Fairfield OH 45018		CONTACT NAME: PHONE (A/C, No, Ext): 800-962-7132 FAX (A/C, No): E-MAIL ADDRESS: BusinessService@LibertyMutual.com PRODUCER CUSTOMER ID:	
INSURED Planted Organics Llc DbA Planted 15 Green St Stoneham MA 02180		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 24082	

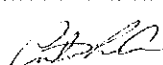
COVERAGES **CERTIFICATE NUMBER:** 0356672236 **REVISION NUMBER:** 2016-03

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
523 Main St, Melrose, MA 021763888

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
A	☒ PROPERTY	BKS67974155	07-25-2024	07-25-2025	☒ BUILDING	\$
	CAUSES OF LOSS				☒ PERSONAL PROPERTY	\$ 50,000
	BASIC				BUSINESS INCOME	\$
	BROAD				EXTRA EXPENSE	\$
	☒ SPECIAL				RENTAL VALUE	\$
	EARTHQUAKE				BLANKET BUILDING	\$
	WIND				BLANKET PERS PROP	\$
	FLOOD				BLANKET BLDG & PP	\$
						\$
						\$
	INLAND MARINE	TYPE OF POLICY				\$
	CAUSES OF LOSS	POLICY NUMBER				\$
	NAMED PERILS					\$
						\$
	CRIME					\$
	TYPE OF POLICY					\$
						\$
	BOILER & MACHINERY / EQUIPMENT BREAKDOWN					\$
						\$
						\$
						\$

SPECIAL CONDITIONS / OTHER COVERAGES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER 894 Main Street really trust 894 Main St Po Box 38 Middletown MA 01949		CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  Curtis Luken	
---	--	---	--

Attachment: New Common Virtual License Planted Organic Cafe (12154 : Common Virtual License Planted Organic Cafe)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM) 5.1.3.a
07/25/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Liberty Mutual Insurance PO Box 188065 Fairfield OH 45018		CONTACT NAME: PHONE (A/C, No, Ext): 800-962-7132 FAX (A/C, No): 800-845-3666 E-MAIL ADDRESS: BusinessService@LibertyMutual.com	
INSURED Planted Organics Llc DbA Planted 15 Green St Stoneham MA 02180		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Company NAIC # 24082 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 0386172631 **REVISION NUMBER:** 2016-03

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
							MED EXP (Any one person) \$ 15,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☒ LOC OTHER:						PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Insurance

CERTIFICATE HOLDER Planted Organics Llc DbA Planted 15 Green St Stoneham MA 02180	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Curtis Luken
---	--

102
53-7054/2113
948

PLANTED ORGANICS LLC
523 MAIN ST
MELROSE MA US 02176

10/17/24
Date

Pay to the Order of City of Melrose \$ 100.00
One Hundred dollars 00/100 dollars



Common Vre.
Zoe Pittman

For Common Vre. 0102
⑆ 211370545⑆ 8264297695⑆



Packet Pg. 57

BUILDING PERMIT

APPLICANT

Addition/Renovation/Other

LICENSE NO.: **CS-117054**

PROJECT CATEGORY:

HIC REG #: 205670

THEODORE LANTZAKIS, TRUSTEE

OCCUPANCY TYPE:

ALBERT TALARICO, Building Commissioner

Zoning Officer

Digitally Approved By:

ALBERT TALARICO

The person accepting this permit shall in every respect conform to the terms of the application on file in this office and to the provisions of the and the Commonwealth of Massachusetts Statutes and Ordinances relating to the Construction, Alteration, and Maintenance of Buildings, and shall begin work on said building within six months from the date hereof, and prosecute the work thereon to a speedy completion. At the completion of each work phase as noted below, an inspection shall be made by the appropriate inspector who will sign this card certifying approval of work under his/her jurisdiction

Public Works	Plumbing	Gas	Electrical	Building
Water /Meter:	Underground:	Underground:	Underground:	Excavation:
Sewer:	Rough:	Meter:	Rough 8-22-24 OK	Foundation: OK
Driveway:	Final:	Rough:	Service TM OK 10-3-24	Footings:
Tax Collector		Final:	Final:	Trailing OK 9/3/24 OK
Final:				Firestop:
Health	Community Development	Fire		Sheet Metal:
Final:	Planning:	Final:		Fireplace/Chimney:
Assessors	Conservation:			Insulation: OK OK
Final:	ZBA:			Sheetrock:
				Final: OK 10/15/24 OK

need insulation in outside brick wall



Melrose, MA



tcifuni

Payment Completed – October 17, 2024 at 10:00 am

Year: 2024
Number: 1
Description: PLANTED ORGANICS
CHECK 102

Items:

COMMON VICTULLAR

1 x \$100.00

\$ 100.00

Amount:**\$ 100.00**

Service FEE:

\$ 0.00

TOTAL AMOUNT PAID - CHECK

\$100.00

These charges will appear as "Melrose, MA / Heartland" and "CITY HALL SYSTEMS / HEARTLAND".

Transaction Code: HTL-MELROSE-MA-US-12348399

City Hall Systems Secure Payment Portal

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We're Online!
How may I help you toda...



§ 152-12. Common victuallers and innholders. [Amended 6-15-1981 by Ord. No. 20718 ; 4-21-2009 by Ord. No. 09-125 ; 11-16-2020 by Ord. No. 2021-34 ; 12-20-2021 by Ord. No. 2022-56]

No person shall hereafter engage in the business of innholder or common victualler without first obtaining a license therefor from the City Council. A fee of \$75 shall be paid for each of such licenses. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2021 as a result of the ongoing impacts of the COVID-19 global health pandemic. The fee for a common victualler's license set forth herein shall be waived for Calendar Year 2022 as a result of the ongoing impacts of the COVID-19 global health pandemic.

State law reference — Law of the commonwealth authorizing cities to grant licenses to common victuallers, innholders, etc., MGL c. 140, § 2, construed in *Liggett Drug Co. v. Board of License Commissioners*, 296 Mass. 41, 4 N.E. (2d) 268.

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

ORDNC-2025-1

Amending Melrose Zoning Ordinance Chapter 235, Articles I-XVI to recodify, or restructure and clarify, the contents of the Melrose Zoning Ordinance.

BE IT ORDERED

See attached letter from the Planning Board dated July 9, 2024 and Proposed Zoning Amendment designed to recodify, or restructure, the Melrose Zoning Ordinance. Chapter 235 Article I through Article XVI are proposed to be reorganized as Chapter 235 Article I through Article XII and certain provisions modified and clarified to create an updated zoning code that is easier to use and consistent with state law.

HISTORY:

07/15/24	City Council	ASSIGN TO COMMITTEE
08/19/24	Appropriations and Oversight	HELD IN COMMITTEE
09/23/24	Appropriations and Oversight	OUGHT TO PASS

Ordinance 2025-1

Meeting of October 21, 2024

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Date

Date



CITY OF MELROSE

PLANNING BOARD

GREGORY SAMPSON
Chair

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4190
Fax - (781) 979-4290

July 9, 2024

The Honorable Mayor Grigoriatis and
The Honorable City Council
of the City of Melrose, Massachusetts

RE: Melrose Zoning Ordinance Recodification Amendment

To Her Honor and the Members of the Council:

At its meeting on June 22, 2024, the Planning Board voted to submit the attached amended zoning ordinance to the City Council. The amendment recodifies, or restructures and clarifies, the contents of the Zoning Ordinance to accomplish several goals. The Zoning Ordinance was last recodified in 1972 and since then, there have been many amendments cobbled onto its antiquated structure. The proposal works within the City's existing regulations and practices to create an updated document that can be used more easily and interpreted more consistently. It is a compilation of the work of many professionals with expertise in zoning ordinances generally and with the Melrose Zoning Ordinance specifically.

The Office of Planning and Community Development (OPCD) applied for and received a Housing Choice Grant from the Executive Office of Housing and Livable Communities to help with the recodification effort. Using the grant, Planning Staff hired CommunityScale LLC, an urban planning consulting firm, to collaborate on this project. CommunityScale LLC and their subconsultants have extensive experience working on recodifying zoning ordinances locally and regionally. The team includes Nels Nelson, Principal at CommunityScale LLC and Project Manager; Jeff Levine, AICP, Planner with Levine Planning Strategies, LLC; and Jonathan Silverstein, Partner, Blatman, Bobrowski, Haverty & Silverstein, LLC Attorneys at Law.

The Consultants, Planning Staff and the Zoning Subcommittee of the Planning Board worked together to craft the current proposal. They sought input from the Building Commissioner, Building Inspector and stakeholders who are familiar with the zoning ordinance and are therefore able to provide input on the specificity involved with this project. Mr. Nelson met individually with nine local stakeholders who are architects, developers, land use attorneys, planners and board members to hear their unique perspective and experiences with the zoning ordinance. A summary of the results of the interviews can be found attached.

The overarching goal of the effort is to make the code easier to navigate and understand by reorganizing the text into a system of logically ordered sections and subsections. The revised structure can be best understood by reviewing the proposed Table of Contents.

The following summarizes the proposed reorganization of articles and sections in the zoning ordinance with a few beneficial changes that relate to the structure of the proposal:

- The administration and enforcement regulations are in one article with subsections that include all the officials and permit granting authorities, permits and approvals, public hearing review procedures, enforcement and fines, and amendment procedures clearly laid out.
- The zoning districts, including the overlay districts, are all in another article with individual descriptions, which are not presently in the code.
- The use regulations article now clearly states how the use table functions and lists all the regulations for uses that have specifications in one place with cross references in the use table so that regulations are not missed. The footnotes in the use table were incorporated into the table so that they are more obvious.
- The dimensional regulations article also pulls together regulations that were scattered in the code and includes cross references with the dimensional table. The overlay districts have their own article, which outlines the use and dimensional requirements when the overlay zoning is utilized. The special development regulations also have their own article and are cross referenced in the use and dimensional tables where applicable so that they are not buried in the text.
- Development standards for regulations of items in yards such as accessory buildings, fences, landscaping, screening, and pools, which did not have a logical place, are now grouped together in an article.
- The nonconforming section continues to be its own article, but it has been rewritten to comply with state law and be clear, fair and logical.
- The introductory provisions, definitions, signs, and parking articles continue to be independent articles with minimal structural changes; however, there are edits within them to accomplish the goals of this effort.

Besides reorganizing the text into new sections, the other ways that the zoning ordinance was made easier to navigate and understand was by rewriting sections that are confusing or could have multiple interpretations; removing sections that are no longer relevant or impossible to use; modernizing language that was written in 1972 during the last recodification; and adding diagrams as examples of how dimensional regulations are measured. These changes have allowed the code to be condensed from a 113-page document to an 85-page document, which is 25% less pages to sort through to understand the City's land use regulations.

The proposed zoning ordinance codifies current processes and requirements imposed by the Boards, such as how small changes to approved plans are handled and how bicycle parking is expected to be incorporated into every redevelopment. Additionally, the Zoning Board of Appeals and Planning Board's requirements for application materials are proposed to be removed from the code and placed into the Boards' newly created Rules and Regulations. This enables the Boards to adapt more nimbly as technological changes emerge that allow for more advanced information to be considered while evaluating projects.

Melrose Zoning Ordinance Recodification Amendment
 July 9, 2024
 Page 3 of 3

Another goal of this effort is to have an organized code into which future zoning amendments can be incorporated. With the proposed structure future amendments will be able to be added to appropriate sections so that they are visible and easily interpreted within the existing regulations.

The intent of recodification is not about changing policy; however, sometimes the process of re-wording, codifying current practices, or updating the language to reflect recent judicial decisions or changes in the state Zoning Act may have the effect of setting new policy. This can happen when existing language is so confusing that there can be multiple interpretations of what it means or when the existing regulation is no longer legal or relevant today. These minor policy changes are outlined in the attached List of Edits document along with other notable edits.

With all these changes it is important to point out that the principal land use regulations, permitted uses, and building dimensions within districts, have not been amended in this proposal. The proposed code does not change the zoning districts, boundaries of zoning districts/zoning map, dimensional regulations for structures, or which uses are allowed, allowed by special permit, or not allowed in each district.

In accordance with M.G.L., Chapter 40A, Section 5, all proposed zoning amendments received by the City Council shall be submitted to the Planning Board within 14 days for review and to schedule a public hearing. The City Council and the Planning Board are required to hold public hearings within 65 days. The Planning Board would welcome a joint public hearing with the City Council. After the hearing, the Planning Board has 21 days to submit a report with recommendations to the City Council. The City Council must wait until they receive a report from the Planning Board or wait for 21 days before holding a vote. Please forward the proposed amendments to us at your earliest convenience in order to begin the review process.

Thank you for your consideration. We look forward to discussing this important proposal with you.

Respectfully yours,



Gregory Sampson
 Planning Board Chair

Attachment: Proposed Recodified Zoning Ordinance dated July 9, 2024
 Stakeholder Interview Results dated May 2024
 List of Edits dated July 9, 2024

cc: Shannon Phillips, City Solicitor
 David Roache, Chair, Board of Appeals
 Albert Talarico, Building Commissioner
 Denise Gaffey, OPCD Director & City Planner
 Members of the Planning Board

Melrose Zoning Ordinance Recodification: List of Edits July 9, 2024

Administrative

1. The code sections were reorganized to follow a clearer and more logical sequence as can be seen by comparing the Tables of Contents of the old and new codes.
2. The Purpose Section has been modernized to reflect the City's current values and priorities.
3. A section was added about the Planning Board's responsibilities in the same way that exists for the Zoning Board of Appeals.
4. Application requirements found in Site Plan Review and Special Permit sections were moved to a newly created Rules and Regulations document for each Board.
5. The daily zoning violation fine increased from \$100 to \$300 per day in line with state law.
6. Language that was duplicated in different parts of the code was consolidated.
7. Descriptions of the City's zoning districts were added to clarify each district's primary purpose.

Definitions

1. The two-word terms that are listed with commas such as 'Building, Principal' were changed to eliminate the comma, 'Principal Building', so that they are easier to search electronically and in hard copy.
2. The definition of basement was clarified to explain when it should be considered a story.
3. The definition of and all references to "cellar" were removed in response to the change in definition for basement, which was difficult to distinguish and not necessary to cover the intended use and building characteristic of the level of a structure partially below grade.
4. The definition for frontage was augmented to ensure that frontage is not illusory.
5. The definition of street was changed to be consistent with the Subdivision Control Law.
6. The building line definition was removed and the definitions for lot line and setback were clarified to reduce confusion.
7. A definition of mixed-use was added to clarify what it means.
8. Use and dimensional regulations were removed from the definitions and relocated into relevant sections.

Use Regulations

1. Regulations for certain uses that were found in the definitions section were relocated to Article V. Use Regulations.
2. All of the standards for uses were relocated to one section of Article V. Use Regulations.
3. The Table of Use and Parking Regulations was updated to include physical therapy under the personal and consumer service establishment use since this use is common and could be interpreted as another use.

Dimensional Regulations

1. Diagrams of dimensional regulations that the public frequently ask Planning Staff to explain were added.
2. All of the dimensional regulations for principal structures were pulled into one section.
3. The lot width regulation was revised to clarify that the lot must comply with the required width on every portion of the lot where a principal structure is located. The current wording had multiple interpretations and unfortunate building forms resulted to get around the regulation.
4. Zoning regulations for parcels partially in another municipality or that are split zoned were added.
5. Hot tub was included with pool, which was not previously clear. An allowance was added for setbacks to be 6 to 10 feet by special permit because the site conditions make a lot of difference for these structures. It was added that they are not allowed in front yards.
6. To maintain a pedestrian oriented streetscape, the accessory structure regulations were revised to clarify that they are not allowed to be located in front of principal structures.

Regulations for certain permits and uses

1. The Site Plan Review section was revised to clarify when a review is required for a proposed change to a use, structure or site.
2. The size of additions that require Site Plan Approval to industrial, commercial, or multifamily structures was decreased from 2,500 sf to 1,000 sf to ensure the expansion will not impact abutters.
3. The Site Plan Approval expiration was increased to 3 years in line with the Special Permit expiration since many applications to the Planning Board require both types of permits.
4. Information on how revisions to approved plans are handled was clarified.
5. The variance findings were revised to be consistent with state law.
6. The “special” affordable housing, bike parking, and parking reduction sections were removed from the Rail Corridor Overlay and Smart Growth District and cross referenced because they were duplicative of sections found elsewhere in the code.
7. The Cluster Development, Planned Unit Developments, and Earth Removal and Fill sections were removed because they are not possible or relevant considering the building and development patterns in Melrose today.
8. The Filling of Water Bodies regulations were removed because they are regulated by the Conservation Commission.

Parking

1. Bike parking requirements were added for multi-family and commercial uses.
2. Parking requirements for non-residential uses in mixed use buildings was removed to reflect the reality of what we desire for shared parking at these types of buildings and a condition frequently approved by the Planning Board.
3. Added regulation that driveways in residential districts within 1 foot of the property line must be surfaced with pervious material to reduce runoff to neighboring parcels.

Nonconformance

1. The nonconforming section was re-written to conform with state law and to allow for minor changes to be by-right, while most will require special permits to allow for changes to nonconforming dimensions and uses.

Signs

1. Removed gas station specific signage regulations to follow recent case law that states that sign regulations need to be content neutral. Since the recent gas station sign changes have required variances, as they have not complied with the special regulations for gas stations, and it is unlikely that another gas station will open in Melrose, the Board did not find that there would be a material change with removing them.

MEMO Melrose Rezoning

To: City of Melrose
From: Nels Nelson, CommunityScale
Date: May 2024
Re: Rezoning Stakeholder Interview Results and Recommendations for Future Phases

Stakeholder interview results

About

CommunityScale interviewed nine stakeholders identified by the City in April and May 2024, including architects, developers, land use lawyers, and board and committee members. For the purpose of this memo and in the interest of privacy, the individuals' comments and suggestions are not associated with their names. Each of the stakeholders were asked to share their unique perspective and experiences with the zoning ordinance.

The stakeholders' input is divided into three categories:

1. Current rezoning, with a focus on administrative and definitional issues hindering application of the zoning
2. Future phases of zoning amendments, focusing on substantive and material changes to the ordinance's requirements

1. Perspectives on current rezoning

- eCode360
 - Need to keep eCode360 up-to-date, it should always be updated with latest amendments, extremely important, within business days
 - The zoning map should also be on eCode360.
 - Put the tables in the right place on eCode360, not in an appendix.
- Inclusionary zoning
 - Add a provision that affordable units must be mixed with the market rate units.
- Definitions and clarity
 - Add a definition for "Driveway"
 - Don't use "Building, Accessory", use "Accessory Building" because this is a more intuitive search term
 - Clarify the difference between a "basement" and a "cellar" so it is easier to interpret gross floor area.
 - Whether or not residential is allowed on the ground floor of a specific business district, including downtown, should be clear from the outset.
 - Improve the definition of "pool" to be clear about pools versus hot tubs.
 - Adjust the definition of "sign" such that it is limited to those types of objects that the code intends to regulate.
- Administration

MEMO Melrose Rezoning

- Change the process so decisions are not shared between ZBA and Planning Board (this was also discussed by the Planning Board Zoning Subcommittee).
- Add a provision such that variances expire after a certain amount of time if not used.
- Visual diagrams would be helpful to explain complicated issues, such as how the corner lot illustration is helpful.

2. Perspectives on future phases of zoning amendments

- Housing policy reform
 - Address the recommendations in the Housing Production Plan, including allowing two-family and ADUs by right (and remove the ineffective inlaw apartment section).
 - Create the possibility to build multiple cottages on one lot, especially in parts of town with larger existing lots.
 - Create the possibility to build a 6-8 unit residential building in the style of existing larger single-family homes.
 - Adjust minimum lot sizes to reflect reality.
 - Adjust the inclusionary zoning requirements to achieve deeper affordability, such as 65%, or split between different levels, such as 50% and 80%.
 - Create policies that allow for the adaptive reuse of historic properties for housing.
- Commercial development
 - Allow setbacks if the setback is used as an effective extension of the sidewalk or public patio, for example for outdoor dining in the BA2 district.
- Parking requirements
 - Reduce the parking requirements, especially for residential, could be 1 space per unit.
 - Add a provision that decouples parking from unit price.
- TOD overlay zones
 - Adjust the requirements to reduce parking requirements, reduce required setbacks, allow 5 stories with a stepback on the 5th floor, increase allowable FAR.
 - Consider expanding the overlay zones to areas just outside of downtown that would be good targets for redevelopment.
- Administration
 - To professionalize planning board involvement, consider offering stipends for planning board members and/or creating a pathway to use outside consultants and pass the fees onto the applicant.
 - Create objective architectural and site design goals rather than relying on unpredictable discretionary review.
 - Melrose could benefit from a long-term comprehensive land use plan that incorporates future density and infrastructure investment, and considers where new development would have the least impact because it supports trips by walking, biking, and transit.

Chapter 235

ZONING

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ARTICLE I Introductory Provisions

§ 235-1.1 Title.

This chapter is known as the "Zoning Ordinance of the City of Melrose, Massachusetts," hereinafter referred to as "this chapter", "Melrose Zoning Ordinance", "Ordinance" and "MZO".

§ 235-1.2 Authority.

This Ordinance is adopted pursuant to the authority granted by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and enacted in accordance with M.G.L. c. 40A and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this chapter and where such amendments are mandatory, such amendments shall supersede any regulations of this chapter.

§ 235-1.3 Purposes.

This Ordinance is enacted for the following purposes: to regulate the uses and dimensions of land and structures; encourage housing for persons of all income levels; facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to protect health, safety and general welfare; and, to implement goals of the City's Master Plan, and other related, adopted plans.

§ 235-1.4. Applicability.

1. This Ordinance is applicable on the date it is adopted. Amendments to this Ordinance are applicable on the date first publicly noticed in accordance with the Zoning Act.
2. This Ordinance shall apply to the erection, construction, reconstruction, alteration or use of buildings or structures or use of land.
3. It shall not apply to existing buildings or structures, nor to the existing use of any building or structure or land, to the extent to which such buildings, structures or uses lawfully existed at the time of adoption of this chapter, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, except as hereinafter provided.
4. Municipal land, uses and structures shall be exempt from the requirements of this Ordinance.
5. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.
6. Figures and photos are intended only for illustrative purposes and to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Ordinance and any figure or photos, the text governs.

§ 235-1.5. Severability.

The invalidity, unconstitutionality or illegality of any provision of this chapter or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provision or boundary.

ARTICLE II Definitions

§ 235-2.1 Word usage.

1. For the purpose of this chapter and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "used" or "occupied" includes the words "designed, arranged, intended or offered to be used or occupied"; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.
2. Terms and words not defined herein but defined in the Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes "retail and service trades" and "wholesale trade and manufacturing" shall be further defined by the Standard Industrial Classification Manual published by the United States Bureau of the Census.

§ 235-2.2 Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of a structure or lot.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock- in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ADULT CLUB — A club, restaurant, function hall or similar private or commercial establishment which regularly features:

1. Persons who appear in a state of nudity as defined in MGL c. 272, § 31, as amended;
2. Live performances which are characterized by an emphasis depicting anatomical areas, specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended; or
3. Films, motion pictures, video cassettes, slides or other photographic, magnetic or electronic reproductions which are characterized by the depiction or description of anatomical areas specified above or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting material (motion-picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

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ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT USE — An adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or adult video store as defined in this chapter.

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock- in-trade, for sale or rent, motion-picture films, video cassettes and similar audio/visual media which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ALTERATION — Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

ANTENNA — A device for directly transmitting or receiving electromagnetic transmissions.

ASSISTED LIVING FACILITY —

1. A residential development subject to certification by the Executive Office of Elder Affairs under MGL c. 19D, as amended, and defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:
 - a. Provides room and board;
 - b. Provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
 - c. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.
2. This definition shall not include group foster care, group homes, single room occupancy residences, rooming or lodging houses, skilled nursing facility, hospices, or elderly housing which is not assisted living.

ATTACHED BUILDING — A building having any portion of one or more walls in common with adjoining buildings.

BASEMENT — A portion of a building, partly below grade.

BUILDING — A combination of any materials, whether portable or fixed, having a roof, enclosed within the exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property.

BUILDING AREA — The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, porches, bay windows, balconies and terraces.

BUILDING COVERAGE — The building area expressed as a percent of the total lot area.

BUILDING FRONT YARD — The area of the front yard between the front lot line and the principal building bound by lines extending from each front corner of the principal building perpendicular to the street.

Article II Definitions

CERTIFICATE OF OCCUPANCY — A statement signed by the Building Commissioner setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for a specified use, or both.

COMMUNICATIONS TOWER — A tower that is freestanding or anchored with cables, used to support an antenna or other voice or data transmission and receiving devices.

COMMUNITY GARAGE — A group of private garages, either detached or under one roof, arranged in a row or around a common means of access.

CORNER LOT — A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines being not more than 135°.

DETACHED BUILDING— A building having open space on all sides.

DISTRICT — A zoning district as established by this chapter.

DRIVE-IN ESTABLISHMENT — A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle; drive-in service establishments such as banks, cleaners and the like; and automotive service stations, gasoline stations or the like.

DRIVEWAY — An open space located on a lot, which may be paved, built for access to a garage or off-street parking or loading space(s).

DWELLING — A privately or publicly owned permanent structure, whether owned by one or more persons or in a condominium, which is occupied in whole or in part as the home residence or sleeping place of one or more persons. The term "one-family, two-family or multifamily dwelling" shall not include a hotel, lodging house, hospital, membership club, mobile home or dormitory.

DWELLING UNIT — One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

ESSENTIAL SERVICES — Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.³

FLOOD LINE — The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in 25 years, as determined and certified by a registered professional engineer qualified in drainage.

FLOODWAY — The area subject to periodic flooding, the limits of which are determined by the flood line.

FLOOR AREA RATIO — The ratio of the gross floor area to the total lot area.

FRONT YARD — A yard extending for the full width of the lot between the front lot line and the principal building.

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FRONT LOT LINE — The property line dividing a lot from a street right-of-way. For corner lots, the front lot line shall be the property line dividing the lot from the street right-of-way that is used to access the main entrance (typically identified as the street address) of the structure.

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 include the combined linear footage of the boundary between the lot and any abutting streets that intersect with one another.

GARAGE — A building or structure or a portion thereof designed for the storage of one or more motor vehicles. This does not include a car sales room.

GROSS FLOOR AREA — The sum of the gross horizontal area of the several floors, including basements and mezzanines that qualify as a story, of a principal building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include basements and mezzanines that do not qualify as a story, unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment.

GREEN BUILDING AND SUSTAINABLE DESIGN PRACTICES — A construction approach that centers on sustainable practices to minimize the environmental impact of a structure. It involves using sustainable materials, efficient energy systems, green roofs, and other eco-friendly features, generally focused on a benchmarking system that outlines how much more efficient or how many fewer resources are required for building completion and operation.

HALF STORY — A story directly under a sloping roof where, in the case of a roof having one uniform degree of pitch (such as in gable, hipped, or shed roof types), the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two feet above the floor level on at least two opposite exterior walls.

HISTORICAL BUILDING— A building certified or qualified for certification by the Massachusetts Historical Commission in accordance with its published standards as a historical landmark.

HOSPITAL — A building providing, among others, twenty-four-hour inpatient services for persons admitted thereto for the diagnosis, medical, surgical or restorative treatment or other care of human ailments, including a sanitarium and clinic.

HOTEL — A building in which temporary lodging is offered for compensation, with or without associated amenities including an inn, motel, motor inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

IMPERVIOUS SURFACE — A surface composed of any material that significantly impedes with an overall permeability coefficient less than 10^{-4} centimeters per second (cm/sec) or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, paved areas (e.g., streets, sports courts) and swimming pools.

INTERIOR LOT — A lot, excluding a corner lot, the side lot lines of which do not abut on a street.

JUNK — Any worn out, cast off or discarded articles or material, including construction debris and reclaimed soils, which is ready for destruction or disposal or has been collected or stored for salvage or conversion to some use. Any article or material which is unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

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JUNKYARD — The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street for the storage, keeping or abandonment of junk.

LODGING HOUSE — A building containing four or more lodging units.

LODGING UNIT — One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. "Lodging unit" shall include rooms in boarding houses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

LOT — An area or parcel of land or any part thereof, not including water area, in common ownership and having boundaries identical with those shown on a plan or set forth in a deed or deeds recorded in the Middlesex County Registry of Deeds.

MARIJUANA — All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided that "marijuana" shall not include:

1. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
2. Hemp; or
3. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana product manufacturer, marijuana retailer, marijuana testing laboratory, or any other type of licensed marijuana-related business, except a registered marijuana dispensary (RMD), subject to regulation under Chapter 94G of the Massachusetts General Laws.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA RESEARCH FACILITY — An entity licensed to engage in research projects by the Cannabis Control Commission.

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MARIJUANA RETAILER — A marijuana establishment licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.

MARIJUANA TESTING LABORATORY — A laboratory that is licensed by the Cannabis Control Commission and is:

1. Accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
2. Independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and
3. Qualified to test marijuana in compliance with regulations promulgated by the Commission.

MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY — An entity with a fixed location that is licensed to purchase, obtain, and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to marijuana establishments, but not consumers.

MELROSE MASTER PLAN: The most recent Master Plan, Comprehensive Plan, Future Land Use Plan, or set of comparable documents that are adopted to guide future land use.

MEMBERSHIP CLUB — A social, sports or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

MEZZANINE — An intermediate floor in a building which is partly open to a high-ceilinged floor below, or which does not extend over the whole floorspace of the building.

MIXED-USE — A combination of two or more land uses within separate spaces or floors in a structure.

MONOPOLE — The type of mount that is self-supporting with a single shaft of wood, steel and/or concrete and a platform (or racks) for panel antennas arrayed at the top.

MULTIFAMILY DWELLING — A building containing three or more dwelling units.

NONCONFORMING BUILDING— An existing building or structure at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located or is located on a lot that does not conform to one or more of the applicable dimensional and density regulations for the district in which it is located, or a building or structure that was constructed or altered so as not to conform to one or more of the applicable dimensional and density regulations for the district in which it is located and regarding which no proceeding has been commenced and notice thereof recorded within ten years after the commencement of such violation, in accordance with MGL c. 40A, § 7.

NONCONFORMING LOT — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in accordance with all provisions of this chapter.

NONCONFORMING USE — A use lawfully existing at the time of adoption of this chapter or any subsequent amendment thereto which does not conform to one or more provisions of this chapter.

ONE-FAMILY DWELLING — A building containing one dwelling unit.

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OPEN SPACE — The space on a lot not covered by buildings, structures, or impervious surfaces, unobstructed to the sky by man-made objects.

OWNER — The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PARKING SPACE — An off-street space inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

PERSONAL AND CONSUMER SERVICE ESTABLISHMENT - An establishment that provides a variety of personal services or consumer services including but not limited to personal grooming, instruction, and work related to personal affairs, and the maintenance of fitness, health, and well-being.

PRINCIPAL BUILDING— A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE — A main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this chapter shall be considered an accessory use.

PRIVATE GARAGE — A garage for housing motor vehicles only, with a capacity of not more than three vehicles.

PUBLIC/PRIVATE UTILITY CABINET — Any structure used by a public utility for providing continuity of service not over seven feet in height and requiring less than a two-hundred-square-foot base area, of which only 50% may be occupied by cabinet.

REAR LOT LINE — The lot line opposite from the front lot line. In cases where more than one lot line may qualify to be a rear lot line, the longest lot line of those that may be considered opposite shall be considered the rear lot line. For corner lots the rear lot line is at the edge of the rear yard as provided in Dimensional Regulation Specifications, § 235-6.3

REAR YARD — A yard extending for the full width of the lot between the rear lot line and the principal building.

RECREATIONAL MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana- related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a registered marijuana dispensary shall not be deemed to be a recreational marijuana establishment.

REGISTERED MARIJUANA DISPENSARY — An entity and use formerly and validly registered under 105 CMR 725.100 or currently and validly registered under 935 CMR 501.100, and previously known as a medical marijuana treatment center, which may acquire, cultivate, possess, process (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, and/or administer marijuana, product containing marijuana, related supplies, and/or educational materials to registered qualifying patients or their personal caregivers. A registered marijuana dispensary does not include Marijuana Retailers.

REPAIR — With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

RETAIL FOOD ESTABLISHMENT — A retail store selling food products, generally not to be consumed on the premises, which shall include but not be limited to one or more of the following: fresh cheese, fresh meat

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or delicatessen products, freshly prepared baked goods or confections, natural and organic food or beverages, and which may also sell, incidental to the sale of food products therein, alcoholic beverages for off-premises consumption; but not tobacco products, lottery tickets, pharmacy items, toiletries, personal care products or photographic supplies or services. The term "retail food establishment" as used herein shall further comport with the definition of "establishment" as defined in Chapter 327 of the Acts of 2008.

SERVICE STATION — A building or part thereof whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service or general auto repair.

SETBACK — The shortest horizontal distance between a lot line and a particular subject of reference such as the nearest building wall or building part not specifically excluded by Dimensional Regulation Specifications, § 235-6.3, or parking.

SIDE LOT LINE — Any lot line not a front or rear lot line.

SIDE YARD — A yard extending for the full length of a building between the side lot line and the principal building.

SIGN — Any temporary or permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls attention to, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building.

SIGN, AWNING — A sign which is printed, painted, or affixed to an awning or canopy.

SIGN, BILLBOARD — Any sign, regardless of size, which advertises, calls attention to or promotes for commercial purposes any product, service or activity other than one manufactured, sold or engaged in on the lot at which the sign is located.

SIGN, BUILDING DIRECTORY — A sign affixed at a building entrance which identifies the occupants of the building not exceeding an area determined on the basis of 1.5 square feet for each establishment occupying the building.

SIGN, BUSINESS — A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, IDENTIFICATION — A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.

SIGN, ROOF — A sign erected on or affixed to the roof of a building.

SIGN, STANDING — A sign erected on or affixed to the land, including any exterior sign not attached to a building.

SIGN, SURFACE AREA OF — For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

SIGN, TEMPORARY — Any sign intended to be displayed for not more than 30 consecutive days in any calendar year.

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SIGN, WALL — A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom and installed parallel to the face of the building.

SIGN, WINDOW — A sign which is posted, painted, or affixed on an interior transparent surface, including windows and doors, intended to be visible from the exterior of the building or a sign that is located within five feet of the glass of a window exposed to public view and visible from the exterior of the building.

SPECIAL PERMIT — A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and on approval by the Zoning Board of Appeals or Planning Board and in accordance with provisions herein.

STORY — The portion of a building which is between one floor and the next higher floor level or the roof.

STREET — A way that: (a) has been duly laid out and accepted by the City as a public way or which the City Clerk certifies is maintained and used as a public way, or (b) is shown on a plan approved and endorsed in accordance with the Subdivision Control Law, or (c) was in existence when the Subdivision Control Law became effective in the City having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. For purposes of this Chapter, "street" shall be synonymous with the words "road," "avenue," "highway" and "parkway" and similar designations.

STRUCTURE — A combination of materials that are constructed or erected on the ground, such as but not limited to a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool and equipment, shelters, piers, wharves, bin, and sign.

SUBSTANCE ABUSE TREATMENT CENTER — An entity, however organized, routinely providing substance abuse treatment services, including but not limited to consultation; counseling; dispensing of medication to treat substance abuse; dispensing prescriptions (to be filled) for medication to treat substance abuse; examination; all forms of sample collection and laboratory testing, including but not limited to blood draw, swab-testing and urinalysis; and therapy.

SUBSTANTIALLY DIFFERENT USE — A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

TANDEM: A method of providing two parking spaces in an efficient layout that may require moving one vehicle to access another one. Typically tandem parking will provide a parking area twice as deep as a standard space, so one vehicle can park behind another, though other configurations are possible.

THROUGH LOT — A lot, the front and rear lot lines of which abut streets.

TOWNHOUSE — A row of at least three but not more than five one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

TRAILER — Any vehicle which is immediately portable and is arranged, intended, designed or used for sleeping, eating or business or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purpose of this chapter.

TRANSPORTATION DEMAND MANAGEMENT PLAN - A set of programs and projects that aim to provide more competitive transportation options to driving alone, reduce trips and improve traffic congestion

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without building more roads. A TDM plan will outline how techniques like education, rewards and disincentives to reduce the need for single-occupant vehicle trips; reducing the distance of trips; shifting to more efficient transportation modes such as transit, walking and carpooling; and providing support for remote completion of activities that might otherwise require vehicle trips, might be implemented in a development.

TWO-FAMILY DWELLING — A building containing two dwelling units.

USE — The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

VARIANCE — Such departure from the terms of this chapter as the Zoning Board of Appeals, upon appeal in specific cases, is empowered to authorize under this Chapter.

VETERINARY HOSPITAL — A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

WIRELESS COMMUNICATIONS COMPANY — An entity that provides wireless communications services. For zoning purposes a wireless communications company is not a public services corporation or a public utility and must comply with the provisions of this chapter.

WIRELESS COMMUNICATIONS SERVICE FACILITY (WCSF) — A facility for the provision of personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended. Such facilities include but are not limited to transmitting and receiving equipment, antennas, antenna structures and supports and related accessory structures or equipment, monopoles and satellite dishes over three feet in diameter.

WIRELESS COMMUNICATIONS SERVICES — Personal wireless services as defined in the Federal Telecommunications Act of 1996, as amended. By way of example but not limitation, personal wireless services include cellular telephone services, personal communications services (PCS) and commercial mobile radio services.

YARD — A portion of a lot, between a lot line and the principal building, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

Article III Administration and Enforcement

ARTICLE III
Administration and Enforcement

§ 235-3.1 Officials and Permit Granting Authorities

1. Building Commissioner.
 - a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this chapter.
2. Zoning Board of Appeals.
 - a. The Zoning Board of Appeals is established by § A-203, Article II of the City of Melrose Administrative Code as authorized by M.G.L. Chapter 40A, § 12, as amended. The Zoning Board of Appeals' administrative duties are specified in Article I of Chapter 15 Boards, Commissions and Committees in the City of Melrose Ordinances.
 - b. Under this chapter the Zoning Board of Appeals shall have the following powers:
 - i. To hear and decide appeals in accordance with Section 8 of the Zoning Act.
 - ii. To hear and decide applications for special permits and to impose conditions thereon, except as specified in § 235-3.1.3 for when the Planning Board is the Special Permit Granting Authority.
 - iii. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this chapter.
 - iv. In exercising the powers to grant variances, the Zoning Board of Appeals may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time hereafter.
 - v. In exercising these powers, the Zoning Board of Appeals may, in conformity with the provisions of this chapter and the Zoning Act, reverse or affirm, in whole or in part, or may modify any order or decision and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
 - vi. Adoption of rules. The Zoning Board of Appeals shall adopt rules for conducting its business and otherwise carrying out the purposes of this chapter. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and also when called in such other manner as the Board shall determine in its rules.
3. Planning Board
 - a. The Planning Board is established by § A-215, Article II of the City of Melrose Administrative Code as authorized by M.G.L. Chapter 41, § 81A-81J, as amended. The Planning Board's administrative duties are specified in Article II of Chapter 15 Boards, Commissions and Committees in the City of Melrose Ordinances.
 - b. Under this chapter the Planning Board shall have the following powers. Upon written application, the Planning Board may grant special permits as hereinafter prescribed.
 - i. Special permits to establish registered marijuana dispensaries in § 235-5.3.10.
 - ii. Special permits to establish marijuana-related uses in § 235-5.3.11.
 - iii. Special permits under the affordable housing incentive program in § 235-5.4.

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- iv. Special permits for slope protection in §235-6.5.
- v. Special permits for multifamily residential use in nonresidentially zoned areas in § 235-8.1.
- vi. Special permits providing for density incentives allowed in the BA-1 and BA-2 Districts in § 235-8.2.
- vii. Special permits for shared or reduced parking in § 235-11.4.3.
- viii. Special permits for an increase in the number of compact parking spaces in § 235-11.6.
- ix. Special permits for alterations to nonconforming lots in §235-12.3.1.
- c. Upon written application, the Planning Board conducts site plan review as hereinafter prescribed.
- d. Adoption of rules. The Planning Board shall adopt rules for conducting its business and otherwise carrying out the purposes of this chapter. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Planning Board shall be held at the call of the Chair and also when called in such other manner as the Planning Board shall determine in its rules.

§ 235-3.2 Permits and Approvals**1. Building permit**

- a. It shall be unlawful for any owner or person to erect, construct, reconstruct or alter a structure or change the use or lot coverage, increase the intensity of use or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Commissioner the required building permit therefor.
- b. An application for any permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this chapter. A record of all applications, plans and permits shall be kept on file by the Building Commissioner. The Building Commissioner shall take action on an application for a permit, either granting the permit or disapproving the application, within 14 days of receipt of the application.
- c. A building permit application that is submitted after the Zoning Board of Appeals or Planning Board has granted a permit for a project is not exempt from any provision of this chapter not specifically ruled upon by the Zoning Board of Appeals or Planning Board or specifically set forth as excepted in this particular case from a provision of this chapter.
- d. Permit time limits. Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for an additional year at the discretion of the Building Commissioner. Any project not completed within the applicable time limits shall be in violation of this chapter.

2. Certificate of occupancy

- a. It shall be unlawful to use or occupy any structure or lot hereafter erected or altered unless the Building Commissioner has issued a certificate of occupancy and has specified thereon the use to which the structure or lot may be put. Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five days after the Building Commissioner has been notified, in writing, that the erection or alteration of such buildings has been completed. A record of all certificates

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shall be kept on file in the office of the Building Commissioner. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy.

- b. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building ordinances and state laws or of this chapter to such a degree as to render it unsafe for the occupancy proposed.

3. Administrative Appeal

- a. An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of his/her inability to obtain a permit from this chapter or by any person aggrieved by an order or decision of the Building Commissioner or other administrative official in violation of any provision of this chapter.
- b. Any such appeal shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the ground thereof, with the City Clerk who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed and to the members of the Board. Such officer or board shall forthwith transmit to the Zoning Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

4. Variances

- a. The Zoning Board of Appeals may authorize a variance from the terms of this chapter, including allowed uses.
- b. Before any variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
 - i. That owing to the circumstances especially affecting such parcel's soil conditions, shape or topography or conditions especially affecting such building but not generally affecting other lots or buildings in the district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the appellant.
 - ii. Desirable relief may be granted without substantial detriment to the public good.
 - iii. The relief will not nullify or substantially derogate from the intent or purpose of this chapter.
- c. If the rights authorized by a variance are not exercised within one year of the date of the Board's vote to grant such variance such rights shall lapse; provided, however, that the Zoning Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such Zoning Board of Appeals prior to the expiration of the one-year period. If the Zoning Board of Appeals does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this chapter and MGL c. 40A, § 10.

5. Special Permits

- a. The Zoning Board of Appeals and Planning Board, when assigned in the Ordinance to be the Special Permit Granting Authority, may grant special permits as hereinafter prescribed.
- b. Before granting an application for a special permit the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses and the district within which

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the same is located, shall find all of the following general conditions to be fulfilled:

- i. A special permit to establish the use requested is listed in the Table of Use and Parking Regulations in the district for which application is made or a special permit is designated for the allowance of the request elsewhere in this chapter.
 - ii. The requested use is essential or desirable to the public convenience or welfare.
 - iii. The requested use or allowance will not create undue traffic congestion or unduly impair vehicular or pedestrian safety.
 - iv. The requested use or allowance will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.
 - v. Any special regulations for the use or allowance set forth in this article are fulfilled.
 - vi. The requested use or allowance will not impair the integrity or character of the district or adjoining districts nor be detrimental to the health, morals or welfare.
- c. The Special Permit Granting Authority may also impose, in addition to any applicable conditions specified in this chapter, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this chapter, including but not limited to the following: front, side or rear yards greater than the minimum required by this chapter; screening buffers or planting strips, fences or walls as specified by the Special Permit Granting Authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit or extent of facilities; and regulation of number and location of driveways or other traffic features beyond the minimum required by this chapter. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.
 - d. In order that the Special Permit Granting Authority may determine that the above-mentioned restrictions are to be met, a site plan or revised site plan shall be submitted to the Special Permit Granting Authority by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features, such as fences, walls, planting areas and walks.
 - e. A special permit granted under this chapter shall lapse in three years from the date of the Board's vote to grant such special permit. The time shall not include such time required to pursue or await the determination of an appeal. If granted for a use, the rights granted under the special permit must have been substantially used except for good cause. If granted for construction, construction must commence except for good cause. Commencement shall have occurred when the project has submitted a substantive application for a building permit, if applicable, or made comparable steps towards completion.
6. Site plan review.
 - a. Purpose and intent. Site Plan review shall be conducted by the Planning Board. The purpose of this section is to ensure that the design and layout of commercial, industrial and multifamily development will not be detrimental to surrounding land uses. The intent of the site plan review process is to regulate, rather than prohibit, uses through reasonable conditions concerning such development, including location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply, and public safety.

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- b. Applicability. A site plan review is required for the following circumstances:
 - i. New buildings for commercial and industrial uses.
 - ii. New buildings for residential uses consisting of four or more units.
 - iii. Extension of a structure in excess of 1,000 square feet for an existing industrial, commercial, or multifamily use.
 - iv. Change in use of an existing structure for a commercial, industrial, or residential use with four or more units, that involves changes that impact the exterior of the building and/or site including open space/landscaped area, parking areas, access and egress, and drainage; or reduction in landscaping or fencing screening for abutters.
 - v. Construction or expansion of a parking lot for an institutional, commercial, industrial, or multifamily structure.
 - vi. In the instance where a project is to be phased, or where property abutting the proposed development can be used in a similar fashion and is held by a related entity, or where a development proposal is an extension of an abutting development built within the previous five years and held by a related entity, the total development capacity of all parcels shall be considered for purposes of determining applicability for site plan review.
 - vii. The provisions of this Section shall not apply to marijuana-related uses which require a special permit from the Planning Board pursuant to § 235-5.3.
- c. Relationship to the building permit.
 - i. The Building Inspector shall not issue a building permit unless and until a site plan review has been obtained and a letter to that effect with or without site plan conditions has been forwarded to the Building Inspector by the Planning Board. The conditions shall become conditions of the building permit and shall be met prior to the issuance of a permanent occupancy permit. No material deviation from an approved site plan shall be made without approval from the Planning Board. If any particular condition of the plan is found to not comply with City or state codes, all remaining conditions shall remain applicable.
 - ii. Before issuing a permanent occupancy permit, the Building Commissioner shall require that the applicant provide to the Building Commissioner two sets of as-built site drawings and exterior elevations. One copy shall be forwarded to the Planning Board; the other copy shall remain on file in the Inspectional Services Department.
- d. Applications shall include all documents and information required by the Rules and Regulations of the Planning Board.
- e. When a proposal requires site plan review as well as a special permit and/or variance, the applicant may elect the order for pursuing the requirements. Where the Planning Board serves as the Special Permit Granting Authority for proposed work, it shall consolidate its site plan review and special permit procedures.
- f. Site plan review criteria. The Planning Board shall at a minimum review the application materials for the following and shall find that the following criteria are fulfilled:
 - i. Consistency with the design, character, and scale of the surrounding area.
 - ii. Consistency with all sign, design, landscaping, lighting, buffering, and public safety requirements and standards established by City of Melrose departments.
 - iii. Protection and enhancement of important existing natural, historic or scenic site features.
 - iv. Protection of adjacent properties and surrounding areas from detrimental impacts during and after construction, including but not limited to air and water pollution, flood, noise, odor, dust, vibration, and lighting.
 - v. Convenience and safety of vehicular and pedestrian movement within and around the site and

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- the location of buildings, fences, walls, or other structures, and driveway openings, in relation to traffic and/or adjacent streets.
- vi. Adequacy and arrangement of parking spaces, bicycle racks, internal ways, loading areas, and sidewalks, and the ability of the site plan to accommodate parking in areas other than the front of the building.
 - vii. Adequacy of the local streets to accommodate the traffic generated by the proposed use. When a level of service (LOS) analysis is required to make this determination, the proposed development shall comply with the following standards:
 - a. Level of service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the level of D. Intersections with an existing LOS of E or F shall not result in increased delay time or be made worse.
 - b. Safety hazards shall not be created, added to, or exacerbated as a result of traffic generated by the proposed development. If any of the standards in Subsection E(7)(a) and (b) above are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to reduction in the size of the development, change in the proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.
 - viii. Adequacy of sewerage and water supply systems within the site to serve the proposed use without overloading the municipal systems to an extent that the health, safety or general welfare of residents of the City is put at risk.
 - ix. Adequacy of proposed methods of refuse disposal and storage.
 - x. Adequacy of snow management, including removal or on-site storage.
 - xi. Adequacy of soil erosion plan and the plan for protection of steep slopes, both during and after construction.
 - xii. Stormwater management.
 - a. Stormwater systems shall be designed to protect the public and environment from flooding, siltation, pollutants and related drainage impacts and shall conform to the applicable performance standards included in the Massachusetts Department of Environmental Protection Stormwater Management Policy or any successor legislation.
 - b. Stormwater systems shall be designed to use low-impact design (LID) methodologies to mitigate drainage impact. Low-impact design (LID) methodologies may include porous pavements, bioretention cells, infiltration trenches, rainwater collection cisterns and other design methods that maximize the use of landscaped areas for stormwater control and promote the reuse of runoff.
 - c. Stormwater flood mitigation shall be provided through the use of best management practices (BMPs) to further reduce the frequency and intensity of flooding otherwise generated at the proposed site. To the extent practicable, BMPs shall be sized to capture, retain, and percolate to ground all runoff from impermeable surfaces generated by the five- year, twenty-four-hour storm event. Preferred BMPs shall include, but not be limited to, constructed wetlands, pocket wetlands, rain gardens, vegetated swales, retention/detention ponds, and subsurface leaching systems.
 - xiii. Adequacy of landscaping, including the screening of adjacent residential uses, street trees, landscape islands in any parking lots and landscape buffers along the street frontage.
 - xiv. Adequacy of screening for storage areas, loading docks, dumpsters, rooftop equipment, utility

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buildings and similar features.

- g. Review schedule. The Planning Board shall open a public hearing on the application no later than 65 days after the application materials have been filed with the City Clerk. Notice of such public hearing shall be provided as required by MGL c. 40A, § 11. The decision of the Planning Board shall be made within 35 days of the close of the public hearing. The required time limits for a public hearing and decision may be extended by written agreement between the applicant and the Planning Board. For new renewable and alternative energy research and development establishments permitted in the industrial districts, the decision of the Planning Board shall be made within one year from the date of filing the site plan review application with the City Clerk. The decision of the Planning Board shall be upon a concurring vote of a majority of its members and shall be in writing. The Planning Board may approve the application as submitted or approve subject to modifications or conditions. Site plan approval may be denied only if the applicant fails to provide information sufficient for the Planning Board to adequately evaluate the proposal or if the proposal is so intrusive on the interests of the public that no reasonable conditions could be devised to satisfy the criteria set forth above. A written decision setting forth the record of the proceedings, the vote of each member and the reasons for the decision shall be filed in the office of the City Clerk within 14 days. In the event of a denial, the application and site plan may be resubmitted if the reasons for the denial are remedied, and such resubmittal shall not be barred as a repetitive petition under §235-3.2.7. Failure by the Planning Board to take action within 35 days of the close of the public hearing or within the agreed upon extended time or within one year of filing a completed site plan review application in the case of a new renewable or alternative energy research and development establishment permitted in the industrial districts shall be deemed an approval of the site plan. The City Clerk shall issue a certificate stating the date of the public hearing and the fact that the Planning Board failed to take final action and the date of the approval resulting from such failure.
- h. Expiration of site plan approval. Site plan approval shall lapse after three years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
- i. Appeals. The applicant or any aggrieved person may appeal any site plan review decision to the courts pursuant to MGL c. 40A, § 17.

7. Repetitive Petitions

- a. No appeal, application or petition which has been unfavorably and finally acted upon by the Zoning Board of Appeal or the Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless at least eight members of the Planning Board consent thereto after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered and unless the board that denied the request finds, by a concurring vote of at least four members of the Zoning Board of Appeals or six members of the Planning Board, that there are specific and material changes in the conditions upon which the previous unfavorable action was based in the record of its proceedings.

8. Revisions to Approved Plans

- a. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot in any perceivable way or change any required limitations or conditions imposed by a special permit, site plan approval or variance without requesting and receiving approval of such change

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from the issuing board(s). Said board may consider a change to be minor and not require a new public hearing upon a determination that the change is insignificant and does not impact any important issues addressed during the public hearings. The Planning Director may approve de minimis changes if they determine that someone reasonably familiar with the plan would not notice the change.

§235-3.3 Public Hearing Review Procedures

This section applies to applications for administrative appeals, variances, and special permits. The review procedures for site plan review applications are in Site Plan Review, §235-3.2.6. The Rules and Regulations for the Zoning Board of Appeals and Planning Board also contain information relating to public hearing procedures.

1. Application. Applications shall be filed with the City Clerk and the Clerk will record the date and time of filing. The Clerk will provide a copy of the application to the Planning Office to process as is required. The application shall be filed on such forms and with such accompanying materials and in such manner as prescribed in the Rules and Regulations for the Planning Board and Zoning Board of Appeals.
2. Public hearing. A public hearing shall be opened within 65 days of the filing of any application or appeal. No such hearing shall be held on any day on which a state or municipal election caucus or primary is held in such City. The Chair of the reviewing board or, in his/her absence, the Acting Chair may administer oaths, summon witnesses and call for the production of papers. All hearings shall be open to the public.
3. Notice. Notice of the public hearing shall appear in a newspaper of general circulation in the City. The first notice shall appear at least 14 days before the scheduled hearing date, and the second notice shall appear in the following week. In addition, notice of the hearing shall be posted in a conspicuous place in City Hall for 14 days prior to the scheduled hearing. Mail notice is required to be sent to "Parties in interest," which as used herein shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Assessors maintaining any applicable tax list shall certify the names and addresses of parties in interest, and such certification shall be conclusive for all purposes. The Board may accept a waiver of notice from or in his/her stead any successor owner of record who may not have received a notice by mail and may order special notice to any such person, giving not less than five nor more than 10 additional days to reply.
4. Record. The public hearing shall be open to the public and shall be conducted in a manner consistent with rules published by the Zoning Board of Appeals and Planning Board. The Board shall cause to be made a detailed record of its proceedings and shall include the vote of each member on each question, including whether absent or not voting. The record shall state in detail the reasons for the decisions made and shall record any limitations or conditions. A copy of the record shall be filed with the City Clerk within 14 days of the decision.
5. Decision. The decision must be made within 90 days after the date of the public hearing of a special permit and 100 days after the date of the filing of a variance or appeal, and failure to take final action upon an application within these time frames shall be deemed to be a grant of the application or appeal, subject to appeal as provided for in the Zoning Act. A notice of the decision shall be mailed to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners

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of land within 300 feet of property line, even if in adjoining cities or towns, the Melrose Planning Board, the planning boards of adjoining cities or towns and to persons present at the hearing so requesting notice of the decision. Notice of the decision shall inform recipients of appellate rights under § 14 of the Zoning Act.

6. Vote. A concurring vote of all but one of the members of the Zoning Board of Appeals is required to grant a special permit or variance, and two-thirds concurring vote of the Planning Board is required to grant a special permit, except when only a simple majority is required for multifamily housing, mixed-use development in centers of commercial activity, and reduced parking space to residential unit ratio requirement, all pursuant to the specifications in Section 9 of the Zoning Act.
7. Certification and recording of decision. No special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or that such an appeal has been filed is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. No variance, or any modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or, if such appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
8. Appeal. Appeal from the decision of variance or special permit shall be made only pursuant to § 17 of the Zoning Act by bringing an action within 20 days after the decision has been filed in the office of the City Clerk. Notice of the action with a copy of the complaint shall be given to such City Clerk so as to be received within such 20 days. The complaint shall allege that the decision exceeds the authority of the Zoning Board of Appeals or Planning Board and any facts pertinent to the issue and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the office of the City Clerk with whom the decision was filed. The City may provide any officer or board of the City with independent legal counsel for appealing, as provided in this section, a decision of the Zoning Board of Appeals or Planning Board and for taking such other subsequent action as parties are authorized to take.
9. Conclusive nature of grant of special permit. Notwithstanding defect in notice, appeal in accordance with § 17 of the Zoning Act shall constitute the exclusive remedy for a complaint against the granting of a special permit. In the case of defect in notice, a complaint must be commenced within 90 days from the time the decision is filed in the City Clerk's office.

§ 235-3.4 Enforcement and Fines.

1. The Building Commissioner shall serve a notice of violation and/or order to any owner or person responsible for the erection, construction, reconstruction, extension, repair, removal, demolition, conversion or alteration of a structure or change in use, increase in intensity of use or extension or displacement of use of any structure or lot in violation of the provisions of this chapter or in violation of any approved plan, information or drawing pertinent thereto or in violation of a permit or certificate issued under the provisions of this chapter or in violation of any provision of this chapter, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the

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violation within a time to be specified by the Building Commissioner.

2. Any owner who having been served with a notice of violation and/or order and who ceases any work or other activity as a result shall not leave any structure or lot in such condition as to be a hazard or potential hazard, nuisance or menace to the public safety, health, morals or general welfare.
3. If the Building Commissioner is requested in writing to enforce this chapter against any person allegedly in violation of the same and such officer declines to act, the Building Commissioner shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.
4. The Building Commissioner may issue fines of \$300 per day, per violation. Each section of this chapter cited shall constitute a separate violation. In the event any party fails to comply with an order, the Building Commissioner may seek to enforce said order, at law or in equity, in a court of competent jurisdiction.

§ 235-3.5. Amendments.

This chapter may be amended from time to time in accordance with Section 5 of the Zoning Act.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be indicated by the alteration of the Zoning Map. The map thus altered is declared to be part of this chapter thus amended. The Planning Office shall be responsible for making changes to the Zoning Map. Such changes shall be made within 14 days of the final approval of amendments.

ARTICLE IV Zoning Districts

§ 235-4.1 Districts.

The City of Melrose, Massachusetts, is hereby divided into zoning districts to be designated as follows:

Full Name (Short Name): Description

Suburban Residence (SR): Lowest density residential district.

Suburban Residence - A (SR-A) : Low density residential and agricultural use district.

Suburban Residence - B (SR-B): Mid-density residential district.

Urban Residence - A (UR-A): Lower density residential and home business district.

Urban Residence - B (UR-B): Residential including multi-family housing and home business district.

Urban Residence - C (UR-C): Residential including multi-family housing and neighborhood serving business district.

Urban Residence - D (UR-D): Residential including multi-family housing and neighborhood serving business district.

Business - A (BA): Business district.

Business – A1 (BA-1): Business and mixed-use development district.

Business – A2 (BA-2): Business and mixed-use development district near transit stations.

Business - B (BB): Business district including auto-oriented uses.

Business – B1 (BB-1): Business district including auto-oriented uses.

Business - C (BC): Business district that serves local needs.

Business - D (BD): Business and multi-family housing district including hospital, medical and other offices.

Industrial (I): Heavy industrial and business district.

Industrial - A (I-A): Light industrial and business district.

Group Labels:

Residential districts, as a group, are herein referred to as "R" districts.

Business districts, as a group, are herein referred to as "B" districts.

Industrial districts, as a group, are herein referred to as "I" districts.

§ 235-4.2 Overlay Districts.

The following overlay districts exist as designated herein:

Full Name (Short Name): Description

Smart Growth District (SGD): Multi-family housing and mixed-use developments that are pedestrian and transit oriented.

Rail Corridor Overlay District (RCOD): Multi-family housing and mixed-use developments that are pedestrian and transit along the commuter rail train tracks.

Floodplain District: Land in special flood hazard areas designated as Zones A and AE on the Middlesex

Article IV Zoning Districts

County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

§ 235-4.3. Zoning Map.

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the City of Melrose, Massachusetts," which is on file in the Office of the City Clerk and Planning Department.

§ 235-4.4. Interpretation of Boundaries.

1. Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:
 - a. Where a boundary is indicated as a street, alley, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof or, where such boundary approximates a City boundary, then to the limits of the City boundary.
 - b. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
 - c. Where a dimensional boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
 - d. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved center line, to the tangent to the curve at the point of intersection.
2. Where a parcel is split between zoning districts the dimensional and use regulations shall apply to the portion of the lot located in each district. The uses or structures of the more permissive, higher intensity district cannot encroach into the land in the less permissive, lower intensity district.
3. Where a parcel is partially in another municipality, the entire parcel shall be considered for purposes of lot area, frontage and parking requirements and for determining whether a project requires site plan review. All other provisions of this chapter shall apply to development or use of the portion of the parcel in Melrose.

ARTICLE V Use Regulations

ARTICLE V
Use Regulations**§ 235-5.1 General Provisions**

No building, structure or land shall be used except as permitted in the district as described in this article. Zoning overlay district regulations are found in Article VII (Overlay Districts and Special Regulations).

§ 235-5.2. Permitted uses

1. The permitted uses for each zoning district are listed in the attached Table of Use and Parking Regulations, Table 5.2, which is declared to be a part of this chapter.

Table key:

P: Use permitted by-right except as noted below.

S: Use requires a Special Permit in order to be established by the Zoning Board of Appeals.

"-": Use is not permitted in the district.

2. Any use not listed in the Table is considered to be prohibited.
3. Mixed-use is allowed and the individual uses must be allowed in the Table of Use and Parking Regulations for the district.
4. The establishment of a use may require Site Plan Approval as specified in § 3.2.

§ 235-5.3 Standards for Certain Uses

The following standards apply to the following uses.

1. Accessory uses shall not exceed 40% of the area of the total use of the structure and/or lot on which it is located.
2. In mixed-use structures when residential is included all dwelling units shall be above the first floor level.
3. Home Occupation
 - a. Home occupations shall be permitted in a dwelling as an accessory use.
 - b. No person other than the residential occupant(s) shall be employed therein.
 - c. The use can only be conducted within the principal building.
 - d. No more than 40% of the existing gross floor area not to exceed 600 square feet can be devoted to such use, including storage of goods, materials and equipment related to the home occupation.
 - e. There shall be no display of goods or wares visible from the street, and equipment or materials used in the home occupation shall be stored entirely inside the dwelling.
 - f. The occupied buildings or premises shall not be rendered objectionable or detrimental to the residential nature of the neighborhood due to the exterior appearance, traffic, emission of odor, gas, smoke, dust, noise, electrical disturbance or any other safety hazard or nuisance.
 - g. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
 - h. The building or premises occupied shall not include any external design feature or appearance not customary in residential buildings.
 - i. No home occupation shall generate traffic, including pickup and deliveries, and/or parking

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- that exceeds that normally expected in the residential neighborhood.
 - j. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises. A conforming off-street parking space shall be provided for any such commercial vehicle.
 - k. A special permit acted on by the Zoning Board of Appeals is required if a home occupation results in more than 10 patron or client visits to the premises per week or if it involves one or two, but not more than two, employees who reside outside of the residence.
 - l. There shall be no advertising and no signs on the premises except pursuant to § 235-10.6 of this chapter.
4. Commercial Parking
- a. The parking of a commercial vehicle with a registered gross weight in excess of 10,000 pounds shall be prohibited in any residential district.
5. Outdoor Storage
- a. There shall not be any storage of materials or equipment or display of merchandise within a required parking area except as part of an approved site plan or special permit.
6. In-law Apartment
- a. An in-law apartment shall either be contained within an owner-occupied one-family dwelling as a separate subordinate living space (such as, but not limited to, a basement or attic) or attached thereto (such as, but not limited to, a garage or barn).
 - b. The dwelling unit shall occupy no more than 1/3 of the structure's gross floor area.
 - c. The use shall contain separate living facilities for immediate members of the family, such as a mother and/or father or a son and/or daughter or their respective spouses.
 - d. The structure shall maintain the appearance of a one-family dwelling.
 - e. There shall be no boarders or lodgers within either unit of a dwelling with an in-law apartment.
 - f. No in-law apartment shall be constructed without a building permit issued by the Building Inspector.
 - g. No use as an in-law apartment shall be permitted prior to a certificate of occupancy by the Building Inspector.
 - h. A certificate of occupancy shall be issued for three years. Continued occupancy shall require issuance of a new certificate of occupancy.
7. Brewery Use.
- a. An establishment whose principal use is to produce and serve beer, ale or other malt beverages to be consumed on the premises.
 - b. Seating may be located within an enclosed building and outdoors.
 - c. All production and storage activities are to be conducted within an enclosed building.
 - d. The establishment shall only sell alcoholic beverages produced by the establishment or produced for the brewery and sold under the brewery brand name.
 - e. The establishment may sell food and nonalcoholic beverages that are produced on-site, produced off-site, or produced with food trucks that are located on-site.
 - f. Allowed accessory uses include: retail sales of the product to customers for consumption off-premises and commercial goods branded by the establishment, distribution of the product for off-premises sales as is allowed in the Use Table and state law, and/or tours of the production

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facility.

- g. The facility shall hold the appropriate Commonwealth of Massachusetts licensure as well as any required pouring permit approved by the local licensing authority.

8. Adult uses.

- a. Adult uses consist of adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or adult video store.
- b. Adult uses shall be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from the specified use or zoning district. The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property for the land use district boundary line from which the proposed adult use is to be separated.
 - i. Three hundred feet from any residential district (SR, SR-A, SR-B, UR-A, UR-B, UR-C and UR-D).
 - ii. Three hundred feet from any school, park or playground.
 - iii. Three hundred feet from any place of religious worship or assembly.
- c. Adult uses shall be permitted only when located 300 feet from any other adult use.
- d. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

9. Registered Marijuana Dispensaries.

- a. Purpose.
 - i. To allow for the establishment of registered marijuana dispensaries (RMDs) as they are authorized pursuant to state regulations set forth at 935 CMR 501.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana.
 - ii. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.
 - iii. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMDs.
- b. Applicability.
 - i. The provisions of this section shall be applicable to all RMDs. Nothing in this section shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.
- c. General requirements for all registered marijuana dispensaries.
 - i. Location and operation.
 - a. An RMD shall be located in, and conduct all operations within, an enclosed, permanent building.
 - b. An RMD shall be limited to 5,000 square feet of gross floor area.
 - c. All publicly accessible entrances shall be visible from a public way.
 - d. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
 - e. Registered marijuana dispensaries shall not be located inside a building

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- containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- f. An RMD shall not be sited within a radius of 500 feet from a school or day-care center. The 500-foot distance shall be measured in a straight line from the property line of the school in question to the property line of the marijuana establishment.
 - g. Hours of operation of RMDs shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 p.m. and 8:00 a.m.
 - h. There shall be no smoking, burning, or consumption of any product containing marijuana or marijuana-related products on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the RMD.
 - i. All RMDs shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.
- ii. Signage.
 - a. All signs associated with RMDs shall comply with 105 CMR 725.000 and Article VII, Signs, of this Zoning Ordinance.
 - b. Signs shall only identify the establishment by its registered name.
 - c. Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the RMD is located.
 - d. At every publicly accessible entrance, there shall be at least one sign that includes the language "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.
 - e. Signs shall not be illuminated after closing. Neon and flashing signage is prohibited.
 - iii. Security.
 - a. Registered marijuana dispensaries shall provide the Melrose Police Department and Building Commissioner with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
 - b. Solid waste dumpsters or other waste containers shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
 - c. Landscaping elements must be non-obtrusive. The placement of landscaping elements for the RMD must ensure landscaping elements, including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves at night.
 - d. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.

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- d. Special permit. For RMD special permits, the Planning Board is the Special Permit Granting Authority. The Planning Board may grant a special permit for an RMD in the BB and I Zoning Districts if the Board finds that the proposal satisfies the purposes set forth in this Section, the general requirements and conditions for all RMDs, the Special Permit findings in the Zoning Ordinance, and the following statements, regulations, requirements, conditions, and limitations.
 - i. Application requirements are found in the Rules and Regulations for the Planning Board.
 - ii. Findings. In addition to the findings required by § 235-3.2, the Planning Board shall not issue a special permit for an RMD unless it finds that:
 - a. The RMD meets a demonstrated local and regional need based on the proximity of other RMDs serving the City's qualifying patients;
 - b. The RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
 - c. The RMD meets all other applicable requirements of the Zoning Ordinance and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the City of Melrose, and will otherwise comply with all applicable state and local laws and regulations;
 - d. The RMD provides a secure indoor waiting area for patients;
 - e. The RMD is designed to provide convenient, safe, and secure access and egress for clients and employees;
 - f. The RMD addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the RMD; and
 - g. The RMD provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
 - i. Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, and air quality and preserve the character of the surrounding area and otherwise serve the purpose of this section.
- e. Annual reporting. Each RMD permitted shall as a condition of its special permit file an annual report to the Special Permit Granting Authority, the Board of Health, the Building Commissioner, the Police Department, and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the RMD and/or demonstrate continued compliance with 935 CMR 501.000 as well as the conditions of the special permit.
- f. Abandonment or discontinuance of use.
 - i. A special permit granted under this section shall have a term limited to the duration of the applicant's operation of the premises as an RMD.
 - ii. An RMD shall be required to remove all material, plants, equipment, and other paraphernalia:
 - a. If any required permit or license is revoked or suspended by the issuing authority;
 - b. Prior to surrendering its state licenses or permits; or
 - c. Within six months of ceasing operations, whichever comes first.

11. Marijuana Establishments.

- a. Purpose. The purpose of this section is to permit state-licensed marijuana establishments to

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operate in select locations in the City of Melrose, pursuant to local requirements that seek to protect the health, safety, and public welfare of residents and in accordance with Chapter 94G of the Massachusetts General Laws, and regulations promulgated by the Cannabis Control Commission, 935 CMR 500.000 ("Adult Use of Marijuana").

- b. Applicability. The provisions of this section shall be applicable to all marijuana establishments in the City of Melrose, with the exception of registered marijuana dispensaries (RMDs). Regulations for RMDs can be found in § 235-5.3.10.
- c. General requirements.
 - i. Location and operation.
 - a. Marijuana establishments are permitted as allowed in the Table of Use and Parking Regulations, Table 5.2.
 - b. All marijuana establishments shall be located in, and conduct all operations within, an enclosed, permanent building, except to the extent that authorized business operations involve transportation of marijuana or marijuana products in motor vehicles.
 - c. Marijuana establishments may cultivate, process, test, store and manufacture marijuana or marijuana products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area.
 - d. No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft, or other optical aids.
 - e. All marijuana establishments shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.
 - f. There shall be no smoking, eating, or other forms of consumption of any product containing marijuana or marijuana-related products on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the marijuana establishment.
 - g. Marijuana establishments shall not permit any disorder, disturbance, or illegality under state or local law of any kind on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the marijuana establishment.
 - h. Hours of operation of marijuana establishments shall be set by the Special Permit Granting Authority.
 - i. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
 - j. Marijuana establishments are prohibited from use of on-site self-service displays, including vending machines, through which customers may select marijuana or marijuana products without assistance from an employee or store personnel.
 - ii. Sign.

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- a. All signs associated with marijuana establishments shall comply with 935 CMR 500.000 and Article VII, Signs, of the Melrose Zoning Ordinance.
 - b. Signs shall only identify the marijuana establishment by its registered name and shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the establishment is located.
 - c. Signs shall not be illuminated after closing and neon and flashing signage is prohibited.
- iii. Additional location requirements.
 - a. A marijuana establishment shall not be sited within a radius of 500 feet from daycares or schools that serve kindergarten through 12th grade, whether public or private. The 500-foot distance shall be measured in a straight line from the property line of the school in question to the property line of the marijuana establishment.
 - b. Marijuana product manufacturing shall not be done in any building containing assembly, educational, health care, ambulatory health care, residential board and care, residential, or detention and correctional facilities.
 - c. Marijuana transportation or distribution facilities shall not occupy street-level space.
- iv. Security.
 - a. Marijuana establishments shall provide the Melrose Police Department and Building Commissioner with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
 - b. Solid waste dumpsters or other waste containers shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
 - c. Landscaping elements must be nonobtrusive. The placement of landscaping elements for the marijuana establishment must ensure landscaping elements, including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves at night.
 - d. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.
 - e. Marijuana establishments shall secure every entrance to the marijuana establishment so that access to areas containing the storage of marijuana products are restricted to employees and others permitted by the marijuana establishment to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents, and emergency personnel.
 - f. Marijuana establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products, and marijuana accessories.
- d. Special permit. For special permits for marijuana establishments, the Planning Board is the Special Permit Granting Authority. The Planning Board may grant a special permit for a marijuana establishment as allowed herein if the Board finds that the proposal satisfies the purposes set forth in this Section, the general requirements and conditions for marijuana establishments, the Special Permit findings in the Zoning Ordinance, and the following

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statements, regulations, requirements, findings, conditions, and limitations. Applications for a special permit for a marijuana establishment shall not be subject to site plan review (§ 235-3.2.6).

- i. Requirements.
 - a. It shall be unlawful for any person to operate a marijuana establishment without obtaining a special permit to operate pursuant to the requirements of this section.
 - b. A separate special permit is required for each different marijuana establishment detailed in § 235-2.2, Definitions. In the case that one or more different types of marijuana establishments are proposed, each establishment type shall require a special permit from the Planning Board.
 - c. The special permit requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.
 - d. The issuance of a special permit pursuant this chapter does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.
 - e. A special permit issued for a marijuana establishment is not transferable or assignable to a different location or a different type of marijuana establishment.
 - f. In compliance with Chapter 94G, § 3(a), of the Massachusetts General Laws, the Planning Board shall not grant special permits that would allow for more than one marijuana retailer to be in operation at any one time.
- ii. Application materials shall be found in the Rules and Regulations for the Planning Board.
- iii. Findings. In addition to the findings required by § 235-3.2.5, the Planning Board shall not issue a special permit for a marijuana establishment unless it finds that:
 - a. The marijuana establishment complies with all applicable state and local laws, regulations, and requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;
 - b. The building and site have been designed to be compatible with other buildings and sites in the area;
 - c. The siting of the marijuana establishment will be accomplished so as to minimize any adverse impacts on abutters and other parties in interest;
 - d. The marijuana establishment will create no substantial harm to the established or future character of the neighborhood or city;
 - e. With due consideration to aesthetics, the marijuana establishment is designed to ensure convenient, safe, and secure access for the personal safety of customers and those working at the facility, and to protect the premises from theft and diversion of marijuana;
 - f. The applicant has demonstrated the availability and provision of adequate access, utilities, and other infrastructure and that the operation of the marijuana establishment will not adversely affect such access, utilities, and infrastructure;
 - g. The applicant addresses issues of vehicular and pedestrian traffic,

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- circulation, parking and queuing, especially during peak periods at the marijuana establishment; and
- h. The marijuana establishment provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
- iv. Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, and air quality and preserve the character of the surrounding area and otherwise serve the purpose of this section. As a condition of this special permit, all marijuana establishments shall meet with the Melrose Fire Department and Melrose Police Department to discuss emergency and contingency plans for the site. Prior to the issuance of a certificate of occupancy by the Building Commissioner, a written emergency response plan shall be filed with the Melrose Fire Department and the Melrose Police Department that includes employee roles and responsibilities, locations of fire suppression systems, evacuation routes, and meeting locations during an emergency.
- e. Inspections and reporting.
 - i. Marijuana establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police, and Fire Departments on weekdays during normal business hours to determine the marijuana establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section.
 - ii. Routine inspections may be made on weekdays during regular City business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes, and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected noncompliance issues.
 - iii. Inspections may include all areas occupied, used, or controlled by the marijuana establishment. Inspections shall be conducted in conformity with applicable federal, state, and local law.
 - iv. Each marijuana establishment permitted shall as a condition of its special permit file an annual report to the Special Permit Granting Authority, the Board of Health, the Building Commissioner, the Police Department, and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the marijuana establishment and/or demonstrating continued compliance with 935 CMR 500.000 as well as the conditions of the special permit.
 - f. Abandonment or discontinuance of use.
 - i. A special permit granted under this section shall have a term limited to the duration of the applicant's operation of the premises as a marijuana establishment.
 - ii. A marijuana establishment shall be required to remove all material, plants, equipment, and other paraphernalia:
 - i. If any required permit or license is revoked or suspended by the issuing authority;
 - ii. Prior to surrendering its state licenses or permits; or
 - iii. Within six months of ceasing operations; whichever comes first.

12. Wireless Communications Service Facilities.

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- a. This Section provides for the regulation and restriction of the construction, erection, installation, placement and/or use of wireless communications service facilities (WCSF) and the protection of the general public from the impact associated with WCSF to:
 - i. Minimize the adverse impacts of WCSF on adjacent properties and residential neighborhoods.
 - ii. Limit the City-wide overall number and height of WCSF to what is essential.
 - iii. Encourage the most appropriate use of the land and maintain the residential character of the City.
 - iv. Promote shared use of existing WCSF to reduce the need for new facilities.
 - v. Guide sound development while promoting the health, safety and general welfare of the City consistent with applicable federal law.
- b. Wireless communications service facilities lawfully in existence before the effective date of this article shall be maintained and shall be kept in good condition.
- c. A WCSF that is unused or abandoned for a period of 90 days must be removed by the property owner and the property restored to its natural condition. Any construction shall be governed by this chapter. The Building Commissioner shall receive at least 30 days' notice of the intent to discontinue use of any WCSF.
- d. This article does not apply to the construction or use of facilities by a conforming federally licensed amateur radio used in accordance with said license as protected by MGL c. 40A, § 3, or television antennas, including satellite dishes which are accessory to a residential use and protected by federal law.
- e. For a wireless communications service facility (WCSF), in addition to the applicable conditions contained in this chapter and conditions specifically imposed by the Zoning Board of Appeals, the following conditions shall apply:
 - i. An applicant proposing a WCSF must demonstrate that there are no other adequate WCSF reasonably available to accommodate the new or additional WCSF equipment. To the extent feasible, all service providers shall co-locate on a single facility. The intent of this requirement is to reduce the number of facilities that will be required within the community.
 - ii. The only freestanding WCSF allowed is a monopole.
 - iii. No freestanding facility shall exceed more than 80 feet in height above grade.
 - iv. Facilities mounted on buildings may not extend more than 10 feet above the height of the building or more than 12 inches beyond the face of walls or exterior surfaces in the case of structures that do not have walls. For purposes of this subsection, height of a building shall mean "height" as defined in Article II of this chapter.
 - v. Roof-mounted facilities must be stepped back from the front facade to limit the impact on building silhouette and, where possible, concealed from public view.
 - vi. Trees and vegetation shall be used as a buffer zone for freestanding WCSF. Such buffer zone shall measure at least five feet in height and shall be maintained in healthy condition. It is not intended to interfere with the operation of the facility. In cases where vegetation already exists efforts will be made to preserve such vegetation or replace with similar vegetation. In areas where buffer zones of trees and vegetation must be implanted, the Planning Board shall review and recommend what trees and vegetation shall be implanted on the property.
 - vii. The color of the facilities shall be painted a neutral color or such color that will blend and minimize the facility's appearance.

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- viii. Fencing shall be used to control access and shall be aesthetically compatible with the area. Razor wire, barbed wire or a similar wire shall not be allowed.
 - ix. Night and other lighting shall be prohibited except as required by the FAA. Any emergency or repair lighting shall be shielded from abutting properties and only used for a reasonable time as necessary for such emergency or repair.
 - x. There shall be no advertising permitted on or in the vicinity of the facilities, except for no trespassing signs. An unlighted sign no more than one square foot in surface area shall be displayed with a name and telephone number of a contact person to call for twenty-four-hour maintenance.
 - xi. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
 - xii. Certification by a licensed structural professional engineer of the integrity of the facility and, when installed on an existing building or facility, certification as to the capability of the structure to accept the added load being installed.
 - xiii. Stormwater runoff shall be contained on site or discharged to the City stormwater system.
 - xiv. A wireless communications service facility shall not generate noise in excess of the levels permitted under the Chapter 164, Noise, of this Code or in excess of 50 decibels, whichever is less.
 - xv. A freestanding facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility measured at the mean finished grade of the facility plus five feet.
 - xvi. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
 - xvii. Structures are to be aesthetically consistent with the area in which they are located.
 - xviii. An applicant proposing a WCSF in a residential zoning district shall demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
- f. Special permits under this section shall be for a term of five years from the date of the decision approving the special permit. An applicant for a special permit may reapply at any time after the fourth anniversary of the date of the decision approving the special permit. In the event a renewal of a special permit is granted, it shall run for a period of five years commencing on the date of expiration of the prior special permit.
- g. The Planning Board shall have the authority by special permit to waive any requirements of this section as necessary to comply with the federal Telecommunications Act of 1996 and regulations promulgated thereunder.

§ 235-5.4 Affordable housing.

1. Purposes. The purposes of this section are to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock; to provide for a full range of housing choices throughout the City for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to ensure addition of affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory ("SHI"); to provide a mechanism by which residential development contributes in a direct way to increasing the supply of affordable housing; and to establish standards and guidelines for such contributions.
2. Definitions. As used in this section, the following terms shall have the meanings indicated:

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AFFORDABLE UNIT — A dwelling unit that satisfies the requirements of Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for inclusion on the City's SHI.

DEVELOPER — Any individual, corporation, business trust, real estate trust, partnership or association, or any other entity or combination thereof applying for, constructing, and/or managing a development to which this section applies.

SUBSIDIZED HOUSING INVENTORY — The Subsidized Housing Inventory (SHI) maintained by EOHLC, as set forth in 760 CMR 56.

3. Applicability and requirements.

- a. **Development applicability:** The provisions of this section shall apply to any residential or mixed-use development containing five or more dwelling units by new construction, redevelopment of a structure or substantial rehabilitation of existing units, including lodging and rooming house dwellings, planned developments and phased projects. "Phased projects" are any development at one or more adjoining sites in common ownership or under common control, in whole or in part, developed within a period of three years. "Developed within a period of three years" shall mean that no more than three years elapse between the issuance of an occupancy permit for one site and the filing for a zoning permit or building permit for the adjoining site(s). These provisions shall apply with respect to developments in all zoning districts of the City, provided that the provisions of this section shall not apply to any development which has previously received a special permit or variance from the relevant permit granting authority containing conditions requiring the inclusion of affordable housing in such development, nor to any such development which is subsequently modified in accordance with the provisions of this section, provided that such affordable housing inclusion conditions remain substantially unchanged as a result of any such modification.
- b. **Number of units to be provided:** A developer subject to these provisions shall provide 15% of the total number of dwelling units as affordable units. Where the application of that formula results in a fraction, a fraction of 1/2 or more shall be rounded up to the next whole number. Where the application of that formula results in a fraction of less than 1/2 a monetary contribution to the Melrose Affordable Housing Trust is required for the fractional amount. For an ownership unit, the monetary contribution shall be equal to the fraction multiplied by the difference between the fair market value of a comparable market-rate unit recently sold within the City of Melrose and the price of an affordable unit in the development. For a rental unit, the monetary contribution will be calculated using the same procedure as for an ownership unit, assuming the value of the unit if it was sold rather than rented. Monetary contributions shall be made prior to issuance of Certificates of Occupancy for the market rate units in the development. A developer is allowed to provide an additional affordable unit that complies with the regulations in the section instead of providing the monetary contribution.
- c. **Income limits:** Affordable units shall serve eligible households whose annual incomes do not exceed 80% of the median income of households in the Boston-Cambridge-Quincy MSA/ HMFA adjusted for family size and whose assets do not exceed those allowed by EOHLC for the unit to be eligible for inclusion on the SHI.
- d. **Cost:** The monthly rent payment, including utility allowances, charged for a rental affordable unit shall not exceed an amount equal to 30% of the maximum monthly income of an eligible household. The monthly housing costs for an ownership affordable unit (inclusive of principal, interest, private mortgage insurance, hazard insurance, real estate taxes, and condominium fees) shall not exceed 38% of monthly income for a household earning 70% of area median income,

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adjusted for household size. The terms of the loan, the amount of the down payment, and interest rates are taken into consideration in setting the precise income requirements for each for-sale affordable unit. After the initial lottery to sell the unit, ownership affordable units shall be offered at a price no less than 5% below the maximum allowable sales price to allow for an adequate number of potential buyers that may qualify for the unit, though the seller is permitted to sell to the highest qualified bidder for the units.

- e. Relationship to the SHI: The affordable units shall qualify as local action units in compliance with the provisions of the Local Initiative Program (LIP) regulations, 760 CMR 56.00, for inclusion on the Subsidized Housing Inventory (SHI) or any successor inventory. Failure to gain approval or maintain compliance with the criteria for inclusion on the SHI, or removal of an affordable unit from the SHI for any reason, shall be deemed to be noncompliance with this section.
 - f. Location: Affordable units shall be provided on site unless the Planning Board by special permit allows the fulfillment of the requirement off-site in comparable units which may only occur when extraordinary circumstances exist. Offsite units shall not be directly subsidized by public funding sources. Units are comparable if they consist of the same number of bedrooms and include the same basic finishes and amenities as would be provided on-site.
 - g. Payment-in-lieu: A development of five, six or seven units has the option of providing one affordable unit on-site or making a monetary contribution to the Melrose Affordable Housing Trust in lieu of providing the affordable unit on-site. The monetary contribution shall be equal to 3% of the total sale or market value of all the units in the development. The Melrose Affordable Housing Trust will use the funds exclusively to promote the City's affordable housing goals. Monetary contributions shall be made each time a unit sells and for rentals prior to the issuance of the last Certificate of Occupancy for the development.
 - h. Duration: Affordable units shall be maintained in perpetuity.
4. Incentives. To facilitate the objectives of this section, the following modifications to the dimensional and parking requirements in any zoning district may be permitted by special permit by the Planning Board for a development of eight or more units that provides affordable units on-site in accordance with Subsection 3 above.
- a. For every affordable unit required by Subsection 3 above, the developer may build one additional unit in the development, regardless of the minimum lot area required for the additional unit or units. Except for the resulting reduction in the minimum lot area, all other dimensional and density regulations shall apply to the development. These additional units shall not be counted as part of the base number of units used to calculate the number of affordable units required in C(2) above.
 - b. The parking requirement for the development may be reduced by 0.5 space per unit for all of the units, but shall not be less than 1.0 space per unit. The developer shall provide evidence that supports the reduced parking requirements in a report for the Planning Board's consideration. The report may include but is not limited to: proximity to public transit, proximity to available public or shared parking with demonstrated availability to support the project; characteristics of the occupants that create less parking demand, such as age or household income; provision of a mix of uses on site with offset peak parking demand times; a shared parking agreement with proximate properties with offset parking demand times; dedication of spaces for car-sharing services (e.g., Zipcar); and the provision of transit passes for residents.
5. Standards for construction and occupancy of affordable units.
- a. Affordable units shall be dispersed throughout the development and shall be comparable in size, number of bedrooms, materials, interior finishes, amenities and parking to dwelling units in the

ARTICLE V Use Regulations

- development in which they are located. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project.
- b. Affordable units shall have a similar ratio of number of bedrooms to the bedroom mix in the development. The number of persons occupying the affordable units shall be consistent with the state sanitary code and the applicable state and federal guidelines.
 - c. 70% of the affordable units shall be offered initially to Melrose residents, persons employed within the City of Melrose, or households with children enrolled in the City of Melrose's schools, as allowed by EOHLC.
 - d. The rental or ownership of affordable units shall mirror the project as a whole. For example, affordable units should be sold, not rented, where a majority of units will be offered for sale.
6. Administration and enforcement.
- a. The affordable units shall be subject to proper deed restrictions consistent with Massachusetts General Law.
 - b. The developer shall use the EOHLC Local Initiative Program (LIP) Regulatory Agreement and, in the case of ownership units, the Universal Deed Rider, which shall, at a minimum, identify and describe the affordable dwelling units in the development, an inventory of the units, condition of the units, monitoring of eligibility and terms of their sale or lease.
 - c. The developer is responsible for creating and implementing a marketing plan for the affordable units that is approved by EOHLC and the Office of Planning and Community Development (OPCD). The plan must describe the household selection process, set forth a plan for affirmative fair marketing to protected groups underrepresented in the municipality, describe outreach efforts and include provisions for a lottery. OPCD will monitor the marketing process to ensure compliance with the approved marketing plan. When feasible, OPCD may opt to assist the developer in marketing the affordable units.
 - d. The developer is responsible for the application process and lottery to establish tenants or buyers for the affordable units. The affordable housing lottery shall take place prior to the Inspectional Services Department issuing Certificates of Occupancy for the affordable units. When feasible, OPCD may assist with the lottery.
 - e. The developer shall work with OPCD to submit an application to the EOHLC LIP for inclusion of the affordable units on the City's SHI. The developer shall provide the information needed for the City to submit the LIP application before the issuance of the certificates of occupancy for the affordable units.
 - f. Annually, the developer shall submit to OPCD and EOHLC a proposed schedule of monthly rents and utility allowances for all rental affordable units in the project. Such schedule shall be subject to the approval of OPCD and EOHLC for compliance with the requirements of the Regulatory Agreement. For ownership units, the owner of an affordable unit shall certify in writing annually to OPCD and EOHLC that he/she continues to occupy the unit as a primary residence, the unit has not been refinanced and that it has been maintained in a manner consistent with the Regulatory Agreement and the Deed Rider. If the unit is resold, the owner must report to OPCD and EOHLC that the purchase is being done in compliance with all of the terms and provisions of the Deed Rider and Regulatory Agreement.
 - g. The Planning Board is authorized to adopt rules and regulations to implement this section after a public hearing. These rules and regulations will include, but not be limited to, how to determine details of affordability calculation methodologies and further details on sales prices, unit finishes, and similar aspects of this section that would benefit from additional elaboration.

ARTICLE VI Dimensional Regulations

ARTICLE VI
Dimensional Regulations

§ 235- 6.1 General Provisions

No building or structure shall be constructed or altered except as permitted in the district as allowed in this Ordinance. Zoning overlay district regulations are found in Article VII (Overlay District Regulations).

§ 235-6.2 Dimensional Regulations

The dimensional regulations for each district are specified as set forth in the Table of Dimensional and Density Regulations, Table 6.2, and notes, declared to be part of this chapter, and subject to the additional provisions of this chapter.

§235- 6.3 Dimensional Regulation Specifications

In addition to the regulations in the Table of Dimensional and Density Regulations the following regulations shall apply:

1. Existing and new residential uses in all nonresidential districts shall be subject to the regulations for the particular type of dwelling in the UR-C District.
2. Only one principal structure shall be permitted on a lot, except for commercial development, community facilities and public utilities.
3. Setback/Yard Specifications:
 - a. Where the existing development along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than required by this chapter, then any vacant lot setback may be reduced to said average of the existing development.
 - b. Corner lots.
 - i. For a corner lot, the street frontage that is used to access the main entrance (typically identified by street address) of the structure from the street shall be considered a front yard/lot line. The other street frontage shall be considered a side yard/lot line.
 - ii. Of the remaining two yards, the yard with the shallower depth shall be considered a side yard/lot line and the yard with the deeper depth shall be considered the rear yard/lot line. If the remaining yards have the same depth, the owner can designate the side and rear yards/lot lines.
 - c. Through lots.
 - i. At each end of a through lot, there shall be a setback depth required which is equal to the front yard setback required for the district in which each street frontage is located.
 - d. Projections into required setbacks/yards or other required open spaces are permitted subject to the following:
 - i. Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
 - ii. Open porches, decks, terraces, steps or stoop, under four feet in height, up to 1/2 the required yard setback.
 - iii. Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
 - iv. No permit shall be required for the erection or replacement of fixed or retractable awnings

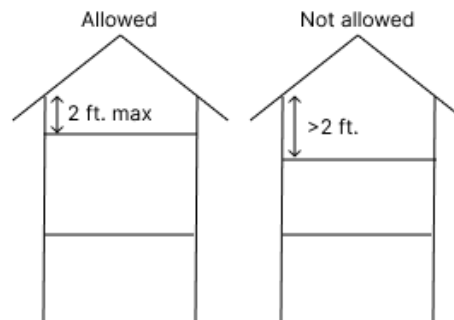
ARTICLE VI Dimensional Regulations

installed on one- and two-family dwellings, unless they project over public property.

4. Height and Story Specifications:

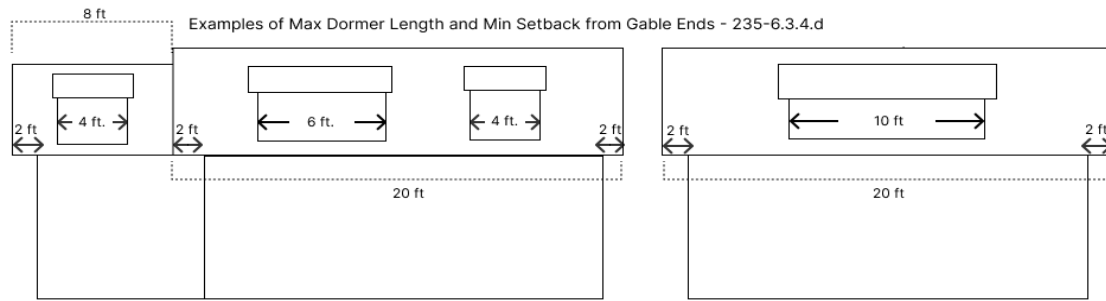
- a. Height is measured from the vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof.
- b. The provisions of this chapter governing the height of buildings shall not apply to the following; however, these structures cannot be taller than 10 feet from the roof to which they are attached: chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts and other necessary appurtenances usually carried above the roof; nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than 20% of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennas and other like structures which do not occupy more than 20% of the lot area; nor to churches or public, agricultural or institutional buildings or private schools not conducted for profit that are primarily used for school purposes, provided that the proposed appurtenances are not located within the flight paths of an airport or heliport as defined by FAA regulations and approved by the FAA.
- c. A half story is directly under a sloping roof where, in the case of a roof having one uniform degree of pitch (such as in gable, hipped, or shed roof types), the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two feet above the floor level on at least two opposite exterior walls.

Example of Half Story Height -
235-6.3.4.c



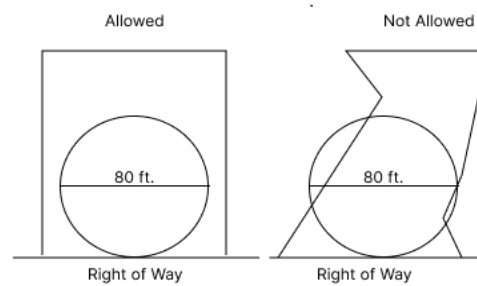
- d. Dormers may be constructed on the half story of a structure provided the length of the dormer(s), as measured along the lowest bearing points of the dormer(s) on the rafters of the sloping roof, does not exceed 50% of the length of the sloping roof to which it is attached, otherwise the floor is considered a full story. There may be more than one dormer provided the total sum of the horizontal length of the dormers does not exceed 50% of the length of the sloping roof to which they are attached. Dormers shall be set back at least two feet from the gable ends of a sloping roof, and the roof overhang shall be maintained throughout existing structures or established below the dormer in the case of new structures.

ARTICLE VI Dimensional Regulations



- e. If a mezzanine floor area exceeds $\frac{1}{3}$ of the area of the floor immediately below, it shall be deemed a story.
 - f. A basement shall be deemed a story when its ceiling is four feet or more above the average finished grade.
5. Building Coverage Specifications:
- a. Where off-street parking spaces required by this chapter are located underground and under the building served by the parking, the maximum building coverage may be increased above the percentage limit. This increase shall represent an increase in building area up to the area of the parking spaces which are put underground.
6. Open Space Specifications:
- a. Open space is the space on a lot not covered by buildings, structures, or impervious surfaces, unobstructed to the sky by man-made objects and expressed as a percentage of total lot area.
 - b. Parking and loading spaces cannot count towards the open space requirement.
 - c. No more than 20% of the building front yard on residential properties with three or fewer dwelling units shall be covered with an impervious surface.
7. Lot Width and Frontage Specifications:
- a. The lot width is measured at the horizontal distance between the side lot lines at the minimum front setback required by this chapter and parallel to the street line.
 - b. The lot must comply with the required width on every portion of the lot where a principal structure is located.
 - c. 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.

Example of Lot Width Regulation when 100 ft. frontage required - 235-6.3.7.c



ARTICLE VI Dimensional Regulations

- d. The acute angle measured between the frontage and any side lot line shall not be less than 55°.

8. Lot Depth Specifications

- a. Lot depth is the mean horizontal distance between the front lot line and the rear lot line or for a corner lot the distance between the front lot line and the lot line opposite the front lot line.

9. Lot Area Specifications

- a. At least 60% of the lot area required for zoning compliance shall be contiguous land other than land located in a wetland, as defined in MGL c. 131, § 40, or land located under a brook, creek, stream, river, pond or lake.

§ 235-6.4 Lot Configuration

1. Reduction of lot area.

- a. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this chapter, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this chapter if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

2. Separation of lots.

- a. Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this chapter.

§ 235-6.5 Slope Protection.

1. Purpose.

- a. The purposes of this section is:
 - i. To preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations and trees;
 - ii. To minimize the effects of grading to ensure that the natural character of steep slopes is retained;
 - iii. To minimize water runoff and soil erosion problems incurred in grading of steep slopes; and
 - iv. To encourage innovative architectural, landscaping, circulation and site design.

2. Applicability.

- a. The provisions of this section shall be applicable to all zoning districts in the City of Melrose. Exempted from this section shall be:
 - i. Alterations, extensions, and additions to existing single- and two-family dwellings and buildings accessory thereto that do not expand the building footprint by more than 500 square feet.
 - ii. Site improvements to existing single- and two-family dwellings that do not exceed 500 square feet.
- b. For the purposes of this section, the term "natural" shall be defined as the condition of the ground surface as it exists on the date this section is adopted.
- c. No land may be regraded or filled in such manner as to circumvent this section.

- 3. Slope regulations. The slope of land at any point, stated as a percentage, shall be defined as the change

ARTICLE VI Dimensional Regulations

in elevation over a horizontal distance multiplied by 100:

slope = (change in elevation / horizontal distance measured perpendicular to horizon) x 100.

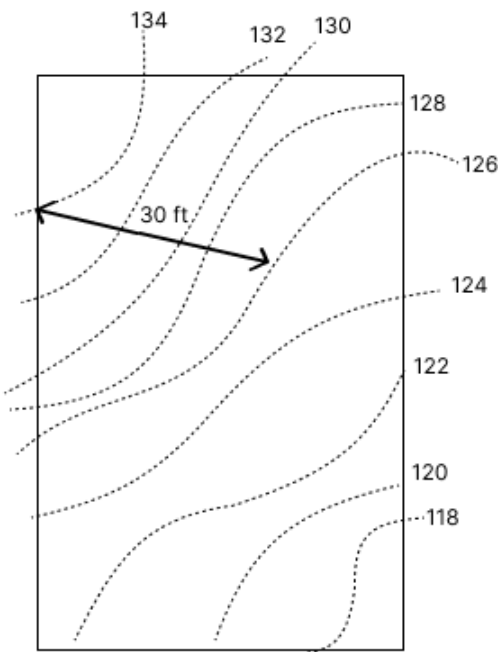
- a. All areas with natural slopes exceeding 25% over a horizontal distance of 30 feet on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.
- b. All natural slopes exceeding 25% over a horizontal distance of 30 feet are protected and shall remain in their natural state.

Example Slope Measurement and Calculation - 235-6.5

$$\text{Slope} = ((134 - 126) / 30) \times 100$$

$$\text{Slope} = 26\%$$

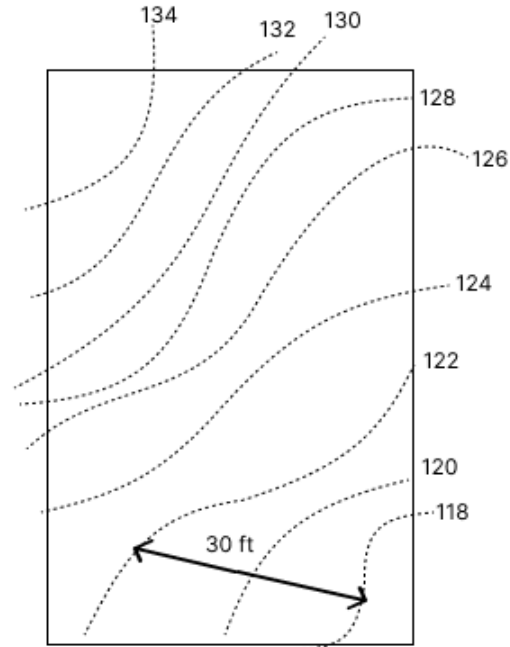
*Area subject to slope protection



$$\text{Slope} = ((122 - 118) / 30) \times 100$$

$$\text{Slope} = 13\%$$

*Area not subject to slope protection



*The scale must be moved over the entire site to calculate the sloped area at the 30 ft. distance.

4. Allowances by Special Permit.
 - a. The Planning Board may grant a Special Permit to utilize areas with natural slopes exceeding 25%, as prohibited in Subsection 3, if they find that the proposal satisfies the purposes of this section above as well as the general Special Permit findings in § 235-3.2.5 of this chapter.
 - b. Slope Protection Special Permit application materials shall be found in the Rules and Regulations for the Planning Board.
 - c. If an applicant receives a special permit pursuant to this section to utilize slopes exceeding 25%, then a variance from this chapter will not be necessary for insufficient lot area, unless the entire lot area, including the area of slope exceeding 25%, is insufficient for building purposes under this chapter.

ARTICLE VII
**Overlay Districts
 Regulations**

§ 235-7.1 Smart Growth District

1. Purpose. The purposes of the Smart Growth District are:
 - a. To promote economic development and neighborhood revitalization through the redevelopment and reuse of industrial buildings and related sites;
 - b. To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;
 - c. To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
 - d. To create a pedestrian-friendly environment that promotes walking, bicycling and transit use, and encourages reduced vehicle ownership; and
 - e. To promote a mix of compatible uses.
2. Definition and applicability.
 - a. A "Smart Growth District project" ("SGD project") is a development that complies with all the provisions of this § 235-7.1, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
 - b. This § 235-7.1 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an SGD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-7.1 shall remain in effect for an SGD project.
 - c. The provisions of this § 235-7.1 shall apply only to an SGD project. Any building, structure or use of land that is not part of an SGD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-7.1.
 - d. An SGD project shall be subject to site plan review under § 235-3.2.6. Site plan review approval for an SGD project is contingent upon the Planning Board finding that the requirements of this § 235-7.1 are met in addition to the site plan review criteria described in § 235-3.2.6.
3. Establishment of Smart Growth District.
 - a. The Smart Growth District (SGD) is established as an overlay district that may be applied to land in the Industrial A District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the SGD, it also remains in the underlying Industrial A District and must comply with the regulations of the Industrial A District except as specifically modified by this § 235-7.1.
 - b. The Smart Growth District includes the following parcels, identified by Assessors' Map and lot numbers as of January 1, 2007. This list of parcels is intended to include all properties shown on the Melrose Zoning Map as the Industrial A District located on lower Washington Street.

Map	Lots
B1	5
B2	16-18, 17, 19, 20, 21, 35, 36, 37

Article VII Overlay Districts Regulations

B3	57, 58, 58A, and the private way known as Stone Place
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4. Permitted uses.

- a. An SGD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - i. Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto.
 - ii. Retail establishments selling convenience goods such as food, drugs and proprietary goods, or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items, provided that no individual establishment, except such businesses in existence in the Industrial A District at the time of the effective date of this § 235-7.1, shall exceed 15,000 square feet gross floor area.
 - iii. Retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license.
 - iv. Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments.
 - v. Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers.
 - vi. Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site.
 - vii. Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises.
 - viii. Live/work space, combining a dwelling unit with an integrated work space principally used by one or more of the residents of the unit.
 - ix. Brewery without distribution.
- b. An SGD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- c. An SGD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.

5. Dimensional and density regulations.

- a. Lot area and frontage. An SGD project shall have a minimum lot area of 0.5 acre and a minimum frontage on a public way of at least 100 feet.
- b. Yards.
 - i. Minimum yards. Each lot within the SGD project shall comply with the following requirements:
 - a. Minimum front yard: 15 feet from the lot line.
 - b. Minimum side yard: 12 feet from the lot line.
 - c. Minimum rear yard:
 - i. Abutting a residential zoning district: 20 feet from the lot line.
 - ii. Not abutting a residential zoning district: 15 feet from the lot line.

Article VII Overlay Districts Regulations

- ii. Maximum front yard.
 - a. In order to define a consistent building presence along the street, new buildings shall not be set back more than 20 feet from the front property line.
 - b. The maximum front yard may be increased to 30 feet provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public for exclusive use by pedestrians; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.
 - c. At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
- iii. The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- c. Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- d. Development intensity.
 - i. The maximum residential density of an SGD project shall be 35 dwelling units per acre.
 - ii. The maximum floor area ratio (FAR) of an SGD project shall be 1.25, plus 0.05 for each 1.0% of total floor area devoted to commercial uses, but shall not exceed a maximum FAR of 2.0.
- e. Open space.
 - i. An SGD project shall include open space at least equal to the percentage of total lot area as set forth below:
 - a. An SGD project that involves only the rehabilitation of an SGD landmark building, as defined in Subsection 7.b, provided that there is no increase in the footprint of the building and the gross floor area is increased by no more than 50%: 10%.
 - b. An SGD project that involves the rehabilitation of an SGD landmark building, regardless of increase in footprint or floor area, and may include new construction: 25%.
 - c. Any other SGD project: 35%.
 - ii. The open space requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
 - iii. In recognition of the increased open space and recreation demands that will result from new residential development, an SGD project shall also contribute to the City's off-site public open space as follows:
 - a. Upon receiving a building permit for any residential units in an SGD project, the applicant shall make a contribution to the City's Open Space Fund in the amount of \$1,100 per dwelling unit.
 - b. The Open Space Fund contribution per dwelling unit shall be decreased by 5% for each 1% by which the open space on the lot exceeds the minimum requirement stipulated in Subsection 5.e.1.
- f. Building and structure height.
 - i. The maximum permitted height for buildings in an SGD project shall be 60 feet, except as follows:
 - a. No part of a building that is less than 40 feet from a front lot line shall exceed a height of 50 feet.

Article VII Overlay Districts Regulations

- b. No part of a building that is less than 40 feet from a side lot line abutting a residential district shall exceed a height of 50 feet.
 - c. No part of a building that is less than 50 feet from a rear lot line abutting a residential district shall exceed 40 feet. No part of a building that is less than 100 feet from a rear lot line abutting a residential district shall exceed a height of 50 feet.
 - d. No part of a building shall have a height that is greater than its distance to the front lot line of any residentially zoned property on the opposite side of the street, less 25 feet. [For example, if the street right-of-way is 45 feet and the building in an SGD project is set back 15 feet from the property line, the maximum height at that point shall be $(45+15)-25 = 35$ feet.]
 - ii. The height of a building or structure in the SGD shall be defined as the vertical distance from the average grade of Washington Street, along the frontage of the lot/s of the SGD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-2.2 for an SGD project.
 - iii. A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection 5.f.1 above, provided that:
 - a. It is no more than 10 feet above the roof surface;
 - b. It is no less than 10 feet from the exterior wall of the building; and
 - c. The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.
 - iv. Parking structures not integrated into a building primarily for human occupation shall be no more than 28 feet in height to the deck of the highest parking area.
 - g. Building coverage. The maximum permitted coverage by all buildings in an SGD project shall be 50%. This requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
 - h. Existing nonconforming buildings. An SGD project may include a building in existence on the effective date of this § 235-71.1 which does not conform to the requirements set forth in Subsection 5 relating to minimum or maximum front yard, minimum side yard, maximum building height, or minimum building separation. No change shall be made to lot lines, building footprint or building height that further increases any such nonconformity unless the Planning Board determines, based on site plan review, that such change is necessary for structural or access reasons or to meet the design standards of this section.
6. Off-street parking.
- a. Off-street parking spaces are as follows:

Use	Spaces Required
Residential	1.0 space per studio or 1-bedroom dwelling unit 1.5 spaces per 2-bedroom dwelling unit 2.0 spaces per 3-bedroom dwelling unit 1.0 visitor space per 10 residential units
Office and Retail	1.0 space per 350 gross square feet on the ground floor 1.0 space per 500 gross square feet on the floors above ground level

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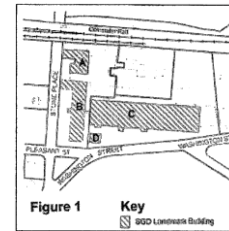
- b. Notwithstanding Subsection 6.a, the overall off-street parking requirement (total parking spaces divided by total dwelling units) may be less than 1.5 per unit but shall not be less than 1.25 per unit, except as allowed in Allowances for Reduced Number of Parking Spaces, § 235-11.4.
 - c. On-street parking on public streets and internal ways may be permitted within the Smart Growth District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
 - d. Parking setbacks.
 - i. Surface parking areas shall conform to the following minimum setback requirements:
 - a. From a public street: 30 feet.
 - b. From an internal way (not to include parking lot drive aisles): 10 feet.
 - c. From a structure: 10 feet.
 - d. From a side or rear lot line where the abutting property is within the SG District notwithstanding any other setback provision within this Subsection: five feet.
 - e. From a lot line abutting the railroad right-of-way: five feet.
 - f. From any other side or rear lot line: 10 feet.
 - ii. Parking structures shall conform to the following minimum setback requirements:
 - a. From an internal way: 10 feet.
 - b. From a public street: 30 feet.
 - c. From a side lot line: 12 feet.
 - d. From a rear lot line:
 - i. Abutting a residential zoning district: 20 feet.
 - ii. Not abutting a residential zoning district: 15 feet.
 - iii. No surface parking area or parking structure shall be closer to a public street than the closest principal building.
 - iv. The provisions of Subsection 6.e.i (a), (b), and (c) above shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of adoption of this amendment and that do not include the construction of new buildings.
 - e. Bicycle parking is required as specified under § 235-11.2.
7. Design standards. All SGD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.
- a. Building design.
 - i. New buildings shall be designed to be compatible with SGD landmark buildings, as defined in Subsection 7b herein, in terms of their massing, size, scale, and architectural features.
 - ii. Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum and vinyl, are discouraged.
 - iii. Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - iv. Building facades facing public streets or Stone Place, or within 30 feet of main entrances, shall reflect a high level of detail refinement.
 - v. Building facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
 - vi. Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
 - vii. New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and

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developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.

- viii. For new buildings containing commercial uses, at least 60% of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.
- ix. Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.
- b. Historic preservation.
 - i. The following buildings or portions of buildings, identified in Figure 1, are designated "SGD landmark buildings":

- A - 78 Stone Place
- B - 111 Washington Street/72 Stone Place
- C - 99 Washington Street
- D - 99B Washington Street



- ii. No SGD landmark building shall be demolished.
 - iii. Any alteration or addition to a SGD landmark building shall not modify its architectural features in such a way as to impair or detract from the building's historic character.
 - iv. The Planning Board may prohibit alterations or additions to SGD landmark buildings that it finds to be materially inconsistent with this provision.
- c. Landscaping.
 - i. Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
 - ii. Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
 - a. Trees shall be planted at intervals of no more than 40 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
 - b. Trees shall be of a species on the City's approved street tree list, if available. Tree species shall be common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
 - c. Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least 30 feet at maturity.
 - iii. All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
 - iv. A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed

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- along the length of the buffer strip.
- d. General site design.
 - i. Roadways, sidewalks and other infrastructure shall be designed in accordance with the standards set forth below and, when applicable as a guideline for major roadways, the City of Melrose's Subdivision Regulations. As a guideline, the Planning Board may determine that the intent of the guidelines is met for an internal road without strict adherence to it during the review of a project.
 - ii. Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.
 - iii. Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.
 - iv. All utilities servicing an SGD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an SGD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.
 - v. Off-street parking and loading spaces, internal ways, and maneuvering areas shall be designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
 - vi. Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - vii. The number of driveway curb cuts along Washington and Pleasant Streets shall be kept to a minimum.
 - viii. Driveways shall be consolidated and aligned with existing intersections as feasible.
 - ix. Appropriate traffic control devices, including signage, shall be installed at driveways.
 - x. Adequate sight distance shall be provided at driveways.
 - e. Parking.
 - i. Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties. These provisions shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of the effective date of this § 235-7.1 and do not include the construction of new buildings.
 - ii. Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - iii. Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings shall be designed so that vehicles are not visible from the sidewalk on a public street.
 - iv. Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
 - f. Site lighting.
 - i. Broad area lighting shall be avoided.

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- ii. Parking lot pole lighting shall not exceed a height of 18 feet.
- iii. Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
- iv. Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - c. Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
 - d. A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways.
- v. Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
- vi. The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
- vii. Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.
- g. Infrastructure.
 - i. Smart Growth District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-16.1. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an SGD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
 - ii. In cases where a specific SGD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.
- h. Signs.
 - i. An SGD project shall comply with the provisions of this section, which supersede the provisions of §§ 235-10.1 through 235-10.5 for SGD projects only.
 - ii. An SGD project may have up to two standing signs complying with the following standards:
 - a. Maximum height above the sidewalk: six feet.
 - b. Maximum sign area: 40 square feet per sign face.

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- c. Minimum setback from front lot line: 10 feet.
 - d. Minimum setback from side lot line: 30 feet.
 - e. Minimum distance between two standing signs on the same lot: 300 feet.
- iii. Within an SGD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - a. Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - b. Maximum projection from building wall: six inches.
 - c. No sign shall be mounted above the first floor of a building.
- iv. Within an SGD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as follows:
 - a. Maximum height above grade: 15 feet.
 - b. Minimum clearance above grade: eight feet.
 - c. Maximum sign area: six square feet per side.
 - d. Maximum projection from building wall: four feet.
- v. Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lit only by building illumination (stationary white light).
- vi. Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
- vii. The following additional signs are permitted in an SGD project:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - c. One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.
- viii. Additional sign regulations.
 - a. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not carry the name of any business or product.
 - b. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
 - c. Any sign attached to a building shall not extend above the height of the roof of the building.
 - d. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
 - e. Signage should employ colors and typefaces that complement the primary architectural style of the building.
 - f. Signs should be made of durable materials compatible with the materials of the

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- building served.
 - g. Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
 - h. In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
 - i. Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.
- 8. Affordable housing.
 - a. An SGD project shall be subject to the affordable housing incentive program under § 235-73.1
- 9. Ownership and maintenance of common facilities.
 - a. All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
 - b. In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any SGD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board copies of such proposed instrument.
- 10. Development phasing.
 - a. An SGD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
 - b. Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the SGD project, so that at all times such requirements shall be met as applied only to those portions of the SGD project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-7.2 Rail Corridor Overlay District.

1. Purpose. The purposes of the Rail Corridor Overlay District are:
 - a. To promote economic development and neighborhood revitalization through the redevelopment of underutilized structures and sites;
 - b. To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;
 - c. To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
 - d. To create a pedestrian-friendly environment that promotes walking, bicycling, and transit use and encourages reduced vehicle ownership; and
 - e. To promote a mix of compatible uses.
2. Definition and applicability.

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- a. A "Rail Corridor Overlay District project" ("RCOD project") is a development that complies with all the provisions of this § 235-7.2, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
 - b. This § 235-7.2 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an RCOD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-7.2 shall remain in effect for an RCOD project.
 - c. The provisions of this § 235-7.2 shall apply only to an RCOD project. Any building, structure or use of land that is not part of an RCOD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-7.2.
 - d. An RCOD project shall be subject to site plan review under § 235-3.2.6. Site plan review approval for an RCOD project is contingent upon the Planning Board, acting as the Site Plan Review Committee, finding that the requirements of this § 235-7.2 are met in addition to the site plan review criteria described in § 235-3.2.6.
3. Establishment of Rail Corridor Overlay District.
- a. The Rail Corridor Overlay District (RCOD) is established as an overlay district that may be applied to land in the Extensive Business (BB-1) District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the RCOD, it also remains in the underlying district and must comply with the regulations of the underlying district except as specifically modified by this § 235-7.2.
 - b. The Rail Corridor Overlay District includes the following parcels, identified by Assessors' Map and lot numbers as of March 1, 2014. This list of parcels is intended to include all properties shown on the Melrose Zoning Map in the Extensive Business (BB-1) Districts located on Tremont Street and Essex Street.

Map	Lots
C7	55 and 56
C8	1, 2-3, 4, 5, 6, 7, 8, 9, 10+, 12, 14, 40, and 48
C11	1-1A, 2, 126 and 127
B9	105, 1067A8 (106, 107A, 108), and 109
B10	64, 65-66+, 67, 68, 69, 70, 71, 72, and 73-74
B11	70, 71, 72, 74, 75, and 76

4. Permitted uses.

- a. An RCOD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - i. Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto;
 - ii. Retail establishments selling convenience goods such as food, drugs and proprietary goods,

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- or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
- iii. Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments;
- iv. Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers;
- v. Veterinary hospitals, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
- vi. Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site;
- vii. Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises; and
- viii. Assisted living facilities.
- ix. Brewery without distribution.
- b. An RCOD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- c. An RCOD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.
- 5. Dimensional and density regulations.
 - a. Lot area and frontage. An RCOD project shall have a minimum lot area of 10,000 square feet and a minimum frontage on a public way of at least 50 feet.
 - b. Lot depth. An RCOD project shall have a minimum lot depth of 90 feet.
 - c. Yards.
 - i. Minimum yards. Each lot within the RCOD project shall comply with the following requirements:
 - a. Minimum front yard: 10 feet from the lot line.
 - b. Minimum side yard: five feet from the lot line.
 - i. Abutting a UR-B Zoning District: 12 feet from the lot line.
 - c. Minimum rear yard: 10 feet from the lot line.
 - i. Abutting a UR-B Zoning District: 15 feet from the lot line.
 - d. Corner lots shall have a minimum rear yard setback of five feet.
 - ii. Maximum front yard.
 - a. In order to define a consistent building presence along the street, new buildings shall not be set back more than 15 feet from the front property line.
 - b. The maximum front yard may be increased to 25 feet, provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate

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- fumes.
- c. At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
- iii. The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- d. Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- e. Development intensity.
 - i. The maximum residential density of an RCOD project shall be 35 dwelling units per acre, except for assisted living facility projects which shall be permitted up to 60 dwelling units per acre.
 - ii. The maximum floor area ratio (FAR) of an RCOD project shall be 1.5.
- f. Open space and streetscape enhancements.
 - i. An RCOD project shall include open space at least equal to 10% of the total lot area.
 - ii. The open space requirement shall apply to the RCOD project as a whole, regardless of whether the RCOD project consists of a single lot or multiple lots
 - iii. In recognition of the need for streetscape improvements that will result from new development, an RCOD project shall also contribute to the City's Streetscape Improvement Fund as follows: upon receiving a building permit for any residential or commercial space in an RCOD project, the applicant shall make a contribution to the City's Streetscape Improvement Fund in the amount of \$1,100 per dwelling unit and \$1 per gross square foot for all other uses.
- g. Building and structure height.
 - i. The maximum permitted height for buildings and structures in an RCOD project shall be four stories and 50 feet, except as follows:
 - a. Buildings may be permitted up to five stories and 62 feet in height at the Planning Board's discretion, when appropriate, given site constraints and/or unusual site characteristics and provided that all portions of the building above 50 feet are set back at least 20 feet from all property boundaries and shall be stepped back a minimum of 10 feet from each facade of the floor below, except for those facades which face the commuter rail right-of-way where no upper level step back is required.
 - b. Rail Corridor Overlay District projects that exceed four stories and 50 feet in height shall provide additional public amenities in excess of the minimum 10% open space requirement for the RCOD. In the additional public amenity area, projects shall incorporate a courtyard or sitting area that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped/hardscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.
 - ii. The height of a building or structure in the RCOD shall be defined as the vertical distance from the average grade of Tremont Street or Essex Street (whichever the property has frontage on), along the frontage of the lot/s of the RCOD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-5 for an RCOD project.
 - iii. A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection 5.g.i above provided that:
 - a. It is no more than 10 feet above the roof surface;
 - b. It is no less than 10 feet from the exterior wall of the building; and

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- c. The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.
- h. Building coverage. There shall be no maximum permitted coverage for buildings in an RCOD.
- 6. Off-street parking.
 - a. Off-street parking spaces shall be provided as follows, except as allowed in Allowances for Reduced Number of Parking Spaces, § 235-11.4

Use	Spaces Required
Residential	1.0 space per dwelling unit 1.0 visitor space per 10 residential units
Office, Retail and Other	1.0 space per 500 gross square feet
Assisted Living Facility	1.0 space per 4 dwelling units plus 1 space per employee on largest shift

- b. On-street parking on public streets and internal ways may be permitted within the Rail Corridor Overlay District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
- c. Parking setbacks.
 - i. Surface parking areas shall conform to the following minimum setback requirements:
 - a. From a public street: 20 feet.
 - b. From an internal way (not to include parking lot drive aisles): five feet.
 - c. From a structure: five feet.
 - d. From a side or rear lot line where the abutting property is within the RC Overlay District notwithstanding any other setback provision within this Subsection 6.d.i: five feet.
 - e. From a lot line abutting the railroad right-of-way: five feet.
 - f. From any other side or rear lot line: 10 feet.
 - ii. No surface parking area or parking structure shall be closer to a public street than the closest principal building.
- d. Bicycle parking is required as specified under § 235-11.2.
- 7. Design standards. All RCOD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.
 - a. Building design.
 - i. Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum, and vinyl, are strongly discouraged.
 - ii. Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - iii. Building facades facing public streets or within 30 feet of main entrances shall reflect a high level of detail refinement.
 - iv. Building facades more than 50 feet in length shall be divided into shorter segments by means of

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- changes in materials, varying rooflines or other architectural treatments.
- v. Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
 - vi. New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.
 - vii. For new buildings containing commercial uses, at least 60% of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.
 - viii. Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.
- b. Landscaping.
- i. Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
 - ii. Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
 - a. Trees shall be planted at intervals of no more than 30 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
 - b. Trees shall be of a species on the City's approved street tree list, if available. Tree species shall be common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
 - c. Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least 30 feet at maturity.
 - iii. All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
 - iv. A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed along the length of the buffer strip.
- c. General site design.
- i. Roadways, sidewalks and other infrastructure shall be designed in accordance with the City of Melrose's Subdivision Regulations and with the additional standards set forth below.
 - ii. Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.
 - iii. Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.

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- iv. All utilities servicing an RCOD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an RCOD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.
 - v. Off-street parking and loading spaces, internal ways, and maneuvering areas shall be designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
 - vi. Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - vii. The number of driveway curb cuts along Tremont and Essex Streets shall be kept to a minimum.
 - viii. Driveways shall be consolidated and aligned with existing intersections as feasible.
 - ix. Appropriate traffic control devices, including signage, shall be installed at driveways.
 - x. Adequate sight distance shall be provided at driveways.
- d. Parking.
- i. Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties.
 - ii. Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - iii. Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings shall be designed so that vehicles are not visible from the sidewalk on a public street.
 - iv. Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
- e. Site lighting.
- i. Broad area lighting shall be avoided.
 - ii. Parking lot pole lighting shall not exceed a height of 18 feet.
 - iii. Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
 - iv. Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - c. Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

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- d. A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.
 - v. Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
 - vi. The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
 - vii. Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.
- f. Infrastructure.
 - i. Rail Corridor Overlay District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-3.2.6. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an RCOD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
 - ii. In cases where a specific RCOD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.
- g. Signs.
 - i. An RCOD project shall comply with the provisions of this section, which supersede the provisions of Article VII, Signs, for RCOD projects only.
 - ii. An RCOD project may have one standing sign complying with the following standards:
 - a. Maximum height above the sidewalk: six feet.
 - b. Maximum sign area: 40 square feet per sign face.
 - c. Minimum setback from front lot line: 10 feet.
 - d. Minimum setback from side lot line: 15 feet.
 - iii. Within an RCOD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - a. Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - b. Maximum projection from building wall: six inches.
 - c. No sign shall be mounted above the first floor of a building.
 - iv. Within an RCOD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as follows:
 - a. Maximum height above grade: 15 feet.
 - b. Minimum clearance above grade: eight feet.
 - c. Maximum sign area: six square feet per side.
 - d. Maximum projection from building wall: four feet.
 - v. Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lit only by building illumination (stationary white

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- light).
- vi. Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
 - vii. The following additional signs are permitted in an RCOD project:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - c. One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - h. Additional sign regulations.
 - i. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product.
 - ii. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
 - iii. Any sign attached to a building shall not extend above the height of the roof of the building
 - iv. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
 - v. Signage should employ colors and type faces that complement the primary architectural style of the building.
 - vi. Signs should be made of durable materials compatible with the materials of the building served.
 - vii. Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
 - viii. In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
 - ix. Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.
 - i. Affordable housing.
 - i. An RCOD project shall be subject to the affordable housing incentive program under § 235-73.1.
 - j. Ownership and maintenance of common facilities.
 - i. All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
 - ii. In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any RCOD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board

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- copies of such proposed instrument.
- k. Development phasing.
 - i. An RCOD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
 - ii. Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the RCOD project, so that at all times such requirements shall be met as applied only to those portions of the RCOD project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-7.3 Floodplain District

1. Establishment
 - a. The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Melrose are panel numbers 25017C0427E, 25017C0429E, 25017C0431E, 25017C0433E and 25017C0434E dated June 4, 2010. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Building Commissioner, Planning Board, Public Works Engineering Division and Board of Health.
2. Reference to existing regulations.
 - a. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:
 - i. Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR 120.G, Flood Resistant Construction and Construction in Coastal Dunes);
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - iii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
 - b. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
3. Development regulations.
 - a. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Planning Board and the Building Commissioner for its reasonable utilization toward meeting the elevation or

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- floodproofing requirements, as appropriate, of the State Building Code.
 - b. Within Zones A and AE, no new construction, substantial improvements to existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation.
 - c. Floodway data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - d. In Zone AE, along watercourses that have a regulatory floodway designation within the City of Melrose on the Middlesex FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - e. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.
4. Notification of watercourse alteration.
- a. In a riverine situation, the City Engineer shall notify the following of any alteration or relocation of a watercourse: adjacent communities, the NFIP State Coordinator (Massachusetts Department of Conservation and Recreation), and the NFIP Program Specialist (Federal Emergency Management Agency, Region 1).
5. Subdivisions and new development.
- a. All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Floodplain District established under this article, it shall be reviewed to assure that:
 - b. The proposal is designed consistent with the need to minimize flood damage;
 - c. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage; and
 - d. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
 - e. A building, except a boathouse, shall not be erected in a floodway or in any area subject to periodic flooding unless the first floor elevation is higher than the highest flood recorded. If such flood elevation shall have been reduced by construction of dams at the headwaters, or by other means, the first floor elevation may be correspondingly lowered to the reduced flood level.
6. Health regulations.
- a. The Board of Health and/or the Public Works Department, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under this article, shall require that:
 - i. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; and
 - ii. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges of exfiltration from the system into floodwaters.

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7. Authority.
 - a. This article is established pursuant to the City of Melrose's compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations, establishing eligibility in the National Flood Insurance Program (NFIP). Copies of the National Flood Insurance Program and related regulations are on file with the City Clerk.

ARTICLE VIII
Special Development
Regulations

§ 235- 8.1 Multifamily Residential Use in Nonresidentially Zoned Areas.

1. General. Multifamily residential use may be authorized by special permit in the BA-1, BA-2 and BB-1 Districts if the Planning Board determines, in addition to the general special permit findings set forth in § 235-3.2.5, that such use would serve the public good, would not adversely affect the business uses in the neighborhood or the district, and would not be incompatible with existing non-residential uses in the neighborhood. The Planning Board may require the preservation of open space through placing of parking within or under the building, the preservation of open space in its natural state, insofar as practicable, the minimizing of tree and soil removal and the maintenance of change of grade in keeping with the general appearance of neighboring developed areas or, in areas where changes are required, the provision of landscaping of parking areas and of the site.
2. Dimensional and density regulations. The following dimensional increases may be allowed pursuant to the grant of a special permit under this § 235-3.2.5. Except as otherwise set forth below, all other provisions of this chapter shall apply.
 - a. BB-1 District:
 - i. Lots under 20,000 square feet: not applicable.
 - ii. Lots 20,000 to 30,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.5 and further not exceeding a height of 62 feet.
 - iii. Lots over 30,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.75 and further not exceeding a height of 62 feet.
 - b. BA-1 District and BA-2 District:
 - i. Lots under 20,000 square feet: not applicable.
 - ii. Lots 20,000 to 50,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 2.0 and further not exceeding a height of 62 feet.
 - iii. Lots over 50,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 3.0 and further not exceeding a height of 62 feet.

§ 235- 8.2 Density Incentives Allowed in BA-1 and BA-2 Districts.

1. Purpose. The purpose of this section is to allow for an increase in density in the BA-1 and BA-2 Districts where such density is deemed appropriate for projects that provide community benefits or amenities beyond what is otherwise required in this chapter.
2. Applicability.
 - a. The allowance of the density incentives require a special permit granted by the Planning

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Board at their discretion for developments in the BA-1 and BA-2 Districts.

- b. The Planning Board, in exercising its discretion relative to the grant of the special permit, shall make the necessary findings as set forth in § 235-3.2.5 and shall also make a finding that the value of the community benefits and/or amenities offered as part of the development support the granting of the dimensional incentives. Applicants seeking a special permit pursuant to this § 235-8.2 shall be required to submit a financial analysis comparing the value of the community benefits and/or amenities offered in relation to the value of the incentives. To determine the value of the incentives, the applicant shall calculate the cost paid to acquire the additional development space or rights on the open market. The Planning Board may also consider the intrinsic value of community benefits that may not have a financial value. These include but are not limited to social and public health benefits, reduced energy use and greenhouse gas emissions, and meeting other goals in the City's Master Plan.

3. Incentives.

- a. The following modifications to the dimensional and density requirements in the zoning district may be permitted:
 - i. Building height may be increased up to 65 feet and five stories in the BA-2 District.
 - ii. Floor area ratio may be increased to a maximum of 3.5.
 - iii. Open space requirement may be satisfied by instead providing areas for roof decks, balconies, green roofs, and/or plazas.
- b. In connection with the approval of any increase in allowable height or FAR, the Planning Board may require that upper floors be stepped back from the facade of the floor below on one or more sides of the building to minimize the appearance of the building from the perspective of pedestrians or in consideration of the heights, massing and uses of surrounding buildings.

4. Community benefits and/or amenities. Following is a list of benefits and/or amenities that will be considered by the Planning Board as part of an application seeking the development incentives under this § 235-8.2. The list is not intended to be an exhaustive list, and other amenities may be offered which will be considered at the discretion of the Planning Board.

- a. Required:
 - i. Contribution to the City's Streetscape Improvement Fund.
 - a. Upon receiving a building permit for any residential or commercial space for the project, a contribution to the City's Streetscape Improvement Fund shall be made in the amount of \$1,100 per dwelling unit and \$1 per gross square foot for all other uses.
 - ii. Inclusion of green building and sustainable design practices.
 - a. The development must include a package of green building and sustainable design practices. Example measures include but are not limited to high-performance building envelopes and insulation, electrification, air or ground source heat pumps, green roofs, solar panels, and electric vehicle charging infrastructure. Certification by a recognized green building program is encouraged and will ensure compliance with this standard.
- b. Additionally, other options to be provided individually or in combination:
 - i. Green infrastructure and other stormwater mitigation measures that are either on-site and capture considerable stormwater from surrounding sites or off-site at a location identified by the City of Melrose's Engineering Division as needing additional

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- mitigation measures.
- ii. On- or off-site bicycle and pedestrian infrastructure and/or enhanced transportation demand management techniques beyond what is required in the site plan review regulations.
- iii. Parking within or under the building.
- iv. Increased amount of on- or off-site open space and tree planting above the minimum required that is programmed for public use. Plantings shall be of species native to the region. Open space could be in the form of an active or passive park, restoring or creating new natural areas, paths or nature trails accessible to the public.

ARTICLE IX
Development
Standards

§ 235-9.1 Accessory buildings

1. In the "R" districts, a detached accessory building shall conform to the provisions set forth in the following schedule:

District	Maximum Coverage (calculated by multiplying the required rear setback depth by the required lot width by the percentage below)	Setback from Front Lot Line	Setback from Side and Rear Lot Lines	Building Height (feet)
SR	50 x 110 x 25% = 1,375 sf	20	10	20
SR-A	40 x 100 x 25% = 1,000 sf	20	10	20
SR-B	30 x 80 x 40% = 960 sf	15	10	20
UR-A	20 x 75 x 50% = 750 sf 20 x 100 x 50% = 1,000 sf	15	4	20
UR-B	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20
UR-C	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20
UR-D	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20

2. An accessory building cannot be located in the Building Front Yard.
3. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side and rear setback requirements applicable to the principal building.
4. Accessory buildings in the "B" and "I" districts may be located on the lot so as not to violate the minimum front yard, height restrictions and minimum open space requirements set forth in the Table of Dimensional and Density Regulations.

§ 235-9.2 Fences and Walls

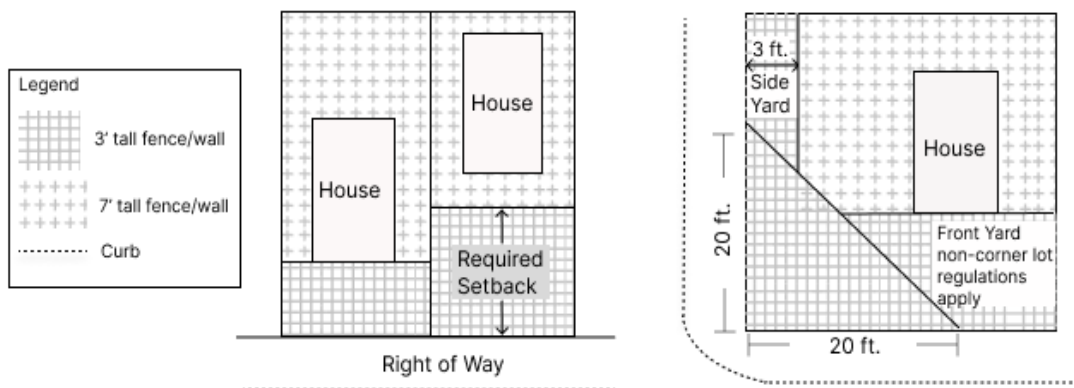
1. Fence, wall and similar structures are allowed to be up to seven feet in height in the "R" districts if located outside of the areas further regulated in this section. Height is measured from the grade of land where the structure is installed. Existing retaining walls may be replaced in kind.
2. Fence, wall and similar structures have no height restrictions in the "B" and "I" districts as long as

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they do not interfere with traffic circulation.

3. For a non-corner lot, a fence, wall, or similar structure within the required front yard setback or from the front lot line to the line of the existing principal structure, whichever is less, shall not exceed three feet in height (also see General Legislation § 202-4.1B).
4. For a corner lot in a district with a required front yard setback, a fence, wall, or other structure shall not exceed three feet in height above the plane of the intersecting streets herein (also see § 202-4.1 of the Code of the City of Melrose, Massachusetts):
 - a. Within the triangular area formed by measuring 20 feet from the intersection of the property lot lines and bounded by a straight line connecting the two points;
 - b. Outside of the triangular area, on the side lot line as designated in Dimensional Regulation Specifications, § 235-6.3, and within three feet from the side lot line. If a fence, wall, or similar structure is set back more than three feet from the side lot line, they are exempt from the height restrictions in this subsection.
 - c. Outside of the triangular area, on the front lot line or within the front yard, the regulations in Subsection 3 for non-corner lots apply.

Example of Fence/Wall Height Regulations -
Non-corner Lot 235-9.2.3 & Corner Lot 235-9.2.4



§ 235-9.3 Landscaping and Screening

1. All parking and loading areas shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district.
2. Screening and buffers shall be required in any industrial or business district which adjoins a residential district as follows: this strip shall be at least 25 feet in width, except when abutting a residential use in the UR-C District, in which case the width may be reduced to 10 feet. It shall contain a screen of plantings of vertical habitat in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three feet on center and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced.

§ 235-9.4 Swimming Pools and Hot Tubs

1. The required distance from side and rear lot lines for accessory private swimming pool, hot tub, or any pool of water two feet deep or more shall be 10 feet in all districts by-right or 6 feet if allowed by Special Permit by the Zoning Board of Appeals.

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2. Accessory private swimming pools, hot tubs, and any pool of water two feet deep or more are not allowed in the required front yard setback.
3. The required enclosure for safety of these pools and tubs is specified in the State Building Code.

ARTICLE X Signs

§ 235-10.1 Purpose and intent.

1. The intent of this article is to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community, and to encourage and foster the most appropriate use of land.
2. Signs perform important and necessary functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. Because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
 - a. Prevent hazards to vehicular and pedestrian traffic;
 - b. Prevent conditions which have a blighting influence and contribute to declining property values;
 - c. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
 - d. Preserve the amenities and visual quality of the City and curb the deterioration of the community environment; and
 - e. Conserve energy.

§ 235-10.2 Applicability.

1. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts, this chapter and any other applicable state and local regulations.
2. Signs for property located in the Downtown Historic District must be accompanied by a certificate of appropriateness by the Historic District Commission, as regulated by MGL c. 40C ("Historic Districts Act"), and Chapter 131, Historic Districts, of the Code of the City of Melrose prior to applying for a building permit.

§ 235-10.3 Permit requirements.

1. Except as provided in Subsection 2 below, no sign shall be erected, altered, or relocated without a building permit issued by the Building Commissioner.
2. The following type of signs shall be authorized by right without the need for a building permit to be issued by the Building Commissioner:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. Temporary signs or banners for public or charitable purposes displayed more often or larger in size than allowed in the General Sign Regulations, § 235-10.4. "Temporary" shall be construed to mean any period not exceeding 30 consecutive days.
 - c. Yard signs on private property, provided that such signs shall not exceed six square feet in sign area, shall be set back at least five feet from the front lot line, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than 30 days.
 - d. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least five feet from the front lot line. Said temporary sign must be removed upon

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- completion of sale or lease.
- e. One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed six square feet in surface area and it shall be set back at least five feet from the front lot line. Said temporary sign must be removed upon completion of work.
 - f. Traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the logo or name of any business or product and shall not be internally illuminated. Such signs shall not exceed two square feet in area and the top of the sign shall not extend more than four feet above the ground.
 - g. Interior illuminated window signs, provided that:
 - i. They shall be placed only in a window and not in a door and shall also:
 - a. Have a sign area not to exceed four square feet;
 - b. Be placed no closer than 10 feet to any other illuminated window sign on the premises;
 - c. Be placed only in a window which contains no other signs of any type;
 - d. Be illuminated only during hours of operation of the business establishment; and
 - e. Be illuminated by steady (not flashing, changing or moving) light only.
 - ii. There shall be no more than two interior illuminated window signs per establishment.
 - h. Interior window signs, temporary or permanent and not illuminated, may be attached to the inside glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within an establishment within five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through a window or door, provided that any such sign shall:
 - i. Be uniformly located and not exceed 30% of the glass sheet or sash;
 - ii. Contain no letters larger than six inches in height;
 - iii. Not be restricted with respect to materials, provided that professional appearance and good order shall be maintained at all times; and
 - iv. Not be attached to the outside surface of any window or door.

§ 235-10.4 General regulations.

1. Exterior temporary signs or banners for business establishments shall be permitted with a building permit. One temporary sign or banner is allowed per establishment for a period not to exceed 30 days, provided that the sign does not exceed the size of the maximum allowed for the establishment in the district in which it is located. No more than one temporary sign permit may be issued for an establishment in a calendar year.
2. All signs (including temporary interior window displays or banners) and their illuminators shall not by reason of location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. All illumination of signs must be by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign and must be so arranged as to prevent glare onto any portion of any public way or into any residential area.
3. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals and signs on premises open for business and then only while open for

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business.

4. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
5. At the boundary line of the City, and within a street right-of-way, a sign not exceeding two square feet in area indicating the meetings of any Melrose civic organization may be erected only after the granting of a special permit by the Zoning Board of Appeals.
6. It shall be a violation of this chapter to operate an individual letter or segmented sign in any manner other than with all letters or segments properly lighted, or with all letters or segments not lighted.
7. Any sign not addressed by this chapter shall be deemed prohibited, except as may be necessary to allow for the exercise of the constitutionally-protected right to freedom of speech.

§ 235-10.5 Prohibited signs.

1. The following signs shall not be permitted, constructed, erected, or maintained:
 - a. Moving, changing or flashing signs and signs illuminated by or including any flashing, projecting or oscillating light; billboards and off-premises signs; electronic billboards and reader boards; and strings of pennants or so-called "whirlygigs" and the like. Flashing or animated signs of any color or light source, including but not limited to incandescent, neon, fluorescent, light emitting diode (LED) and plasma, shall not be permitted.
 - b. Neon signs except as displayed on the inside of windows subject to the provisions outlined in General Sign Regulations (Section 235-10.4).
 - c. Any sign erected so as to obstruct any door, window, or fire escape on a building.
 - d. More than one sign for any one premises in the "R" districts.
 - e. Signs constructed, erected, or maintained above the height of any roof or upon any roof of any building.
 - f. Exterior window signs.
 - g. Interior window signs, both permanent and temporary, which cover more than 30% of a window.
 - h. Signs in the public way which are not permanently affixed to a building, structure, or the ground, including "sandwich board" or A-frame signs unless permitted by the Superintendent of Public Works in accordance with § 202-1 of the Code of the City of Melrose, Massachusetts.
 - i. Signs mounted, affixed, or painted on a motor vehicle whose primary function is a sign and not for the transport of goods or merchandise.
2. It shall be a violation of this chapter to display any illuminated sign that advertises any product, service or entity other than the establishment which occupies the premises on which the sign is located, or a product manufactured by and at the establishment on which the sign is located. This requirement applies to external signs and to interior signs placed in or designed or arranged so as to shine through one or more windows or doors of any building.

§ 235-10.6 Signs permitted in any residential district.

1. One professional nameplate for each medical or dental practitioner, provided that such sign shall not exceed one square foot in surface area.
2. One identification sign for each dwelling unit, provided that such sign shall not exceed one square foot in surface area. If lighted, it shall be illuminated with a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and

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not used other than for identifying the occupancy.

3. One identification sign for each permitted or exempt non-residential or multi-family residential use, provided that the sign shall not exceed 10 square feet in surface area and shall not rise to more than six feet from the ground or sidewalk. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and set back at least 1/2 of the required depth of the front yard. For any non-commercial use, one additional standing sign up to 40 square feet in surface area may be allowed, provided that it shall not rise to more than six feet from the ground or sidewalk and shall be subject to the setback and illumination provisions in this subsection.

§ 235-10.7 Signs permitted in any business or industrial district.

1. Signs permitted in § 235-10.6 are allowed in any "B" or "I" district.
2. Wall signs. No sign shall be affixed to a building except as hereinafter provided:
 - a. One wall sign for each lot street frontage of each business or industrial establishment, provided that it shall be attached and parallel to the main wall of a building and shall face such lot street frontage; it shall not project horizontally more than 15 inches therefrom; the surface area of the sign shall not aggregate more than 10% of the area of the wall on which it is displayed or 50 square feet, whichever is the lesser; and, if illuminated, it shall be illuminated externally by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign, not casting direct or reflected light off the premises and not used other than for identifying the establishment.
 - b. The division of the permissible wall sign area into two or more wall signs may be allowed by special permit if, in the opinion of the Zoning Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building.
 - c. When a business establishment has a customer entrance from a parking lot, the customer entrance may also be identified by a wall sign installed at the parking lot entrance subject to the dimensional provisions in Subsection 2.a.
 - d. Building directory signs. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one sign not to exceed 1.5 square feet in size affixed to a directory at the entrance to the upper floors.
 - e. Wall sign restrictions.
 - i. No sign shall be mounted above the first floor of a building;
 - ii. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices; and
 - iii. Signs on adjacent storefronts within the same building shall be coordinated in height, proportion, and material.
3. Awning signs.
 - a. In addition to the allowed wall sign, one awning sign is permitted for each ground floor use, provided that the awning is one color and the letters are a separate color, shade or tint and the letters are painted on or are integral to the awning fabric, are in a maximum of one line, are no larger than six inches in height, and are located on the valance or vertical face of the awning.
 - b. In instances where there is no wall sign associated with a ground floor business establishment, the permitted awning sign may include a maximum of two lines of letters, the

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letters may be no larger than 16 inches in height, and the area of the sign (the letters and/or logo) may not exceed the area allowed for a wall sign in this district.

c. No internally illuminated awning signs are allowed.

4. Standing signs.

a. One standing sign is permitted for each business or industrial establishment, provided that it shall not exceed 40 square feet in surface area on any one side, it shall have a maximum of two faces, no portion of it shall be set back less than 10 feet from the front lot line, it shall not rise to more than six feet from the ground or sidewalk, and it shall be externally illuminated.

b. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.

c. Where a multifamily dwelling development is located in a nonresidential district, one identification sign shall be allowed, provided that the sign shall not exceed 10 square feet in surface area, shall not rise to more than six feet from the ground or sidewalk, and no portion of it shall be set back less than 10 feet from the front lot line. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises.

d. No internally illuminated canopy signs are permitted.

§ 235-10.8 Preexisting nonconforming signs.

1. Any lawfully existing nonconforming sign which does not conform to these regulations by reason of its size, location, type, lighting, may change content but shall not be otherwise altered except to bring the sign into compliance.
2. Establishments with a nonconforming sign may not install additional signs without bringing the nonconforming sign into compliance.

ARTICLE XI
Off-Street Parking

§ 235-11.1 Motor Vehicle Parking.

1. Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use of a structure in its entirety according to Table 11.1 Off-Street Parking Requirements. The parking code stipulated in the Table of Use and Parking Regulations corresponds to the parking code in the Table of Off-Street Parking Regulations. The parking requirements for the overlay districts are found in Article VII (Overlay Districts and Special Regulations).
2. When the computation of required parking spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.
3. Required parking that exists for an established use cannot be reduced or eliminated.

Table 11.1 Off-Street Parking Requirements

Parking Code	Use	Number of Off-Street Parking Spaces
A1	Dwelling, single, and single including in-law apartment	2
A2	Dwelling, two-family	4
B	Dwelling, multifamily	2 per dwelling unit, except in the BA-1 and BA-2 Districts, in which case it shall be 1 per dwelling unit
C	Lodging house, dormitory, fraternity, sorority, YMCA, YWCA and similar types of group quarters	1 per rental or sleeping unit; any bedroom or group of 2 beds in a single room constitutes a sleeping unit
D	Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	1 for each 4 seats of total seating capacity
E	Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are unusually extensive in relation to customer traffic	1 per 1,000 square feet of gross floor space; in the case of outdoor display areas, 1 for each 1,000 square feet of lot area in such use
F	Hotel, motel or tourist court	1 for each sleeping room and 1 for each 400 square feet of meeting area and restaurant space
G	Other retail, service, finance, insurance or real estate establishment or adult use	1 per each 300 square feet of gross floor space
G-1	Medical office	1 per each 200 square feet of gross floor area

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H	Wholesale establishment, warehouse or storage establishment	1 per each 1,000 square feet of gross floor space
I	Manufacturing or industrial establishment	1 per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the 2 largest successive shifts, whichever is larger
J	Hospital	1 per each 600 square feet of gross floor area
K	Nursing home	1 per bed at design capacity
L	Business, trade or industrial school or college; country club	1 for each 200 square feet of gross floor area in classrooms and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity (refer to Code D)
M	Other school	2 per classroom in an elementary and junior high school; 4 per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity (refer to Code D)
N	Community facility (City building, recreation, etc.)	1 per each 400 square feet of gross floor space
O	Public utility	1 for each 400 square feet of gross floor area devoted to office use; 1 for each 800 square feet of gross floor area per other use
P	Transportation terminal establishment; home occupation	1 for each 600 square feet of gross floor area
Q	Mixed-use	Sum of various uses computed separately, except that for a mixed residential and commercial use building, there is no parking requirement for the commercial uses
R	Any use permitted by this chapter not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Commissioner
T	Mixed residential and home occupation use	The applicable residential off-street parking requirement plus 1 for each 600 square feet of gross floor area used for home occupation

§ 235-11.2 Bicycle Parking

1. Bicycle parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in accordance. The minimum number of parking spaces must comply with the regulations in Table 11.2.
2. Where multiple uses exist on a property the requirement shall be provided for each use.
3. When the computation of required parking spaces results in the requirement of a fractional space,

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any fraction of 1/2 or more shall require one space.

4. Required parking that exists for a use cannot be reduced or eliminated.

Table 11.2 Bicycle Parking Requirements

Use	Minimum Long-term Parking Spaces	Minimum Short-term Parking Spaces
Single- or two-family Dwelling; Townhouse	No minimum	No minimum
Other Residential	1.25 per unit	0.2 per unit
Assisted living facility	0.2 per 1,000 sf of common space	0.5 per 1,000 sf of common space
Retail Service Commercial; Registered Marijuana Dispensary; Marijuana Retailer	0.2 per 1,000 sf	0.5 per 1,000 sf
Wholesale, Transportation, Industrial; Marijuana-Related Uses not listed above	0.2 per 1,000 sf	1 per 1,000 sf

5. Long-term and short-term bicycle parking spaces shall meet the following intent:
 - a. Long-term bicycle parking shall be intended primarily to serve residents, employees, and other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve as short-term parking if needed. Long-term bicycle parking is typically located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft.
 - b. Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use; however, it may serve other bicycle users as needed. Short-term bicycle parking is typically located in a publicly accessible area near pedestrian entrances to the use they are intended to serve.

§ 235-11.3 Loading

1. The off-street loading and unloading requirements presented in the Table 11.3 Off-Street Loading Regulations shall apply to all existing buildings where the use has been changed to retail service commercial, wholesale, transportation and industrial and community facility use as specified in the Table of Use and Parking Regulations or to any building hereafter erected for such uses.
2. When the computation of required loading spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.
3. Required loading that exists for a use cannot be reduced or eliminated.

Table 11.3 Loading Requirements

Use	Number of Loading Spaces Per Unit
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area per use/establishment	1 per 20,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area per use/ establishment	1 per 75,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet

§ 235-11.4. Allowances for Reduced Number of Parking Spaces.

1. The Zoning Board of Appeals by special permit may allow the substitution of motor vehicle spaces within municipal parking lots in lieu of the parking requirements of this article, provided they are located within 1,000 feet of the building which is intended to be served.
2. Any structures on lots recorded prior to January 1, 1980, abutting municipal parking lots located in the area bounded northerly by Essex and Upham Streets, southerly by Grove Street, easterly by the boundary of the BA-1 District between Grove Street and Upham Street and westerly by Myrtle Street are permitted the use of said lots in lieu of providing parking onsite without the requirement of a special permit.
3. In conjunction with a proposal that requires site plan review by the Planning Board, the Planning Board may by special permit allow shared or reduced motor vehicle or bicycle parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Evidence which supports these shared or reduced parking requirements shall be produced in a report from a traffic engineer engaged by the applicant and approved by the Planning Board as part of site plan review. Where shared parking is to serve uses on separate lots, documentation shall be provided establishing the permanent legal right for such shared use. Factors that the Planning Board may consider include but are not limited to:
 - a. Proximity to public transportation.
 - b. Proximity to available public parking with demonstrated availability to support the project.
 - c. Characteristics of the residential or commercial units that create less parking demand.
 - d. Provision of a mix of uses on site with offset peak parking demand times.
 - e. A shared parking agreement with proximate properties with offset parking demand times.
 - f. A Transportation Demand Management Plan.
 - g. Dedication of spaces for car-sharing services (e.g., Zipcar).
 - h. Employers who provide transit incentives for their employees.
 - i. Provisions for bicycle parking.
4. For any application or project for which site plan review is not otherwise required, the Zoning Board

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of Appeals may grant a special permit to reduce the motor vehicle or bicycle parking space requirements to 80% of that required where conditions unique to the use will reasonably justify such a reduction.

§ 235-11.5 Dimensions

1. Motor Vehicle Parking:

- a. Required parking spaces shall have the following dimensions except as allowed for compact spaces. Stall width shall be 9 feet and stall length shall be 18 feet for angled parking or 22 feet in length for parallel parking.
- b. Compact parking space stall width shall be 8 feet and the stall length shall be 16 feet for angled parking or 20 feet in length for parallel parking. For sites with five to 19 parking spaces, up to 20% of the spaces may be compact in size, and with 20 or more spaces, up to 30% may be compact. In conjunction with a proposal that requires site plan review by the Planning Board, the Planning Board may by special permit allow for up to 50% of the parking spaces to be compact in size. Compact car spaces shall be located in one or more continuous areas and shall be clearly designated by signs or pavement marking.

2. Aisles

- a. Each parking space shall have direct access to an aisle or a driveway, except for single- and two-family dwellings, which are allowed to have two parking spaces in tandem. Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street. The minimum aisle widths required for vehicles backing out of parking spaces are as follows:

Angle of Parking	Minimum Aisle Width (feet)
Parallel	12 one-way/20 two-way
30°	11 one-way
45°	13 one-way
60°	18 one-way
90°	20 one-way and two-way residential or mixed-use with residential 24 for one-way and two-way for all other uses

3. Driveways

- a. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curbline of an intersecting street.
- b. Any two driveways leading to or from a street, to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
- c. See Parking and Loading Specifications, § 235-11.6 and Open Space Specifications, § 235-6.3.5 for impervious surfaces regulations related to driveways.
- d. Driveway width regulations are in the following tables:

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Driveways for One- and Two-Families	Minimum Width (feet)	Maximum Width (feet)
One-way	8	20
Two-way	20	20

Driveways for Multifamily Residential or Mixed-Use with Residential	Minimum Width (feet)	Maximum Width (feet)
One-way	10	24
Two-way	20	24

Driveways for All Other Uses	Minimum Width (feet)	Maximum Width (feet)
One-way	10	24
Two-way	24	24

4. Bicycle Parking

- a. Bicycle parking dimensions should be consistent with the City of Melrose Bicycle Parking Guidelines adopted by the Planning Board. As guidelines, the Planning Board, Zoning Board of Appeals, or Building Commissioner may determine that the intent of the guidelines is met without strict adherence to them during the zoning review of a project.

5. Loading

- a. Required loading spaces shall have the following dimensions. Stall width shall be at least 12 feet in width, 50 feet in length and with a vertical clearance of at least 14 feet, having an area of not less than 1,300 square feet, which includes access and maneuvering space, used exclusively for loading and unloading of goods and materials from one vehicle. The driveway dimensions of the loading space may be reduced by the Building Commissioner to not less than 300 square feet, which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

§ 235-11.6 Parking and Loading Specifications.

All parking and loading areas, shall be subject to the following where applicable:

1. Locations:

- a. Required off-street motor vehicle and bicycle parking and loading spaces shall be provided on the same lot as the principal use they are required to serve except as allowed herein.

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- b. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, where it is evident that such facilities will continue to be available for the several buildings or uses.
 - c. Offsite parking is allowed when practical difficulties prevent the establishment upon the same lot. The Zoning Board of Appeals may grant a special permit to allow parking spaces to be established no further than 300 feet from the premises.
 - d. Parking shall not be located within the required front yard setback area except for one-family and two-family dwellings.
 - e. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this chapter.
- 2. Where required parking is located underground and under the building, the building coverage may be increased as allowed in Dimensional Regulation Specifications, § 235-6.3.5.
- 3. The area and access driveways shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices.
- 4. Driveways and contiguous parking areas in residential districts shall be surfaced with pervious material systems that utilize porous pavement, pavers, brick or other materials in accordance with acceptable engineering practices or bituminous or cement concrete. When an impervious material is used and it is near a property line, any portion within one foot of the property line must have a change to a pervious material to reduce stormwater runoff onto abutting properties.
- 5. The location of spaces shall be suitably marked by painted lines or other appropriate markings for required parking, except for parking for one- and two-family dwellings.
- 6. A substantial bumper of masonry, steel or heavy timber or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
- 7. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.
- 8. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

ARTICLE XII Nonconformance

§ 235-12.1 Applicability.

The provisions of this article apply to actions in connection with lawfully existing nonconforming uses, structures and lots created by the initial enactment of this chapter or by any subsequent amendment, or as otherwise provided in M.G.L c. 40A § 7. It is the purpose of this chapter to discourage the perpetuity of nonconforming uses and structures whenever possible. The lawful use of any building or land or lawful structure existing at the time of the enactment of this chapter may be continued, except as otherwise provided.

§ 235-12.2 Extension and Alteration of Nonconforming Uses.

1. Alteration of Use
 - a. A nonconforming use is altered when there is an increase in gross floor area or exterior lot area of the use, an increase in the number of dwelling units, a change in seasonal to full-time operation, or any substantial increase in the number of automobile trips generated by the use.
 - b. Nonconforming uses inside or outside of a structure cannot be altered, except by Special Permit issued by the Zoning Board of Appeals. In granting the Special Permit the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing conditions. In judging detriment the Zoning Board of Appeals may consider without limitation impacts to traffic volumes or congestion, adequacy of utilities, noise, odor, and neighborhood character or other impacts as applicable.
2. Change in Use
 - a. A nonconforming use may not be changed to another nonconforming use in a different use category within the Table of Use and Parking Regulations. Use categories include Residential, Community Facilities, Agriculture, Retail Service Commercial, Wholesale, Transportation, and Industrial, and Accessory Use.
 - b. A nonconforming use may be changed to another nonconforming use in the same Use Category within the Table of Use and Parking Regulations, if granted a Special Permit by the Zoning Board of Appeals. In granting the Special Permit the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing use. In judging detriment, the Zoning Board of Appeals may consider without limitation impacts to traffic volumes or congestion, adequacy of utilities, noise, odor, and neighborhood character or other impacts as applicable.

§ 235-12.3 Nonconforming Lots

1. Subdivisions, consolidation of parcels, or other lot line adjustments that result in the alteration or further violation of a nonconforming dimension of frontage, lot width, lot depth, yard setbacks, or coverage, is allowed by Special Permit issued by the Planning Board. In granting the Special Permit the Planning Board must find that the alteration is not substantially more detrimental to the neighborhood than the existing conditions. In judging detriment, the Planning Board may consider without limitation impacts to the scale of the structure, shading, visual effects and context of the built environment or other impacts as applicable.
2. Subdivisions, consolidation of parcels, or other lot line adjustments that further reduce nonconforming lot area, floor area ratio or open space are prohibited.

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3. This provision shall not apply when the alteration of a nonconforming lot is the result of an eminent domain taking or is otherwise required for a public use. In this case subdivisions, consolidation of parcels, or other lot line adjustments are permitted by-right.
4. Residential lot of record. Any lot lawfully laid out by plan or deed duly recorded, or any lot shown on a plan endorsed by the Planning Board with the words "approval under the Subdivision Control Law not required," or words of similar import, which complies (at the time of recording or such endorsement, whichever is earlier) with the minimum area, frontage, width and depth requirements, if any, of the zoning ordinance then in effect may be built upon for single- or two-family residential use provided it has a minimum area of 5,000 square feet, with a minimum frontage of 50 feet, and is otherwise in accordance with the provisions of Section 6 of the Zoning Act.

§ 235-12.4 Nonconforming Site Standards and Parking

1. Nonconforming site standards including impervious surface and screening requirements may not be further reduced.
2. Sites that are nonconforming to off-street parking and loading requirements may by Special Permit granted by the Zoning Board of Appeals provide reduced parking or loading for a new use if a Transportation Demand Management Plan (TDM), including policies for parking and/or loading management, transit promotion, bicycle storage, pedestrian safety and car sharing is provided. The TDM shall explain the long-term management and enforcement of the TDM components.
3. Sites that are nonconforming to parking and loading dimensions may by Special Permit granted by the Zoning Board of Appeals retain or alter those dimensions for a new use of the site if a plan certified by a professional traffic engineer registered with the Commonwealth of Massachusetts is provided showing sufficient, safe access.
4. Nonconforming site standards do not cause uses or structures that are otherwise conforming to the requirements of the Ordinance to become nonconforming.

§ 235-12.5 Structures with Nonconforming Dimensions and/or Lots

1. Normal maintenance, painting, replacement of roof shingles or like sheathing materials, interior renovations and other improvements judged by the Building Commissioner to be cosmetic in nature shall not be considered as alterations, reconstructions, extensions or structural changes.
2. Increase in fenestration dimensions on nonconforming portions of structures other than one- and two-family dwellings are considered to be alterations as specified herein.
3. Any structural change that creates a new nonconformity is prohibited.
4. For Nonconforming Single- and Two-family Residential Structures: Allowances for the alteration including reconstruction, extension, or structural change of nonconforming structures and/or structures on nonconforming lots are governed by the following provisions and are summarized by Table 12.5 (Reconstruction, extensions or structural changes to one- and two-family nonconforming structures and/or structures on nonconforming lots).
 - a. Conforming additions to structures and placement of accessory structures are allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Addition of a porch or sunroom or deck
 - b. Enclosed addition allowed up to a cumulative 500 sf footprint every ten years

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- c. Addition of a one-story garage for no more than 2 vehicles
 - d. Conversion of a one-story garage for one vehicle to a one-story garage for 2 vehicles
 - e. Small-scale, proportional storage structure
 - f. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
- ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot, conforming additions and accessory structures are allowed by-right.
- b. Altering existing structures within the nonconforming yard/setback areas are allowed as follows:

Note: - The following are considered to be outside of the existing building's footprint and cannot be used to establish the nonconforming setback: an existing deck, porch or projections into required setbacks allowed in §235-6.3.

- i. Within the existing dwelling's footprint alterations are allowed by-right regardless of if the lot is nonconforming in terms of area, frontage/width or depth in the following circumstances.
 - a. Rebuilding the structure in-kind without any increase in height or gross floor area, except as reasonably necessary to comply with current Building Code and other regulatory requirements
 - b. Installation of compliant dormer(s)
 - c. Increase in height of structure or other alteration at a setback of or greater than 75% of the required setback (e.g. in URA increase in height of portion of the structure at or greater than 7.5 feet of side lot line)
 - d. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required including for an increase in height of structure or other alteration within 75% of the required setback (e.g. in URA increase in height of portion of the structure within 7.5 feet of side lot line)
- ii. Outside of the existing dwelling's footprint additions, including porches and decks, are allowed by-right in the following circumstances:
 - a. If on a lot with nonconforming area:
 - i. An addition is an extension of the existing setback of the dwelling or at a more conforming setback, and enclosed
 - ii. is at or greater than 75% of the required setback, and
 - iii. is not exceeding a cumulative 500 sf footprint of enclosed area every ten years.
 - iv. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
 - b. If on a lot with nonconforming frontage/width or depth or on a conforming lot:
 - i. An addition is an extension of the existing setback of the dwelling or at a more conforming setback, and
 - ii. is at or greater than 75% of the required setback.
 - iii. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.

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- c. Altering existing structures' nonconforming height/stories, coverage, and open space are allowed as follows regardless of if the lot is nonconforming in terms of area, frontage/width or depth:
 - i. Reducing the nonconformity is allowed by right.
 - ii. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
 - d. Demolishing a structure and constructing a new structure within the original building's nonconforming footprint is by-right in the following circumstances regardless of if the lot is nonconforming in terms of area, frontage/width or depth:
 - i. Structure is no taller than the previous structure within the nonconforming setbacks
 - ii. A compliant enclosed addition is allowed outside of the original footprint with a size up to a 250 sf footprint.
 - iii. Construction commences within one year of demolition
 - iv. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
 - e. Demolishing a structure and constructing a new conforming structure is allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Footprint of enclosed area is no more than 250 sf bigger than the original structure's footprint, and
 - b. Construction commences within one year of demolition.
 - c. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
 - ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot constructing a new conforming structure is allowed by-right.
 - f. For constructing a new structure on a vacant lot that is nonconforming in terms of area, frontage/width or depth, see Residential Lot of Record, § 12.3.4.
5. For Nonconforming Multi-family, Commercial Structures and all Structures other than one- or two-family structures: Allowances for the alteration including reconstruction, extension, or structural change of nonconforming structures and/or structures on nonconforming lots are governed by the following provisions and are summarized by Table 12.6 (Reconstruction, extensions or structural changes to multifamily and commercial nonconforming structures and/or structures on nonconforming lots).
- a. Conforming alterations to structures are allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Addition allowed up to a cumulative 500 sf footprint every ten years
 - b. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required.
 - ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot, conforming alterations are allowed by-right.
 - b. Altering existing property's nonconforming height/stories, coverage, open space, floor area ratio, yard/setback area are allowed as follows regardless of if the lot is nonconforming in terms of area, frontage/width or depth:
 - i. Fenestration change that does not intensify the impact of the nonconformity on the abutters
 - ii. Reducing nonconformity
 - iii. Otherwise, a Special Permit granted by the Zoning Board of Appeals is required

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- c. Demolishing a structure and constructing a new structure within the original building's nonconforming footprint is allowed by Special Permit granted by the Zoning Board of Appeals regardless of if the lot is nonconforming in terms of area, frontage/width or depth if construction commences within one year of demolition. Otherwise, it is not permitted, including if there is an increase in the structure's nonconforming dimensions.
 - d. Demolishing a structure and constructing a new conforming structure is allowed by Special Permit on a nonconforming lot in terms of area, frontage/width, or depth. Construction must commence within one year of demolition.
 - e. Constructing a new structure on a vacant nonconforming lot in terms of area or frontage/width is not permitted.
6. In granting a Special Permit to alter a nonconforming structure the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure. In judging detriment the Board may consider without limitation impacts to the scale of the structure, context of the built environment, shading, visual effects, impacts to traffic volumes or congestion, adequacy of utilities, noise, and odor or other impacts as applicable.

§ 235- 12.6. Restoration due to Damage.

- 1. Lawfully existing nonconforming structures that are destroyed or damaged by fire or other natural cause may be rebuilt on the original foundation with the original floor area limitations or repaired in-kind. Creation of a new nonconformity is not permitted. Alteration or extension of an existing nonconformity from the prior condition is not permitted except as otherwise allowed in this Chapter.
- 2. Reconstruction or repair shall commence within twenty-four (24) months of the date of destruction.

§ 235-12.7. Abandonment.

- 1. Any nonconforming use which has been abandoned, replaced with a conforming use or discontinued for a continuous period of two years or more shall not be recommenced. For purposes of this section, the discontinuance period shall not be broken by temporary use except when such temporary use is for a period of 60 or more consecutive days.
- 2. Any nonconforming structure which has been abandoned for a continuous period of two years or more shall not be used again for any purpose except upon issuance of a special permit from the Zoning Board of Appeals. The use is considered abandoned by the visible or otherwise apparent intention of an owner to discontinue use of the structure. Lack of occupancy of a nonconforming structure alone shall not constitute abandonment and shall not preclude subsequent use of the structure for a conforming use.

TABLE 12.5: RECONSTRUCTION, EXTENSIONS OR STRUCTURAL CHANGES TO ONE- & TWO-FAMILY NONCONFORMING STRUCTURES AND/OR STRUCTURES ON NONCONFORMING LOTS

Nonconforming 1- & 2-family residential structures	Conforming addition & accessory structure	Altering existing structure within nonconforming yard/setback area		Altering existing structure's nonconforming: Height/Stories Coverage Open Space	Total demolition of structure and construction of new structure within the original building's nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant lot	Creating new nonconforming dimension
		Within existing dwelling's footprint	Addition (including porch and deck) outside existing dwelling's footprint					
		Note - The following are considered to be outside of the existing building's footprint and cannot be used to establish the nonconforming setback: an existing deck, porch or projections into required yards allowed in Section 235-6.3.						
Lot with nonconforming area	By-right if: (1) Addition of a porch or sunroom or deck (2) Enclosed addition allowed up to a cumulative 500 sf footprint every 10 years (3) Addition of a one-story garage for no more than 2 vehicles (4) Conversion of a one-story garage for one vehicle to a one-story garage for 2 vehicles (5) Small-scale, proportional storage structure Otherwise, Special Permit	By-right if: (1) Rebuilt in-kind without any increase in height or gross floor area, except as reasonably necessary to comply with current Building Code and other regulatory requirements (2) Installation of compliant dormer(s) (3) Increase in height of structure or other alteration at a setback of or greater than 75% of the required setback (e.g. in URA increase in height of portion of the structure at or greater than 7.5 feet of side lot line) Otherwise, Special Permit	By-right if: (1) Addition is an extension of the existing setback of the dwelling or at a more conforming setback, and (2) is at or greater than 75% of the required setback, and (3) not exceeding a cumulative 500 sf footprint of enclosed area every ten years. Otherwise, Special Permit	By-right if: (1) Reducing nonconformity Otherwise, Special Permit	By-right if: (1) Structure is no taller than the previous structure within the nonconforming setbacks (2) Compliant enclosed addition allowed outside of original footprint with a size up to 250 sf footprint (3) Construction commences within one year of demolition Otherwise, Special Permit	By-right if: (1) Footprint of enclosed area is no more than 250 sf bigger than the original structure's footprint, and (2) Construction commences within one year of demolition Otherwise, Special Permit	See Residential Lot of Record in Nonconformance Section	Variance
	Lot with nonconforming frontage/width or depth	By-right	See cell below					
Conforming lot (area, frontage/width and depth)	By-right	(1) Increase in height of structure or other alteration within 75% of the required setback (e.g. in URA increase in height of portion of the structure within 7.5 feet of side lot line). Otherwise, Special Permit	By-right if: (1) Addition is an extension of the existing setback or at a more conforming setback and (2) is at or greater than 75% of the required setback. Otherwise, Special Permit					

TABLE 12.6: RECONSTRUCTION, EXTENSIONS OR STRUCTURAL CHANGES TO MULTI-FAMILY & COMMERCIAL NONCONFORMING STRUCTURES AND/OR STRUCTURES ON NONCONFORMING LOTS

Nonconforming Multi-family, Commercial Structures and all Structures other than 1- or 2-family structures	Conforming alteration	Altering existing nonconforming: Height/Stories Coverage Open Space Floor Area Ratio Yard/Setback area	Total demolition of structure and construction of new structure within the original building's nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant nonconforming lot	Creating new nonconforming dimension
Lot with nonconforming area	By-right if: (1) Enclosed addition allowed up to a cumulative 500 sf footprint every 10 years Otherwise, Special Permit	By-right if: (1) Fenestration change that does not intensify the impact of the nonconformity on the abutters (2) Reducing nonconformity Otherwise, Special Permit	Special Permit Construction must commence within one year of demolition Otherwise, Variance including an increase in nonconforming dimensions -	Special Permit Construction must commence within one year of demolition	Variance	Variance
Lot with nonconforming frontage/width or depth	By-right			Special Permit Construction must commence within one year of demolition	Variance	
Conforming lot (area, frontage/width and depth)	By-right			By-right	By-right	

235 Attachment 1

City of Melrose

Table of Use and Parking Regulations
Table 5.2

Key:**P** = permitted**S** = special permit required to establish use**-** = not permitted**Note:** The establishment of a use may require Site Plan Approval as specified in § 3.2.

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Residential														
1. One-family detached dwelling	P	P	P	P	P	S	—	—	—	—	S	—	—	A1
2. One-family with in-law apartment (see §235-5.3)	S	S	S	S	S	S	—	—	—	—	S	—	—	A1
3. Two-family dwelling	—	—	—	S	P	P	—	—	—	—	P	—	—	A2
4. Multifamily dwelling (see § 235-5.4)	—	—	—	—	S	P	S (\$235-8.1)	S (\$235-8.1)	S in BB-1 (\$235-8.1)	S	P	—	—	B
5. Multifamily dwelling as part of a mixed-use structure (see § 235-5.3 and § 235-5.4)	—	—	—	—	S	S	P	P	—	P	P	—	—	Q
6. Townhouse	—	—	—	S	S	P	—	—	—	—	P	—	—	B
7. Lodging house	—	—	—	—	P	P	—	—	—	—	P	—	—	C
8. Fraternities and sororities	—	—	—	—	P	P	—	—	—	—	—	—	—	C
9. Dormitories	—	—	—	—	P	P	—	—	—	—	P	—	—	C

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Community Facilities														
1. Church or other religious purpose	P	P	P	P	P	P	P	P	P	P	P	P	P	D
2. Educational purpose which is religious, sectarian, denominational or public	P	P	P	P	P	P	P	P	P	P	P	P	P	D, L, M
3. Private school, college or university	S	S	S	S	S	S	—	—	—	—	—	—	—	D, L, M
4. Private day nursery or kindergarten	S	S	S	S	S	S	S	S	—	—	S	—	—	1 space per staff member
5. Membership club	S	S	S	S	S	P	P	P	P	P	P	—	—	N
6. Country, fishing, tennis or golf club	P	P	P	—	—	—	—	—	P	—	—	—	—	L
7. City governmental building except equipment garage	P	P	P	P	P	P	P	P	P	P	P	P	P	N, D
8. City equipment garage	—	—	—	—	—	S	—	—	P	—	—	P	P	Q (not to be applied to garage spaces)
9. City or nonprofit cemetery, including any crematory therein	P	P	P	P	P	P	—	—	—	—	—	—	—	R
10. City outdoor recreational facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
11. Historical association or society	P	P	P	P	P	P	P	P	P	P	P	P	P	N
12. Hospital	—	—	—	—	—	—	—	—	—	—	P	—	—	J
13. Power plant, refuse incineration and sanitary landfill	—	—	—	—	—	—	—	—	—	—	—	P	P	O
14. Municipal parking lot or structure	S	S	S	P	P	P	P	P	P	P	P	P	P	None
15. Street, bridge, tunnel, railroad lines	P	P	P	P	P	P	P	P	P	P	P	P	P	None
16. Facilities for essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	None

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
17. Private overhead transmission line, substation or similar facility or building	S	S	S	S	S	S	S	S	S	S	S	S	S	R
18. Nursing home	—	—	—	—	—	S	—	—	—	—	P	—	—	K
Agriculture														
1. Agriculture, horticulture and floriculture except a greenhouse or stand for retail use	P	P	P	—	—	—	—	—	—	—	—	—	—	None
2. Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products	S	S	—	—	S	S	P	P	P	P	—	—	—	G
3. Temporary (not to exceed erection or use for a period of 3 months in any 1 year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises	S	S	—	—	—	—	—	—	—	—	—	—	—	R
4. Commercial stable, kennel, or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or structures	S	S	—	—	—	—	—	—	—	—	—	—	—	G
5. Noncommercial forestry and growing all vegetation	P	P	P	P	P	P	P	P	P	P	P	P	P	None
Retail Service Commercial														
1. Retail establishment selling principally convenience goods, including by not limited to food, drugs and proprietary goods:														

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
a. With a maximum floor area of 10,000 square feet for any single establishment	—	—	—	—	—	—	P	P	P	P	P	—	—	G
b. With no limitation with respect to floor area	—	—	—	—	—	—	P	P	P	—	—	—	—	G
2. Retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license	—	—	—	—	—	—	P	P	P	P	P	—	P	G
3. Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares and hardware, and including discount and limited price variety stores:														
a. With a maximum floor area of 10,000 square feet for any single establishment	—	—	—	—	—	—	P	P	P	S	—	—	—	G
b. With no limitation with respect to floor area	—	—	—	—	—	—	P	P	S	—	—	—	—	G
4. Eating and drinking places where consumption is primarily intended to be within the building	—	—	—	—	—	—	P	P	P	S	S	—	—	D
5. Brewery without distribution (see § 235-5.3)	—	—	—	—	—	—	P	P	P	S	S	P	P	D
6. Drive-in eating and drinking establishment	—	—	—	—	—	—	—	—	S	—	—	—	—	G
7. Sales by vending machines as a principal use	—	—	—	—	—	—	—	—	S	—	S	—	—	G

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
8. Establishment selling new automobiles and/or used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles and household and camping trailers	—	—	—	—	—	—	S	—	P	—	—	—	—	E
9. Hotels and motels	—	—	—	—	—	—	S	S	P	—	S	—	—	F
10. Personal and consumer service establishment	—	—	—	—	—	—	P	P	P	P	P	—	—	G
11. Funeral establishment	—	—	—	—	—	S	S	—	—	S	P	—	—	G
12. Medical offices (such as doctor offices, dentist offices, physical therapist, and clinics), including accessory medical research and associated facilities	—	—	—	—	—	S	S	S (except on ground floor)	—	S	P	—	—	G-1
13. Membership club operated for profit	—	—	—	—	—	S	P	P	—	S	—	—	—	N
14. Miscellaneous professional and business offices and services, including but not limited to legal and other professional services and finance, banking, insurance and real estate offices	—	—	—	—	—	—	P	P	S	S	P	—	—	G
15. Business and trade school or college	—	—	—	—	—	—	P	P	—	—	P	—	—	L
16. Automotive repair or automobile service station (not including a junkyard or open storage of abandoned automobiles or other vehicles)	—	—	—	—	—	—	S	—	P	S	—	S	S	E

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
17. Miscellaneous business repair services	—	—	—	—	—	—	P	S	S	S	—	—	—	G
18. Motion-picture establishment, indoor	—	—	—	—	—	—	P	P	P	—	—	—	—	G
19. Other amusement and recreation service, indoor amusement	—	—	—	—	—	—	S	S	P	—	—	—	—	G
20. Other amusement and recreation service, outdoor amusement	—	—	—	—	—	—	—	—	P	—	—	—	—	R
21. Communications and television tower	—	S	S	—	—	—	—	—	—	—	—	—	—	R
22. Commercial parking lot or structure	—	—	—	—	—	S	P	—	P	P	S	P	P	None
23. Data processing, computer, telephone, printing, mailing and other similar operations, when approved as part of a planned business development	—	—	—	—	—	P	P	P	P	P	P	—	—	G
24. Adult use (see § 235-5.3)	—	—	—	—	—	—	—	—	S	—	—	S	S	G
25. Wireless communication service facility (see § 235-5.3)	S	S	S	S	S	S	S	S	S	S	S	S	S	None
26. Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	None

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Wholesale, Transportation and Industrial														
1. Removal of sand, gravel, quarry or other raw material	—	S	—	—	—	—	—	—	—	—	—	S	S	H
2. Processing and treating of raw materials, including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations	—	S	—	—	—	—	—	—	—	—	—	S	—	H
3. Construction industry, including suppliers	—	—	—	—	—	—	—	—	P	—	—	P	P	H
4. Manufacturing	—	—	—	—	—	—	—	—	—	—	—	P	P	I
5. Bakery, laundry or dry-cleaning plant	—	—	—	—	—	—	S	S	P	S	—	P	P	I
6. Railroad yards and railway express service	—	—	—	—	—	—	—	—	P	—	—	P	P	H
7. Motor freight terminal and warehousing	—	—	—	—	—	—	—	—	P	—	—	P	—	H
8. Bus or railroad passenger terminal	—	—	—	—	S	P	P	P	P	P	—	—	—	P
9. Heliport, subject to the design criteria and standards of the Federal Aviation Administration as published in Heliport Design Guide, November 1969, or any later revision thereto	—	—	—	—	—	—	S	—	S	—	—	S	—	P
10. Other transportation service	—	—	—	—	—	—	—	—	P	—	—	P	P	P
11. Wholesale trade and distribution	—	—	—	—	—	—	—	—	P	—	—	P	P	H

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
12. Open storage of raw materials, finished goods or construction equipment and structures for storing such equipment, provided it shall be screened from outside view by an enclosed solid fence and gate at least 10 feet in height, or a solid wall of evergreens, when planted not more than 18 inches apart and at least 3 feet in height, said evergreens to be of vertical habit and to be maintained, and a solid gate at least 10 feet in height and not more than 20 feet in width	—	—	—	—	—	—	—	—	S	—	—	S	S	R
13. Storage of a fluid other than water as a principal use	—	S	S	S	S	S	S	S	S	S	S	S	S	R
14. Research offices or establishments devoted to research and development activities	—	—	—	—	—	—	S	S	S	S	S	P	P	H
15. Brewery with distribution (see § 235-5.3)	—	—	—	—	—	—	—	—	S	—	—	P	P	D

Accessory Use (see § 235-5.3)	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
1. Home occupation (see § 235-5.3)	P	P	P	P	P	P	P	P	P	P	P	—	—	T
2. Private day nursery or kindergarten, provided it shall not occupy more than 30% of the gross floor area of the structure	S	S	S	S	S	S	S	—	—	—	—	S	S	N
3. Accessory professional office of a licensed medical or dental practitioner in an existing dwelling	S	S	S	S	S	S	S	S	S	S	P	S	S	G-1
4. Accessory uses, such as a playhouse, greenhouse, tool shed, private swimming pool, carport, garage or similar in accessory structures, subject to provisions of Article IX	P	P	P	P	P	P	P	P	S	S	S	—	—	None
5. Accessory private garage for noncommercial motor vehicles, subject to provisions of Article IX and (see § 235-5.3)	P	P	P	P	P	P	P	P	P	P	P	—	—	None
6. Accessory community garages for noncommercial motor vehicles, subject to provisions of Article IX	—	—	—	S	P	P	P	P	P	P	P	P	P	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
7. Accessory storage of a trailer, unregistered boat, utility trailer or boat trailer provided it shall either be stored within a principal or accessory building or behind the building within the side or rear yards and it shall not be used for dwelling or sleeping purposes; unregistered automobiles or unregistered trailers shall not be stored outside in residential districts	P	P	P	P	P	P	—	—	P	—	—	P	P	None
8. Accessory repair and storage facilities in any retail sales or consumer establishment, provided it shall be not occupy more than 25% of the gross floor area and shall not be located within 15 feet of any entrance used by the public	—	—	—	—	—	—	P	P	P	P	S	—	—	I
9. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use, provided it shall be screened from outside view by an enclosed solid fence or wall and gate at least 10 feet in height, or a solid wall of evergreens, when planted not more than 18 inches apart and	—	—	—	—	—	—	—	—	—	—	—	P	P	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
at least 3 feet in height, said evergreens to be of vertical habit and to be maintained, and a solid gate at least 10 feet in height and not more than 20 feet in width														
10. Accessory manufacturing use, provided it shall not occupy more than 25% of the gross floor area of the building and it shall not be located within 100 feet of an "R" district or within 50 feet of any street lot line	—	—	—	—	—	—	—	—	—	—	—	P	P	Same as principal use
11. Accessory retail or consumer service use in a multifamily dwelling over 20,000 square feet in gross floor area, provided all activities are located on the first floor or basement floor levels; such uses shall not aggregate more than 2,000 square feet; all materials, goods and activities in connection with said uses shall be confined completely within the building	—	—	—	—	S	S	S	P	—	—	S	—	—	Same as principal use

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
12. Newsstand, barbershop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office or industrial building, hospital containing more than 50 sleeping rooms or transportation terminal facility	—	—	—	—	—	S	P	P	P	—	P	P	P	G
13. Up to 3 lodging units in an existing dwelling	—	—	—	—	P	P	S	S	S	S	S	—	—	B
14. One lodging unit housing up to 3 persons in an existing dwelling	—	S	S	S	P	P	S	S	S	S	S	—	—	B
15. Accessory storage of a fluid other than water or gas	S	S	S	S	S	S	S	S	S	S	S	S	S	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
16. Public/private utility cabinets. The Board of Appeals may grant a special permit in the side or rear yard setback provided sufficient screening and buffers are provided to protect the integrity and character of the area. Screening and buffers may be of structure or natural material or any combination thereof. Cabinets shall not exceed a total height of 7 feet	S	S	S	S	S	S	S	S	S	S	S	S	S	None
17. Wireless communications service facility	S	S	S	S	S	S	S	S	S	S	S	S	S	None
Marijuana-Related Uses (see § 235-5.3)														
1. Registered marijuana dispensary	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	G
2. Marijuana cultivator	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	H
3. Marijuana product manufacturer	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	H
4. Marijuana research facility	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	H
5. Marijuana retailer	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	G
6. Marijuana testing laboratory	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	H
7. Marijuana transportation or distribution facility	—	—	—	—	—	—	—	—	S in BB	—	—	S	—	H

ZONING

235 Attachment 2

City of Melrose

Table of Dimensional and Density Regulations
Table 6.2

		See § 235-6.3 for Dimensional Regulation Specifications										
District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage and Lot Width (feet)	Minimum Lot Depth (feet)	Principal Structure Setback / Yard			Maximum Height (feet)	Maximum Stories	Maximum Coverage	Maximum Floor Area Ratio	Minimum Open Space
					Front (feet)	Side (feet)	Rear (feet)					
SR	Any permitted use	25,000	110	90	25	20	50	35	2 1/2	35%	None	50%
SR-A	Any permitted use	15,000	100	90	25	15	40	35	2 1/2	35%	None	50%
SR-B	Any permitted use	10,000	80	90	20	12	30	35	2 1/2	35%	None	40%
UR-A	Townhouse	7,500 per dwelling unit	100	90	20	10 ¹	20	35	2 1/2	35%	None	35%
	Two-family dwelling	13,500	100	90	20	10 ¹	20	35	2 1/2	35%	None	35%
	Single-family dwelling	7,500	75	90	20	10	20	35	2 1/2	35%	None	35%
	Any other permitted use	10,000	100	90	20	10	20	35	2 1/2	35%	None	35%
UR-B	Single-family dwelling	7,500	75	90	20	10	15	35	2 1/2	50%	None	30%
	Two-family and multifamily dwelling uses and townhouses	7,500 plus 3,000 for each dwelling unit more than 1	100	90	20	10 ¹	15	35	2 1/2	50%	None	30%
	Any other permitted use	10,000	100	90	20	10 ¹	15	35	2 1/2	50%	None	20%

MELROSE CODE

		See § 235-6.3 for Dimensional Regulation Specifications										
District	Use	Minimum Lot Area (square)	Minimum Frontage and Lot	Minimum Lot Depth (feet)	Principal Structure Setback / Yard			Maximum Height (feet)	Maximum Stories	Maximum Coverage	Maximum Floor Area	Minimum Open Space
					Front (feet)	Side (feet)	Rear (feet)					
UR-C UR-D	Two-family and multifamily dwelling uses and townhouses	6,000 plus 1,250 for each dwelling unit more than 1	100	90	20	10 ¹	15	50	4	50%	1	20%
	Any other permitted use	7,500	75	90	20	10	15	50	4	50%	1	20%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
BA BA-1	Any permitted use ⁴	5,000	50	90	None ³	None	None	50	4	None	2.0	5%
BA-2	Any permitted use ⁴	5,000	50	90	None ³	None	None	50	4	None	2.0	5%
BB BB-1	Any permitted use	10,000	100	90	10	12	15	30	2	60%	0.75	20%
BC	Any permitted use ⁵	5,000 ²	50	90	5	None	None	30	2	None	0.75	10%
BD	Any permitted use ⁵	5,000 ²	50	90	15	None	10	80	8	None	2.0	5%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
I I-A	Any permitted use	20,000	125	100	30	20	30	50	4	25%	2.0	30%

FOOTNOTES:

- 1 One side only for side-by-side two-family dwelling units; outside for semidetached row unit.
- 2 For mixed uses, the minimum lot area shall be increased by 1,000 square feet for each dwelling unit.
- 3 The maximum front yard and side yard abutting a street shall be five feet.
- 4 See § 235-8.2 for dimensional incentives.
- 5 Residential uses are subject to UR-C District dimensions.

Melrose Zoning Ordinance Recodification Proposal

JOINT PUBLIC HEARING

CITY COUNCIL & PLANNING BOARD

AUGUST 19, 2024

Goals

1. Make the code easier to navigate and understand by:
 - a) Reorganize text to a system of sections with a logical order and appropriate subsections
 - b) Rewrite sections that are difficult to understand or could have multiple interpretations
 - c) Remove sections that are no longer relevant or impossible to use
 - d) Modernize language that was written in 1972
 - e) Add diagrams as examples of how dimensional regulations are measured
2. Codify current processes and requirements imposed by the Boards
3. Make changes to comply with current state law
4. Have an organized code into which future zoning amendments can be incorporated. Future amendments are to work on the zoning goals in the Housing Production Plan.

This recodification proposal does not change boundaries of zoning districts, or present major policy changes to dimensional requirements or uses allowed in each district.

Guide to Current Code

I want to build a house on vacant land. To find the lot width required go to :

§235-5 Frontage Definition

§235-5 Lot Width Definition

§235-19 Dimensional Table

§235-25.J Additional Dimensional and Density Regulations

I want to expand my driveway. To find requirements go to:

§235-41.J Additional Dimensional and Density Regulations

§235-41.L for min/max width

§235-5 Building Front Yard Definition

§235-5 Open Space

I am adding an addition to my house and need a variance to extend my existing nonconforming side yard. To find the requirements and process go to:

§235-64 Variances in Special Permits and Conditions Section

§235-60 Board of Appeals

§235-61 Special Permit Granting Authorities

I want to install a pool at my house. To find the regulations go to:

§235-24 footnote 2 of accessory buildings and other structures table

I want to find all of the allowed uses of my property and regulations for the uses. Go to:

§235-17 Use Table

§235-16 Uses subject to other regulations

§ 235-73 & Article XVI Wireless Communication

Article XIII Home Occupation Article

§ 235-72. Adult Uses

§ 235-73 Marijuana Establishments

§235-5 Definitions for regulations for Brewery, In-Law Apartments, Home Occupation, Accessory Use

I want to install a fence on my property. To find the height allowed go to:

§235-17 Use Table

§235-25.K & L Additional Dimensional and Density Regulations

Process

- Received a Housing Choice Grant from the Executive Office of Housing and Livable Communities
- Hired CommunityScale LLC to work with Planning Staff on the effort
 - Nels Nelson, Principal and Project Manager, Planner
 - Jeff Levine, AICP, Levine Planning Strategies, LLC
 - Jonathan Silverstein, Partner, Blatman, Bobrowski, Haverty & Silverstein, LLC Attorneys at Law
- Worked with the Zoning Subcommittee on structure and drafts of code
- CommunityScale LLC conducted one-on-one meetings with stakeholders to generate feedback
- Met with Building Commissioner and Inspector to review and incorporate their comments
- Posted project information on website and communicated with the public through the newspaper and City email
- Planning Board will meet and submit a report with recommendations to the City Council. City Council must wait until they receive a report from the Planning Board or wait for 21 days before holding a vote.
- City Council is required to vote within 90 days of close of public hearing

Stakeholder Feedback

Held 9 one-on-one meetings with architects, developers, land use attorneys, planners, and board members

Some of the key feedback received:

- Don't use "Building, Accessory", use "Accessory Building" because this is a more intuitive search term
- Clarify the difference between a "basement" and a "cellar" so it is easier to interpret gross floor area and number of stories.
- Improve the definition of "pool" to be clear about pools versus hot tubs.
- Streamline the process so cases are not shared between ZBA and Planning Board.
- Clarify that residential units are not allowed on the ground floor of mixed-use buildings.
- Include visual diagrams to explain complicated issues, such as how the corner lot illustration is helpful.
- Include the zoning map with the ordinance on eCode360.
- Put the tables in the right place on eCode360, not in an appendix.
- Feedback included many suggestions for future zoning amendments.

Clarify Language

Example

5.2.1.e

☐ § 235-15 Permitted uses.

In the Table of Use and Parking Regulations,^[1] the uses permitted by right in the district shall be designated by the letter "P," except that any use listed in the Table of Use and Parking Regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and accepted as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be permitted only as an exception by special permit. Those uses that may be permitted as an exception by special permit in the district, in accordance with Articles X and XI, shall be designated by the letter "S." Uses designated "-" shall not be permitted in the district.

Removed because subject to challenge per case law, reworded section and put in list form

§ 235-5.2. Permitted uses

1. The permitted uses for each zoning district are listed in the attached Table of Use and Parking Regulations, Table 5.2, which is declared to be a part of this chapter.

Table key:

P: Use permitted by-right except as noted below.

S: Use requires a Special Permit in order to be established by the Zoning Board of Appeals.

": Use is not permitted in the district.

2. Any use not listed in the Table is considered to be prohibited.
3. Mixed-use is allowed and the individual uses must be allowed in the Table of Use and Parking Regulations for the district.
4. The establishment of a use may require Site Plan Approval as specified in § 3.2.

Clarify Language

Example

5.2.1.e

- B.** Except for planned developments for multifamily development, cluster residential development, planned unit development or commercial development, and except for community facilities and public utilities, only one principal structure shall be permitted on a lot. In the case of planned multifamily developments other than planned unit development, the minimum distance between the walls of such principal buildings which contain windows shall be twice the minimum side yard or side setback required in the district. The minimum lot area required per each individual dwelling unit, building or other unit or use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract.

Shifted important text to the front of paragraph and separated from other regulations so that regulation is visible.

2. Only one principal structure shall be permitted on a lot. except for commercial development, community facilities and public utilities.

Examples

GARAGE

A building or structure or a portion thereof in which a motor vehicle containing a flammable fluid in its fuel storage tank or other propellant is stored, housed and kept. This does not include a new car sales room.

GARAGE — A building or structure or a portion thereof designed for the storage of one or more motor vehicles. This does not include a car sales room.

☐ § 235-57 **Permit time limits.**

Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for an additional year at the discretion of the Building Commissioner. Additional time extensions may be granted only by a special permit approved by the Board of Appeals. Any project not completed within the applicable time limits shall be in violation of this chapter.

- d. Permit time limits. Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for an additional year at the discretion of the Building Commissioner. Any project not completed within the applicable time limits shall be in violation of this chapter.

State's Department of Housing and Community Development (DHCD) is now the Executive Office of Housing and Livable Communities (EOHLC)

Planning Board was referred to as the Site Plan Review Committee when issuing Site Plan Approval but this term is not used and is not necessary.

Article 1

Proposed:

ARTICLE I. INTRODUCTORY PROVISIONS

235-1.1 Title

235-1.2 Authority

235-1.3 Purposes

235-1.4 Applicability

235-1.5 Severability

Existing:

**ARTICLE I
Title, Authority and Purpose**

Title.

Authority.

Purpose.

**ARTICLE IV
Interpretation and Application**

Interpretation.

Application.

Existing buildings and land.

**ARTICLE XIV
Amendments, Severability and When Effective**

Severability.

When effective.

Accomplishments:

- 1. Code sections were reorganized to follow a more logical sequence as can be seen by comparing the Tables of Content of the old and new codes.
- 2. Purpose Section modernized to reflect the City’s current values and priorities.
- 3. Language that was duplicated in different parts of the code was consolidated.

Article 2

Proposed:

ARTICLE II. DEFINITIONS

235-2.1 Word Usage ← § 235-4.

235-2.2 Definitions ← § 235-5.

Existing:

ARTICLE II Word Usage and Definitions

Word usage.

Definitions.

Accomplishments:

1. Commas removed from two-word terms 'Building, Principal' became 'Principal Building'.
2. Basement, Cellar, Story, Mezzanine - clarified to explain when it should be considered a story.
3. Frontage - augmented to ensure that frontage is not illusory.
4. Street was changed to be consistent with the Subdivision Control Law.
5. Building line – confusing term - was removed.
6. Lot line and setback were clarified.
7. Definitions added for Mixed-Use, Green Building and Sustainable Design Practices, TDM Plan, Tandem.
8. Use and dimensional regulations relocated into relevant sections.

Article 3

Proposed:

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

235.3.1 Officials and Permit Granting Authorities

- 1. Building Commissioner
- 2. Zoning Board of Appeals
- 3. Planning Board

235.3.2 Permits and Approvals

- 1. Building Permit
- 2. Certificate of Occupancy
- 3. Administrative Appeal
- 4. Variances
- 5. Special Permits
- 6. Site Plan Review
- 7. Repetitive Petitions
- 8. Revisions to Approved Plans

235.3.3 Public Hearing Review Procedures

235.3.4 Enforcement and Fines

235.3.5 Amendments

Existing:

ARTICLE X Administration and Enforcement

- § 235-52. Administrative officer.
- § 235-53. Building permit required; application procedure.
- § 235-54. Previously approved permits.
- § 235-55. Certificate of occupancy required.
- § 235-56. (Reserved)
- § 235-57. Permit time limits.
- § 235-58. Notice of violation and order.
- § 235-59. Violations and penalties.
- § 235-60. Board of Appeals.

ARTICLE XI Special Permits and Conditions

- § 235-61. Special permit granting authorities.
- § 235-62. Special permit procedure.
- § 235-63. Findings by special permit granting authority; conditions.
- § 235-64. Variances.

ARTICLE V Use Regulations
§ 235-16.1. Site plan review.

ARTICLE XIV
§ 235-78. Amendments.

ARTICLE III Establishment of Districts
§ 235-8. Changes to map.

Accomplishments:

1. Added section for Planning Board's responsibilities in the same way that exists for Zoning Board of Appeals.
2. Application requirements moved to newly created Rules and Regulations.
3. Daily zoning violation fine increased from \$100 to \$300 per day in line with state law.
4. Site Plan Review section clarifies when required for a proposed change in use, structure or site.
5. Size of additions that require Site Plan Approval to industrial, commercial, or multifamily structures was decreased from 2,500 sf to 1,000 sf.
6. Site Plan Approval expiration was increased from 2 to 3 years.
7. How revisions to approved plans are handled was clarified.
8. Variance findings were revised to be consistent with state law.

Article 4

Proposed:

ARTICLE IV. ZONING DISTRICTS

235-4.1 Districts	←	§ 235-6.
235-4.2 Overlay Districts	←	§ 235-7.
235-4.3 Zoning Map	←	§ 235-9.
235-4.4 Interpretation of Boundaries	←	

Existing:

ARTICLE III Establishment of Districts

Division into districts.
Zoning Map.
Boundaries of districts.

Accomplishments:

1. Descriptions of the City's zoning districts were added to clarify each district's primary purpose.
2. A section was created to list all of the overlay districts together.
3. Regulations were added for how we deal with parcels in two zoning districts or municipalities.

Article 5
Proposed:

Existing:

Accomplishments:

ARTICLE V. USE REGULATIONS

235-5.1 General Provisions

235-5.2 Permitted Uses

235-5.3 Standards for Certain Uses

Accessory Uses

Home Occupation

Commercial Parking

Automotive Repair and Service

Outdoor Storage

In-law Apartment

Brewery

Adult Uses

Registered Marijuana Dispensaries

Marijuana Establishments

Wireless Communications Service

Facilities

235-5.4 Affordable Housing

ARTICLE XI

Special Permits and Conditions

§ 235-72.

Adult uses.

§ 235-73.

Wireless communications service facilities.

§ 235-73.1.

Affordable housing incentive program.

§ 235-73.3.

Registered marijuana dispensaries.

§ 235-73.4.

Marijuana establishment.

§ 235-14.

Applicability.

§ 235-15.

Permitted uses.

§ 235-16.

Uses subject to other regulations.

§ 235-17.

Table of Use and Parking Regulations.

ARTICLE IV

Interpretation and Application

§ 235-13.

Mixed uses.

ARTICLE XIII

Home Occupation

§ 235-77.

Conditions.

ARTICLE II

Word Usage and Definitions

§ 235-5.

Definitions.

ARTICLE VI

§ 235-25.

Additional dimensional and density provisions.

ARTICLE VIII

Off-Street Parking and Loading

§ 235-41.

Parking and loading space standards.

§ 235-42.

Parking of commercial vehicles.

ARTICLE XVI

Wireless Communications Service Facilities

§ 235-86.

Purpose.

§ 235-87.

Existing facilities; discontinuance; applicability.

1. All of the standards for uses were relocated to one section.
2. Clarified the language about the number of bedrooms in affordable units being a similar ratio to the market rate units and when monetary contributions must be submitted.

Article 5

Proposed:

235 Attachment 1

City of Melrose

Table of Use and Parking Regulations
Table 5.2

Key:
P = permitted
S = special permit required to establish use
- = not permitted
Note: The establishment of a use may require Site Plan Approval as specified in § 3.2.

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Residential														
1. One-family detached dwelling	P	P	P	P	P	S	—	—	—	—	S	—	—	A1
2. One-family with in-law apartment (see §235-5.3)	S	S	S	S	S	S	—	—	—	—	S	—	—	A1
3. Two-family dwelling	—	—	—	S	P	P	—	—	—	—	P	—	—	A2
4. Multifamily dwelling (see § 235-5.4)	—	—	—	—	S	P	S (§235-8.1)	S (§235-8.1)	S in BB-1 (§235-8.1)	S	P	—	—	B
5. Multifamily dwelling as part of a mixed-use structure (see § 235-5.3 and § 235-5.4)	—	—	—	—	S	S	P	P	—	P	P	—	—	Q
6. Townhouse	—	—	—	S	S	P	—	—	—	—	P	—	—	B
7. Lodging house	—	—	—	—	P	P	—	—	—	—	P	—	—	C
8. Fraternities and sororities	—	—	—	—	P	P	—	—	—	—	—	—	—	C
9. Dormitories	—	—	—	—	P	P	—	—	—	—	P	—	—	C

Accomplishments:

1. Added a Key to explain symbology.
2. Added cross references to applicable code sections.
3. Footnotes were moved into table.
4. Included physical therapy under the personal and consumer service establishment use since this use is common and could be interpreted as another use.
5. Clarified how mixed-uses are allowed.

Article 6

Proposed:

ARTICLE VI. DIMENSIONAL REGULATIONS

- 235-6.1 General Provisions
- 235-6.2 Dimensional Regulations
- 235-6.3 Dimensional Regulation Specifications
- 235-6.4 Lot Configuration
- 235-6.5 Slope Protection

Existing:

ARTICLE VI

Dimensional and Density Regulations

- § 235-18. Applicability.
- § 235-19. Table of Dimensional and Density Regulations.
- § 235-20. Reduction of lot area.
- § 235-21. Separation of lots.
- § 235-25. Additional dimensional and density provisions.

ARTICLE II

Word Usage and Definitions

- § 235-5. Definitions.

ARTICLE XI

Special Permits and Conditions

- § 235-73.2. Slope protection.

ARTICLE VIII

Off-Street Parking and Loading

- § 235-38. Location of parking spaces.

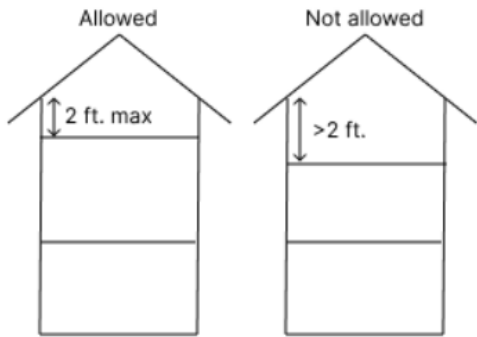
Accomplishments:

1. All of the dimensional regulations for principal structures were pulled into one section.
2. The lot width regulation was clarified – the current wording has multiple interpretations and unfortunate building forms have resulted to get around the regulation.
3. Fixed slope protection calculation symbol because it changed in online version.
4. Diagrams were added.

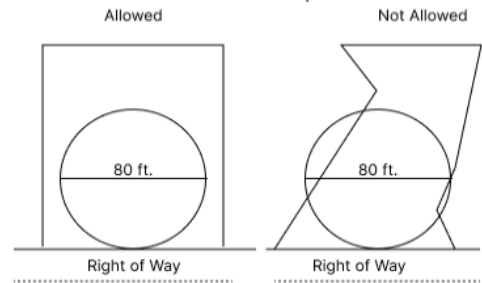
Article 6

Proposed:

Example of Half Story Height - 235-6.3.4.c



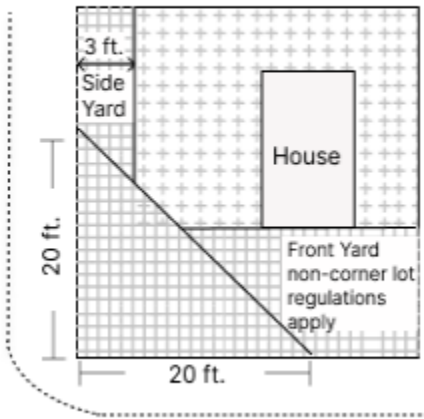
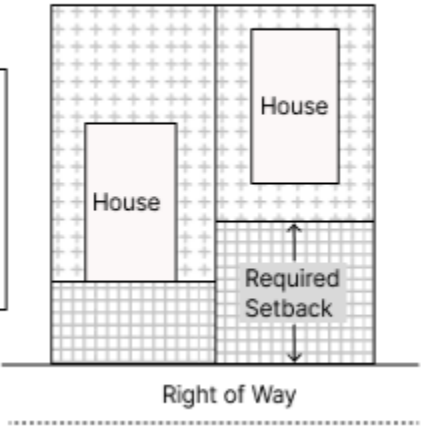
Example of Lot Width Regulation when 100 ft. frontage required - 235-6.3.7.c



Example of Fence/Wall Height Regulations - Non-corner Lot 235-9.2.3 & Corner Lot 235-9.2.4

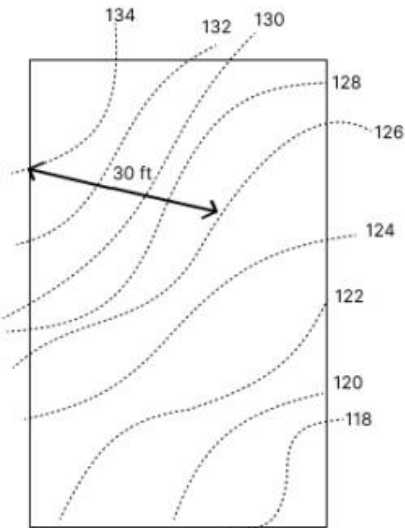
Legend

- 3' tall fence/wall
- 7' tall fence/wall
- Curb

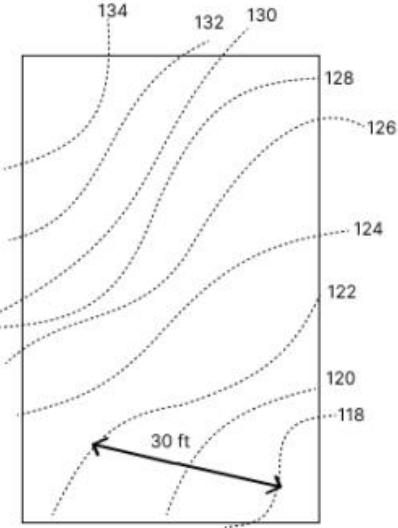


Example Slope Measurement and Calculation - 235-6.5

Slope= ((134-126)/30) x 100
Slope= 26%
*Area subject to slope protection

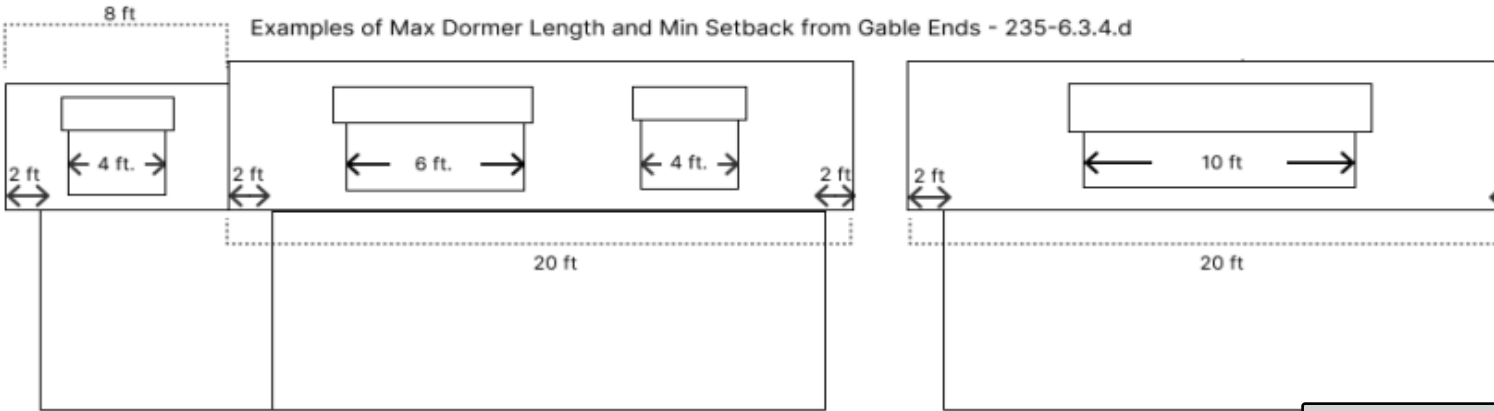


Slope= ((122-118)/30) x 100
Slope= 13%
*Area not subject to slope protection



*The scale must be moved over the entire site to calculate the sloped area at the 30 ft. distance.

Examples of Max Dormer Length and Min Setback from Gable Ends - 235-6.3.4.d



Article 6

Proposed:

235 Attachment 2

City of Melrose

Table of Dimensional and Density Regulations
Table 6.2

See § 235-6.3 for Dimensional Regulation Specifications												
District	Use	Minimum Lot Area (square feet)	Minimum Frontage and Lot	Minimum Lot Depth (feet)	Principal Structure Setback / Yard			Maximum Height (feet)	Maximum Stories	Maximum Coverage	Maximum Floor Area	Minimum Open Space
					Front (feet)	Side (feet)	Rear (feet)					
UR-C UR-D	Two-family and multifamily dwelling uses and townhouses	6,000 plus 1,250 for each dwelling unit more than 1	100	90	20	10 ¹	15	50	4	50%	1	20%
	Any other permitted use	7,500	75	90	20	10	15	50	4	50%	1	20%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
BA BA-1	Any permitted use ⁴	5,000	50	90	None ³	None	None	50	4	None	2.0	5%
BA-2	Any permitted use ⁴	5,000	50	90	None ³	None	None	50	4	None	2.0	5%
BB BB-1	Any permitted use	10,000	100	90	10	12	15	30	2	60%	0.75	20%
BC	Any permitted use ⁵	5,000 ²	50	90	5	None	None	30	2	None	0.75	10%
BD	Any permitted use ⁵	5,000 ²	50	90	15	None	10	80	8	None	2.0	5%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
I I-A	Any permitted use	20,000	125	100	30	20	30	50	4	25%	2.0	30%

FOOTNOTES:

- 1 One side only for side-by-side two-family dwelling units; outside for semidetached row unit.
- 2 For mixed uses, the minimum lot area shall be increased by 1,000 square feet for each dwelling unit.
- 3 The maximum front yard and side yard abutting a street shall be five feet.
- 4 See § 235-8.2 for dimensional incentives.
- 5 Residential uses are subject to UR-C District dimensions.

Accomplishments:

1. Added cross reference to applicable code sections.
2. Footnotes were cleaned up.

Article 7

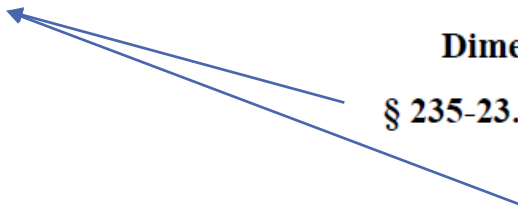
Proposed:

ARTICLE VII. OVERLAY DISTRICT REGULATIONS

235-7.1 Smart Growth District

235-7.2 Rail Corridor Overlay District

235-7.3 Floodplain District



§ 235-71.1.

§ 235-71.2.

§ 235-23.

§ 235-81.

§ 235-81.1.

§ 235-82.

§ 235-82.1.

§ 235-83.

§ 235-84.

§ 235-85.

Existing:

ARTICLE XI Special Permits and Conditions

Smart Growth District.

Rail Corridor Overlay District.

ARTICLE VI Dimensional and Density Regulations

Buildings in floodway.

ARTICLE XV Floodplain District

Establishment.

Reference to existing regulations.

Development regulations.

Notification of watercourse alteration.

Subdivisions and new development.

Health regulations.

Authority.

Accomplishments:

1. Overlay districts are all in one section so that they are easy to find and distinguished from other base-district regulations.
2. Regulations that apply outside of overlays (affordable housing, bike parking, and parking reduction sections) and were duplicative were removed and cross referenced.
3. The floodplain regulations are consolidated.

Article 8

Proposed:

ARTICLE VIII. SPECIAL DEVELOPMENT REGULATIONS

235-8.1 Multifamily residential use in nonresidentially zoned districts ←

235-8.2 Density incentives allowed in BA-1 and BA-2 districts ←

§ 235-65.

§ 235-66.

Existing:

ARTICLE XI Special Permits and Conditions

Multifamily residential use in nonresidentially zoned areas authorized by Planning Board.
Density incentives allowed in BA-1 and BA-2 Districts authorized by Planning Board.

Accomplishments:

1. Special regulations that apply to some districts are now all in one section so that they are easy to find and distinguished from other base-district regulations.

Article 9

Proposed:

ARTICLE IX. DEVELOPMENT STANDARDS

235-9.1 Accessory Buildings

235-9.2 Fences and Walls

235-9.3 Landscaping and Screening

235-9.4 Swimming Pools and Hot Tubs

Existing:

ARTICLE VI Dimensional and Density Regulations

- § 235-22. Screening and buffers in industrial or business districts.
- § 235-24. Accessory buildings and other structures.
- § 235-25. Additional dimensional and density provisions.

ARTICLE V Use Regulations

- § 235-17. Table of Use and Parking Regulations.

- ## ARTICLE VIII Off-Street Parking and Loading
- § 235-41. Parking and loading space standards.

Accomplishments:

1. These regulations were buried in different sections and were difficult to find.
2. Hot tub was included with pool, which was not previously clear. An allowance was added for setbacks to be 6 to 10 feet by special permit because the site conditions make a lot of difference for these structures. It was added that they are not allowed in front yards.
3. To maintain a pedestrian oriented streetscape, the accessory structure regulations were revised to clarify that they are not allowed to be located in front of principal structures.

Article 10

Proposed:

ARTICLE X. SIGNS

235-10.1 Purpose and intent	←	§ 235-26.
235-10.2 Applicability	←	§ 235-27.
235-10.3 Permit Requirements	←	§ 235-28.
235-10.4 General Regulations	←	§ 235-29.
235-10.5 Prohibited Signs	←	§ 235-30.
235-10.6 Signs Permitted in any Residential District	←	§ 235-31.
235-10.7 Signs Permitted in any Business or Industrial District	←	§ 235-31.1.
235-10.8 Pre-existing Nonconforming Signs	←	§ 235-31.2.

Existing:

ARTICLE VII Signs

Purpose and intent.
Applicability.
Permit requirements.
General regulations.
Prohibited signs.
Signs permitted in any residential district.
Signs permitted in any business or industrial district.
Preexisting nonconforming signs.

Accomplishments:

1. Removed gas station specific signage regulations to follow recent case law that states that sign regulations need to be content neutral. Since the recent gas station sign changes have required variances, as they have not complied with the special regulations for gas stations, and it is unlikely that another gas station will open in Melrose, the Board did not find that there would be a material change by removing them.

Article 11

Proposed:

ARTICLE XI. OFF-STREET PARKING

235-11.1 Motor Vehicle Parking

235-11.2 Bicycle Parking

235-11.3 Loading

235-11.4 Allowances for Reduced Number of
Parking Spaces

235-11.5 Dimensions

- 1. Motor Vehicle Parking
- 2. Aisles
- 3. Driveways
- 4. Bicycle Parking
- 5. Loading

235-11.6 Parking and Loading Specifications

Existing: ARTICLE VIII Off-Street Parking and Loading

§ 235-32.

Off-street parking
requirements.

§ 235-33.

Off-street loading

§ 235-34.

Existing spaces.

§ 235-35.

Computation of spaces.

§ 235-36.

Combined facilities.

§ 235-37.

Continuance.

§ 235-38.

Location of parking spaces.

§ 235-39.

Location of loading spaces.

§ 235-40.

Parking reduction provisions.

§ 235-41.

Parking and loading space
standards.

Accomplishments:

1. Parking requirements for commercial uses in mixed (residential & commercial) use buildings was removed to reflect that the Planning Board has always approved these types of developments without dedicated commercial parking because of the many benefits and functionality of shared parking.
2. Bike parking requirements were added for multi-family and commercial uses. Overlays already required bike parking and the Planning Board requires it during SPA.
3. Added regulation that driveways in residential districts within 1 foot of the property line must be surfaced with pervious material to reduce runoff to neighboring parcels.

Article 12

Proposed:

ARTICLE XII. NONCONFORMANCE

- 235-12.1 Applicability
- 235-12.2 Extension and Alteration of Nonconforming Uses
- 235-12.3 Nonconforming Lots
- 235-12.4 Nonconforming Site Standards and Parking
- 235-12.5 Structures with Nonconforming Dimensions and/or Lots
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- 235-12.7 Abandonment

Existing: ARTICLE IX Nonconforming Uses, Structures and Lots

- § 235-43. Applicability.
- § 235-44. Extension and alteration.
- § 235-45. Residential lot of record.
- § 235-46. Reduction or increase.
- § 235-47. Change of use or lot.
- § 235-48. Restoration.
- § 235-49. Abandonment.
- § 235-50. Moving nonconforming structures.
- § 235-51. Unsafe structures.

Accomplishments:

1. The nonconforming section was re-written to conform with state law and to allow for minor changes to be by-right, while most will require special permits as opposed to variances to allow for changes to nonconforming dimensions and uses.

Sections Removed

Existing:

ARTICLE V Use Regulations

§ 235-16.2. Temporary moratorium on recreational marijuana establishments.

ARTICLE XII Removal and Filling

§ 235-74. Removal of sand, gravel, quarry or other earth materials.

§ 235-75. Filling of water bodies or wet areas.

§ 235-76. Filling of any lot.

ARTICLE XI Special Permits and Conditions

§ 235-67. Cluster residential development.

§ 235-68. Planned unit development in SR-A District.

§ 235-69. Planned unit development in UR-B, UR-C and UR-D Districts.

§ 235-70. Planned unit development in BA-1, BA-2, BB, BB-1, BC and BD Districts.

§ 235-71. Planned business development.

Accomplishments:

1. Current Code: 113 pages , Revised Code: 88 pages...22% less pages to sort through.
2. Temporary moratorium is no longer applicable since regulations for marijuana establishments were adopted.
3. Filling of Water Bodies regulations are under the Wetland Protections Act and is regulated by the Conservation Commission.
4. Cluster Development, Planned Unit Developments, and Earth Removal and Fill sections - not possible or relevant considering the building and development patterns in Melrose today.

Recommended Edits to Submitted Draft

Planning Board will meet on August 26 to discuss comments raised during the public hearing and will submit a report with final recommendations to the City Council.

Some possible additional edits may include:

1. Signage Section – make further edits regarding content neutral restrictions and clarity of regulations to reflect existing interpretation
 - Consolidate “unlit non-business signs or banners” (community event, political, yard or garage sale, real estate, or construction signs) - removed setback from front lot line and time limit, added maximum size limit for total number of signs to 18 sf
 - Clarify that small (up to 1sf) identification signs do not need permits
 - Remove requirement that civic organizations need a special permit from the ZBA to install sign at City boundary line
 - Remove allowance for 40 sf signs in residential districts, which is currently allowed for schools, municipal buildings, houses of worship, and community facilities. Existing 10 sf allowance will remain.
2. Wordsmithing in a few additional locations for further clarification which will be identified in final draft.

Guide to Proposed Code

I want to build a house on vacant land. To find the lot width required go to :

§235-6.2 Dimensional Table

§235-6.3 Dimensional Regulations Specifications

I want to expand my driveway. To find requirements go to:

§235-11.5.3 Driveways

& this section refers you to

11.6 Parking and Loading Specifications &
6.3.5 for impervious surface regulations

I am adding an addition to my house and need a special permit (not variance) to extend my existing nonconforming side yard. To find the requirements and process go to:

§235-3.2.5 Special Permits

§235-3.3 Public Hearing Review Procedures

I want to install a pool at my house. To find the regulations go to:

§235-9.4 Swimming Pools and Hot Tubs

I want to find all of the allowed uses of my property and regulations for the uses. Go to:

§235-5.2 Use Table

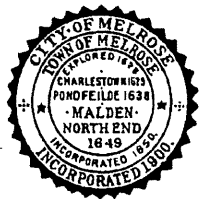
& table refers you when applicable to
§235-5.3 Standards for Certain Uses

I want to install a fence on my property. To find the height allowed go to:

§235-9.2 Fences and Walls



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CITY OF MELROSE

PLANNING BOARD

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September 9, 2024

The Honorable City Council
Of the City of Melrose, Massachusetts

Re: Report to City Council on ORDNC-2025-1, Zoning Ordinance Recodification Amendment

To the Members of the City Council:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5, the City Council and the Planning Board held a joint public hearing on the above-referenced zoning amendment on August 19, 2024. The proposal was initiated by the Planning Board to restructure the code to make it easier to navigate and understand, codify current processes, make changes to comply with state law, and to have an organized code onto which future zoning amendments can be incorporated. City Councilors had questions and comments regarding the proposed amendments, which were discussed at the public hearing. One person provided a comment during the public hearing portion of the meeting and three people submitted written comments.

The Planning Board held a public meeting on August 26, 2024, to discuss the questions and comments raised during the public hearing and submit this final report with recommendations.

The following explains the items raised and if there are any recommended changes to the Zoning Ordinance as a result.

Provide details of the changes & impacts to properties

Members of the public requested a detailed explanation of the proposed changes and how the changes will affect properties. Planning Staff responded noting that the zoning district boundaries and dimensional and use regulations are not proposed to change. Additionally, the presentation that was shared during the public hearing was posted to the Office of Planning and Community Development's webpage, which details the proposed changes and movement of sections from the existing into the proposed code.

Signs

Members of the City Council asked for more information regarding the proposed changes to the regulations for time limits and size restrictions for non-business signs, and the ability to make changes that are constitutional under the First Amendment. In the existing code, regulations for

public and charitable, political, for sale or lease, and construction related signs are specific and include a 6 square foot size restriction, as well as time limits. For example, political signs cannot be displayed more than 30 days before or seven days past an election. In 2015 the Supreme Court struck down a municipal ordinance that discriminated between signs based on their message. Content-specific regulations are subject to strict scrutiny under the First Amendment; therefore, sign regulations need to be content-neutral. The proposal changes the regulations to be the same for all non-business signs.

Content-neutral restrictions are subject to intermediate scrutiny, which requires the City to demonstrate that a regulation is “narrowly tailored to serve a substantial government interest”. We were advised that limiting signs for a specified number of days, such as 30 days per year, would be very fact specific, meaning it would be difficult to justify as serving a substantial government interest. Therefore, time limits on these signs are not proposed and the permanent versus temporary nature of the signs cannot be a distinguishing factor.

Physical characteristics such as reasonable limits on size and location can be regulated to serve the interest of meeting the intent or goals of the signage regulations in the Ordinance, which include preventing conditions that have a blighting influence and contribute to declining property values. The size limits of 6 sf per sign, 18 sf per banner and a cumulative total of 18 sf per lot (amounting to six standard political yard signs) seems to be a reasonable size. The Planning Board agrees that these regulations allow generous size limits that will be sufficient for the majority of residents and allows freedom of speech while ensuring that there is a mechanism to limit signs that create a public nuisance or cause unnecessary distraction. With regards to the First Amendment, these content neutral regulations are permissible insofar that they promote the City’s interest in protecting the public good and preventing conditions that have a blighting influence. Absent these regulations, there would be no way for the City to ensure that the purposes of the signage regulations are met.

A member of the City Council wondered if the code regulates the placement of temporary signs in the public way such as on trees or light posts. Section 220-46 of the City’s General Code restricts postage of signs that interfere with official signs or signals:

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal or marking or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of the Police Department is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed without notice.

The Zoning Code regulates private property but does note that signs in the public way that are not permanently affixed to a building, structure, or the ground, including "sandwich board" signs require permits to occupy a street or public way per Section 220-1 of the General Code.

A member of the City Council wondered if the proposed changes affect the regulations for the Historic District Commission’s review of signage and Planning Staff confirmed that it does not impact the regulations for the Historic District.

Nonconforming Structures and Lots

A member of the City Council asked if a goal of the updated nonconformance section is to limit the number of variance cases that go before the Zoning Board of Appeals, which primarily involve alterations to nonconforming structures and Planning Staff confirmed this to be correct.

Impacts of the State's New Affordable Homes Act

Members of the City Council wondered if the newly ratified State housing bill that requires municipalities to allow for accessory dwelling units, affects the proposal. Planning Staff responded that the City will wait for guidelines from the State and that municipalities have 180 days to institute changes. This proposal can move forward and the zoning changes to comply with the new law will follow in a future zoning amendment.

Dormers

A member of the City Council wondered about the dormer regulations and whether they were too restrictive. Planning Staff explained that the dormer regulations were created several years ago by the Planning Board that balance the allowance for some use of half stories while limiting the impact of the additional height and bulk of structures as a result of changing rooflines to have more head height. A Planning Board member explained that the dormer dimensions only apply when a structure is at the half story limit in a district where 2 ½ stories are allowed. A 1 ½ story house could have a dormer that is the full length of the roof to increase the height to a 2 story structure but a full length dormer on a 2 ½ story structure would not be allowed since it would result in the same massing as a 3 story structure. There is an ability to apply for a variance from this regulation and the Zoning Board of Appeals' Members use their discretion to make the variance findings when reviewing cases.

The Planning Board recommended updating the proposed diagram included with the dormer regulations to portray a roof that does not have an overhang on the gable end side of structures, which is a common condition of houses in Melrose.

Mixed-Used Commercial Parking Requirements

A member of the City Council asked for clarification on the proposed changes to the mixed-use (commercial with residential) commercial parking requirements. Planning Staff explained that the requirements will be eliminated because these developments are in locations where there is generally street parking or municipal parking available or are able to have shared parking on the lot. Furthermore, it does not make sense to require a developer to provide more parking than is necessary and the Planning Board has used the special permit allowance to approve reduced parking for these projects. It is important to note that the regulations are for the minimum number of parking spaces. There are no parking maximums proposed so a developer may build parking for the commercial component of a mixed-use project if they find that designated onsite parking is needed.

Zoning Fines

Members of the City Council wondered how zoning fines are enforced, if the timeline for when fees start is clearly explained in the code, and if the Building Commissioner can exercise discretion in reducing or eliminating fines as he sees fit. Planning Staff explained that the Building Commissioner is the Zoning Enforcement Officer and handles enforcement. The ordinance states that the Building Commissioner may issue fines of \$300 per day, per violation, which is consistent with State code. Using the term ‘may’ allows the Building Commissioner discretion in imposing fines. Being too prescriptive with timing of when fines begin would limit the Commissioner’s ability to work with property owners to remedy the issue before issuing fines, which is the preferred approach.

A City Councilor asked if fines are an option to address stalled projects and if stalled projects are a frequent issue. The Building Commissioner finds that this issue does not come up frequently. The Building Code defines the violation of an abandoned permit and allows the Commissioner to grant extensions to complete the work if reasonable steps are taken to continue progress. There is also the ability to issue fines but that is not necessarily the best path to getting projects finished. Projects are often stalled due to financial concerns or disputes with contractors. Issuing fines to someone with financial issues can cause projects to take longer to complete. Inspectional Services has dealt with stalled projects by meeting with property owners and contractors to develop a reasonable completion plan. This can take more time than the neighborhood would like but the alternative is a complete abandonment of the project, which would leave the property in an unfinished state.

Case Sharing Between Boards

Members of the City Council wondered why the recodified ordinance proposes eliminating case sharing between the Zoning Board of Appeals and the Planning Board. Planning Staff explained that the Planning Board currently reviews all the cases that come before the Zoning Board of Appeals and makes a non-binding recommendation based on the application materials without a public hearing. This process can be confusing for applicants and abutters to projects to have an official recommendation from a City Board before the public process begins and which may differ from the decision of the Board that is granting the zoning permit. Staff noted that the Planning Board will still be consulted for more complicated zoning cases and Planning Board Members can request to discuss Zoning Board cases with the full Planning Board, if desired.

Expansion of Site Plan Review Threshold

A member of the City Council wondered why more oversight is recommended for smaller additions to multifamily and commercial buildings and the frequency of these types of alterations. Planning Staff explained that these types of additions are uncommon, but the Building Commissioner appreciates the Planning Board’s oversight and the notification to abutters for the public hearing so that is why he requested this change in the updated code.

Green Roofs

A member of the City Council wondered if a green roof regulation could be incorporated into the code. Planning Staff explained that the building code requires certain sustainability measures and green roofs are one of the green building practices that the zoning code offers to allow for density incentives in the BA districts. However, the Planning Board does not recommend requiring green roofs on structures.

Stakeholder Selection

A member of the City Council wondered how the consulting firm selected the stakeholders to interview. Planning Staff explained that they invited individuals to speak with the consultants who use the zoning code regularly and are very familiar with it, such as local land use attorneys, previous Board Members, architects, and developers, since they have an understanding and experience with the challenges of the code. Additionally, Staff was able to share the issues and questions posed by members of the public whom they directly interact with and assist daily, as further insight into which sections are confusing or difficult to follow.

Timeline for Public Comment

Members of the City Council requested that Planning Staff provide an overview of the public process and next steps. This proposal is subject to the same process as all other proposed zoning amendments and is dictated by M.G.L. Chapter 40A, the state Zoning Act. It was clarified that a joint public hearing was the official start of the process and is intended to provide an overview of the proposal and receive feedback from City Councilors and members of the public. The City Council is reviewing the request in the Appropriations and Oversight Committee (AOC), which is a committee of the entire Council and is customary for zoning amendments. The proposal will be held in Committee as the process continues.

After this report is received, the AOC will meet to discuss the proposal and any recommended changes. When they are ready, they will make a recommendation to the full City Council and the order will appear on the Council agenda at a subsequent meeting where the full Council will vote on the proposal. All the Council's meetings, including Committee meetings, are public meetings that allow for public comment. The final vote must occur within 90 days of the public hearing, or the process will need to begin again.

Proposed Changes to the Submitted Ordinance

At the Planning Board's meeting members discussed minor changes to the proposed ordinance.

Permit Timeline

Section 235-57 of the current Zoning Ordinance and 235-3.2.1.d of the proposed regulates permit time limits for a building permit; however, as discussed with the Building Commissioner, this regulation is in the Massachusetts State Building Code and our local regulations are more restrictive than the State's, which is not allowed. This section should be removed.

Symbology in Use Table

The Planning Board recommends changing the “-“ to an “x” in the use table as a more obvious symbol to indicate when a use is not allowed.

Average Grade Measurement

The Planning Board and Building Commissioner recommend adding to Section 235-6.3.4 to include a specification for calculating the average finished grade, which is relevant when determining height and if a basement is deemed a story. This sets a standard to consistently apply the regulation, which is particularly challenging when topography varies greatly on a lot.

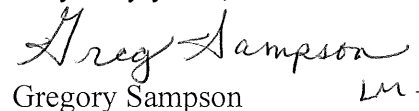
To summarize, the Planning Board recommends making the following changes to the proposed zoning recodification originally submitted. All changes are highlighted with a note to explain the change.

- Updating the proposed diagram included with the dormer regulations to portray a roof that does not have an overhang at the gable end.
- Removing Section 235-3.2.1.d Permit Time Limits.
- Updating the symbology in the Use Table.
- Clarifying Section 235-6.3.4 to establish a standard for calculating a parcel’s average finished grade.
- Other small wordsmithing edits to improve clarity.

The Planning Board finds that the proposal puts forth a much-improved code that will benefit all those who use the code directly or want to make changes to the form or use of their property. The Planning Board respectfully recommends that the City Council vote in favor of adopting the proposed zoning code as amended and dated August 26, 2024.

If you have any further questions, or we can provide any additional information, please do not hesitate to contact us. We would be pleased to make ourselves available to you as you continue to deliberate on this proposal.

Very truly yours,



Gregory Sampson
 Chair

Attachment: Proposed Recodified Zoning Ordinance, August 26, 2024 with changes from the July 9, 2024 draft highlighted

cc: Mayor Jennifer Grigoraitis
 Shannon Phillips, City Solicitor
 Albert Talarico, Building Commissioner
 Denise Gaffey, City Planner
 Members of the Planning Board
 Members of the Board of Appeals

Chapter 235

ZONING

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235-12.7 Abandonment

ARTICLE I

Introductory Provisions**§ 235-1.1 Title.**

This chapter is known as the "Zoning Ordinance of the City of Melrose, Massachusetts," hereinafter referred to as "this chapter", "Melrose Zoning Ordinance", "Ordinance" and "MZO".

§ 235-1.2 Authority.

This Ordinance is adopted pursuant to the authority granted by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and enacted in accordance with M.G.L. c. 40A and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this chapter and where such amendments are mandatory, such amendments shall supersede any regulations of this chapter.

§ 235-1.3 Purposes.

This Ordinance is enacted for the following purposes: to regulate the uses and dimensions of land and structures; encourage housing for persons of all income levels; facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to protect health, safety and general welfare; and, to implement goals of the City's Master Plan, and other related, adopted plans.

§ 235-1.4. Applicability.

1. This Ordinance is applicable on the date it is adopted. Amendments to this Ordinance are applicable on the date first publicly noticed in accordance with the Zoning Act.
2. This Ordinance shall apply to the erection, construction, reconstruction, alteration or use of buildings or structures or use of land.
3. It shall not apply to existing buildings or structures, nor to the existing use of any building or structure or land, to the extent to which such buildings, structures or uses lawfully existed at the time of adoption of this chapter, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, except as hereinafter provided.
4. Municipal land, uses and structures shall be exempt from the requirements of this Ordinance.
5. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.
6. Figures and photos are intended only for illustrative purposes and to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Ordinance and any figure or photos, the text governs.

§ 235-1.5. Severability.

The invalidity, unconstitutionality or illegality of any provision of this chapter or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provision or boundary.

ARTICLE II Definitions

§ 235-2.1 Word usage.

1. For the purpose of this chapter and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "used" or "occupied" includes the words "designed, arranged, intended or offered to be used or occupied"; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.
2. Terms and words not defined herein but defined in the Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes "retail and service trades" and "wholesale trade and manufacturing" shall be further defined by the Standard Industrial Classification Manual published by the United States Bureau of the Census.

§ 235-2.2 Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of a structure or lot.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ADULT CLUB — A club, restaurant, function hall or similar private or commercial establishment which regularly features:

1. Persons who appear in a state of nudity as defined in MGL c. 272, § 31, as amended;
2. Live performances which are characterized by an emphasis depicting anatomical areas, specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended; or
3. Films, motion pictures, video cassettes, slides or other photographic, magnetic or electronic reproductions which are characterized by the depiction or description of anatomical areas specified above or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting material (motion-picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended.

ADULT USE — An adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or

Article II Definitions

adult video store as defined in this chapter.

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock-in-trade, for sale or rent, motion-picture films, video cassettes and similar audio/visual media which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than 25% of the subject establishment's inventory stock or more than 25% of the subject premises' gross floor area.

ALTERATION — Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

ANTENNA — A device for directly transmitting or receiving electromagnetic transmissions.

ASSISTED LIVING FACILITY —

1. A residential development subject to certification by the Executive Office of Elder Affairs under MGL c. 19D, as amended, and defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:
 - a. Provides room and board;
 - b. Provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
 - c. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.
2. This definition shall not include group foster care, group homes, single room occupancy residences, rooming or lodging houses, skilled nursing facility, hospices, or elderly housing which is not assisted living.

ATTACHED BUILDING — A building having any portion of one or more walls in common with adjoining buildings.

BASEMENT — A portion of a building, partly below grade.

BUILDING — A combination of any materials, whether portable or fixed, having a roof, enclosed within the exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property.

BUILDING AREA — The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, porches, bay windows, balconies and terraces.

BUILDING COVERAGE — The building area expressed as a percent of the total lot area.

BUILDING FRONT YARD — The area of the front yard between the front lot line and the principal building bound by lines extending from each front corner of the principal building perpendicular to the street.

CERTIFICATE OF OCCUPANCY — A statement signed by the Building Commissioner setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for a specified use, or both.

COMMUNICATIONS TOWER — A tower that is freestanding or anchored with cables, used to support an antenna or other voice or data transmission and receiving devices.

COMMUNITY GARAGE — A group of private garages, either detached or under one roof, arranged in a row or around a common means of access.

CORNER LOT — A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines or, in case of a curved street, extended lot lines being not more than 135°.

DETACHED BUILDING — A building having open space on all sides.

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DISTRICT — A zoning district as established by this chapter.

DRIVE-IN ESTABLISHMENT — A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle; drive-in service establishments such as banks, cleaners and the like; and automotive service stations, gasoline stations or the like.

DRIVEWAY — An open space located on a lot, which may be paved, built for access to a garage or off-street parking or loading space(s).

DWELLING — A privately or publicly owned permanent structure, whether owned by one or more persons or in a condominium, which is occupied in whole or in part as the home residence or sleeping place of one or more persons. The term "one-family, two-family or multifamily dwelling" shall not include a hotel, lodging house, hospital, membership club, mobile home or dormitory.

DWELLING UNIT — One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

ESSENTIAL SERVICES — Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.³

FLOOD LINE — The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in 25 years, as determined and certified by a registered professional engineer qualified in drainage.

FLOODWAY — The area subject to periodic flooding, the limits of which are determined by the flood line.

FLOOR AREA RATIO — The ratio of the gross floor area to the total lot area.

FRONT YARD — A yard extending for the full width of the lot between the front lot line and the principal building.

FRONT LOT LINE — The property line dividing a lot from a street right-of-way. For corner lots, the front lot line shall be the property line dividing the lot from the street right-of-way that is used to access the main entrance (typically identified as the street address) of the structure.

FRONTAGE — The length of continuous linear footage of a lot along a street that provides for practical access to the building site, including access for fire, police and emergency vehicles.

Measurement specification was moved to dimensional section and access description was added.

GARAGE — A building or structure or a portion thereof designed for the storage of one or more motor vehicles. This does not include a car sales room or automobile repair garage.

Added to further clarify that a garage cannot be for commercial related uses.

GROSS FLOOR AREA — The sum of the gross horizontal area of the several floors, including basements and mezzanines that qualify as a story, of a principal building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include basements and mezzanines that do not qualify as a story, unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment.

GREEN BUILDING AND SUSTAINABLE DESIGN PRACTICES — A construction approach that centers on sustainable practices to minimize the environmental impact of a structure. It involves using sustainable materials, efficient energy systems, green roofs, and other eco-friendly features, generally focused on a benchmarking system that outlines how much more efficient or how many fewer resources are required for

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building completion and operation.

HALF STORY — A story directly under a sloping roof where, in the case of a roof having one uniform degree of pitch (such as in gable, hipped, or shed roof types), the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two feet above the floor level on at least two opposite exterior walls.

HISTORICAL BUILDING— A building certified or qualified for certification by the Massachusetts Historical Commission in accordance with its published standards as a historical landmark.

HOSPITAL — A building providing, among others, twenty-four-hour inpatient services for persons admitted thereto for the diagnosis, medical, surgical or restorative treatment or other care of human ailments, including a sanitarium and clinic.

HOTEL — A building in which temporary lodging is offered for compensation, with or without associated amenities including an inn, motel, motor inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

IMPERVIOUS SURFACE — A surface composed of any material that significantly impedes with an overall permeability coefficient less than 10^{-4} centimeters per second (cm/sec) or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, paved areas (e.g., streets, sports courts) and swimming pools.

INTERIOR LOT — A lot, excluding a corner lot, the side lot lines of which do not abut on a street.

JUNK — Any worn out, cast off or discarded articles or material, including construction debris and reclaimed soils, which is ready for destruction or disposal or has been collected or stored for salvage or conversion to some use. Any article or material which is unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

JUNKYARD — The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street for the storage, keeping or abandonment of junk.

LODGING HOUSE — A building containing four or more lodging units.

LODGING UNIT — One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. "Lodging unit" shall include rooms in boarding houses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

LOT — An area or parcel of land or any part thereof, not including water area, in common ownership and having boundaries identical with those shown on a plan or set forth in a deed or deeds recorded in the Middlesex County Registry of Deeds.

MARIJUANA — All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided that "marijuana" shall not include:

1. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
2. Hemp; or
3. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing,

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ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana product manufacturer, marijuana retailer, marijuana testing laboratory, or any other type of licensed marijuana-related business, except a registered marijuana dispensary (RMD), subject to regulation under Chapter 94G of the Massachusetts General Laws.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA RESEARCH FACILITY — An entity licensed to engage in research projects by the Cannabis Control Commission.

MARIJUANA RETAILER — A marijuana establishment licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.

MARIJUANA TESTING LABORATORY — A laboratory that is licensed by the Cannabis Control Commission and is:

1. Accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
2. Independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and
3. Qualified to test marijuana in compliance with regulations promulgated by the Commission.

MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY — An entity with a fixed location that is licensed to purchase, obtain, and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to marijuana establishments, but not consumers.

MELROSE MASTER PLAN — The most recent Master Plan, Comprehensive Plan, Future Land Use Plan, or set of comparable documents that are adopted to guide future land use.

MEMBERSHIP CLUB — A social, sports or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

MEZZANINE — An intermediate floor in a building which is partly open to a high-ceilinged floor below, or which does not extend over the whole floorspace of the building.

MIXED-USE — A combination of two or more land uses within separate spaces or floors in a structure.

MONOPOLE — The type of mount that is self-supporting with a single shaft of wood, steel and/or concrete and a platform (or racks) for panel antennas arrayed at the top.

MULTIFAMILY DWELLING — A building containing three or more dwelling units.

NONCONFORMING BUILDING — An existing building or structure at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located or is located on a lot that does not

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conform to one or more of the applicable dimensional and density regulations for the district in which it is located, or a building or structure that was constructed or altered so as not to conform to one or more of the applicable dimensional and density regulations for the district in which it is located and regarding which no proceeding has been commenced and notice thereof recorded within ten years after the commencement of such violation, in accordance with MGL c. 40A, § 7.

NONCONFORMING LOT — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in accordance with all provisions of this chapter.

NONCONFORMING USE — A use lawfully existing at the time of adoption of this chapter or any subsequent amendment thereto which does not conform to one or more provisions of this chapter.

ONE-FAMILY DWELLING — A building containing one dwelling unit.

OPEN SPACE — The space on a lot not covered by buildings, structures, or impervious surfaces, unobstructed to the sky by man-made objects.

OWNER — The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PARKING SPACE — An off-street space inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

PERSONAL AND CONSUMER SERVICE ESTABLISHMENT - An establishment that provides a variety of personal services or consumer services including but not limited to personal grooming, instruction, and work related to personal affairs, and the maintenance of fitness, health, and well-being.

PRINCIPAL BUILDING— A building in which is conducted one or more principal uses of the lot on which it is located.

ensuring it is clear that mixed-use buildings are allowed

PRINCIPAL USE — A main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter.

PRIVATE GARAGE — A garage for housing motor vehicles only, with a capacity of not more than three vehicles.

PUBLIC/PRIVATE UTILITY CABINET — Any structure used by a public utility for providing continuity of service not over seven feet in height and requiring less than a two-hundred-square-foot base area, of which only 50% may be occupied by cabinet.

REAR LOT LINE — The lot line opposite from the front lot line. In cases where more than one lot line may qualify to be a rear lot line, the longest lot line of those that may be considered opposite shall be considered the rear lot line. For corner lots the rear lot line is at the edge of the rear yard as provided in Dimensional Regulation Specifications, § 235-6.3

REAR YARD — A yard extending for the full width of the lot between the rear lot line and the principal building.

RECREATIONAL MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana- related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a registered marijuana dispensary shall not be deemed to be a recreational marijuana establishment.

REGISTERED MARIJUANA DISPENSARY — An entity and use formerly and validly registered under 105 CMR 725.100 or currently and validly registered under 935 CMR 501.100, and previously known as a medical marijuana treatment center, which may acquire, cultivate, possess, process (including development of related products such as edible marijuana-infused products (MIPs) , tinctures, aerosols, oils, or ointments) , transfer, transport, sell, distribute, dispense, and/or administer marijuana, product containing marijuana, related supplies, and/or educational materials to registered qualifying patients or their personal caregivers. A registered marijuana dispensary does not include Marijuana Retailers.

REPAIR — With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

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RETAIL FOOD ESTABLISHMENT — A retail store selling food products, generally not to be consumed on the premises, which shall include but not be limited to one or more of the following: fresh cheese, fresh meat or delicatessen products, freshly prepared baked goods or confections, natural and organic food or beverages, and which may also sell, incidental to the sale of food products therein, alcoholic beverages for off-premises consumption; but not tobacco products, lottery tickets, pharmacy items, toiletries, personal care products or photographic supplies or services. The term "retail food establishment" as used herein shall further comport with the definition of "establishment" as defined in Chapter 327 of the Acts of 2008.

SERVICE STATION — A building or part thereof whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service or general auto repair.

SETBACK — The shortest horizontal distance between a lot line and a particular subject of reference such as the nearest building wall or building part not specifically excluded by Dimensional Regulation Specifications, § 235-6.3, or parking.

SIDE LOT LINE — Any lot line not a front or rear lot line.

SIDE YARD — A yard extending for the full length of a building between the side lot line and the principal building.

SIGN — Any temporary or permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls attention to, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building.

SIGN, AWNING — A sign which is printed, painted, or affixed to an awning or canopy.

SIGN, BILLBOARD — Any sign, regardless of size, which advertises, calls attention to or promotes for commercial purposes any product, service or activity other than one manufactured, sold or engaged in on the lot at which the sign is located.

SIGN, BUILDING DIRECTORY — A sign affixed at a building entrance which identifies the occupants of the building not exceeding an area determined on the basis of 1.5 square feet for each establishment occupying the building.

SIGN, BUSINESS — A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, IDENTIFICATION — A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.

SIGN, ROOF — A sign erected on or affixed to the roof of a building.

SIGN, STANDING — A sign erected on or affixed to the land, including any exterior sign not attached to a building.

SIGN, SURFACE AREA OF — For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

SIGN, TEMPORARY — Any sign intended to be displayed for not more than 30 consecutive days in any calendar year.

SIGN, WALL — A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom and installed parallel to the face of the building.

SIGN, WINDOW — A sign which is posted, painted, or affixed on an interior transparent surface, including windows and doors, intended to be visible from the exterior of the building or a sign that is located within five feet of the glass of a window exposed to public view and visible from the exterior of the building.

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SPECIAL PERMIT — A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and on approval by the Zoning Board of Appeals or Planning Board and in accordance with provisions herein.

STORY — The portion of a building which is between one floor and the next higher floor level or the roof.

STREET — A way that: (a) has been duly laid out and accepted by the City as a public way or which the City Clerk certifies is maintained and used as a public way, or (b) is shown on a plan approved and endorsed in accordance with the Subdivision Control Law, or (c) was in existence when the Subdivision Control Law became effective in the City having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. For purposes of this Chapter, "street" shall be synonymous with the words "road," "avenue," "highway" and "parkway" and similar designations.

STRUCTURE — A combination of materials that are constructed or erected on the ground, such as but not limited to a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool and equipment, shelters, piers, wharves, bin, and sign.

SUBSTANCE ABUSE TREATMENT CENTER — An entity, however organized, routinely providing substance abuse treatment services, including but not limited to consultation; counseling; dispensing of medication to treat substance abuse; dispensing prescriptions (to be filled) for medication to treat substance abuse; examination; all forms of sample collection and laboratory testing, including but not limited to blood draw, swab-testing and urinalysis; and therapy.

SUBSTANTIALLY DIFFERENT USE — A use which by reason of its normal operation would cause readily observable differences in patronage, service, access, appearance, noise, employment or similar characteristics from the use to which it is being compared.

TANDEM — A method of providing two parking spaces in an efficient layout that may require moving one vehicle to access another one. Typically tandem parking will provide a parking area twice as deep as a standard space, so one vehicle can park behind another, though other configurations are possible.

THROUGH LOT — A lot, the front and rear lot lines of which abut streets.

TOWNHOUSE — A row of at least three but not more than five one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

TRAILER — Any vehicle which is immediately portable and is arranged, intended, designed or used for sleeping, eating or business or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purpose of this chapter.

TRANSPORTATION DEMAND MANAGEMENT PLAN — A set of programs and projects that aim to provide more competitive transportation options to driving alone, reduce trips and improve traffic congestion without building more roads. A TDM plan will outline how techniques like education, rewards and disincentives to reduce the need for single-occupant vehicle trips; reducing the distance of trips; shifting to more efficient transportation modes such as transit, walking and carpooling; and providing support for remote completion of activities that might otherwise require vehicle trips, might be implemented in a development.

TWO-FAMILY DWELLING — A building containing two dwelling units.

USE — The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

VARIANCE — Such departure from the terms of this chapter as the Zoning Board of Appeals, upon appeal in specific cases, is empowered to authorize under this Chapter.

VETERINARY HOSPITAL — A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

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WIRELESS COMMUNICATIONS COMPANY — An entity that provides wireless communications services. For zoning purposes a wireless communications company is not a public services corporation or a public utility and must comply with the provisions of this chapter.

WIRELESS COMMUNICATIONS SERVICE FACILITY (WCSF) — A facility for the provision of personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended. Such facilities include but are not limited to transmitting and receiving equipment, antennas, antenna structures and supports and related accessory structures or equipment, monopoles and satellite dishes over three feet in diameter.

WIRELESS COMMUNICATIONS SERVICES — Personal wireless services as defined in the Federal Telecommunications Act of 1996, as amended. By way of example but not limitation, personal wireless services include cellular telephone services, personal communications services (PCS) and commercial mobile radio services.

YARD — A portion of a lot, between a lot line and the principal building, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

**ARTICLE III
Administration and Enforcement**

§ 235-3.1 Officials and Permit Granting Authorities

1. Building Commissioner.
 - a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this chapter.
2. Zoning Board of Appeals.
 - a. The Zoning Board of Appeals is established by § A-203, Article II of the City of Melrose Administrative Code as authorized by M.G.L. Chapter 40A, § 12, as amended. The Zoning Board of Appeals' administrative duties are specified in Article I of Chapter 15 Boards, Commissions and Committees in the City of Melrose Ordinances.
 - b. Under this chapter the Zoning Board of Appeals shall have the following powers:
 - i. To hear and decide appeals in accordance with Section 8 of the Zoning Act.
 - ii. To hear and decide applications for special permits and to impose conditions thereon, except as specified in § 235-3.1.3 for when the Planning Board is the Special Permit Granting Authority.
 - iii. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this chapter.
 - iv. In exercising the powers to grant variances, the Zoning Board of Appeals may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time hereafter.
 - v. In exercising these powers, the Zoning Board of Appeals may, in conformity with the provisions of this chapter and the Zoning Act, reverse or affirm, in whole or in part, or may modify any order or decision and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
 - vi. Adoption of rules. The Zoning Board of Appeals shall adopt rules for conducting its business and otherwise carrying out the purposes of this chapter. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and also when called in such other manner as the Board shall determine in its rules.
3. Planning Board
 - a. The Planning Board is established by § A-215, Article II of the City of Melrose Administrative Code as authorized by M.G.L. Chapter 41, § 81A-81J, as amended. The Planning Board's administrative duties are specified in Article II of Chapter 15 Boards, Commissions and Committees in the City of Melrose Ordinances.
 - b. Under this chapter the Planning Board shall have the following powers. Upon written

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made sure section references only go to to one decimal in case future amendments move subsection

application, the Planning Board may grant special permits as hereinafter prescribed.

- i. Special permits to establish registered marijuana dispensaries in § 235-5.3.
- ii. Special permits to establish marijuana-related uses in § 235-5.3.
- iii. Special permits under the affordable housing incentive program in § 235-5.4.
- iv. Special permits for slope protection in §235-6.5.
- v. Special permits for multifamily residential use in nonresidentially zoned areas in § 235-8.1.
- vi. Special permits providing for density incentives allowed in the BA-1 and BA-2 Districts in § 235-8.2.
- vii. Special permits for shared or reduced parking in § 235-11.4.
- viii. Special permits for an increase in the number of compact parking spaces in § 235-11.6.
- ix. Special permits for alterations to nonconforming lots in §235-12.3.
- c. Upon written application, the Planning Board conducts site plan review as hereinafter prescribed.
- d. Adoption of rules. The Planning Board shall adopt rules for conducting its business and otherwise carrying out the purposes of this chapter. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Planning Board shall be held at the call of the Chair and also when called in such other manner as the Planning Board shall determine in its rules.

§ 235-3.2 Permits and Approvals

1. Building permit
 - a. It shall be unlawful for any owner or person to erect, construct, reconstruct or alter a structure or change the use or lot coverage, increase the intensity of use or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Commissioner the required building permit therefor.
 - b. An application for any permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this chapter. A record of all applications, plans and permits shall be kept on file by the Building Commissioner. The Building Commissioner shall take action on an application for a permit, either granting the permit or disapproving the application, within 14 days of receipt of the application.
 - c. A building permit application that is submitted after the Zoning Board of Appeals or Planning Board has granted a permit for a project is not exempt from any provision of this chapter not specifically ruled upon by the Zoning Board of Appeals or Planning Board or specifically set forth as excepted in this particular case from a provision of this chapter.
2. Certificate of occupancy
 - a. It shall be unlawful to use or occupy any structure or lot hereafter erected or altered unless the Building Commissioner has issued a certificate of occupancy and has specified thereon the use to which the structure or lot may be put. Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be

removed permit time limits as described in report

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issued or refused in writing for cause within five days after the Building Commissioner has been notified, in writing, that the erection or alteration of such buildings has been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy.

- b. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building ordinances and state laws or of this chapter to such a degree as to render it unsafe for the occupancy proposed.
3. Administrative Appeal
 - a. An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of his/her inability to obtain a permit from this chapter or by any person aggrieved by an order or decision of the Building Commissioner or other administrative official in violation of any provision of this chapter.
 - b. Any such appeal shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the ground thereof, with the City Clerk who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed and to the members of the Board. Such officer or board shall forthwith transmit to the Zoning Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.
 4. Variances
 - a. The Zoning Board of Appeals may authorize a variance from the terms of this chapter, including allowed uses.
 - b. Before any variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
 - i. That owing to the circumstances especially affecting such parcel's soil conditions, shape or topography or conditions especially affecting such building but not generally affecting other lots or buildings in the district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the appellant.
 - ii. Desirable relief may be granted without substantial detriment to the public good.
 - iii. The relief will not nullify or substantially derogate from the intent or purpose of this chapter.
 - c. If the rights authorized by a variance are not exercised within one year of the date of the Board's vote to grant such variance such rights shall lapse; provided, however, that the Zoning Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such Zoning Board of Appeals prior to the expiration of the one-year period. If the Zoning Board of Appeals does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this chapter and MGL c. 40A, § 10.
 5. Special Permits
 - a. The Zoning Board of Appeals and Planning Board, when assigned in the Ordinance to be the

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Special Permit Granting Authority, may grant special permits as hereinafter prescribed.

- b. Before granting an application for a special permit the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:
 - i. A special permit to establish the use requested is listed in the Table of Use and Parking Regulations in the district for which application is made or a special permit is designated for the allowance of the request elsewhere in this chapter.
 - ii. The requested use is essential or desirable to the public convenience or welfare.
 - iii. The requested use or allowance will not create undue traffic congestion or unduly impair vehicular or pedestrian safety.
 - iv. The requested use or allowance will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.
 - v. Any special regulations for the use or allowance set forth in this article are fulfilled.
 - vi. The requested use or allowance will not impair the integrity or character of the district or adjoining districts nor be detrimental to the health, morals or welfare.
 - c. The Special Permit Granting Authority may also impose, in addition to any applicable conditions specified in this chapter, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this chapter, including but not limited to the following: front, side or rear yards greater than the minimum required by this chapter; screening buffers or planting strips, fences or walls as specified by the Special Permit Granting Authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit or extent of facilities; and regulation of number and location of driveways or other traffic features beyond the minimum required by this chapter. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.
 - d. In order that the Special Permit Granting Authority may determine that the above-mentioned restrictions are to be met, a site plan or revised site plan shall be submitted to the Special Permit Granting Authority by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features, such as fences, walls, planting areas and walks.
 - e. A special permit granted under this chapter shall lapse in three years from the date of the Board's vote to grant such special permit. The time shall not include such time required to pursue or await the determination of an appeal. If granted for a use, the rights granted under the special permit must have been substantially used except for good cause. If granted for construction, construction must commence except for good cause. Commencement shall have occurred when the project has submitted a substantive application for a building permit, if applicable, or made comparable steps towards completion.
6. Site plan review.
- a. Purpose and intent. Site Plan review shall be conducted by the Planning Board. The purpose of this section is to ensure that the design and layout of commercial, industrial and multifamily development will not be detrimental to surrounding land uses. The intent of the site plan review

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process is to regulate, rather than prohibit, uses through reasonable conditions concerning such development, including location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply, and public safety.

- b. Applicability. A site plan review is required for the following circumstances:
 - i. New buildings for commercial and industrial uses.
 - ii. New buildings for residential uses consisting of four or more units.
 - iii. Extension of a structure in excess of 1,000 square feet for an existing industrial, commercial, or multifamily use.
 - iv. Change in use of an existing structure for a commercial, industrial, or residential use with four or more units, that involves changes that impact the exterior of the building and/or site including open space/landscaped area, parking areas, access and egress, and drainage; or reduction in landscaping or fencing screening for abutters.
 - v. Construction or expansion of a parking lot for an institutional, commercial, industrial, or multifamily structure.
 - vi. In the instance where a project is to be phased, or where property abutting the proposed development can be used in a similar fashion and is held by a related entity, or where a development proposal is an extension of an abutting development built within the previous five years and held by a related entity, the total development capacity of all parcels shall be considered for purposes of determining applicability for site plan review.
 - vii. The provisions of this Section shall not apply to marijuana-related uses which require a special permit from the Planning Board pursuant to § 235-5.3.
- c. Relationship to the building permit.
 - i. The Building Inspector shall not issue a building permit unless and until a site plan review has been obtained and a letter to that effect with or without site plan conditions has been forwarded to the Building Inspector by the Planning Board. The conditions shall become conditions of the building permit and shall be met prior to the issuance of a permanent occupancy permit. No material deviation from an approved site plan shall be made without approval from the Planning Board. If any particular condition of the plan is found to not comply with City or state codes, all remaining conditions shall remain applicable.
 - ii. Before issuing a permanent occupancy permit, the Building Commissioner shall require that the applicant provide to the Building Commissioner as-built site drawings and exterior elevations. A copy shall be forwarded to the Planning Board; the other copy shall remain on file in the Inspectional Services Department.
One copy is required, not two
- d. Applications shall include all documents and information required by the Rules and Regulations of the Planning Board.
- e. When a proposal requires site plan review as well as a special permit and/or variance, the applicant may elect the order for pursuing the requirements. Where the Planning Board serves as the Special Permit Granting Authority for proposed work, it may consolidate its site plan review and special permit procedures.
- f. Site plan review criteria. The Planning Board shall at a minimum review the application materials for the following and shall find that the following criteria are fulfilled:
 - i. Consistency with the design, character, and scale of the surrounding area.
 - ii. Consistency with all sign, design, landscaping, lighting, buffering, and public safety

- requirements and standards established by City of Melrose departments.
- iii. Protection and enhancement of important existing natural, historic or scenic site features.
 - iv. Protection of adjacent properties and surrounding areas from detrimental impacts during and after construction, including but not limited to air and water pollution, flood, noise, odor, dust, vibration, and lighting.
 - v. Convenience and safety of vehicular and pedestrian movement within and around the site and the location of buildings, fences, walls, or other structures, and driveway openings, in relation to traffic and/or adjacent streets.
 - vi. Adequacy and arrangement of parking spaces, bicycle racks, internal ways, loading areas, and sidewalks, and the ability of the site plan to accommodate parking in areas other than the front of the building.
 - vii. Adequacy of the local streets to accommodate the traffic generated by the proposed use. When a level of service (LOS) analysis is required to make this determination, the proposed development shall comply with the following standards:
 - a. Level of service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the level of D. Intersections with an existing LOS of E or F shall not result in increased delay time or be made worse.
 - b. Safety hazards shall not be created, added to, or exacerbated as a result of traffic generated by the proposed development. If any of the standards in Subsection E(7)(a) and (b) above are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to reduction in the size of the development, change in the proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.
 - viii. Adequacy of sewerage and water supply systems within the site to serve the proposed use without overloading the municipal systems to an extent that the health, safety or general welfare of residents of the City is put at risk.
 - ix. Adequacy of proposed methods of refuse disposal and storage.
 - x. Adequacy of snow management, including removal or on-site storage.
 - xi. Adequacy of soil erosion plan and the plan for protection of steep slopes, both during and after construction.
 - xii. Stormwater management.
 - a. Stormwater systems shall be designed to protect the public and environment from flooding, siltation, pollutants and related drainage impacts and shall conform to the applicable performance standards included in the Massachusetts Department of Environmental Protection Stormwater Management Policy or any successor legislation.
 - b. Stormwater systems shall be designed to use low-impact design (LID) methodologies to mitigate drainage impact. Low-impact design (LID) methodologies may include porous pavements, bioretention cells, infiltration trenches, rainwater collection cisterns and other design methods that maximize the use of landscaped areas for stormwater control and promote the reuse of runoff.
 - c. Stormwater flood mitigation shall be provided through the use of best management

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practices (BMPs) to further reduce the frequency and intensity of flooding otherwise generated at the proposed site. To the extent practicable, BMPs shall be sized to capture, retain, and percolate to ground all runoff from impermeable surfaces generated by the five- year, twenty-four-hour storm event. Preferred BMPs shall include, but not be limited to, constructed wetlands, pocket wetlands, rain gardens, vegetated swales, retention/detention ponds, and subsurface leaching systems.

- xiii. Adequacy of landscaping, including the screening of adjacent residential uses, street trees, landscape islands in any parking lots and landscape buffers along the street frontage.
 - xiv. Adequacy of screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- g. Review schedule. The Planning Board shall open a public hearing on the application no later than 65 days after the application materials have been filed with the City Clerk. Notice of such public hearing shall be provided as required by MGL c. 40A, § 11. The decision of the Planning Board shall be made within 35 days of the close of the public hearing. The required time limits for a public hearing and decision may be extended by written agreement between the applicant and the Planning Board. For new renewable and alternative energy research and development establishments permitted in the industrial districts, the decision of the Planning Board shall be made within one year from the date of filing the site plan review application with the City Clerk. The decision of the Planning Board shall be upon a concurring vote of a majority of its members and shall be in writing. The Planning Board may approve the application as submitted or approve subject to modifications or conditions. Site plan approval may be denied only if the applicant fails to provide information sufficient for the Planning Board to adequately evaluate the proposal or if the proposal is so intrusive on the interests of the public that no reasonable conditions could be devised to satisfy the criteria set forth above. A written decision setting forth the record of the proceedings, the vote of each member and the reasons for the decision shall be filed in the office of the City Clerk within 14 days. In the event of a denial, the application and site plan may be resubmitted if the reasons for the denial are remedied, and such resubmittal shall not be barred as a repetitive petition under §235-3.2.7. Failure by the Planning Board to take action within 35 days of the close of the public hearing or within the agreed upon extended time or within one year of filing a completed site plan review application in the case of a new renewable or alternative energy research and development establishment permitted in the industrial districts shall be deemed an approval of the site plan. The City Clerk shall issue a certificate stating the date of the public hearing and the fact that the Planning Board failed to take final action and the date of the approval resulting from such failure.
- h. Expiration of site plan approval. Site plan approval shall lapse after three years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
 - i. Appeals. The applicant or any aggrieved person may appeal any site plan review decision to the courts pursuant to the procedures set forth for an appeal of a decision of a special permit granting authority in MGL c. 40A, § 17. *Added more description of referenced section of state law*
7. Repetitive Petitions
- a. No appeal, application or petition which has been unfavorably and finally acted upon by the Zoning Board of Appeal or the Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless the following actions occur: at least eight members of the Planning Board consent thereto after notice is given to parties in interest of the

time and place of the proceedings when the question of such consent will be considered; and unless the board that denied the request finds, by a concurring vote of at least four members of the Zoning Board of Appeals or six members of the Planning Board, that there are specific and material changes in the conditions upon which the previous unfavorable action was based in the record of its proceedings. *Added punctuation to make this long paragraph easier to understand.*

8. Revisions to Approved Plans

- a. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot in any perceivable way or change any required limitations or conditions imposed by a special permit, site plan approval or variance without requesting and receiving approval of such change from the issuing board(s). Said board may consider a change to be minor and not require a new public hearing upon a determination that the change is insignificant and does not impact any important issues addressed during the public hearings. The Planning Director may approve de minimis changes if they determine that someone reasonably familiar with the plan would not notice the change.

§235-3.3 Public Hearing Review Procedures

This section applies to applications for administrative appeals, variances, and special permits. The review procedures for site plan review applications are in Site Plan Review, §235-3.2. The Rules and Regulations for the Zoning Board of Appeals and Planning Board also contain information relating to public hearing procedures.

1. Application. Applications shall be filed with the City Clerk and the Clerk will record the date and time of filing. The Clerk will provide a copy of the application to the Planning Office to process as is required. The application shall be filed on such forms and with such accompanying materials and in such manner as prescribed in the Rules and Regulations for the Planning Board and Zoning Board of Appeals.
2. Public hearing. A public hearing shall be opened within 65 days of the filing of any application or appeal. No such hearing shall be held on any day on which a state or municipal election caucus or primary is held in such City. The Chair of the reviewing board or, in his/her absence, the Acting Chair may administer oaths, summon witnesses and call for the production of papers. All hearings shall be open to the public.
3. Notice. Notice of the public hearing shall appear in a newspaper of general circulation in the City. The first notice shall appear at least 14 days before the scheduled hearing date, and the second notice shall appear in the following week. In addition, notice of the hearing shall be posted in a conspicuous place in City Hall for 14 days prior to the scheduled hearing. Mail notice is required to be sent to "Parties in interest," which as used herein shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Assessors maintaining any applicable tax list shall certify the names and addresses of parties in interest, and such certification shall be conclusive for all purposes. The Board may accept a waiver of notice from or in his/her stead any successor owner of record who may not have received a notice by mail and may order special notice to any such person, giving not less than five nor more than 10 additional days to reply.
4. Record. The public hearing shall be open to the public and shall be conducted in a manner consistent with rules published by the Zoning Board of Appeals and Planning Board. The Board

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shall cause to be made a detailed record of its proceedings and shall include the vote of each member on each question, including whether absent or not voting. The record shall state in detail the reasons for the decisions made and shall record any limitations or conditions. A copy of the record shall be filed with the City Clerk within 14 days of the decision.

5. **Decision.** The decision must be made within 90 days after the date of the public hearing of a special permit and 100 days after the date of the filing of a variance or appeal, and failure to take final action upon an application within these time frames shall be deemed to be a grant of the application or appeal, subject to appeal as provided for in the Zoning Act. A notice of the decision shall be mailed to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of property line, even if in adjoining cities or towns, the Melrose Planning Board, the planning boards of adjoining cities or towns and to persons present at the hearing so requesting notice of the decision. Notice of the decision shall inform recipients of appellate rights under § 14 of the Zoning Act.
6. **Vote.** A concurring vote of all but one of the members of the Zoning Board of Appeals is required to grant a special permit or variance, and two-thirds concurring vote of the Planning Board is required to grant a special permit, except when only a simple majority is required for multifamily housing, mixed-use development in centers of commercial activity, and reduced parking space to residential unit ratio requirement, all pursuant to the specifications in Section 9 of the Zoning Act.
7. **Certification and recording of decision.** No special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or that such an appeal has been filed is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. No variance, or any modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that 20 days have elapsed and no appeal has been filed or, if such appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
8. **Appeal.** Appeal from the decision of variance or special permit shall be made only pursuant to § 17 of the Zoning Act by bringing an action within 20 days after the decision has been filed in the office of the City Clerk. Notice of the action with a copy of the complaint shall be given to such City Clerk so as to be received within such 20 days. The complaint shall allege that the decision exceeds the authority of the Zoning Board of Appeals or Planning Board and any facts pertinent to the issue and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the office of the City Clerk with whom the decision was filed. The City may provide any officer or board of the City with independent legal counsel for appealing, as provided in this section, a decision of the Zoning Board of Appeals or Planning Board and for taking such other subsequent action as parties are authorized to take.
9. **Conclusive nature of grant of special permit.** Notwithstanding defect in notice, appeal in accordance with § 17 of the Zoning Act shall constitute the exclusive remedy for a complaint against the granting of a special permit. In the case of defect in notice, a complaint must be commenced within 90 days from the time the decision is filed in the City Clerk's office.

§ 235-3.4 Enforcement and Fines.

1. The Building Commissioner shall serve a notice of violation and/or order to any owner or person responsible for the erection, construction, reconstruction, extension, repair, removal, demolition,

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conversion or alteration of a structure or change in use, increase in intensity of use or extension or displacement of use of any structure or lot in violation of the provisions of this chapter or in violation of any approved plan, information or drawing pertinent thereto or in violation of a permit or certificate issued under the provisions of this chapter or in violation of any provision of this chapter, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Commissioner.

2. Any owner who having been served with a notice of violation and/or order and who ceases any work or other activity as a result shall not leave any structure or lot in such condition as to be a hazard or potential hazard, nuisance or menace to the public safety, health, morals or general welfare.
3. If the Building Commissioner is requested in writing to enforce this chapter against any person allegedly in violation of the same and such officer declines to act, the Building Commissioner shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.
4. The Building Commissioner may issue fines of \$300 per day, per violation. Each section of this chapter cited shall constitute a separate violation. In the event any party fails to comply with an order, the Building Commissioner may seek to enforce said order, at law or in equity, in a court of competent jurisdiction.

§ 235-3.5. Amendments.

This chapter may be amended from time to time in accordance with Section 5 of the Zoning Act.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be indicated by the alteration of the Zoning Map. The map thus altered is declared to be part of this chapter thus amended. The Planning Office shall be responsible for making changes to the Zoning Map. Such changes shall be made within 14 days of the final approval of amendments.

ARTICLE IV Zoning Districts

§ 235-4.1 Districts.

The City of Melrose, Massachusetts, is hereby divided into zoning districts to be designated as follows:

Full Name (Short Name): Description *Added density description to some residential districts so that all have that context*

Suburban Residence (SR): Lowest suburban-density residential and agricultural use district.

Suburban Residence - A (SR-A) : Low suburban-density residential and agricultural use district.

Suburban Residence - B (SR-B): Suburban-density residential and agricultural use district.

Urban Residence - A (UR-A): Lowest urban-density residential district.

Urban Residence - B (UR-B): Low urban-density residential including multifamily housing district.

Urban Residence - C (UR-C): Urban-density residential including multifamily housing and neighborhood serving business district.

Urban Residence - D (UR-D): Urban-density residential including multifamily housing and neighborhood serving business district.

Business - A (BA): Business district.

Business – A1 (BA-1): Business and mixed-use development district.

Business – A2 (BA-2): Business and mixed-use development district near transit stations.

Business - B (BB): Business district including auto-oriented uses.

Business – B1 (BB-1): Business district including auto-oriented uses.

Business - C (BC): Business district that serves local needs.

Business - D (BD): Business and multifamily housing district including hospital, medical and other offices.

Industrial (I): Heavy industrial and business district.

Industrial - A (I-A): Light industrial and business district.

Group Labels:

Residential districts, as a group, are herein referred to as "R" districts.

Business districts, as a group, are herein referred to as "B" districts.

Industrial districts, as a group, are herein referred to as "I" districts.

§ 235-4.2 Overlay Districts.

The following overlay districts exist as designated herein:

Full Name (Short Name): Description

Smart Growth District (SGD): Multifamily housing and mixed-use developments that are pedestrian and transit oriented.

Rail Corridor Overlay District (RCOD): Multifamily housing and mixed-use developments that are pedestrian and transit oriented along the commuter rail train tracks.

Floodplain District: Land in special flood hazard areas designated as Zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

§ 235-4.3. Zoning Map.

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning

Article IV Zoning Districts

Map of the City of Melrose, Massachusetts," which is on file in the Office of the City Clerk and Planning Department.

§ 235-4.4. Interpretation of Boundaries.

1. Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:
 - a. Where a boundary is indicated as a street, alley, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof or, where such boundary approximates a City boundary, then to the limits of the City boundary.
 - b. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
 - c. Where a dimensional boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
 - d. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved center line, to the tangent to the curve at the point of intersection.
2. Where a parcel is split between zoning districts the dimensional and use regulations shall apply to the portion of the lot located in each district. The uses or structures of the more permissive, higher intensity district cannot encroach into the land in the less permissive, lower intensity district.
3. Where a parcel is partially in another municipality, the entire parcel shall be considered for purposes of lot area, frontage and parking requirements and for determining whether a project requires site plan review. All other provisions of this chapter shall apply to development or use of the portion of the parcel in Melrose.

ARTICLE V Use Regulations

§ 235-5.1 General Provisions

No building, structure or land shall be used except as permitted in the district as described in this article. Zoning overlay district regulations are found in Article VII (Overlay Districts and Special Regulations).

§ 235-5.2. Permitted uses

1. The permitted uses for each zoning district are listed in the attached Table of Use and Parking Regulations, Table 5.2, which is declared to be a part of this chapter.

Table key:

P: Use permitted by-right except as noted below.

S: Use requires a Special Permit in order to be established by the Zoning Board of Appeals.

x: Use is not permitted in the district. *Changed from "-" so it is easier to understand/see in table*

2. Any use not listed in the Table is considered to be prohibited.
3. Mixed-use is allowed and the individual uses must be allowed in the Table of Use and Parking Regulations for the district.
4. The establishment of a use may require Site Plan Approval as specified in § 3.2.

§ 235-5.3 Standards for Certain Uses

The following standards apply to the following uses.

1. **Accessory Uses** *Added a heading*
 - a. Accessory uses shall not exceed 40% of the area of the total use of the structure and/or lot on which it is located.
2. **Multifamily as part of Mixed-Use Structure** *Added a heading*
 - a. In mixed-use structures when residential is included all dwelling units shall be above the first floor level.
3. Home Occupation
 - a. Home occupations shall be permitted in a dwelling as an accessory use.
 - b. No person other than the residential occupant(s) shall be employed therein.
 - c. The use can only be conducted within the principal building.
 - d. No more than 40% of the existing gross floor area not to exceed 600 square feet can be devoted to such use, including storage of goods, materials and equipment related to the home occupation.
 - e. There shall be no display of goods or wares visible from the street, and equipment or materials used in the home occupation shall be stored entirely inside the dwelling.
 - f. The occupied buildings or premises shall not be rendered objectionable or detrimental to the residential nature of the neighborhood due to the exterior appearance, traffic, emission of odor, gas, smoke, dust, noise, electrical disturbance or any other safety hazard or nuisance.
 - g. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
 - h. The building or premises occupied shall not include any external design feature or appearance not customary in residential buildings.
 - i. No home occupation shall generate traffic, including pickup and deliveries, and/or parking that exceeds that normally expected in the residential neighborhood.
 - j. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises. A conforming off-street parking space shall be provided for any such

ARTICLE V Use Regulations

- commercial vehicle.
- k. A special permit acted on by the Zoning Board of Appeals is required if a home occupation results in more than 10 patron or client visits to the premises per week or if it involves one or two, but not more than two, employees who reside outside of the residence.
 - l. There shall be no advertising and no signs on the premises except pursuant to § 235-10.6 of this chapter.
4. Commercial Parking, **Repair and Service** *Combined since all related to commercial auto uses*
- a. The parking of a commercial vehicle with a registered gross weight in excess of 10,000 pounds shall be prohibited in any residential district.
 - b. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles except on a lot occupied by a permitted automotive use.
 - c. Any gasoline or oil facilities shall be at least 25 feet from any lot line
5. Outdoor Storage
- a. There shall not be any storage of materials or equipment or display of merchandise within a required parking area except as part of an approved site plan or special permit.
6. In-law Apartment
- a. An in-law apartment shall either be contained within an owner-occupied one-family dwelling as a separate subordinate living space (such as, but not limited to, a basement or attic) or attached thereto (such as, but not limited to, a garage or barn).
 - b. The dwelling unit shall occupy no more than 1/3 of the structure's gross floor area.
 - c. The use shall contain separate living facilities for immediate members of the family, such as a mother and/or father or a son and/or daughter or their respective spouses.
 - d. The structure shall maintain the appearance of a one-family dwelling.
 - e. There shall be no boarders or lodgers within either unit of a dwelling with an in-law apartment.
 - f. No in-law apartment shall be constructed without a building permit issued by the Building Inspector.
 - g. No use as an in-law apartment shall be permitted prior to a certificate of occupancy by the Building Inspector.
 - h. A certificate of occupancy shall be issued for three years. Continued occupancy shall require issuance of a new certificate of occupancy.
7. Brewery Use.
- a. An establishment whose principal use is to produce and serve beer, ale or other malt beverages to be consumed on the premises.
 - b. Seating may be located within an enclosed building and outdoors.
 - c. All production and storage activities are to be conducted within an enclosed building.
 - d. The establishment shall only sell alcoholic beverages produced by the establishment or produced for the brewery and sold under the brewery brand name.
 - e. The establishment may sell food and nonalcoholic beverages that are produced on-site, produced off-site, or produced with food trucks that are located on-site.
 - f. Allowed accessory uses include: retail sales of the product to customers for consumption off-premises and commercial goods branded by the establishment, distribution of the product for off-premises sales as is allowed in the Use Table and state law, and/or tours of the production facility.

ARTICLE V Use Regulations

- g. The facility shall hold the appropriate Commonwealth of Massachusetts licensure as well as any required pouring permit approved by the local licensing authority.
8. Adult uses.
- a. Adult uses consist of adult bookstore, adult club, adult motion-picture theater, adult paraphernalia store or adult video store.
 - b. Adult uses shall be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from the specified use or zoning district. The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property for the land use district boundary line from which the proposed adult use is to be separated.
 - i. Three hundred feet from any residential district (SR, SR-A, SR-B, UR-A, UR-B, UR-C and UR-D).
 - ii. Three hundred feet from any school, park or playground.
 - iii. Three hundred feet from any place of religious worship or assembly.
 - c. Adult uses shall be permitted only when located 300 feet from any other adult use.
 - d. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
9. Registered Marijuana Dispensaries.
- a. Purpose.
 - i. To allow for the establishment of registered marijuana dispensaries (RMDs) as they are authorized pursuant to state regulations set forth at 935 CMR 501.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana.
 - ii. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.
 - iii. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMDs.
 - b. Applicability.
 - i. The provisions of this section shall be applicable to all RMDs. Nothing in this section shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.
 - c. General requirements for all registered marijuana dispensaries.
 - i. Location and operation.
 - a. An RMD shall be located in, and conduct all operations within, an enclosed, permanent building.
 - b. An RMD shall be limited to 5,000 square feet of gross floor area.
 - c. All publicly accessible entrances shall be visible from a public way.
 - d. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
 - e. Registered marijuana dispensaries shall not be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
 - f. An RMD shall not be sited within a radius of 500 feet from a school or day-care

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center. The 500-foot distance shall be measured in a straight line from the property line of the school in question to the property line of the marijuana establishment.

- g. Hours of operation of RMDs shall be set by the Special Permit Granting Authority, but in no event shall an RMD be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 p.m. and 8:00 a.m.
- h. There shall be no smoking, burning, or consumption of any product containing marijuana or marijuana-related products on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the RMD.
- i. All RMDs shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.
- ii. Signage.
 - a. All signs associated with RMDs shall comply with 105 CMR 725.000 and Article VII, Signs, of this Zoning Ordinance.
 - b. Signs shall only identify the establishment by its registered name.
 - c. Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the RMD is located.
 - d. At every publicly accessible entrance, there shall be at least one sign that includes the language "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.
 - e. Signs shall not be illuminated after closing. Neon and flashing signage is prohibited.
- iii. Security.
 - a. Registered marijuana dispensaries shall provide the Melrose Police Department and Building Commissioner with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
 - b. Solid waste dumpsters or other waste containers shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
 - c. Landscaping elements must be non-obtrusive. The placement of landscaping elements for the RMD must ensure landscaping elements, including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves at night.
 - d. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.
- d. Special permit. For RMD special permits, the Planning Board is the Special Permit Granting Authority. The Planning Board may grant a special permit for an RMD in the BB and I Zoning Districts if the Board finds that the proposal satisfies the purposes set forth in this

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Section, the general requirements and conditions for all RMDs, the Special Permit findings in the Zoning Ordinance, and the following statements, regulations, requirements, conditions, and limitations.

- i. Application requirements are found in the Rules and Regulations for the Planning Board.
 - ii. Findings. In addition to the findings required by § 235-3.2, the Planning Board shall not issue a special permit for an RMD unless it finds that:
 - a. The RMD meets a demonstrated local and regional need based on the proximity of other RMDs serving the City's qualifying patients;
 - b. The RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
 - c. The RMD meets all other applicable requirements of the Zoning Ordinance and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the City of Melrose, and will otherwise comply with all applicable state and local laws and regulations;
 - d. The RMD provides a secure indoor waiting area for patients;
 - e. The RMD is designed to provide convenient, safe, and secure access and egress for clients and employees;
 - f. The RMD addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the RMD; and
 - g. The RMD provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
 - i. Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, and air quality and preserve the character of the surrounding area and otherwise serve the purpose of this section.
 - e. Annual reporting. Each RMD permitted shall as a condition of its special permit file an annual report to the Special Permit Granting Authority, the Board of Health, the Building Commissioner, the Police Department, and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the RMD and/or demonstrate continued compliance with 935 CMR 501.000 as well as the conditions of the special permit.
 - f. Abandonment or discontinuance of use.
 - i. A special permit granted under this section shall have a term limited to the duration of the applicant's operation of the premises as an RMD.
 - ii. An RMD shall be required to remove all material, plants, equipment, and other paraphernalia:
 - a. If any required permit or license is revoked or suspended by the issuing authority;
 - b. Prior to surrendering its state licenses or permits; or
 - c. Within six months of ceasing operations, whichever comes first.
10. Marijuana Establishments.
- a. Purpose. The purpose of this section is to permit state-licensed marijuana establishments to operate in select locations in the City of Melrose, pursuant to local requirements that

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seek to protect the health, safety, and public welfare of residents and in accordance with Chapter 94G of the Massachusetts General Laws, and regulations promulgated by the Cannabis Control Commission, 935 CMR 500.000 ("Adult Use of Marijuana").

- b. **Applicability.** The provisions of this section shall be applicable to all marijuana establishments in the City of Melrose, with the exception of registered marijuana dispensaries (RMDs). Regulations for RMDs can be found in § 235-5.3.
- c. **General requirements.**
 - i. **Location and operation.**
 - a. Marijuana establishments are permitted as allowed in the Table of Use and Parking Regulations, Table 5.2.
 - b. All marijuana establishments shall be located in, and conduct all operations within, an enclosed, permanent building, except to the extent that authorized business operations involve transportation of marijuana or marijuana products in motor vehicles.
 - c. Marijuana establishments may cultivate, process, test, store and manufacture marijuana or marijuana products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area.
 - d. No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft, or other optical aids.
 - e. All marijuana establishments shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere, and so that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.
 - f. There shall be no smoking, eating, or other forms of consumption of any product containing marijuana or marijuana-related products on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the marijuana establishment.
 - g. Marijuana establishments shall not permit any disorder, disturbance, or illegality under state or local law of any kind on the premises, including all buildings, accessory structures, parking lots or parking areas, walks and/or immediate surroundings located on the same lot/parcel as the marijuana establishment.
 - h. Hours of operation of marijuana establishments shall be set by the Special Permit Granting Authority.
 - i. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
 - j. Marijuana establishments are prohibited from use of on-site self-service displays, including vending machines, through which customers may select marijuana or marijuana products without assistance from an employee or store personnel.
 - ii. **Sign.**
 - a. All signs associated with marijuana establishments shall comply with 935 CMR 500.000 and Article VII, Signs, of the Melrose Zoning Ordinance.

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- b. Signs shall only identify the marijuana establishment by its registered name and shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the establishment is located.
 - c. Signs shall not be illuminated after closing and neon and flashing signage is prohibited.
 - iii. Additional location requirements.
 - a. A marijuana establishment shall not be sited within a radius of 500 feet from daycares or schools that serve kindergarten through 12th grade, whether public or private. The 500-foot distance shall be measured in a straight line from the property line of the school in question to the property line of the marijuana establishment.
 - b. Marijuana product manufacturing shall not be done in any building containing assembly, educational, health care, ambulatory health care, residential board and care, residential, or detention and correctional facilities.
 - c. Marijuana transportation or distribution facilities shall not occupy street-level space.
 - iv. Security.
 - a. Marijuana establishments shall provide the Melrose Police Department and Building Commissioner with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
 - b. Solid waste dumpsters or other waste containers shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
 - c. Landscaping elements must be nonobtrusive. The placement of landscaping elements for the marijuana establishment must ensure landscaping elements, including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves at night.
 - d. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.
 - e. Marijuana establishments shall secure every entrance to the marijuana establishment so that access to areas containing the storage of marijuana products are restricted to employees and others permitted by the marijuana establishment to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents, and emergency personnel.
 - f. Marijuana establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products, and marijuana accessories.
- d. Special permit. For special permits for marijuana establishments, the Planning Board is the Special Permit Granting Authority. The Planning Board may grant a special permit for a marijuana establishment as allowed herein if the Board finds that the proposal satisfies the purposes set forth in this Section, the general requirements and conditions for marijuana establishments, the Special Permit findings in the Zoning Ordinance, and the following statements, regulations, requirements, findings, conditions, and limitations. Applications for a special permit for a marijuana establishment shall not be subject to site plan review (§ 235-3.2).
- i. Requirements.

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- a. It shall be unlawful for any person to operate a marijuana establishment without obtaining a special permit to operate pursuant to the requirements of this section.
 - b. A separate special permit is required for each different marijuana establishment detailed in § 235-2.2, Definitions. In the case that one or more different types of marijuana establishments are proposed, each establishment type shall require a special permit from the Planning Board.
 - c. The special permit requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.
 - d. The issuance of a special permit pursuant this chapter does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.
 - e. A special permit issued for a marijuana establishment is not transferable or assignable to a different location or a different type of marijuana establishment.
 - f. In compliance with Chapter 94G, § 3(a), of the Massachusetts General Laws, the Planning Board shall not grant special permits that would allow for more than one marijuana retailer to be in operation at any one time.
- ii. Application materials shall be found in the Rules and Regulations for the Planning Board.
 - iii. Findings. In addition to the findings required by § 235-3.2.5, the Planning Board shall not issue a special permit for a marijuana establishment unless it finds that:
 - a. The marijuana establishment complies with all applicable state and local laws, regulations, and requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;
 - b. The building and site have been designed to be compatible with other buildings and sites in the area;
 - c. The siting of the marijuana establishment will be accomplished so as to minimize any adverse impacts on abutters and other parties in interest;
 - d. The marijuana establishment will create no substantial harm to the established or future character of the neighborhood or city;
 - e. With due consideration to aesthetics, the marijuana establishment is designed to ensure convenient, safe, and secure access for the personal safety of customers and those working at the facility, and to protect the premises from theft and diversion of marijuana;
 - f. The applicant has demonstrated the availability and provision of adequate access, utilities, and other infrastructure and that the operation of the marijuana establishment will not adversely affect such access, utilities, and infrastructure;
 - g. The applicant addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the marijuana establishment; and
 - h. The marijuana establishment provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
 - iv. Conditions. The Planning Board may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, and air quality and preserve the character of the surrounding area and otherwise serve the purpose of this section. As a condition of this special permit, all marijuana establishments shall meet with

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the Melrose Fire Department and Melrose Police Department to discuss emergency and contingency plans for the site. Prior to the issuance of a certificate of occupancy by the Building Commissioner, a written emergency response plan shall be filed with the Melrose Fire Department and the Melrose Police Department that includes employee roles and responsibilities, locations of fire suppression systems, evacuation routes, and meeting locations during an emergency.

e. Inspections and reporting.

- i. Marijuana establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police, and Fire Departments on weekdays during normal business hours to determine the marijuana establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section.
- ii. Routine inspections may be made on weekdays during regular City business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes, and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected noncompliance issues.
- iii. Inspections may include all areas occupied, used, or controlled by the marijuana establishment. Inspections shall be conducted in conformity with applicable federal, state, and local law.
- iv. Each marijuana establishment permitted shall as a condition of its special permit file an annual report to the Special Permit Granting Authority, the Board of Health, the Building Commissioner, the Police Department, and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the marijuana establishment and/or demonstrating continued compliance with 935 CMR 500.000 as well as the conditions of the special permit.

f. Abandonment or discontinuance of use.

- i. A special permit granted under this section shall have a term limited to the duration of the applicant's operation of the premises as a marijuana establishment.
- ii. A marijuana establishment shall be required to remove all material, plants, equipment, and other paraphernalia:
 - ii. If any required permit or license is revoked or suspended by the issuing authority;
 - iii. Prior to surrendering its state licenses or permits; or
 - iv. Within six months of ceasing operations; whichever comes first.

11. Wireless Communications Service Facilities.

- a. This Section provides for the regulation and restriction of the construction, erection, installation, placement and/or use of wireless communications service facilities (WCSF) and the protection of the general public from the impact associated with WCSF to:
 - i. Minimize the adverse impacts of WCSF on adjacent properties and residential neighborhoods.
 - ii. Limit the City-wide overall number and height of WCSF to what is essential.
 - iii. Encourage the most appropriate use of the land and maintain the residential character of the City.
 - iv. Promote shared use of existing WCSF to reduce the need for new facilities.

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- v. Guide sound development while promoting the health, safety and general welfare of the City consistent with applicable federal law.
- b. Wireless communications service facilities lawfully in existence before the effective date of this article shall be maintained and shall be kept in good condition.
- c. A WCSF that is unused or abandoned for a period of 90 days must be removed by the property owner and the property restored to its natural condition. Any construction shall be governed by this chapter. The Building Commissioner shall receive at least 30 days' notice of the intent to discontinue use of any WCSF.
- d. This article does not apply to the construction or use of facilities by a conforming federally licensed amateur radio used in accordance with said license as protected by MGL c. 40A, § 3, or television antennas, including satellite dishes which are accessory to a residential use and protected by federal law.
- e. For a wireless communications service facility (WCSF), in addition to the applicable conditions contained in this chapter and conditions specifically imposed by the Zoning Board of Appeals, the following conditions shall apply:
 - i. An applicant proposing a WCSF must demonstrate that there are no other adequate WCSF reasonably available to accommodate the new or additional WCSF equipment. To the extent feasible, all service providers shall co-locate on a single facility. The intent of this requirement is to reduce the number of facilities that will be required within the community.
 - ii. The only freestanding WCSF allowed is a monopole.
 - iii. No freestanding facility shall exceed more than 80 feet in height above grade.
 - iv. Facilities mounted on buildings may not extend more than 10 feet above the height of the building or more than 12 inches beyond the face of walls or exterior surfaces in the case of structures that do not have walls. For purposes of this subsection, height of a building shall mean "height" as defined in Article II of this chapter.
 - v. Roof-mounted facilities must be stepped back from the front facade to limit the impact on building silhouette and, where possible, concealed from public view.
 - vi. Trees and vegetation shall be used as a buffer zone for freestanding WCSF. Such buffer zone shall measure at least five feet in height and shall be maintained in healthy condition. It is not intended to interfere with the operation of the facility. In cases where vegetation already exists efforts will be made to preserve such vegetation or replace with similar vegetation. In areas where buffer zones of trees and vegetation must be implanted, the Planning Board shall review and recommend what trees and vegetation shall be implanted on the property.
 - vii. The color of the facilities shall be painted a neutral color or such color that will blend and minimize the facility's appearance.
 - viii. Fencing shall be used to control access and shall be aesthetically compatible with the area. Razor wire, barbed wire or a similar wire shall not be allowed.
 - ix. Night and other lighting shall be prohibited except as required by the FAA. Any emergency or repair lighting shall be shielded from abutting properties and only used for a reasonable time as necessary for such emergency or repair.
 - x. There shall be no advertising permitted on or in the vicinity of the facilities, except for no trespassing signs. An unlighted sign no more than one square foot in surface area shall be displayed with a name and telephone number of a contact person to call for twenty-four-hour maintenance.
 - xi. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.

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- xii. Certification by a licensed structural professional engineer of the integrity of the facility and, when installed on an existing building or facility, certification as to the capability of the structure to accept the added load being installed.
 - xiii. Stormwater runoff shall be contained on site or discharged to the City stormwater system.
 - xiv. A wireless communications service facility shall not generate noise in excess of the levels permitted under the Chapter 164, Noise, of this Code or in excess of 50 decibels, whichever is less.
 - xv. A freestanding facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility measured at the mean finished grade of the facility plus five feet.
 - xvi. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
 - xvii. Structures are to be aesthetically consistent with the area in which they are located.
 - xviii. An applicant proposing a WCSF in a residential zoning district shall demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
- f. Special permits under this section shall be for a term of five years from the date of the decision approving the special permit. An applicant for a special permit may reapply at any time after the fourth anniversary of the date of the decision approving the special permit. In the event a renewal of a special permit is granted, it shall run for a period of five years commencing on the date of expiration of the prior special permit.
- g. The Planning Board shall have the authority by special permit to waive any requirements of this section as necessary to comply with the federal Telecommunications Act of 1996 and regulations promulgated thereunder.

§ 235-5.4 Affordable housing.

1. Purposes. The purposes of this section are to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock; to provide for a full range of housing choices throughout the City for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to ensure addition of affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory ("SHI"); to provide a mechanism by which residential development contributes in a direct way to increasing the supply of affordable housing; and to establish standards and guidelines for such contributions.
2. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE UNIT — A dwelling unit that satisfies the requirements of Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for inclusion on the City's SHI.

DEVELOPER — Any individual, corporation, business trust, real estate trust, partnership or association, or any other entity or combination thereof applying for, constructing, and/or managing a development to which this section applies.

SUBSIDIZED HOUSING INVENTORY — The Subsidized Housing Inventory (SHI) maintained by EOHLC, as set forth in 760 CMR 56.
3. Applicability and requirements.
 - a. Development applicability: The provisions of this section shall apply to any residential or mixed-use development containing five or more dwelling units by new construction, redevelopment of a structure or substantial rehabilitation of existing units, including lodging and rooming house dwellings, planned developments and phased projects. "Phased projects" are any development at one or more adjoining sites in common ownership or under common control, in

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whole or in part, developed within a period of three years. "Developed within a period of three years" shall mean that no more than three years elapse between the issuance of an occupancy permit for one site and the filing for a zoning permit or building permit for the adjoining site(s). These provisions shall apply with respect to developments in all zoning districts of the City, provided that the provisions of this section shall not apply to any development which has previously received a special permit or variance from the relevant permit granting authority containing conditions requiring the inclusion of affordable housing in such development, nor to any such development which is subsequently modified in accordance with the provisions of this section, provided that such affordable housing inclusion conditions remain substantially unchanged as a result of any such modification.

- b. Number of units to be provided: A developer subject to these provisions shall provide 15% of the total number of dwelling units as affordable units. Where the application of that formula results in a fraction, a fraction of 1/2 or more shall be rounded up to the next whole number. Where the application of that formula results in a fraction of less than 1/2 a monetary contribution to the Melrose Affordable Housing Trust is required for the fractional amount. For an ownership unit, the monetary contribution shall be equal to the fraction multiplied by the difference between the fair market value of a comparable market-rate unit recently sold within the City of Melrose and the price of an affordable unit in the development. For a rental unit, the monetary contribution will be calculated using the same procedure as for an ownership unit, assuming the value of the unit if it was sold rather than rented. Monetary contributions shall be made prior to issuance of Certificates of Occupancy for the market rate units in the development. A developer is allowed to provide an additional affordable unit that complies with the regulations in the section instead of providing the monetary contribution.
- c. Income limits: Affordable units shall serve eligible households whose annual incomes do not exceed 80% of the median income of households in the Boston-Cambridge-Quincy MSA/ HMFA adjusted for family size and whose assets do not exceed those allowed by EOHLC for the unit to be eligible for inclusion on the SHI.
- d. Cost: The monthly rent payment, including utility allowances, charged for a rental affordable unit shall not exceed an amount equal to 30% of the maximum monthly income of an eligible household. The monthly housing costs for an ownership affordable unit (inclusive of principal, interest, private mortgage insurance, hazard insurance, real estate taxes, and condominium fees) shall not exceed 38% of monthly income for a household earning 70% of area median income, adjusted for household size. The terms of the loan, the amount of the down payment, and interest rates are taken into consideration in setting the precise income requirements for each for-sale affordable unit. After the initial lottery to sell the unit, ownership affordable units shall be offered at a price no less than 5% below the maximum allowable sales price to allow for an adequate number of potential buyers that may qualify for the unit, though the seller is permitted to sell to the highest qualified bidder for the units.
- e. Relationship to the SHI: The affordable units shall qualify as local action units in compliance with the provisions of the Local Initiative Program (LIP) regulations, 760 CMR 56.00, for inclusion on the Subsidized Housing Inventory (SHI) or any successor inventory. Failure to gain approval or maintain compliance with the criteria for inclusion on the SHI, or removal of an affordable unit from the SHI for any reason, shall be deemed to be noncompliance with this section.
- f. Location: Affordable units shall be provided on site unless the Planning Board by special permit allows the fulfillment of the requirement off-site in comparable units which may only occur when extraordinary circumstances exist. Off site units shall not be directly subsidized by public funding sources. Units are comparable if they consist of the same number of bedrooms and include the same basic finishes and amenities as would be provided on-site.
- g. Payment-in-lieu: A development of five, six or seven units has the option of providing one affordable unit on-site or making a monetary contribution to the Melrose Affordable Housing Trust in lieu of providing the affordable unit on-site. The monetary contribution shall be equal to

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3% of the total sale or market value of all the units in the development. The Melrose Affordable Housing Trust will use the funds exclusively to promote the City's affordable housing goals. Monetary contributions shall be made each time a unit sells and for rentals prior to the issuance of the last Certificate of Occupancy for the development.

- h. Duration: Affordable units shall be maintained in perpetuity.
- 4. Incentives. To facilitate the objectives of this section, the following modifications to the dimensional and parking requirements in any zoning district may be permitted by special permit by the Planning Board for a development of eight or more units that provides affordable units on-site in accordance with Subsection 3 above.
 - a. For every affordable unit required by Subsection 3 above, the developer may build one additional unit in the development, regardless of the minimum lot area required for the additional unit or units. Except for the resulting reduction in the minimum lot area, all other dimensional and density regulations shall apply to the development. These additional units shall not be counted as part of the base number of units used to calculate the number of affordable units required in C(2) above.
 - b. The parking requirement for the development may be reduced by 0.5 space per unit for all of the units, but shall not be less than 1.0 space per unit. The developer shall provide evidence that supports the reduced parking requirements in a report for the Planning Board's consideration. The report may include but is not limited to: proximity to public transit, proximity to available public or shared parking with demonstrated availability to support the project; characteristics of the occupants that create less parking demand, such as age or household income; provision of a mix of uses on site with offset peak parking demand times; a shared parking agreement with proximate properties with offset parking demand times; dedication of spaces for car-sharing services (e.g., Zipcar); and the provision of transit passes for residents.
- 5. Standards for construction and occupancy of affordable units.
 - a. Affordable units shall be dispersed throughout the development and shall be comparable in size, number of bedrooms, materials, interior finishes, amenities and parking to dwelling units in the development in which they are located. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project.
 - b. Affordable units shall have a similar ratio of number of bedrooms to the bedroom mix in the development. The number of persons occupying the affordable units shall be consistent with the state sanitary code and the applicable state and federal guidelines.
 - c. 70% of the affordable units shall be offered initially to Melrose residents, persons employed within the City of Melrose, or households with children enrolled in the City of Melrose's schools, as allowed by EOHLC.
 - d. The rental or ownership of affordable units shall mirror the project as a whole. For example, affordable units should be sold, not rented, where a majority of units will be offered for sale.
- 6. Administration and enforcement.
 - a. The affordable units shall be subject to proper deed restrictions consistent with Massachusetts General Law.
 - b. The developer shall use the EOHLC Local Initiative Program (LIP) Regulatory Agreement and, in the case of ownership units, the Universal Deed Rider, which shall, at a minimum, identify and describe the affordable dwelling units in the development, an inventory of the units, condition of the units, monitoring of eligibility and terms of their sale or lease.
 - c. The developer is responsible for creating and implementing a marketing plan for the affordable units that is approved by EOHLC and the Office of Planning and Community Development (OPCD). The plan must describe the household selection process, set forth a plan for affirmative fair marketing to protected groups underrepresented in the municipality, describe outreach efforts

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and include provisions for a lottery. OPCD will monitor the marketing process to ensure compliance with the approved marketing plan. When feasible, OPCD may opt to assist the developer in marketing the affordable units.

- d. The developer is responsible for the application process and lottery to establish tenants or buyers for the affordable units. The affordable housing lottery shall take place prior to the Inspectional Services Department issuing Certificates of Occupancy for the affordable units. When feasible, OPCD may assist with the lottery.
- e. The developer shall work with OPCD to submit an application to the EOHLC LIP for inclusion of the affordable units on the City's SHI. The developer shall provide the information needed for the City to submit the LIP application before the issuance of the certificates of occupancy for the affordable units.
- f. Annually, the developer shall submit to OPCD and EOHLC a proposed schedule of monthly rents and utility allowances for all rental affordable units in the project. Such schedule shall be subject to the approval of OPCD and EOHLC for compliance with the requirements of the Regulatory Agreement. For ownership units, the owner of an affordable unit shall certify in writing annually to OPCD and EOHLC that he/she continues to occupy the unit as a primary residence, the unit has not been refinanced and that it has been maintained in a manner consistent with the Regulatory Agreement and the Deed Rider. If the unit is resold, the owner must report to OPCD and EOHLC that the purchase is being done in compliance with all of the terms and provisions of the Deed Rider and Regulatory Agreement.
- g. The Planning Board is authorized to adopt rules and regulations to implement this section after a public hearing. These rules and regulations will include, but not be limited to, how to determine details of affordability calculation methodologies and further details on sales prices, unit finishes, and similar aspects of this section that would benefit from additional elaboration.

ARTICLE VI Dimensional Regulations

ARTICLE VI Dimensional Regulations

§ 235- 6.1 General Provisions

No building or structure shall be constructed or altered except as permitted in the district as allowed in this Ordinance. Zoning overlay district regulations are found in Article VII (Overlay District Regulations).

§ 235-6.2 Dimensional Regulations

The dimensional regulations for each district are specified as set forth in the Table of Dimensional and Density Regulations, Table 6.2, and notes, declared to be part of this chapter, and subject to the additional provisions of this chapter.

§235- 6.3 Dimensional Regulation Specifications

In addition to the regulations in the Table of Dimensional and Density Regulations the following regulations shall apply:

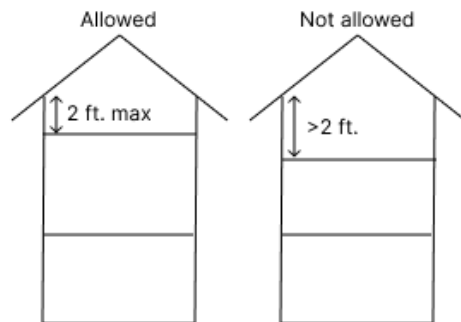
1. *Was "existing and new residential uses" - would not apply to existing and clarifying this is for multifamily dwellings*
Multifamily dwellings in all nonresidential districts shall be subject to the regulations for the particular type of dwelling in the UR-C District.
2. Only one principal structure shall be permitted on a lot, except for commercial development, community facilities and public utilities.
3. Setback/Yard Specifications:
 - a. Where the existing development along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than required by this chapter, then any vacant lot setback may be reduced to said average of the existing development.
 - b. Corner lots.
 - i. For a corner lot, the street frontage that is used to access the main entrance (typically identified by street address) of the structure from the street shall be considered a front yard/lot line. The other street frontage shall be considered a side yard/lot line.
 - ii. Of the remaining two yards, the yard with the shallower depth shall be considered a side yard/lot line and the yard with the deeper depth shall be considered the rear yard/lot line. If the remaining yards have the same depth, the owner can designate the side and rear yards/lot lines.
 - c. Through lots.
 - i. At each end of a through lot, there shall be a setback depth required which is equal to the front yard setback required for the district in which each street frontage is located.
 - d. Projections into required setbacks/yards or other required open spaces are permitted subject to the following:
 - i. Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
 - ii. Open porches, decks, terraces, steps or stoop, under four feet in height, up to 1/2 the required yard setback.
 - iii. Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
 - iv. No permit shall be required for the erection or replacement of fixed or retractable awnings installed on one- and two-family dwellings, unless they project over public property.

ARTICLE VI Dimensional Regulations

4. Height and Story Specifications:

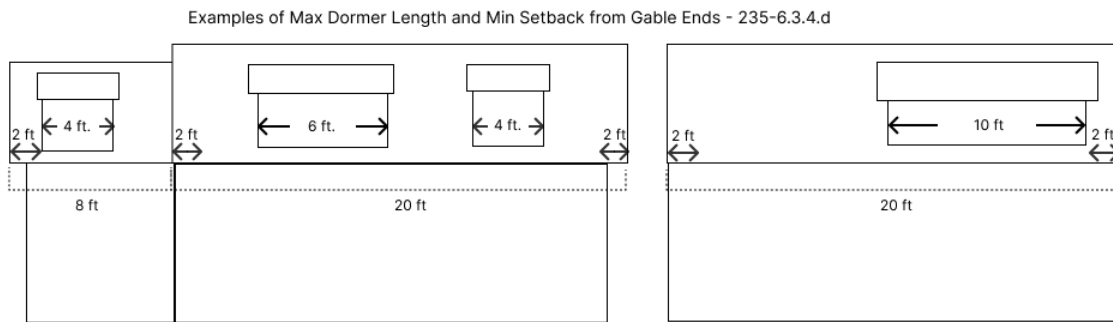
- a. Height is measured from the vertical distance from the average finished grade, as measured by points at six foot intervals around the footprint of the building, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. *Added to standardize how height is measured*
- b. The provisions of this chapter governing the height of buildings shall not apply to the following; however, these structures cannot be taller than 10 feet from the roof to which they are attached: chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts and other necessary appurtenances usually carried above the roof; nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than 20% of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennas and other like structures which do not occupy more than 20% of the lot area; nor to churches or public, agricultural or institutional buildings or private schools not conducted for profit that are primarily used for school purposes, provided that the proposed appurtenances are not located within the flight paths of an airport or heliport as defined by FAA regulations and approved by the FAA.
- c. A half story is directly under a sloping roof where, in the case of a roof having one uniform degree of pitch (such as in gable, hipped, or shed roof types), the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two feet above the floor level on at least two opposite exterior walls.

Example of Half Story Height -
235-6.3.4.c



- d. Dormers may be constructed on the half story of a structure provided the length of the dormer(s), as measured along the lowest bearing points of the dormer(s) on the rafters of the sloping roof, does not exceed 50% of the length of the sloping roof to which it is attached, otherwise the floor is considered a full story. There may be more than one dormer provided the total sum of the horizontal length of the dormers does not exceed 50% of the length of the sloping roof to which they are attached. Dormers shall be set back at least two feet from the gable ends of a sloping roof, and the roof overhang shall be maintained throughout existing structures or established below the dormer in the case of new structures.

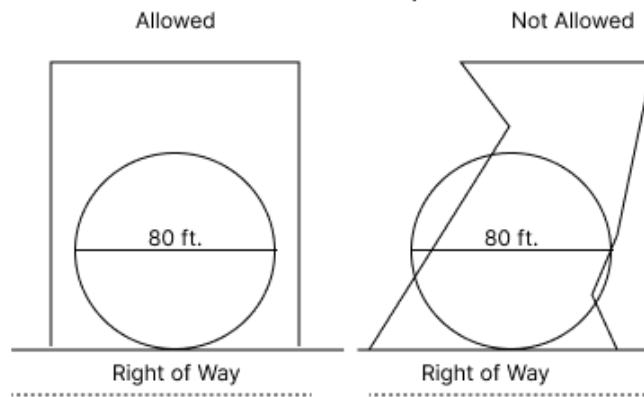
ARTICLE VI Dimensional Regulations



- e. If a mezzanine floor area exceeds $\frac{1}{3}$ of the area of the floor immediately below, it shall be deemed a story.
 - f. A basement shall be deemed a story when:
 - i. its ceiling is four feet or more above the average finished grade, as measured by points at six foot intervals around the footprint of the building; or,
 - ii. its ceiling is more than four feet above the average grade at the front of the building.
Added to specify intent that tall/walk-out basements are not allowed in the front
5. Building Coverage Specifications:
- a. Where off-street parking spaces required by this chapter are located underground and under the building served by the parking, the maximum building coverage may be increased above the percentage limit. This increase shall represent an increase in building area up to the area of the parking spaces which are put underground.
6. Open Space Specifications:
- a. Open space is the space on a lot not covered by buildings, structures, or impervious surfaces, unobstructed to the sky by man-made objects and expressed as a percentage of total lot area.
 - b. Parking and loading spaces cannot count towards the open space requirement.
 - c. No more than 20% of the building front yard on residential properties with three or fewer dwelling units shall be covered with an impervious surface.
7. Lot Width and Frontage Specifications:
- a. The lot width is measured at the horizontal distance between the side lot lines at the minimum front setback required by this chapter and parallel to the street line.
 - b. The lot must comply with the required width on every portion of the lot where a principal structure is located.
 - c. Frontage is measured between the intersection of the side lot lines along a street. In the case of a corner lot, frontage shall include the combined linear footage of the boundary between the lot and any abutting streets that intersect with one another. *Moved from definition*
 - d. 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.

ARTICLE VI Dimensional Regulations

Example of Lot Width Regulation when 100 ft. frontage required - 235-6.3.7.c



- e. The acute angle measured between the frontage and any side lot line shall not be less than 55°.

8. Lot Depth Specifications

- a. Lot depth is the mean horizontal distance between the front lot line and the rear lot line or for a corner lot the distance between the front lot line and the lot line opposite the front lot line.

9. Lot Area Specifications

- a. At least 60% of the lot area required for zoning compliance shall be contiguous land other than land located in a wetland, as defined in MGL c. 131, § 40, or land located under a brook, creek, stream, river, pond or lake.

§ 235-6.4 Lot Configuration

1. Reduction of lot area.

- a. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this chapter, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this chapter if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

2. Separation of lots.

- a. Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this chapter.

§ 235-6.5 Slope Protection.

1. Purpose.

- a. The purposes of this section is:
 - i. To preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations and trees;
 - ii. To minimize the effects of grading to ensure that the natural character of steep slopes is retained;
 - iii. To minimize water runoff and soil erosion problems incurred in grading of steep slopes; and
 - iv. To encourage innovative architectural, landscaping, circulation and site design.

ARTICLE VI Dimensional Regulations

2. Applicability.

- a. The provisions of this section shall be applicable to all zoning districts in the City of Melrose. Exempted from this section shall be:

- i. Alterations, extensions, and additions to existing single- and two-family dwellings and buildings accessory thereto that do not expand the building footprint by more than 500 square feet.
- ii. Site improvements to existing single- and two-family dwellings that do not exceed 500 square feet.

- b. For the purposes of this section, the term "natural" shall be defined as the condition of the ground surface as it exists on the date this section is adopted.

- c. No land may be regraded or filled in such manner as to circumvent this section.

3. Slope regulations. The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance multiplied by 100:

slope = (change in elevation / horizontal distance measured perpendicular to horizon) x 100.

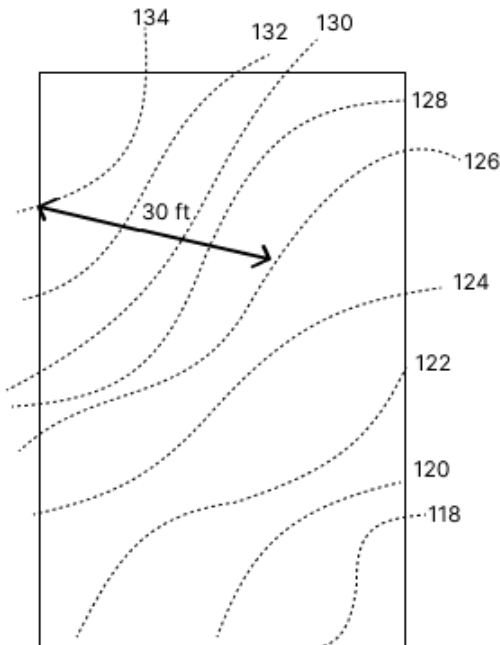
- a. All areas with natural slopes exceeding 25% over a horizontal distance of 30 feet on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.
- b. All natural slopes exceeding 25% over a horizontal distance of 30 feet are protected and shall remain in their natural state.

Example Slope Measurement and Calculation - 235-6.5

$$\text{Slope} = ((134 - 126) / 30) \times 100$$

$$\text{Slope} = 26\%$$

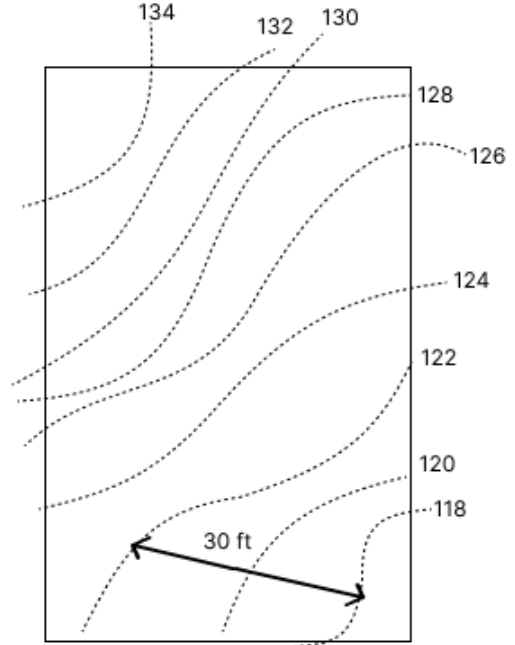
*Area subject to slope protection



$$\text{Slope} = ((122 - 118) / 30) \times 100$$

$$\text{Slope} = 13\%$$

*Area not subject to slope protection



*The scale must be moved over the entire site to calculate the sloped area at the 30 ft. distance.

ARTICLE VI Dimensional Regulations

4. Allowances by Special Permit.

- a. The Planning Board may grant a Special Permit to utilize areas with natural slopes exceeding 25%, as prohibited in Subsection 3, if they find that the proposal satisfies the purposes of this section above as well as the general Special Permit findings in § 235-3.2.5 of this chapter.
- b. Slope Protection Special Permit application materials shall be found in the Rules and Regulations for the Planning Board.
- c. If an applicant receives a special permit pursuant to this section to utilize slopes exceeding 25%, then a variance from this chapter will not be necessary for insufficient lot area, unless the entire lot area, including the area of slope exceeding 25%, is insufficient for building purposes under this chapter.

ARTICLE VII
**Overlay Districts
 Regulations**

§ 235-7.1 Smart Growth District

1. Purpose. The purposes of the Smart Growth District are:
 - a. To promote economic development and neighborhood revitalization through the redevelopment and reuse of industrial buildings and related sites;
 - b. To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;
 - c. To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
 - d. To create a pedestrian-friendly environment that promotes walking, bicycling and transit use, and encourages reduced vehicle ownership; and
 - e. To promote a mix of compatible uses.
2. Definition and applicability.
 - a. A "Smart Growth District project" ("SGD project") is a development that complies with all the provisions of this § 235-7.1, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
 - b. This § 235-7.1 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an SGD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-7.1 shall remain in effect for an SGD project.
 - c. The provisions of this § 235-7.1 shall apply only to an SGD project. Any building, structure or use of land that is not part of an SGD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-7.1.
 - d. An SGD project shall be subject to site plan review under § 235-3.2. Site plan review approval for an SGD project is contingent upon the Planning Board finding that the requirements of this § 235-7.1 are met in addition to the site plan review criteria described in § 235-3.2.
3. Establishment of Smart Growth District.
 - a. The Smart Growth District (SGD) is established as an overlay district that may be applied to land in the Industrial A District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the SGD, it also remains in the underlying Industrial A District and must comply with the regulations of the Industrial A District except as specifically modified by this § 235-7.1.
 - b. The Smart Growth District includes the following parcels, identified by Assessors' Map and lot numbers as of January 1, 2007. This list of parcels is intended to include all properties shown on the Melrose Zoning Map as the Industrial A District located on lower Washington Street.

Map	Lots
B1	5
B2	16-18, 17, 19, 20, 21, 35, 36, 37
B3	57, 58, 58A, and the private way known as Stone Place

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4. Permitted uses.

- a. An SGD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - i. Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto.
 - ii. Retail establishments selling convenience goods such as food, drugs and proprietary goods, or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items, provided that no individual establishment, except such businesses in existence in the Industrial A District at the time of the effective date of this § 235-7.1, shall exceed 15,000 square feet gross floor area.
 - iii. Retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license.
 - iv. Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments.
 - v. Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers.
 - vi. Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site.
 - vii. Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises.
 - viii. Live/work space, combining a dwelling unit with an integrated work space principally used by one or more of the residents of the unit.
 - ix. Brewery without distribution.
- b. An SGD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- c. An SGD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.

5. Dimensional and density regulations.

- a. Lot area and frontage. An SGD project shall have a minimum lot area of 0.5 acre and a minimum frontage on a public way of at least 100 feet.
- b. Yards.
 - i. Minimum yards. Each lot within the SGD project shall comply with the following requirements:
 - a. Minimum front yard: 15 feet from the lot line.
 - b. Minimum side yard: 12 feet from the lot line.
 - c. Minimum rear yard:
 - i. Abutting a residential zoning district: 20 feet from the lot line.

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- ii. Not abutting a residential zoning district: 15 feet from the lot line.
- ii. Maximum front yard.
 - a. In order to define a consistent building presence along the street, new buildings shall not be set back more than 20 feet from the front property line.
 - b. The maximum front yard may be increased to 30 feet provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public for exclusive use by pedestrians; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.
 - c. At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
- iii. The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- c. Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- d. Development intensity.
 - i. The maximum residential density of an SGD project shall be 35 dwelling units per acre.
 - ii. The maximum floor area ratio (FAR) of an SGD project shall be 1.25, plus 0.05 for each 1.0% of total floor area devoted to commercial uses, but shall not exceed a maximum FAR of 2.0.
- e. Open space.
 - i. An SGD project shall include open space at least equal to the percentage of total lot area as set forth below:
 - a. An SGD project that involves only the rehabilitation of an SGD landmark building, as defined in Subsection 7.b, provided that there is no increase in the footprint of the building and the gross floor area is increased by no more than 50%: 10%.
 - b. An SGD project that involves the rehabilitation of an SGD landmark building, regardless of increase in footprint or floor area, and may include new construction: 25%.
 - c. Any other SGD project: 35%.
 - ii. The open space requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
 - iii. In recognition of the increased open space and recreation demands that will result from new residential development, an SGD project shall also contribute to the City's off-site public open space as follows:
 - a. Upon receiving a building permit for any residential units in an SGD project, the applicant shall make a contribution to the City's Open Space Fund in the amount of \$1,100 per dwelling unit.
 - b. The Open Space Fund contribution per dwelling unit shall be decreased by 5% for each 1% by which the open space on the lot exceeds the minimum requirement stipulated in Subsection 5.e.1.
- f. Building and structure height.
 - i. The maximum permitted height for buildings in an SGD project shall be 60 feet, except as follows:

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- a. No part of a building that is less than 40 feet from a front lot line shall exceed a height of 50 feet.
 - b. No part of a building that is less than 40 feet from a side lot line abutting a residential district shall exceed a height of 50 feet.
 - c. No part of a building that is less than 50 feet from a rear lot line abutting a residential district shall exceed 40 feet. No part of a building that is less than 100 feet from a rear lot line abutting a residential district shall exceed a height of 50 feet.
 - d. No part of a building shall have a height that is greater than its distance to the front lot line of any residentially zoned property on the opposite side of the street, less 25 feet. [For example, if the street right-of-way is 45 feet and the building in an SGD project is set back 15 feet from the property line, the maximum height at that point shall be $(45+15)-25 = 35$ feet.]
 - ii. The height of a building or structure in the SGD shall be defined as the vertical distance from the average grade of Washington Street, along the frontage of the lot/s of the SGD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-2.2 for an SGD project.
 - iii. A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection 5.f.1 above, provided that:
 - a. It is no more than 10 feet above the roof surface;
 - b. It is no less than 10 feet from the exterior wall of the building; and
 - c. The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.
 - iv. Parking structures not integrated into a building primarily for human occupation shall be no more than 28 feet in height to the deck of the highest parking area.
 - g. Building coverage. The maximum permitted coverage by all buildings in an SGD project shall be 50%. This requirement shall apply to the SGD project as a whole, regardless of whether the SGD project consists of a single lot or multiple lots.
 - h. Existing nonconforming buildings. An SGD project may include a building in existence on the effective date of this § 235-71.1 which does not conform to the requirements set forth in Subsection 5 relating to minimum or maximum front yard, minimum side yard, maximum building height, or minimum building separation. No change shall be made to lot lines, building footprint or building height that further increases any such nonconformity unless the Planning Board determines, based on site plan review, that such change is necessary for structural or access reasons or to meet the design standards of this section.
6. Off-street parking.
- a. Off-street parking spaces shall be provided as follows:

Use	Spaces Required
Residential	1.0 space per studio or 1-bedroom dwelling unit 1.5 spaces per 2-bedroom dwelling unit 2.0 spaces per 3-bedroom dwelling unit 1.0 visitor space per 10 residential units

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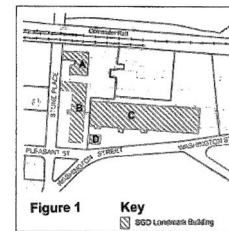
Office and Retail	1.0 space per 350 gross square feet on the ground floor 1.0 space per 500 gross square feet on the floors above ground level
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- b. Notwithstanding Subsection 6.a, the overall off-street parking requirement (total parking spaces divided by total dwelling units) may be less than 1.5 per unit but shall not be less than 1.25 per unit, except as allowed in Allowances for Reduced Number of Parking Spaces, § 235-11.4.
- c. On-street parking on public streets and internal ways may be permitted within the Smart Growth District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
- d. Parking setbacks.
 - i. Surface parking areas shall conform to the following minimum setback requirements:
 - a. From a public street: 30 feet.
 - b. From an internal way (not to include parking lot drive aisles): 10 feet.
 - c. From a structure: 10 feet.
 - d. From a side or rear lot line where the abutting property is within the SG District notwithstanding any other setback provision within this Subsection: five feet.
 - e. From a lot line abutting the railroad right-of-way: five feet.
 - f. From any other side or rear lot line: 10 feet.
 - ii. Parking structures shall conform to the following minimum setback requirements:
 - a. From an internal way: 10 feet.
 - b. From a public street: 30 feet.
 - c. From a side lot line: 12 feet.
 - d. From a rear lot line:
 - i. Abutting a residential zoning district: 20 feet.
 - ii. Not abutting a residential zoning district: 15 feet.
 - iii. No surface parking area or parking structure shall be closer to a public street than the closest principal building.
 - iv. The provisions of Subsection 6.e.i (a), (b), and (c) above shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of adoption of this amendment and that do not include the construction of new buildings.
- e. Bicycle parking is required as specified under § 235-11.2.
- 7. Design standards. All SGD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.
 - a. Building design.
 - i. New buildings shall be designed to be compatible with SGD landmark buildings, as defined in Subsection 7b herein, in terms of their massing, size, scale, and architectural features.
 - ii. Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum and vinyl, are discouraged.
 - iii. Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - iv. Building facades facing public streets or Stone Place, or within 30 feet of main entrances,

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shall reflect a high level of detail refinement.

- v. Building facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
 - vi. Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
 - vii. New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.
 - viii. For new buildings containing commercial uses, at least 60% of the street-facing building facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.
 - ix. Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.
- b. Historic preservation.
- i. The following buildings or portions of buildings, identified in Figure 1, are designated "SGD landmark buildings":
 - A - 78 Stone Place
 - B - 111 Washington Street/72 Stone Place
 - C - 99 Washington Street
 - D - 99B Washington Street



- ii. No SGD landmark building shall be demolished.
 - iii. Any alteration or addition to a SGD landmark building shall not modify its architectural features in such a way as to impair or detract from the building's historic character.
 - iv. The Planning Board may prohibit alterations or additions to SGD landmark buildings that it finds to be materially inconsistent with this provision.
- c. Landscaping.
- i. Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
 - ii. Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
 - a. Trees shall be planted at intervals of no more than 40 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
 - b. Trees shall be of a species on the City's approved street tree list, if available. Tree species shall be common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
 - c. Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least

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30 feet at maturity.

- iii. All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
 - iv. A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed along the length of the buffer strip.
- d. General site design.
- i. Roadways, sidewalks and other infrastructure shall be designed in accordance with the standards set forth below and, when applicable as a guideline for major roadways, the City of Melrose's Subdivision Regulations. As a guideline, the Planning Board may determine that the intent of the guidelines is met for an internal road without strict adherence to it during the review of a project.
 - ii. Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.
 - iii. Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.
 - iv. All utilities servicing an SGD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an SGD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.
 - v. Off-street parking and loading spaces, internal ways, and maneuvering areas shall be designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
 - vi. Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - vii. The number of driveway curb cuts along Washington and Pleasant Streets shall be kept to a minimum.
 - viii. Driveways shall be consolidated and aligned with existing intersections as feasible.
 - ix. Appropriate traffic control devices, including signage, shall be installed at driveways.
 - x. Adequate sight distance shall be provided at driveways.
- e. Parking.
- i. Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties. These provisions shall not apply to SGD projects that are limited to the rehabilitation of a building or buildings in existence at the time of the effective date of this § 235-7.1 and do not include the construction of new buildings.
 - ii. Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - iii. Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings

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shall be designed so that vehicles are not visible from the sidewalk on a public street.

- iv. Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
- f. Site lighting.
 - i. Broad area lighting shall be avoided.
 - ii. Parking lot pole lighting shall not exceed a height of 18 feet.
 - iii. Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
 - iv. Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - c. Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
 - d. A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways.
 - v. Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
 - vi. The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
 - vii. Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.
- g. Infrastructure.
 - i. Smart Growth District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-16.1. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an SGD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
 - ii. In cases where a specific SGD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to

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public infrastructure, to adequately address any deficiency.

h. Signs.

- i. An SGD project shall comply with the provisions of this section, which supersede the provisions of §§ 235-10.1 through 235-10.5 for SGD projects only.
- ii. An SGD project may have up to two standing signs complying with the following standards:
 - a. Maximum height above the sidewalk: six feet.
 - b. Maximum sign area: 40 square feet per sign face.
 - c. Minimum setback from front lot line: 10 feet.
 - d. Minimum setback from side lot line: 30 feet.
 - e. Minimum distance between two standing signs on the same lot: 300 feet.
- iii. Within an SGD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - a. Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - b. Maximum projection from building wall: six inches.
 - c. No sign shall be mounted above the first floor of a building.
- iv. Within an SGD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as follows:
 - a. Maximum height above grade: 15 feet.
 - b. Minimum clearance above grade: eight feet.
 - c. Maximum sign area: six square feet per side.
 - d. Maximum projection from building wall: four feet.
- v. Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lighted only by building illumination (stationary white light).
- vi. Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
- vii. The following additional signs are permitted in an SGD project:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - c. One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.

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- viii. Additional sign regulations.
 - a. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not carry the name of any business or product.
 - b. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
 - c. Any sign attached to a building shall not extend above the height of the roof of the building.
 - d. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
 - e. Signage should employ colors and type faces that complement the primary architectural style of the building.
 - f. Signs should be made of durable materials compatible with the materials of the building served.
 - g. Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
 - h. In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
 - i. Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.
- 8. Affordable housing.
 - a. An SGD project shall be subject to the affordable housing incentive program under § 235-73.1
- 9. Ownership and maintenance of common facilities.
 - a. All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
 - b. In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any SGD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board copies of such proposed instrument.
- 10. Development phasing.
 - a. An SGD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
 - b. Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the SGD project, so that at all times such requirements shall be met as applied only to those portions of the SGD project for

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which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-7.2 Rail Corridor Overlay District.

1. Purpose. The purposes of the Rail Corridor Overlay District are:
 - a. To promote economic development and neighborhood revitalization through the redevelopment of underutilized structures and sites;
 - b. To provide housing options which are sufficient to meet the needs of households at varying income levels and different stages of life;
 - c. To promote high-quality, sustainable design that reinforces and enhances neighborhood identity and minimizes negative impacts on the environment;
 - d. To create a pedestrian-friendly environment that promotes walking, bicycling, and transit use and encourages reduced vehicle ownership; and
 - e. To promote a mix of compatible uses.
2. Definition and applicability.
 - a. A "Rail Corridor Overlay District project" ("RCOD project") is a development that complies with all the provisions of this § 235-7.2, including provisions relating to uses, density, site and building dimensions, off-street parking, building design, lighting, and signs.
 - b. This § 235-7.2 includes use, dimensional and other regulations that may modify the requirements of the underlying district(s) for an RCOD project. Any requirement of the Zoning Ordinance that is not specifically modified by this § 235-7.2 shall remain in effect for an RCOD project.
 - c. The provisions of this § 235-7.2 shall apply only to an RCOD project. Any building, structure or use of land that is not part of an RCOD project shall conform to the regulations and requirements applicable to the underlying districts without modification by this § 235-7.2.
 - d. An RCOD project shall be subject to site plan review under § 235-3.2. Site plan review approval for an RCOD project is contingent upon the Planning Board, acting as the Site Plan Review Committee, finding that the requirements of this § 235-7.2 are met in addition to the site plan review criteria described in § 235-3.2.
3. Establishment of Rail Corridor Overlay District.
 - a. The Rail Corridor Overlay District (RCOD) is established as an overlay district that may be applied to land in the Extensive Business (BB-1) District as described herein, which is referred to herein as the "underlying district." When a parcel is placed within the RCOD, it also remains in the underlying district and must comply with the regulations of the underlying district except as specifically modified by this § 235-7.2.
 - b. The Rail Corridor Overlay District includes the following parcels, identified by Assessors' Map and lot numbers as of March 1, 2014. This list of parcels is intended to include all properties shown on the Melrose Zoning Map in the Extensive Business (BB-1) Districts located on Tremont Street and Essex Street.

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Map	Lots
C7	55 and 56
C8	1, 2-3, 4, 5, 6, 7, 8, 9, 10+, 12, 14, 40, and 48
C11	1-1A, 2, 126 and 127
B9	105, 1067A8 (106, 107A, 108), and 109
B10	64, 65-66+, 67, 68, 69, 70, 71, 72, and 73-74
B11	70, 71, 72, 74, 75, and 76

4. Permitted uses.

- a. An RCOD project may include, and shall be limited to, the following permitted uses, alone or in combination:
 - i. Multifamily residential, including townhouses and apartment buildings and including accessory uses thereto;
 - ii. Retail establishments selling convenience goods such as food, drugs and proprietary goods, or general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
 - iii. Personal and consumer services establishments, including beauty and barber shops, clothing rental, dry cleaning pickup shops, garment repair, tailors, and similar businesses providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered at such consumer services establishments;
 - iv. Professional and business offices, including but not limited to medical, legal, insurance, architects, engineers, and real estate offices. This does not include banks and financial institutions or substance abuse treatment centers;
 - v. Veterinary hospitals, provided that no individual establishment shall exceed 10,000 square feet of gross floor area;
 - vi. Restaurants, coffee shops, and similar establishments selling prepared food to be consumed on or off site;
 - vii. Studios of artists or artisans, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing or painting, sculpture, vocal or instrumental music, or writing, and including the accessory sale of art produced on the premises; and
 - viii. Assisted living facilities.
 - ix. Brewery without distribution.
- b. An RCOD project may include more than one principal structure on a single lot, provided that the Planning Board finds through the site plan review process that safe and convenient access will be provided to all structures.
- c. An RCOD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.

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5. Dimensional and density regulations.

- a. Lot area and frontage. An RCOD project shall have a minimum lot area of 10,000 square feet and a minimum frontage on a public way of at least 50 feet.
- b. Lot depth. An RCOD project shall have a minimum lot depth of 90 feet.
- c. Yards.
 - i. Minimum yards. Each lot within the RCOD project shall comply with the following requirements:
 - a. Minimum front yard: 10 feet from the lot line.
 - b. Minimum side yard: five feet from the lot line.
 - i. Abutting a UR-B Zoning District: 12 feet from the lot line.
 - c. Minimum rear yard: 10 feet from the lot line.
 - i. Abutting a UR-B Zoning District: 15 feet from the lot line.
 - d. Corner lots shall have a minimum rear yard setback of five feet.
 - ii. Maximum front yard.
 - a. In order to define a consistent building presence along the street, new buildings shall not be set back more than 15 feet from the front property line.
 - b. The maximum front yard may be increased to 25 feet, provided that the additional yard area incorporates a courtyard or sitting area at least 1,500 square feet in area and at least 20 feet deep that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.
 - c. At least 60% of the front side of a lot facing a public street, measured in percentage of linear feet of the frontage, shall be occupied by buildings or open space.
 - iii. The Planning Board may require, on the basis of site plan review, an accessway to improve pedestrian circulation and for public safety access.
- d. Building separation. Buildings on a single lot shall be at least 18 feet apart to provide adequate separation for emergency access.
- e. Development intensity.
 - i. The maximum residential density of an RCOD project shall be 35 dwelling units per acre, except for assisted living facility projects which shall be permitted up to 60 dwelling units per acre.
 - ii. The maximum floor area ratio (FAR) of an RCOD project shall be 1.5.
- f. Open space and streetscape enhancements.
 - i. An RCOD project shall include open space at least equal to 10% of the total lot area.
 - ii. The open space requirement shall apply to the RCOD project as a whole, regardless of whether the RCOD project consists of a single lot or multiple lots
 - iii. In recognition of the need for streetscape improvements that will result from new development, an RCOD project shall also contribute to the City's Streetscape Improvement

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Fund as follows: upon receiving a building permit for any residential or commercial space in an RCOD project, the applicant shall make a contribution to the City's Streetscape Improvement Fund in the amount of \$1,100 per dwelling unit and \$1 per gross square foot for all other uses.

g. Building and structure height.

i. The maximum permitted height for buildings and structures in an RCOD project shall be four stories and 50 feet, except as follows:

- a. Buildings may be permitted up to five stories and 62 feet in height at the Planning Board's discretion, when appropriate, given site constraints and/or unusual site characteristics and provided that all portions of the building above 50 feet are set back at least 20 feet from all property boundaries and shall be stepped back a minimum of 10 feet from each facade of the floor below, except for those facades which face the commuter rail right-of-way where no upper level step back is required.
- b. Rail Corridor Overlay District projects that exceed four stories and 50 feet in height shall provide additional public amenities in excess of the minimum 10% open space requirement for the RCOD. In the additional public amenity area, projects shall incorporate a courtyard or sitting area that adjoins and is open on one or more sides to the public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped/hardscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.

ii. The height of a building or structure in the RCOD shall be defined as the vertical distance from the average grade of Tremont Street or Essex Street (whichever the property has frontage on), along the frontage of the lot/s of the RCOD project at the time of the site plan review application, to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof. This shall supersede the definition of "height" in § 235-5 for an RCOD project.

iii. A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building height established by Subsection 5.g.i above provided that:

- a. It is no more than 10 feet above the roof surface;
- b. It is no less than 10 feet from the exterior wall of the building; and
- c. The total horizontal area of all such appurtenances does not exceed 20% of the building footprint.

h. Building coverage. There shall be no maximum permitted coverage for buildings in an RCOD.

6. Off-street parking.

a. Off-street parking spaces shall be provided as follows, except as allowed in Allowances for Reduced Number of Parking Spaces, § 235-11.4

Use	Spaces Required
Residential	1.0 space per dwelling unit 1.0 visitor space per 10 residential units
Office, Retail and Other	1.0 space per 500 gross square feet

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Assisted Living Facility	1.0 space per 4 dwelling units plus 1 space per employee on largest shift
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- b. On-street parking on public streets and internal ways may be permitted within the Rail Corridor Overlay District provided all necessary approvals are obtained, but on-street parking on public streets shall not be used to meet the minimum requirements for off-street parking.
 - c. Parking setbacks.
 - i. Surface parking areas shall conform to the following minimum setback requirements:
 - a. From a public street: 20 feet.
 - b. From an internal way (not to include parking lot drive aisles): five feet.
 - c. From a structure: five feet.
 - d. From a side or rear lot line where the abutting property is within the RC Overlay District notwithstanding any other setback provision within this Subsection 6.d.i: five feet.
 - e. From a lot line abutting the railroad right-of-way: five feet.
 - f. From any other side or rear lot line: 10 feet.
 - ii. No surface parking area or parking structure shall be closer to a public street than the closest principal building.
 - d. Bicycle parking is required as specified under § 235-11.2.
7. Design standards. All RCOD projects shall comply with the following design standards, unless the Planning Board finds, through site plan review, any standard to be inappropriate for the proposed use.
- a. Building design.
 - i. Exterior materials that are primarily associated with domestic residential buildings, such as wood clapboards and shingles, or that are relatively impermanent, such as exterior insulation and finish systems (EIFS), plywood, aluminum, and vinyl, are strongly discouraged.
 - ii. Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - iii. Building facades facing public streets or within 30 feet of main entrances shall reflect a high level of detail refinement.
 - iv. Building facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
 - v. Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
 - vi. New buildings and renovations shall incorporate sustainable design and construction practices as governed by the Energy Star and WaterSense Programs to the extent reasonable, and developers are strongly encouraged to achieve United States Green Building Council LEED certification for their building or its reasonable equivalent.
 - vii. For new buildings containing commercial uses, at least 60% of the street-facing building

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facade between two feet and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.

- viii. Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with corporate chains or franchises. The Planning Board may prohibit designs that it finds to be inconsistent with this provision.

b. Landscaping.

- i. Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
- ii. Street trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
 - a. Trees shall be planted at intervals of no more than 30 feet along both sides of the roadway. If the Planning Board determines through site plan review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
 - b. Trees shall be of a species on the City's approved street tree list, if available. Tree species shall be common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
 - c. Trees shall be 2.5 inches caliper at four feet above grade and reach a height of at least 30 feet at maturity.
- iii. All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
- iv. A landscaped buffer strip at least 10 feet in width shall be provided along any lot line that abuts a residential zoning district. The buffer strip shall contain a vegetative screen not less than three feet wide and six feet high relative to the lot line, designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three feet on center. At least 50% of the plantings shall consist of evergreens, distributed along the length of the buffer strip.

c. General site design.

- i. Roadways, sidewalks and other infrastructure shall be designed in accordance with the City of Melrose's Subdivision Regulations and with the additional standards set forth below.
- ii. Sidewalks, crosswalks, walkways, or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within a development. Sidewalks and walkways shall be constructed of cementitious concrete and shall be minimally broken by vehicular access.
- iii. Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc., shall be provided along the sidewalks of public streets and in open space plazas.
- iv. All utilities servicing an RCOD project shall be placed underground, unless prohibited by a utility company. All utilities on new internal roadways servicing an RCOD project shall be placed underground. All utility and drainage requirements shall be approved as part of the site plan review process and not subject to any other sections of the Zoning Ordinance.
- v. Off-street parking and loading spaces, internal ways, and maneuvering areas shall be

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- designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
- vi. Granite curbing shall be used along all roads and private internal ways. Cementitious concrete curbing may be substituted for granite curbing in all other locations.
 - vii. The number of driveway curb cuts along Tremont and Essex Streets shall be kept to a minimum.
 - viii. Driveways shall be consolidated and aligned with existing intersections as feasible.
 - ix. Appropriate traffic control devices, including signage, shall be installed at driveways.
 - x. Adequate sight distance shall be provided at driveways.
- d. Parking.
- i. Surface lots shall be screened along all public streets by a landscaped buffer not less than six feet in depth, or by walls or fencing at least three feet high and compatible with the adjacent architecture, and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties.
 - ii. Parking structures and lots shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - iii. Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building. All openings shall be designed so that vehicles are not visible from the sidewalk on a public street.
 - iv. Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
- e. Site lighting.
- i. Broad area lighting shall be avoided.
 - ii. Parking lot pole lighting shall not exceed a height of 18 feet.
 - iii. Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
 - iv. Lighting shall not create overspill onto adjacent properties or into the night sky and shall meet the following requirements:
 - a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens (and any flood or spot luminaires of more than 900 lumens) shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
 - b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
 - c. Building facades may be illuminated with soft lighting of low intensity that does not draw attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances

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with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

- d. A flood or spot luminaire with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution, provided that it is aimed, directed, or focused so as not to cause direct light from the luminaire to be directed toward buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.
 - v. Lamp type shall be selected to provide a natural uniform quality of light, rather than a strong color such as yellow or blue.
 - vi. The style of light poles and fixtures shall be compatible with the character of the area and any existing City standards.
 - vii. Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the project.
- f. Infrastructure.
 - i. Rail Corridor Overlay District projects shall demonstrate that adequate water supply and pressure are available, adequate sewerage capacity is available, adequate stormwater management is provided, traffic circulation on site is safe and convenient and the traffic flow and circulation at nearby intersections is preserved, pursuant to the criteria stipulated in § 235-3.2. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for an RCOD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
 - ii. In cases where a specific RCOD project would not otherwise meet the above criteria, the developer shall implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.
- g. Signs.
 - i. An RCOD project shall comply with the provisions of this section, which supersede the provisions of Article VII, Signs, for RCOD projects only.
 - ii. An RCOD project may have one standing sign complying with the following standards:
 - a. Maximum height above the sidewalk: six feet.
 - b. Maximum sign area: 40 square feet per sign face.
 - c. Minimum setback from front lot line: 10 feet.
 - d. Minimum setback from side lot line: 15 feet.
 - iii. Within an RCOD project, each business that has an exterior public entrance may have one wall sign, attached and parallel to the facade containing said entrance, as follows:
 - a. Maximum sign area: 50 square feet or 10% of the area of the facade occupied by the business, whichever is less.
 - b. Maximum projection from building wall: six inches.
 - c. No sign shall be mounted above the first floor of a building.
 - iv. Within an RCOD project, each business that has an exterior public entrance may have one projecting (blade) sign, attached and perpendicular to the facade containing said entrance, as

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follows:

- a. Maximum height above grade: 15 feet.
 - b. Minimum clearance above grade: eight feet.
 - c. Maximum sign area: six square feet per side.
 - d. Maximum projection from building wall: four feet.
- v. Signs in display windows may be permitted provided that such signage shall not cover more than 10% of the display window area and shall be lighted only by building illumination (stationary white light).
- vi. Signs may be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines.
- vii. The following additional signs are permitted in an RCOD project:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 10 feet from the street lot line.
 - c. One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area and it shall be set back at least 10 feet from the street lot line.
- h. Additional sign regulations.
 - i. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product.
 - ii. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
 - iii. Any sign attached to a building shall not extend above the height of the roof of the building
 - iv. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
 - v. Signage should employ colors and type faces that complement the primary architectural style of the building.
 - vi. Signs should be made of durable materials compatible with the materials of the building served.
 - vii. Signage shall be integrated into the architecture. Signage that covers or obscures significant architectural details of the building shall be avoided.
 - viii. In a multiple storefront building, the signage should be of a size, location, material and color that relates harmoniously between bays.
 - ix. Neon signs, reader boards, LED lights, or other similar signs shall not be permitted.

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- i. Affordable housing.
 - i. An RCOD project shall be subject to the affordable housing incentive program under § 235-73.1.
- j. Ownership and maintenance of common facilities.
 - i. All internal streets, ways, and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and repaving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways, or parking areas shall note this private responsibility of maintenance.
 - ii. In order to ensure that any proposed common open space and common facilities within the development will be properly maintained, any RCOD project in which dwelling units shall be offered for sale shall have a residents' association, which shall be in the form of a corporation, nonprofit organization or trust established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Registry of Deeds or Registry District of the Land Court. As part of the site plan review, the applicant shall supply to the Planning Board copies of such proposed instrument.
- k. Development phasing.
 - i. An RCOD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
 - ii. Lot area coverage, open space, affordable housing, off-street parking and required mitigation shall correspond with the sequence of development implemented in the RCOD project, so that at all times such requirements shall be met as applied only to those portions of the RCOD project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

§ 235-7.3 Floodplain District

- 1. Establishment
 - a. The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Melrose are panel numbers 25017C0427E, 25017C0429E, 25017C0431E, 25017C0433E and 25017C0434E dated June 4, 2010. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Building Commissioner, Planning Board, Public Works Engineering Division and Board of Health.
- 2. Reference to existing regulations.
 - a. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:

Article VII Overlay Districts Regulations

- i. Section of the Massachusetts State Building Code which addresses floodplain and coastal high- hazard areas (currently 780 CMR 120.G, Flood Resistant Construction and Construction in Coastal Dunes);
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - iii. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- b. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- 3. Development regulations.
 - a. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Planning Board and the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.
 - b. Within Zones A and AE, no new construction, substantial improvements to existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation.
 - c. Floodway data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - d. In Zone AE, along watercourses that have a regulatory floodway designation within the City of Melrose on the Middlesex FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - e. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.
- 4. Notification of watercourse alteration.
 - a. In a riverine situation, the City Engineer shall notify the following of any alteration or relocation of a watercourse: adjacent communities, the NFIP State Coordinator (Massachusetts Department of Conservation and Recreation), and the NFIP Program Specialist (Federal Emergency Management Agency, Region 1).
- 5. Subdivisions and new development.
 - a. All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Floodplain District established under this article, it shall be reviewed to assure that:
 - b. The proposal is designed consistent with the need to minimize flood damage;
 - c. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located

Article VII Overlay Districts Regulations

- and constructed to minimize or eliminate flood damage; and
- d. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
 - e. A building, except a boathouse, shall not be erected in a floodway or in any area subject to periodic flooding unless the first floor elevation is higher than the highest flood recorded. If such flood elevation shall have been reduced by construction of dams at the headwaters, or by other means, the first floor elevation may be correspondingly lowered to the reduced flood level.
6. Health regulations.
- a. The Board of Health and/or the Public Works Department, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under this article, shall require that:
 - i. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; and
 - ii. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges of exfiltration from the system into floodwaters.
7. Authority.
- a. This article is established pursuant to the City of Melrose's compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations, establishing eligibility in the National Flood Insurance Program (NFIP). Copies of the National Flood Insurance Program and related regulations are on file with the City Clerk.

ARTICLE VIII
Special Development
Regulations

§ 235- 8.1 Multifamily Residential Use in Nonresidentially Zoned Areas.

1. General. Multifamily residential use may be authorized by special permit in the BA-1, BA-2 and BB-1 Districts if the Planning Board determines, in addition to the general special permit findings set forth in § 235-3.2.5, that such use would serve the public good, would not adversely affect the business uses in the neighborhood or the district, and would not be incompatible with existing non-residential uses in the neighborhood. The Planning Board may require the preservation of open space through placing of parking within or under the building, the preservation of open space in its natural state, insofar as practicable, the minimizing of tree and soil removal and the maintenance of change of grade in keeping with the general appearance of neighboring developed areas or, in areas where changes are required, the provision of landscaping of parking areas and of the site.
2. Dimensional and density regulations. The following dimensional increases may be allowed pursuant to the grant of a special permit under this § 235-3.2.5. Except as otherwise set forth below, all other provisions of this chapter shall apply.
 - a. BB-1 District:
 - i. Lots under 20,000 square feet: not applicable.
 - ii. Lots 20,000 to 30,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.5 and further not exceeding a height of 62 feet.
 - iii. Lots over 30,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 1.75 and further not exceeding a height of 62 feet.
 - b. BA-1 District and BA-2 District:
 - i. Lots under 20,000 square feet: not applicable.
 - ii. Lots 20,000 to 50,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 2.0 and further not exceeding a height of 62 feet.
 - iii. Lots over 50,000 square feet: Article VI, Dimensional and Density Regulations, for UR-C Districts shall apply, with the exception of minimum lot area per dwelling unit and maximum stories, which shall be as determined by the Planning Board, but not exceeding a floor area ratio of 3.0 and further not exceeding a height of 62 feet.

§ 235- 8.2 Density Incentives Allowed in BA-1 and BA-2 Districts.

1. Purpose. The purpose of this section is to allow for an increase in density in the BA-1 and BA-2 Districts where such density is deemed appropriate for projects that provide community benefits or amenities beyond what is otherwise required in this chapter.
2. Applicability.
 - a. The allowance of the density incentives require a special permit granted by the Planning Board at their discretion for developments in the BA-1 and BA-2 Districts.
 - b. The Planning Board, in exercising its discretion relative to the grant of the special permit, shall make the necessary findings as set forth in § 235-3.2.5 and shall also make a finding that the value of the community benefits and/or amenities offered as part of the

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development support the granting of the dimensional incentives. Applicants seeking a special permit pursuant to this § 235-8.2 shall be required to submit a financial analysis comparing the value of the community benefits and/or amenities offered in relation to the value of the incentives. To determine the value of the incentives, the applicant shall calculate the cost paid to acquire the additional development space or rights on the open market. The Planning Board may also consider the intrinsic value of community benefits that may not have a financial value. These include but are not limited to social and public health benefits, reduced energy use and greenhouse gas emissions, and meeting other goals in the City's Master Plan.

3. Incentives.

- a. The following modifications to the dimensional and density requirements in the zoning district may be permitted:
 - i. Building height may be increased up to 65 feet and five stories in the BA-2 District.
 - ii. Floor area ratio may be increased to a maximum of 3.5.
 - iii. Open space requirement may be satisfied by instead providing areas for roof decks, balconies, green roofs, and/or plazas.
- b. In connection with the approval of any increase in allowable height or FAR, the Planning Board may require that upper floors be stepped back from the facade of the floor below on one or more sides of the building to minimize the appearance of the building from the perspective of pedestrians or in consideration of the heights, massing and uses of surrounding buildings.

4. Community benefits and/or amenities. Following is a list of benefits and/or amenities that will be considered by the Planning Board as part of an application seeking the development incentives under this § 235-8.2. The list is not intended to be an exhaustive list, and other amenities may be offered which will be considered at the discretion of the Planning Board.

- a. Required:
 - i. Contribution to the City's Streetscape Improvement Fund.
 - a. Upon receiving a building permit for any residential or commercial space for the project, a contribution to the City's Streetscape Improvement Fund shall be made in the amount of \$1,100 per dwelling unit and \$1 per gross square foot for all other uses.
 - ii. Inclusion of green building and sustainable design practices.
 - a. The development must include a package of green building and sustainable design practices. Example measures include but are not limited to high-performance building envelopes and insulation, electrification, air or ground source heat pumps, green roofs, solar panels, and electric vehicle charging infrastructure. Certification by a recognized green building program is encouraged and will ensure compliance with this standard.
- b. Additionally, other options to be provided individually or in combination:
 - i. Green infrastructure and other stormwater mitigation measures that are either on-site and capture considerable stormwater from surrounding sites or off-site at a location identified by the City of Melrose's Engineering Division as needing additional mitigation measures.
 - ii. On- or off-site bicycle and pedestrian infrastructure and/or enhanced transportation demand management techniques beyond what is required in the site plan review regulations.
 - iii. Parking within or under the building.
 - iv. Increased amount of on- or off-site open space and tree planting above the minimum required that is programmed for public use. Plantings shall be of species native to the region. Open space could be in the form of an active or passive park, restoring or creating new natural areas, paths or nature trails accessible to the public.

ARTICLE IX
Development
Standards

§ 235-9.1 Accessory buildings

1. In the "R" districts, a detached accessory building shall conform to the provisions set forth in the following schedule:

District	Maximum Coverage (calculated by multiplying the required rear setback depth by the required lot width by the percentage below)	Setback from Front Lot Line	Setback from Side and Rear Lot Lines	Building Height (feet)
SR	50 x 110 x 25% = 1,375 sf	20	10	20
SR-A	40 x 100 x 25% = 1,000 sf	20	10	20
SR-B	30 x 80 x 40% = 960 sf	15	10	20
UR-A	20 x 75 x 50% = 750 sf 20 x 100 x 50% = 1,000 sf	15	4	20
UR-B	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20
UR-C	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20
UR-D	15 x 75 x 50% = 562.5 sf 15 x 100 x 50% = 750 sf	15	4	20

2. An accessory building cannot be located in the Building Front Yard.
3. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side and rear setback requirements applicable to the principal building.
4. Accessory buildings in the "B" and "I" districts may be located on the lot so as not to violate the minimum front yard, height restrictions and minimum open space requirements set forth in the Table of Dimensional and Density Regulations.

§ 235-9.2 Fences and Walls

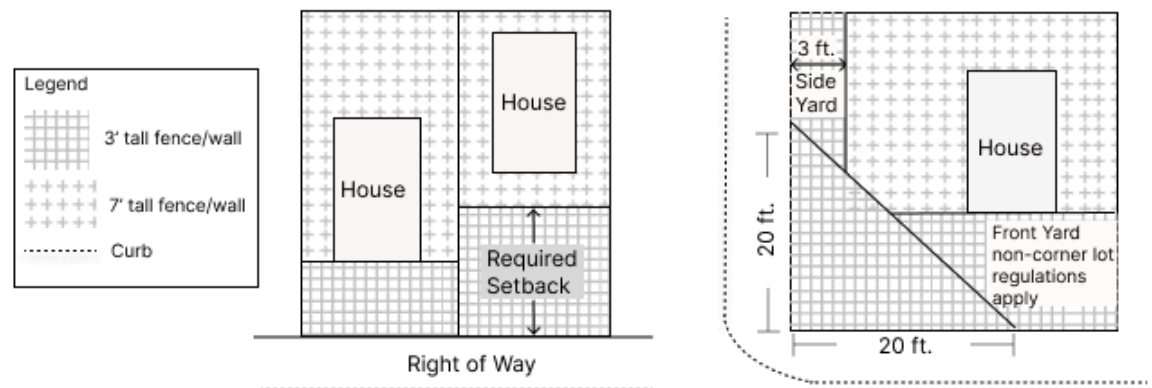
1. Fence, wall and similar structures are allowed to be up to seven feet in height in the "R" districts if located outside of the areas further regulated in this section. Height is measured from the grade of land where the structure is installed. Existing retaining walls may be replaced in kind.
2. Fence, wall and similar structures have no height restrictions in the "B" and "I" districts as long as they do not interfere with traffic circulation.
3. For a non-corner lot, a fence, wall, or similar structure within the required front yard setback or

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from the front lot line to the line of the existing principal structure, whichever is less, shall not exceed three feet in height (also see General Legislation § 202-4.1B).

4. For a corner lot in a district with a required front yard setback, a fence, wall, or other structure shall not exceed three feet in height above the plane of the intersecting streets herein (also see § 202-4.1 of the Code of the City of Melrose, Massachusetts):
 - a. Within the triangular area formed by measuring 20 feet from the intersection of the property lot lines and bounded by a straight line connecting the two points;
 - b. Outside of the triangular area, on the side lot line as designated in Dimensional Regulation Specifications, § 235-6.3, and within three feet from the side lot line. If a fence, wall, or similar structure is set back more than three feet from the side lot line, they are exempt from the height restrictions in this subsection.
 - c. Outside of the triangular area, on the front lot line or within the front yard, the regulations in Subsection 3 for non-corner lots apply.

Example of Fence/Wall Height Regulations -
Non-corner Lot 235-9.2.3 & Corner Lot 235-9.2.4



§ 235-9.3 Landscaping and Screening

1. All parking and loading areas shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district.
2. Screening and buffers shall be required in any industrial or business district which adjoins a residential district as follows: this strip shall be at least 25 feet in width, except when abutting a residential use in the UR-C District, in which case the width may be reduced to 10 feet. It shall contain a screen of plantings of vertical habitat in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three feet on center and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced.

§ 235-9.4 Swimming Pools and Hot Tubs

1. The required distance from side and rear lot lines for accessory private swimming pool, hot tub, or any pool of water two feet deep or more shall be 10 feet in all districts by-right or 6 feet if allowed by Special Permit by the Zoning Board of Appeals.
2. Accessory private swimming pools, hot tubs, and any pool of water two feet deep or more are not allowed in the required front yard setback.
3. The required enclosure for safety of these pools and tubs is specified in the State Building Code.

ARTICLE X Signs

§ 235-10.1 Purpose and intent.

1. The intent of this article is to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community, and to encourage and foster the most appropriate use of land.
2. Signs perform important and necessary functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. Because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
 - a. Prevent hazards to vehicular and pedestrian traffic;
 - b. Prevent conditions which have a blighting influence and contribute to declining property values;
 - c. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
 - d. Preserve the amenities and visual quality of the City and curb the deterioration of the community environment; and
 - e. Conserve energy.

§ 235-10.2 Applicability.

1. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts, this chapter and any other applicable state and local regulations.
2. Except as provided in §235-10.3, no sign shall be erected, altered, or relocated without a building permit issued by the Building Commissioner. *Moved up from section below*
3. Signs for property located in the Downtown Historic District must be accompanied by a certificate of appropriateness by the Historic District Commission, as regulated by MGL c. 40C ("Historic Districts Act"), and Chapter 131, Historic Districts, of the Code of the City of Melrose prior to applying for a building permit.

§ 235-10.3 Signs Permitted. *Changed from Permit Requirements to better reflect content*

1. The following type of signs shall be authorized by right without the need for a building permit to be issued by the Building Commissioner:
 - a. Any traffic or directional sign owned and installed by a governmental agency.
 - b. Unlit non-business signs or banners on private property, such as community event, political, yard or garage sale, real estate, or construction signs, provided that each sign shall not exceed six square feet and each banner shall not exceed eighteen square feet in area, and the cumulative area of signs and banners per lot shall not exceed eighteen square feet in area. They shall not be placed in such locations as to constitute a traffic or pedestrian safety hazard. *Consolidated non-business sign regulations as explained in report*
 - c. Traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the logo or name of any business or product and shall not be internally illuminated. Such signs shall not exceed two square feet in area.
 - d. One identification sign for each occupant provided that such sign shall not exceed one square foot in surface area. If lighted, it shall be illuminated with a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and not used other than for identifying the occupancy. *Moved from section below because these sign do not need a building permit*
 - e. Interior illuminated window signs, provided that:

Article X Signs

- i. They shall be placed only in a window and not in a door and shall also:
 - a. Have a sign area not to exceed four square feet;
 - b. Be placed no closer than 10 feet to any other illuminated window sign on the premises;
 - c. Be placed only in a window which contains no other signs of any type;
 - d. Be illuminated only during hours of operation of the business establishment; and
 - e. Be illuminated by steady (not flashing, changing or moving) light only.
- ii. There shall be no more than two interior illuminated window signs per establishment.
- f. Interior window signs, temporary or permanent and not illuminated, may be attached to the inside glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within an establishment within five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through a window or door, provided that any such sign shall:
 - i. Not exceed 30% of the glass sheet or sash; *Removed "be uniformly located" - not sure what that m*
 - ii. Contain no letters larger than six inches in height;
 - iii. Not be restricted with respect to materials, provided that professional appearance and good order shall be maintained at all times; and
 - iv. Not be attached to the outside surface of any window or door.

§ 235-10.4 General regulations.

1. Exterior temporary signs or banners for business establishments shall be permitted with a building permit. One temporary sign or banner is allowed per establishment for a period not to exceed 30 days, provided that the sign does not exceed the size of the maximum allowed for the establishment in the district in which it is located. No more than one temporary sign permit may be issued for an establishment in a calendar year.
2. All signs (including temporary interior window displays or banners) and their illuminators shall not by reason of location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. All illumination of signs must be by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign and must be so arranged as to prevent glare onto any portion of any public way or into any residential area.
3. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals and signs on premises open for business and then only while open for business.
4. The supporting members for any sign shall be in acceptable proportion to the size of the sign.
5. It shall be a violation of this chapter to operate an individual letter or segmented sign in any manner other than with all letters or segments properly lighted, or with all letters or segments not lighted.
6. Any sign not addressed by this chapter shall be deemed prohibited, except as may be necessary to allow for the exercise of the constitutionally-protected right to freedom of speech.
Removed requirement for special permit for civic organization signs at city boundary - typically on city property and not covered by zoning

§ 235-10.5 Prohibited signs.

1. The following signs shall not be permitted, constructed, erected, or maintained:
 - a. Moving, changing or flashing signs and signs illuminated by or including any flashing, projecting or oscillating light; billboards and off-premises signs; electronic billboards and reader boards; and strings of pennants or so-called "whirlygigs" and the like. Flashing or animated signs of any color or light source, including but not limited to incandescent, neon, fluorescent, light emitting diode (LED) and plasma, shall not be permitted.
 - b. Neon signs except as displayed on the inside of windows subject to the provisions outlined in General Sign Regulations (Section 235-10.4).
 - c. Any sign erected so as to obstruct any door, window, or fire escape on a building.

Removed limit of one sign for any one premises in the "R" district reference since it conflicted with other signage allowances.

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- d. Signs constructed, erected, or maintained above the height of any roof or upon any roof of any building.
 - e. Exterior window signs.
 - f. Interior window signs, both permanent and temporary, which cover more than 30% of a window.
 - g. Signs in the public way which are not permanently affixed to a building, structure, or the ground, including "sandwich board" or A-frame signs unless permitted by the Superintendent of Public Works in accordance with § 202-1 of the Code of the City of Melrose, Massachusetts.
 - h. Business signs mounted, affixed, or painted on a motor vehicle whose primary function is a sign and not for the transport of employees, goods or merchandise.
2. It shall be a violation of this chapter to display any illuminated sign that advertises any product, service or entity other than the establishment which occupies the premises on which the sign is located, or a product sold or manufactured by and at the establishment on which the sign is located. This requirement applies to external signs and to interior signs placed in or designed or arranged so as to shine through one or more windows or doors of any building. *Adding to capture full intent of regulations*

§ 235-10.6 Signs permitted in any residential district.

1. One identification sign for each lot for a legally established use provided that the sign shall not exceed 10 square feet, be set back at least ½ of the required front yard setback and shall not rise more than six feet from the ground or sidewalk. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, and not casting light off the premises. *Removed allowance for 40 sf sign for specific uses (churches, schools) because need to content neutral and 10 sf should be enough or seek variance.*

§ 235-10.7 Signs permitted in any business or industrial district.

1. Signs permitted in § 235-10.6 are allowed in any "B" or "I" district.
2. Wall signs. No business sign shall be affixed to a building except as hereinafter provided:
 - a. One wall sign for each lot street frontage of each business or industrial establishment, provided that it shall be attached and parallel to the main wall of a building and shall face such lot street frontage; it shall not project horizontally more than 15 inches therefrom; the surface area of the sign shall not comprise more than 10% of the area of the wall on which it is displayed or 50 square feet, whichever is the lesser; and, if illuminated, it shall be illuminated externally by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign, not casting direct or reflected light off the premises and not used other than for identifying the establishment.
 - b. The division of the permissible wall sign area into two or more wall signs may be allowed by special permit if, in the opinion of the Zoning Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building.
 - c. When a business establishment has a customer entrance from a parking lot, the customer entrance may also be identified by a wall sign installed at the parking lot entrance subject to the dimensional provisions in Subsection 2.a.
 - d. Building directory signs. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one sign not to exceed 1.5 square feet in size affixed to a directory at the entrance to the upper floors.
 - e. Wall sign restrictions.
 - i. No sign shall be mounted above the first floor of a building;
 - ii. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices; and
 - iii. Signs on adjacent storefronts within the same building shall be coordinated in height, proportion, and material.
3. Awning signs.

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- a. In addition to the allowed wall sign, one awning sign is permitted for each ground floor use, provided that the awning is one color and the letters are a separate color, shade or tint and the letters are painted on or are integral to the awning fabric, are in a maximum of one line, are no larger than six inches in height, and are located on the valance or vertical face of the awning.
 - b. In instances where there is no wall sign associated with a ground floor business establishment, the permitted awning sign may include a maximum of two lines of letters, the letters may be no larger than 16 inches in height, and the area of the sign (the letters and/or logo) may not exceed the area allowed for a wall sign in this district.
 - c. No internally illuminated awning signs are allowed.
4. Standing signs. *Consolidated "a" with regulation that was previous below.*
- a. One standing sign is permitted for each lot occupied by one or more business or industrial establishments, provided that it shall not exceed 40 square feet in surface area on any one side, it shall have a maximum of two faces, no portion of it shall be set back less than 10 feet from the front lot line, it shall not rise to more than six feet from the ground or sidewalk, and it shall be externally illuminated.
 - b. Where a multifamily dwelling development is located in a nonresidential district, one identification sign shall be allowed, provided that the sign shall not exceed 10 square feet in surface area, shall not rise to more than six feet from the ground or sidewalk, and no portion of it shall be set back less than 10 feet from the front lot line. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises.

Canopy reference removed since gas station signs are no longer in code.

§ 235-10.8 Preexisting nonconforming signs.

- 1. Any lawfully existing nonconforming sign which does not conform to these regulations by reason of its size, location, type, lighting, may change content but shall not be otherwise altered except to bring the sign into compliance.
- 2. Establishments with a nonconforming sign may not install additional signs without bringing the nonconforming sign into compliance.

ARTICLE XI Off-Street Parking

§ 235-11.1 Motor Vehicle Parking.

1. Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use of a structure in its entirety according to Table 11.1 Off-Street Parking Requirements. The parking code stipulated in the Table of Use and Parking Regulations corresponds to the parking code in the Table of Off-Street Parking Regulations. The parking requirements for the overlay districts are found in Article VII (Overlay Districts and Special Regulations).
2. When the computation of required parking spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.
3. Required parking that exists for an established use cannot be reduced or eliminated.

Table 11.1 Off-Street Parking Requirements

Parking Code	Use	Number of Off-Street Parking Spaces
A1	Dwelling, single, and single including in-law apartment	2
A2	Dwelling, two-family	4
B	Dwelling, multifamily	2 per dwelling unit, except in the BA-1 and BA-2 Districts, in which case it shall be 1 per dwelling unit
C	Lodging house, dormitory, fraternity, sorority, YMCA, YWCA and similar types of group quarters	1 per rental or sleeping unit; any bedroom or group of 2 beds in a single room constitutes a sleeping unit
D	Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	1 for each 4 seats of total seating capacity
E	Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are unusually extensive in relation to customer traffic	1 per 1,000 square feet of gross floor space; in the case of outdoor display areas, 1 for each 1,000 square feet of lot area in such use
F	Hotel, motel or tourist court	1 for each sleeping room and 1 for each 400 square feet of meeting area and restaurant space
G	Other retail, service, finance, insurance or real estate establishment or adult use	1 per each 300 square feet of gross floor space
G-1	Medical office	1 per each 200 square feet of gross floor area
H	Wholesale establishment, warehouse or storage establishment	1 per each 1,000 square feet of gross floor space

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I	Manufacturing or industrial establishment	1 per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the 2 largest successive shifts, whichever is larger
J	Hospital	1 per each 600 square feet of gross floor area
K	Nursing home	1 per bed at design capacity
L	Business, trade or industrial school or college; country club	1 for each 200 square feet of gross floor area in classrooms and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity (refer to Code D)
M	Other school	2 per classroom in an elementary and junior high school; 4 per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity (refer to Code D)
N	Community facility (City building, recreation, etc.)	1 per each 400 square feet of gross floor space
O	Public utility	1 for each 400 square feet of gross floor area devoted to office use; 1 for each 800 square feet of gross floor area per other use
P	Transportation terminal establishment; home occupation	1 for each 600 square feet of gross floor area
Q	Mixed-use	Sum of various uses computed separately, except that for a mixed-use building with residential and commercial uses, there is no parking requirement for the commercial uses
R	Any use permitted by this chapter not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Commissioner
T	Mixed residential and home occupation use	The applicable residential off-street parking requirement plus 1 for each 600 square feet of gross floor area used for home occupation

§ 235-11.2 Bicycle Parking

1. Bicycle parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in accordance. The minimum number of parking spaces must comply with the regulations in Table 11.2.
2. Where multiple uses exist on a property the requirement shall be provided for each use.
3. When the computation of required parking spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.
4. Required parking that exists for a use cannot be reduced or eliminated.

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Table 11.2 Bicycle Parking Requirements

Use	Minimum Long-term Parking Spaces	Minimum Short-term Parking Spaces
Single- or two-family Dwelling; Townhouse	No minimum	No minimum
Other Residential	1.25 per unit	0.2 per unit
Assisted living facility	0.2 per 1,000 sf of common space	0.5 per 1,000 sf of common space
Retail Service Commercial; Registered Marijuana Dispensary; Marijuana Retailer	0.2 per 1,000 sf	0.5 per 1,000 sf
Wholesale, Transportation, Industrial; Marijuana-Related Uses not listed above	0.2 per 1,000 sf	1 per 1,000 sf

5. Long-term and short-term bicycle parking spaces shall meet the following intent:
- Long-term bicycle parking shall be intended primarily to serve residents, employees, and other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve as short-term parking if needed. Long-term bicycle parking is typically located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft.
 - Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use; however, it may serve other bicycle users as needed. Short-term bicycle parking is typically located in a publicly accessible area near pedestrian entrances to the use they are intended to serve.

§ 235-11.3 Loading

- The off-street loading and unloading requirements presented in the Table 11.3 Off-Street Loading Regulations shall apply to all existing buildings where the use has been changed to retail service commercial, wholesale, transportation and industrial and community facility use as specified in the Table of Use and Parking Regulations or to any building hereafter erected for such uses.
- When the computation of required loading spaces results in the requirement of a fractional space, any fraction of 1/2 or more shall require one space.
- Required loading that exists for a use cannot be reduced or eliminated.

Table 11.3 Loading Requirements

Use	Number of Loading Spaces Per Unit
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area per use/establishment	1 per 20,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area per use/ establishment	1 per 75,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet

§ 235-11.4. Allowances for Reduced Number of Parking Spaces.

1. The Zoning Board of Appeals by special permit may allow the substitution of motor vehicle spaces within municipal parking lots in lieu of the parking requirements of this article, provided they are located within 1,000 feet of the building which is intended to be served.
2. Any structures on lots recorded prior to January 1, 1980, abutting municipal parking lots located in the area bounded northerly by Essex and Upham Streets, southerly by Grove Street, easterly by the boundary of the BA-1 District between Grove Street and Upham Street and westerly by Myrtle Street are permitted the use of said lots in lieu of providing parking onsite without the requirement of a special permit.
3. In conjunction with a proposal that requires site plan review by the Planning Board, the Planning Board may by special permit allow shared or reduced motor vehicle or bicycle parking requirements for uses having different peak times of parking demand requirements or if a use needs a lesser number of parking spaces than is required. Evidence which supports these shared or reduced parking requirements shall be produced in a report from a traffic engineer engaged by the applicant and approved by the Planning Board as part of site plan review. Where shared parking is to serve uses on separate lots, documentation shall be provided establishing the permanent legal right for such shared use. Factors that the Planning Board may consider include but are not limited to:
 - a. Proximity to public transportation.
 - b. Proximity to available public parking with demonstrated availability to support the project.
 - c. Characteristics of the residential or commercial units that create less parking demand.
 - d. Provision of a mix of uses on site with offset peak parking demand times.
 - e. A shared parking agreement with proximate properties with offset parking demand times.
 - f. A Transportation Demand Management Plan.
 - g. Dedication of spaces for car-sharing services (e.g., Zipcar).
 - h. Employers who provide transit incentives for their employees.
 - i. Provisions for bicycle parking.
4. For any application or project for which site plan review is not otherwise required, the Zoning Board of Appeals may grant a special permit to reduce the motor vehicle or bicycle parking space requirements to 80% of that required where conditions unique to the use will reasonably justify such a reduction.

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§ 235-11.5 Dimensions

1. Motor Vehicle Parking

- a. Required parking spaces shall have the following dimensions except as allowed for compact spaces. Stall width shall be 9 feet and stall length shall be 18 feet for angled parking or 22 feet in length for parallel parking.
- b. Compact parking space stall width shall be 8 feet and the stall length shall be 16 feet for angled parking or 20 feet in length for parallel parking. For sites with five to 19 parking spaces, up to 20% of the spaces may be compact in size, and with 20 or more spaces, up to 30% may be compact. In conjunction with a proposal that requires site plan review by the Planning Board, the Planning Board may by special permit allow for up to 50% of the parking spaces to be compact in size. Compact car spaces shall be located in one or more continuous areas and shall be clearly designated by signs or pavement marking.

2. Aisles

- a. Each parking space shall have direct access to an aisle or a driveway, except for single- and two-family dwellings, which are allowed to have two parking spaces in tandem. Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street. The minimum aisle widths required for vehicles backing out of parking spaces are as follows:

Angle of Parking	Minimum Aisle Width (feet)
Parallel	12 one-way/20 two-way
30°	11 one-way
45°	13 one-way
60°	18 one-way
90°	20 one-way and two-way residential or mixed-use with residential 24 for one-way and two-way for all other uses

3. Driveways

- a. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curbline of an intersecting street.
- b. Any two driveways leading to or from a street, to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
- c. See Parking and Loading Specifications, § 235-11.6 and Open Space Specifications, § 235-6.3 for impervious surfaces regulations related to driveways.
- d. Driveway width regulations are in the following tables:

Driveways for One- and Two-Families	Minimum Width (feet)	Maximum Width (feet)
One-way	8	20
Two-way	20	20

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Driveways for Multifamily Residential or Mixed-Use with Residential	Minimum Width (feet)	Maximum Width (feet)
One-way	10	24
Two-way	20	24

Driveways for All Other Uses	Minimum Width (feet)	Maximum Width (feet)
One-way	10	24
Two-way	24	24

4. Bicycle Parking

- a. Bicycle parking dimensions should be consistent with the City of Melrose Bicycle Parking Guidelines adopted by the Planning Board. As guidelines, the Planning Board, Zoning Board of Appeals, or Building Commissioner may determine that the intent of the guidelines is met without strict adherence to them during the zoning review of a project.

5. Loading

- a. Required loading spaces shall have the following dimensions. Stall width shall be at least 12 feet in width, 50 feet in length and with a vertical clearance of at least 14 feet, having an area of not less than 1,300 square feet, which includes access and maneuvering space, used exclusively for loading and unloading of goods and materials from one vehicle. The driveway dimensions of the loading space may be reduced by the Building Commissioner to not less than 300 square feet, which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

§ 235-11.6 Parking and Loading Specifications.

All parking and loading areas, shall be subject to the following where applicable:

1. Locations:

- a. Required off-street motor vehicle and bicycle parking and loading spaces shall be provided on the same lot as the principal use they are required to serve except as allowed herein.
 - b. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, where it is evident that such facilities will continue to be available for the several buildings or uses.
 - c. Offsite parking is allowed when practical difficulties prevent the establishment upon the same lot. The Zoning Board of Appeals may grant a special permit to allow parking spaces to be established no further than 300 feet from the premises.
 - d. Parking shall not be located within the required front yard setback area except for one-family and two-family dwellings.
 - e. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this chapter.
2. Where required parking is located underground and under the building, the building coverage may be increased as allowed in Dimensional Regulation Specifications, § 235-6.3.
 3. The area and access driveways shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with

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- acceptable engineering practices.
4. Driveways and contiguous parking areas in residential districts shall be surfaced with pervious material systems that utilize porous pavement, pavers, brick or other materials in accordance with acceptable engineering practices or bituminous or cement concrete. When an impervious material is used and it is near a property line, any portion within one foot of the property line must have a change to a pervious material to reduce stormwater runoff onto abutting properties.
 5. The location of spaces shall be suitably marked by painted lines or other appropriate markings for required parking, except for parking for one- and two-family dwellings.
 6. A substantial bumper of masonry, steel or heavy timber or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
 7. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.
 8. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

ARTICLE XII Nonconformance

§ 235-12.1 Applicability.

The provisions of this article apply to actions in connection with lawfully existing nonconforming uses, structures and lots created by the initial enactment of this chapter or by any subsequent amendment, or as otherwise provided in M.G.L. c. 40A § 7. It is the purpose of this chapter to discourage the perpetuity of nonconforming uses and structures whenever possible. The lawful use of any building or land or lawful structure existing at the time of the enactment of this chapter may be continued, except as otherwise provided.

§ 235-12.2 Extension and Alteration of Nonconforming Uses.

1. Alteration of Use
 - a. A nonconforming use is altered when there is an increase in gross floor area or exterior lot area of the use, an increase in the number of dwelling units, a change in seasonal to full-time operation, or any substantial increase in the number of automobile trips generated by the use.
 - a. Nonconforming uses inside or outside of a structure cannot be altered, except by Special Permit issued by the Zoning Board of Appeals. In granting the Special Permit the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing conditions. In judging detriment the Zoning Board of Appeals may consider without limitation impacts to traffic volumes or congestion, adequacy of utilities, noise, odor, and neighborhood character or other impacts as applicable.
2. Change in Use
 - a. A nonconforming use may not be changed to another nonconforming use in a different use category within the Table of Use and Parking Regulations. Use categories include Residential, Community Facilities, Agriculture, Retail Service Commercial, Wholesale, Transportation, and Industrial, and Accessory Use.
 - a. A nonconforming use may be changed to another nonconforming use in the same Use Category within the Table of Use and Parking Regulations, if granted a Special Permit by the Zoning Board of Appeals. In granting the Special Permit the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing use. In judging detriment, the Zoning Board of Appeals may consider without limitation impacts to traffic volumes or congestion, adequacy of utilities, noise, odor, and neighborhood character or other impacts as applicable.

§ 235-12.3 Nonconforming Lots

1. Subdivisions, consolidation of parcels, or other lot line adjustments that result in the alteration or further violation of a nonconforming dimension of frontage, lot width, lot depth, yard setbacks, or coverage, is allowed by Special Permit issued by the Planning Board. In granting the Special Permit the Planning Board must find that the alteration is not substantially more detrimental to the neighborhood than the existing conditions. In judging detriment, the Planning Board may consider without limitation impacts to the scale of the structure, shading, visual effects and context of the built environment or other impacts as applicable.
2. Subdivisions, consolidation of parcels, or other lot line adjustments that further reduce nonconforming lot area, floor area ratio or open space are prohibited.

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3. This provision shall not apply when the alteration of a nonconforming lot is the result of an eminent domain taking or is otherwise required for a public use. In this case subdivisions, consolidation of parcels, or other lot line adjustments are permitted by-right.
4. Residential lot of record. Any lot lawfully laid out by plan or deed duly recorded, or any lot shown on a plan endorsed by the Planning Board with the words "approval under the Subdivision Control Law not required," or words of similar import, which complies (at the time of recording or such endorsement, whichever is earlier) with the minimum area, frontage, width and depth requirements, if any, of the zoning ordinance then in effect may be built upon for single- or two-family residential use provided it has a minimum area of 5,000 square feet, with a minimum frontage of 50 feet, and is otherwise in accordance with the provisions of Section 6 of the Zoning Act.

§ 235-12.4 Nonconforming Site Standards and Parking

1. Nonconforming site standards including impervious surface and screening requirements may not be further reduced.
2. Sites that are nonconforming to off-street parking and loading requirements may by Special Permit granted by the Zoning Board of Appeals provide reduced parking or loading for a new use if a Transportation Demand Management Plan (TDM), including policies for parking and/or loading management, transit promotion, bicycle storage, pedestrian safety and car sharing is provided. The TDM shall explain the long-term management and enforcement of the TDM components.
3. Sites that are nonconforming to parking and loading dimensions may by Special Permit granted by the Zoning Board of Appeals retain or alter those dimensions for a new use of the site if a plan certified by a professional traffic engineer registered with the Commonwealth of Massachusetts is provided showing sufficient, safe access.
4. Nonconforming site standards do not cause uses or structures that are otherwise conforming to the requirements of the Ordinance to become nonconforming.

§ 235-12.5 Structures with Nonconforming Dimensions and/or Lots

1. Normal maintenance, painting, replacement of roof shingles or like sheathing materials, interior renovations and other improvements judged by the Building Commissioner to be cosmetic in nature shall not be considered as alterations, reconstructions, extensions or structural changes.
2. Increase in fenestration dimensions on nonconforming portions of structures other than one- and two-family dwellings are considered to be alterations as specified herein.
3. Any structural change that creates a new nonconformity is prohibited.
4. For Nonconforming Single- and Two-family Residential Structures: Allowances for the alteration including reconstruction, extension, or structural change of nonconforming structures and/or structures on nonconforming lots are governed by the following provisions and are summarized by Table 12.5 (Reconstruction, extensions or structural changes to one and two family nonconforming structures and/or structures on nonconforming lots).
 - a. Conforming additions to structures and placement of accessory structures are allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Addition of a porch or sunroom or deck
 - b. Enclosed addition allowed up to a cumulative 500 sf footprint every ten years
 - c. Addition of a one-story garage for no more than 2 vehicles
 - d. Conversion of a one-story garage for one vehicle to a one-story garage for 2 vehicles

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- e. Small-scale, proportional storage structure
 - f. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
- ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot, conforming additions and accessory structures are allowed by-right.
- b. Altering existing structures within the nonconforming yard/setback areas are allowed as follows:

Note - The following are considered to be outside of the existing building's footprint and cannot be used to establish the nonconforming setback: an existing deck, porch or projections into required setbacks allowed in §235-6.3.

- i. Within the existing dwelling's footprint alterations are allowed by-right regardless of if the lot is nonconforming in terms of area, frontage/width or depth in the following circumstances.
 - a. Rebuilding the structure in-kind without any increase in height or gross floor area, except as reasonably necessary to comply with current Building Code and other regulatory requirements
 - b. Installation of compliant dormer(s)
 - c. Increase in height of structure or other alteration at a setback of or greater than 75% of the required setback (e.g. in URA increase in height of portion of the structure at or greater than 7.5 feet of side lot line)
 - d. Otherwise a Special Permit granted by the Zoning Board of Appeals is required including for an increase in height of structure or other alteration within 75% of the required setback (e.g. in URA increase in height of portion of the structure within 7.5 feet of side lot line)
- ii. Outside of the existing dwelling's footprint additions, including porches and decks, are allowed by-right in the following circumstances:
 - a. If on a lot with nonconforming area:
 - i. An addition is an extension of the existing setback of the dwelling or at a more conforming setback, and
 - ii. is at or greater than 75% of the required setback, and
 - iii. is not exceeding a cumulative 500 sf footprint of enclosed area every ten years.
 - iv. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
 - b. If on a lot with nonconforming frontage/width or depth or on a conforming lot:
 - i. An addition is an extension of the existing setback of the dwelling or at a more conforming setback, and
 - ii. is at or greater than 75% of the required setback.
 - iii. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
- c. Altering existing structures' nonconforming height/stories, coverage, and open space are allowed as follows regardless of if the lot is nonconforming in terms of area, frontage/width or depth:
 - i. Reducing the nonconformity is allowed by right.
 - ii. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
- d. Demolishing a structure and constructing a new structure within the original building's nonconforming footprint is by-right in the following circumstances regardless of if the lot is nonconforming in terms of area, frontage/width or depth:

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- i. Structure is no taller than the previous structure within the nonconforming setbacks
 - ii. A compliant enclosed addition is allowed outside of the original footprint with a size up to a 250 sf footprint.
 - iii. Construction commences within one year of demolition
 - iv. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
 - e. Demolishing a structure and constructing a new conforming structure is allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Footprint of enclosed area is no more than 250 sf bigger than the original structure's footprint, and
 - b. Construction commences within one year of demolition.
 - c. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
 - ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot constructing a new conforming structure is allowed by-right.
 - f. For constructing a new structure on a vacant lot that is nonconforming in terms of area, frontage/width or depth, see Residential Lot of Record, § 12.3.
5. For Nonconforming Multifamily, Commercial Structures and all Structures other than one- or two-family structures: Allowances for the alteration including reconstruction, extension, or structural change of nonconforming structures and/or structures on nonconforming lots are governed by the following provisions and are summarized by Table 12.6 (Reconstruction, extensions or structural changes to multifamily and commercial nonconforming structures and/or structures on nonconforming lots).
- a. Conforming alterations to structures are allowed by-right in the following circumstances:
 - i. If on a lot with nonconforming area:
 - a. Addition allowed up to a cumulative 500 sf footprint every ten years
 - b. Otherwise a Special Permit granted by the Zoning Board of Appeals is required.
 - ii. If on a lot with nonconforming frontage/width or depth or on a conforming lot, conforming alterations are allowed by-right.
 - b. Altering existing property's nonconforming height/stories, coverage, open space, floor area ratio, yard/setback area are allowed as follows regardless of if the lot is nonconforming in terms of area, frontage/width or depth:
 - i. Fenestration change that does not intensify the impact of the nonconformity on the abutters
 - ii. Reducing nonconformity
 - iii. Otherwise a Special Permit granted by the Zoning Board of Appeals is required
 - c. Demolishing a structure and constructing a new structure within the original building's nonconforming footprint is allowed by Special Permit granted by the Zoning Board of Appeals regardless of if the lot is nonconforming in terms of area, frontage/width or depth if construction commences within one year of demolition. Otherwise it is not permitted, including if there is an increase in the structure's nonconforming dimensions.
 - d. Demolishing a structure and constructing a new conforming structure is allowed by Special Permit on a nonconforming lot in terms of area, frontage/width, or depth. Construction must commence within one year of demolition.
 - e. Constructing a new structure on a vacant nonconforming lot in terms of area or frontage/width is not permitted.
6. In granting a Special Permit to alter a nonconforming structure the Zoning Board of Appeals must find that the alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure. In judging detriment the Board may consider without limitation impacts to

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the scale of the structure, context of the built environment, shading, visual effects, impacts to traffic volumes or congestion, adequacy of utilities, noise, and odor or other impacts as applicable.

§ 235- 12.6. Restoration due to Damage.

1. Lawfully existing nonconforming structures that are destroyed or damaged by fire or other natural cause may be rebuilt on the original foundation with the original floor area limitations or repaired in-kind. Creation of a new nonconformity is not permitted. Alteration or extension of an existing nonconformity from the prior condition is not permitted except as otherwise allowed in this Chapter.
2. Reconstruction or repair shall commence within twenty-four (24) months of the date of destruction.

§ 235-12.7. Abandonment.

1. Any nonconforming use which has been abandoned, replaced with a conforming use or discontinued for a continuous period of two years or more shall not be recommenced. For purposes of this section, the discontinuance period shall not be broken by temporary use except when such temporary use is for a period of 60 or more consecutive days.
2. Any nonconforming structure which has been abandoned for a continuous period of two years or more shall not be used again for any purpose except upon issuance of a special permit from the Zoning Board of Appeals. The use is considered abandoned by the visible or otherwise apparent intention of an owner to discontinue use of the structure. Lack of occupancy of a nonconforming structure alone shall not constitute abandonment and shall not preclude subsequent use of the structure for a conforming use.

235 Attachment 1

City of Melrose

Table of Use and Parking Regulations
Table 5.2

Key:**P** = permitted**S** = special permit required to establish use**x** = not permitted**Note:** The establishment of a use may require Site Plan Approval as specified in § 3.2.

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Residential														
1. One-family detached dwelling	P	P	P	P	P	S	x	x	x	x	S	x	x	A1
2. One-family with in-law apartment (see §235-5.3)	S	S	S	S	S	S	x	x	x	x	S	x	x	A1
3. Two-family dwelling	x	x	x	S	P	P	x	x	x	x	P	x	x	A2
4. Multifamily dwelling (see § 235-5.4)	x	x	x	x	S	P	S (§235-8.1)	S (§235-8.1)	S in BB-1 (§235-8.1)	S	P	x	x	B
5. Multifamily dwelling as part of a mixed-use structure (see § 235-5.3 and § 235-5.4)	x	x	x	x	S	S	P	P	x	P	P	x	x	Q
6. Townhouse	x	x	x	S	S	P	x	x	x	x	P	x	x	B
7. Lodging house	x	x	x	x	P	P	x	x	x	x	P	x	x	C
8. Fraternities and sororities	x	x	x	x	P	P	x	x	x	x	x	x	x	C
9. Dormitories	x	x	x	x	P	P	x	x	x	x	P	x	x	C

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Community Facilities														
1. Church or other religious purpose	P	P	P	P	P	P	P	P	P	P	P	P	P	D
2. Educational purpose which is religious, sectarian, denominational or public	P	P	P	P	P	P	P	P	P	P	P	P	P	D, L, M
3. Private school, college or university	S	S	S	S	S	S	x	x	x	x	x	x	x	D, L, M
4. Private day nursery or kindergarten	S	S	S	S	S	S	S	S	x	x	S	x	x	1 space per staff member
5. Membership club	S	S	S	S	S	P	P	P	P	P	P	x	x	N
6. Country, fishing, tennis or golf club	P	P	P	x	x	x	x	x	P	x	x	x	x	L
7. City governmental building except equipment garage	P	P	P	P	P	P	P	P	P	P	P	P	P	N, D
8. City equipment garage	x	x	x	x	x	S	x	x	P	x	x	P	P	Q (not to be applied to garage spaces)
9. City or nonprofit cemetery, including any crematory therein	P	P	P	P	P	P	x	x	x	x	x	x	x	R
10. City outdoor recreational facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
11. Historical association or society	P	P	P	P	P	P	P	P	P	P	P	P	P	N
12. Hospital	x	x	x	x	x	x	x	x	x	x	P	x	x	J
13. Power plant, refuse incineration and sanitary landfill	x	x	x	x	x	x	x	x	x	x	x	P	P	O
14. Municipal parking lot or structure	S	S	S	P	P	P	P	P	P	P	P	P	P	None
15. Street, bridge, tunnel, railroad lines	P	P	P	P	P	P	P	P	P	P	P	P	P	None

16. Facilities for essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	None
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Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
17. Private overhead transmission line, substation or similar facility or building	S	S	S	S	S	S	S	S	S	S	S	S	S	R
18. Nursing home	x	x	x	x	x	S	x	x	x	x	P	x	x	K
Agriculture														
1. Agriculture, horticulture and floriculture except a greenhouse or stand for retail use	P	P	P	x	x	x	x	x	x	x	x	x	x	None
2. Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products	S	S	x	x	S	S	P	P	P	P	x	x	x	G
3. Temporary (not to exceed erection or use for a period of 3 months in any 1 year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises	S	S	x	x	x	x	x	x	x	x	x	x	x	R
4. Commercial stable, kennel, or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or structures	S	S	x	x	x	x	x	x	x	x	x	x	x	G
5. Noncommercial forestry and growing all vegetation	P	P	P	P	P	P	P	P	P	P	P	P	P	None
Retail Service Commercial														
1. Retail establishment selling principally convenience goods, including but not limited to food, drugs and proprietary goods:														

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
a. With a maximum floor area of 10,000 square feet for any single establishment	x	x	x	x	x	x	P	P	P	P	P	x	x	G
b. With no limitation with respect to floor area	x	x	x	x	x	x	P	P	P	x	x	x	x	G
2. Retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license	x	x	x	x	x	x	P	P	P	P	P	x	P	G
3. Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares and hardware, and including discount and limited price variety stores:														
a. With a maximum floor area of 10,000 square feet for any single establishment	x	x	x	x	x	x	P	P	P	S	x	x	x	G
b. With no limitation with respect to floor area	x	x	x	x	x	x	P	P	S	x	x	x	x	G
4. Eating and drinking places where consumption is primarily intended to be within the building	x	x	x	x	x	x	P	P	P	S	S	x	x	D
5. Brewery without distribution (see § 235-5.3)	x	x	x	x	x	x	P	P	P	S	S	P	P	D
6. Drive-in eating and drinking establishment	x	x	x	x	x	x	x	x	S	x	x	x	x	G
7. Sales by vending machines as a principal use	x	x	x	x	x	x	x	x	S	x	S	x	x	G

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
8. Establishment selling new automobiles and/or used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles and household and camping trailers	x	x	x	x	x	x	S	x	P	x	x	x	x	E
9. Hotels and motels	x	x	x	x	x	x	S	S	P	x	S	x	x	F
10. Personal and consumer service establishment	x	x	x	x	x	x	P	P	P	P	P	x	x	G
11. Funeral establishment	x	x	x	x	x	S	S	x	x	S	P	x	x	G
12. Medical offices (such as doctor offices, dentist offices, physical therapist, and clinics), including accessory medical research and associated facilities	x	x	x	x	x	S	S	S (not allowed on ground floor)	x	S	P	x	x	G-1
13. Membership club operated for profit	x	x	x	x	x	S	P	P	x	S	x	x	x	N
14. Miscellaneous professional and business offices and services, including but not limited to legal and other professional services and finance, banking, insurance and real estate offices	x	x	x	x	x	x	P	P	S	S	P	x	x	G
15. Business and trade school or college	x	x	x	x	x	x	P	P	x	x	P	x	x	L
16. Automotive repair or automobile service station (not including a junkyard or open storage of abandoned automobiles or other vehicles)	x	x	x	x	x	x	S	x	P	S	x	S	S	E

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
17. Miscellaneous business repair services	x	x	x	x	x	x	P	S	S	S	x	x	x	G
18. Motion-picture establishment, indoor	x	x	x	x	x	x	P	P	P	x	x	x	x	G
19. Other amusement and recreation service, indoor amusement	x	x	x	x	x	x	S	S	P	x	x	x	x	G
20. Other amusement and recreation service, outdoor amusement	x	x	x	x	x	x	x	x	P	x	x	x	x	R
21. Communications and television tower	x	S	S	x	x	x	x	x	x	x	x	x	x	R
22. Commercial parking lot or structure	x	x	x	x	x	S	P	x	P	P	S	P	P	None
23. Data processing, computer, telephone, printing, mailing and other similar operations, when approved as part of a planned business development	x	x	x	x	x	P	P	P	P	P	P	x	x	G
24. Adult use (see § 235-5.3)	x	x	x	x	x	x	x	x	S	x	x	S	S	G
25. Wireless communication service facility (see § 235-5.3)	S	S	S	S	S	S	S	S	S	S	S	S	S	None
26. Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	None

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
Wholesale, Transportation and Industrial														
1. Removal of sand, gravel, quarry or other raw material	x	S	x	x	x	x	x	x	x	x	x	S	S	H
2. Processing and treating of raw materials, including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations	x	S	x	x	x	x	x	x	x	x	x	S	x	H
3. Construction industry, including suppliers	x	x	x	x	x	x	x	x	P	x	x	P	P	H
4. Manufacturing	x	x	x	x	x	x	x	x	x	x	x	P	P	I
5. Bakery, laundry or dry-cleaning plant	x	x	x	x	x	x	S	S	P	S	x	P	P	I
6. Railroad yards and railway express service	x	x	x	x	x	x	x	x	P	x	x	P	P	H
7. Motor freight terminal and warehousing	x	x	x	x	x	x	x	x	P	x	x	P	x	H
8. Bus or railroad passenger terminal	x	x	x	x	S	P	P	P	P	P	x	x	x	P
9. Heliport, subject to the design criteria and standards of the Federal Aviation Administration as published in Heliport Design Guide, November 1969, or any later revision thereto	x	x	x	x	x	x	S	x	S	x	x	S	x	P
10. Other transportation service	x	x	x	x	x	x	x	x	P	x	x	P	P	P
11. Wholesale trade and distribution	x	x	x	x	x	x	x	x	P	x	x	P	P	H

Principal Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
12. Open storage of raw materials, finished goods or construction equipment and structures for storing such equipment, provided it shall be screened from outside view by an enclosed solid fence and gate at least 10 feet in height, or a solid wall of evergreens, when planted not more than 18 inches apart and at least 3 feet in height, said evergreens to be of vertical habit and to be maintained, and a solid gate at least 10 feet in height and not more than 20 feet in width	x	x	x	x	x	x	x	x	S	x	x	S	S	R
13. Storage of a fluid other than water as a principal use	x	S	S	S	S	S	S	S	S	S	S	S	S	R
14. Research offices or establishments devoted to research and development activities	x	x	x	x	x	x	S	S	S	S	S	P	P	H
15. Brewery with distribution (see § 235-5.3)	x	x	x	x	x	x	x	x	S	x	x	P	P	D

Accessory Use (see § 235-5.3)	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
1. Home occupation (see § 235-5.3)	P	P	P	P	P	P	P	P	P	P	P	x	x	T
2. Private day nursery or kindergarten, provided it shall not occupy more than 30% of the gross floor area of the structure	S	S	S	S	S	S	S	x	x	x	x	S	S	N
3. Accessory professional office of a licensed medical or dental practitioner in an existing dwelling	S	S	S	S	S	S	S	S	S	S	P	S	S	G-1
4. Accessory uses, such as a playhouse, greenhouse, tool shed, private swimming pool, carport, garage or similar in accessory structures, subject to provisions of Article IX	P	P	P	P	P	P	P	P	S	S	S	x	x	None
5. Accessory private garage for noncommercial motor vehicles, subject to provisions of Article IX and (see § 235-5.3)	P	P	P	P	P	P	P	P	P	P	P	x	x	None
6. Accessory community garages for noncommercial motor vehicles, subject to provisions of Article IX	x	x	x	S	P	P	P	P	P	P	P	P	P	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
7. Accessory storage of a trailer, unregistered boat, utility trailer or boat trailer provided it shall either be stored within a principal or accessory building or behind the building within the side or rear yards and it shall not be used for dwelling or sleeping purposes; unregistered automobiles or unregistered trailers shall not be stored outside in residential districts	P	P	P	P	P	P	x	x	P	x	x	P	P	None
8. Accessory repair and storage facilities in any retail sales or consumer establishment, provided it shall be not occupy more than 25% of the gross floor area and shall not be located within 15 feet of any entrance used by the public	x	x	x	x	x	x	P	P	P	P	S	x	x	I
9. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use, provided it shall be screened from outside view by an enclosed solid fence or wall and gate at least 10 feet in height, or a solid wall of evergreens, when planted not more than 18 inches apart and	x	x	x	x	x	x	x	x	x	x	x	P	P	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
at least 3 feet in height, said evergreens to be of vertical habit and to be maintained, and a solid gate at least 10 feet in height and not more than 20 feet in width														
10. Accessory manufacturing use, provided it shall not occupy more than 25% of the gross floor area of the building and it shall not be located within 100 feet of an "R" district or within 50 feet of any street lot line	x	x	x	x	x	x	x	x	x	x	x	P	P	Same as principal use
11. Accessory retail or consumer service use in a multifamily dwelling over 20,000 square feet in gross floor area, provided all activities are located on the first floor or basement floor levels; such uses shall not aggregate more than 2,000 square feet; all materials, goods and activities in connection with said uses shall be confined completely within the building	x	x	x	x	S	S	S	P	x	x	S	x	x	Same as principal use

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
12. Newsstand, barbershop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office or industrial building, hospital containing more than 50 sleeping rooms or transportation terminal facility	x	x	x	x	x	S	P	P	P	x	P	P	P	G
13. Up to 3 lodging units in an existing dwelling	x	x	x	x	P	P	S	S	S	S	S	x	x	B
14. One lodging unit housing up to 3 persons in an existing dwelling	x	S	S	S	P	P	S	S	S	S	S	x	x	B
15. Accessory storage of a fluid other than water or gas	S	S	S	S	S	S	S	S	S	S	S	S	S	None

Accessory Use	Residential Districts						Business Districts					Industrial Districts		Parking Code (see § 235-11)
	SR	SR-A	SR-B	UR-A	UR-B	UR-C UR-D	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
16. Public/private utility cabinets. The Board of Appeals may grant a special permit in the side or rear yard setback provided sufficient screening and buffers are provided to protect the integrity and character of the area. Screening and buffers may be of structure or natural material or any combination thereof. Cabinets shall not exceed a total height of 7 feet	S	S	S	S	S	S	S	S	S	S	S	S	S	None
17. Wireless communications service facility	S	S	S	S	S	S	S	S	S	S	S	S	S	None
Marijuana-Related Uses (see § 235-5.3)														
1. Registered marijuana dispensary	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	G
2. Marijuana cultivator	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	H
3. Marijuana product manufacturer	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	H
4. Marijuana research facility	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	H
5. Marijuana retailer	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	G
6. Marijuana testing laboratory	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	H
7. Marijuana transportation or distribution facility	x	x	x	x	x	x	x	x	S in BB	x	x	S	x	H

ZONING

235 Attachment 2

City of Melrose

Table of Dimensional and Density Regulations
Table 6.2

		See § 235-6.3 for Dimensional Regulation Specifications										
District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage and Lot Width (feet)	Minimum Lot Depth (feet)	Principal Structure Setback / Yard			Maximum Height (feet)	Maximum Stories	Maximum Coverage	Maximum Floor Area Ratio	Minimum Open Space
					Front (feet)	Side (feet)	Rear (feet)					
SR	Any permitted use	25,000	110	90	25	20	50	35	2 1/2	35%	None	50%
SR-A	Any permitted use	15,000	100	90	25	15	40	35	2 1/2	35%	None	50%
SR-B	Any permitted use	10,000	80	90	20	12	30	35	2 1/2	35%	None	40%
UR-A	Townhouse	7,500 per dwelling unit	100	90	20	10 ¹	20	35	2 1/2	35%	None	35%
	Two-family dwelling	13,500	100	90	20	10 ¹	20	35	2 1/2	35%	None	35%
	Single-family dwelling	7,500	75	90	20	10	20	35	2 1/2	35%	None	35%
	Any other permitted use	10,000	100	90	20	10	20	35	2 1/2	35%	None	35%
UR-B	Single-family dwelling	7,500	75	90	20	10	15	35	2 1/2	50%	None	30%
	Two-family and multifamily dwelling uses and townhouses	7,500 plus 3,000 for each dwelling unit more than 1	100	90	20	10 ¹	15	35	2 1/2	50%	None	30%
	Any other permitted use	10,000	100	90	20	10 ¹	15	35	2 1/2	50%	None	20%

MELROSE CODE

		See § 235-6.3 for Dimensional Regulation Specifications										
District	Use	Minimum Lot Area (square	Minimum Frontage and Lot	Minimum Lot Depth (feet)	Principal Structure Setback / Yard			Maximum Height (feet)	Maximum Stories	Maximum Coverage	Maximum Floor Area	Minimum Open Space
					Front (feet)	Side (feet)	Rear (feet)					
UR-C UR-D	Two-family and multifamily dwelling uses and townhouses	6,000 plus 1,250 for each dwelling unit more than 1	100	90	20	10 ¹	15	50	4	50%	1	20%
	Any other permitted use	7,500	75	90	20	10	15	50	4	50%	1	20%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
BA BA-1	Any permitted use ⁵	5,000	50	90	None ⁴	None	None	50	4	None	2.0	5%
BA-2	Any permitted use ⁵	5,000	50	90	None ⁴	None	None	50	4	None	2.0	5%
BB BB-1	Any permitted use	10,000	100	90	10	12	15	30	2	60%	0.75	20%
BC	Any permitted use ³	5,000 ²	50	90	5	None	None	30	2	None	0.75	10%
BD	Any permitted use ³	5,000 ²	50	90	15	None	10	80	8	None	2.0	5%
	Nursing home	20,000	100	90	20	10	15	50	4	50%	None	30%
I I-A	Any permitted use	20,000	125	100	30	20	30	50	4	25%	2.0	30%

FOOTNOTES:

- 1 One side only for side-by-side two-family dwelling units; outside for semidetached row unit.
- 2 For multifamily dwellings as part of a mixed-use structure, the minimum lot area shall be increased by 1,000 square feet for each dwelling unit (5,000 sf + 1,000 sf for each dwelling unit). *Made this footnote easier to understand: spelling out that it applies to multifamily dwellings as part of a mixed-use structure and included an equation*
- 3 Multifamily dwellings are subject to UR-C District dimensions. *Moved this up in list since it relates to same districts as #2 and clarified this is for multifamily dwellings*
- 4 The maximum front yard and side yard abutting a street shall be five feet.
- 5 See § 235-8.2 for dimensional incentives.

TABLE 12.5: RECONSTRUCTION, EXTENSIONS OR STRUCTURAL CHANGES TO ONE- & TWO-FAMILY NONCONFORMING STRUCTURES AND/OR STRUCTURES ON NONCONFORMING LOTS

Nonconforming 1- & 2-family residential structures	Conforming addition & accessory structure	Altering existing structure within nonconforming yard/setback area		Altering existing structure’s nonconforming: Height/Stories Coverage Open Space	Total demolition of structure and construction of new structure within the original building’s nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant lot	Creating new nonconforming dimension
		Within existing dwelling’s footprint	Addition (including porch and deck) outside existing dwelling’s footprint					
		Note - The following are considered to be outside of the existing building’s footprint and cannot be used to establish the nonconforming setback: an existing deck, porch or projections into required yards allowed in Section 235-6.3.						
Lot with nonconforming area	By-right if: (1) Addition of a porch or sunroom or deck (2) Enclosed addition allowed up to a cumulative 500 sf footprint every 10 years (3) Addition of a one-story garage for no more than 2 vehicles (4) Conversion of a one-story garage for one vehicle to a one-story garage for 2 vehicles (5) Small-scale, proportional storage structure Otherwise, Special Permit	By-right if: (1) Rebuilt in-kind without any increase in height or gross floor area, except as reasonably necessary to comply with current Building Code and other regulatory requirements (2) Installation of compliant dormer(s) (3) Increase in height of structure or other alteration at a setback of or greater than 75% of the required setback (e.g. in URA increase in height of portion of the structure at or greater than 7.5 feet of side lot line) Otherwise, Special Permit	By-right if: (1) Addition is an extension of the existing setback of the dwelling or at a more conforming setback, and (2) is at or greater than 75% of the required setback, and (3) not exceeding a cumulative 500 sf footprint of enclosed area every ten years. Otherwise, Special Permit	By-right if: (1) Reducing nonconformity Otherwise, Special Permit	By-right if: (1) Structure is no taller than the previous structure within the nonconforming setbacks (2) Compliant enclosed addition allowed outside of original footprint with a size up to 250 sf footprint (3) Construction commences within one year of demolition Otherwise, Special Permit	By-right if: (1) Footprint of enclosed area is no more than 250 sf bigger than the original structure’s footprint, and (2) Construction commences within one year of demolition Otherwise, Special Permit	See Residential Lot of Record in Nonconformance Section	Variance
	Lot with nonconforming frontage/width or depth	By-right	See cell below					
Conforming lot (area, frontage/width and depth)	By-right	(1) Increase in height of structure or other alteration within 75% of the required setback (e.g. in URA increase in height of portion of the structure within 7.5 feet of side lot line). By-right if: (1) Addition is an extension of the existing setback of the dwelling or at a more conforming setback, and (2) is at or greater than 75% of the required setback. Otherwise, Special Permit						

TABLE 12.6: RECONSTRUCTION, EXTENSIONS OR STRUCTURAL CHANGES TO MULTI-FAMILY & COMMERCIAL NONCONFORMING STRUCTURES AND/OR STRUCTURES ON NONCONFORMING LOTS

Nonconforming Multi-family, Commercial Structures and all Structures other than 1- or 2-family structures	Conforming alteration	Altering existing nonconforming: Height/Stories Coverage Open Space Floor Area Ratio Yard/Setback area	Total demolition of structure and construction of new structure within the original building's nonconforming footprint	Total demolition of structure and construction of new conforming structure	New structure on vacant nonconforming lot	Creating new nonconforming dimension
Lot with nonconforming area	By-right if: (1) Addition allowed up to a cumulative 500 sf footprint every 10 years Otherwise, Special Permit	By-right if: (1) Fenestration change that does not intensify the impact of the nonconformity on the abutters (2) Reducing nonconformity Otherwise, Special Permit	Special Permit Construction must commence within one year of demolition Otherwise, Variance including an increase in nonconforming dimensions -	Special Permit Construction must commence within one year of demolition	Variance	Variance
Lot with nonconforming frontage/width or depth	By-right				Variance	
Conforming lot (area, frontage/width and depth)	By-right			By-right	By-right	

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

GRANT-2025-4

Acceptance of a Grant in the amount of \$14,662.00 to support the Municipal Road Safety Program

BE IT ORDERED

The Melrose Police Department has been awarded a \$14,662.00 non-matching grant to support the Municipal Road Safety Program.

HISTORY:

10/07/24 **City Council**

ASSIGN TO COMMITTEE

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Grant 2025-4

Meeting of October 21, 2024

Date

Date



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE BOSTON, MA 02133
 (617) 725-4000

MAURA T. HEALEY
 GOVERNOR

KIMBERLEY DRISCOLL
 LIEUTENANT GOVERNOR

September 24th, 2024

Kevin Faller
 Chief of Police
 Melrose Police Department
 56 WEST FOSTER STREET
 Melrose, MA 02176

Dear Chief Faller,

Congratulations! We are pleased to inform you that the **Melrose Police Department** has been awarded **\$14,662.00** in **National Highway Traffic Safety Administration** funds from the Office of Grants and Research (OGR) to support the *Municipal Road Safety Program*.

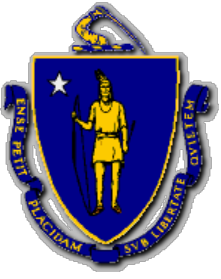
Additional correspondence, including all the documents necessary to execute this grant award will be forthcoming. If you or your staff have any questions, please feel free to contact Taylor Keown, Program Coordinator, at Taylor.Keown@mass.gov or 781-535-0065.

Once again, congratulations and thank you for the work you do to keep Massachusetts roads safe for everyone.

Sincerely,

Governor Maura T. Healey

Lt. Governor Kimberley Driscoll



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Office of Grants and Research

35 Braintree Hill Office Park
Braintree, MA 02184

Tel: (617) 725-3301
Fax: (617) 725-0260

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

TERRENCE M. REIDY
Secretary

KEVIN STANTON
Executive Director

September 24th, 2024

Kevin Faller
Chief of Police
Melrose Police Department
56 WEST FOSTER STREET
Melrose, MA 02176

Dear Chief Faller,

I am pleased to inform you that the **Melrose Police Department** has been awarded **\$14,662.00** for its ***Municipal Road Safety Program***. The funding for this project was made possible by the National Highway Traffic Safety Administration.

All the necessary documents, including the Standard Contract Form, are enclosed. Please note your official start date will be the date that your returned contract is signed and dated by OGR. Costs incurred prior to the date the contract is fully executed by OGR will not be eligible for reimbursement.

If you or your staff have any questions, please feel free to contact Taylor Keown, Program Coordinator, at Taylor.Keown@mass.gov or 781-535-0065.

Congratulations on your award and we look forward to working with your department to improve traffic safety in Massachusetts.

Sincerely,

Kevin J. Stanton
Executive Director
Enclosure

Attachment: FFY25 MRS OGR Award Letter Melrose (GRANT-2025-4 : Municipal Road Safety Program)

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions](#) and [Contractor Certifications](#), the [Commonwealth Terms and Conditions for Human and Social Services](#) or the [Commonwealth IT Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Town/City of Melrose Police Department (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security, Office of Grants & Research MMARS Department Code: EPS	
Legal Address: (W-9, W-4): 562 MAIN ST, MELROSE, MA 02176-3142		Business Mailing Address: 35 Braintree Hill Office Park, Suite 302 Braintree, MA 02184	
Contract Manager: Jonathan Goc	Phone: (781) 953-2622	Billing Address (if different):	
E-Mail: jgoc@cityofmelrose.org	Fax:	Contract Manager: Denise Brown	Phone: 781-535-0069
Contractor Vendor Code: VC6000192116		E-Mail: Denise.M.Brown@mass.gov	
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): 2025MRSPMELROSEXXXX	
RFR/Procurement or Other ID Number: BD-24-1044-EPS11-1044O-103769			
☒ NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) ☐ Statewide Contract (OSD or an OSD-designated Department) ☐ Collective Purchase (Attach OSD approval, scope, budget) ☒ Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) ☐ Emergency Contract (Attach justification for emergency, scope, budget) ☐ Contract Employee (Attach Employment Status Form, scope, budget) ☐ Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		☐ CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) ☐ Amendment to Date, Scope or Budget (Attach updated scope and budget) ☐ Interim Contract (Attach justification for Interim Contract and updated scope/budget) ☐ Contract Employee (Attach any updates to scope or budget) ☐ Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): ☒ Commonwealth Terms and Conditions ☐ Commonwealth Terms and Conditions For Human and Social Services ☐ Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . ☐ Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) ☒ Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ <u>\$14,662.00</u> .			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ☐ % PPD; Payment issued within 15 days ☐ % PPD; Payment issued within 20 days ☐ % PPD; Payment issued within 30 days ☐ % PPD. If PPD percentages are left blank, identify reason: ☒ agree to standard 45 day cycle ☐ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); ☐ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FFY2025-Municipal Road Safety Program PT-25-05- 97 F402BIL/80000402-- \$14,662.00 Assistance Listing# 20.600			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: ☐ 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. ☒ 2. may be incurred as of <u>11/1, 2024</u> , a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. ☐ 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>9/15, 2025</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Captured At Time of Signature) Print Name: _____ Print Title: _____		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Captured At Time of Signature) Print Name: <u>Kevin J. Stanton</u> Print Title: <u>Executive Director, Office of Grants & Research</u>	

Attachment: FFY25 Municipal Road Safety Contract Melrose (GRANT-2025-4 : Municipal Road Safety Program)

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

APPT-2025-11

Appointment of Robert Carrillo, 28 Baxter Street, Melrose, MA as
Superintendent of Parks & Open Spaces

BE IT ORDERED

Appointment of Robert Carrillo, 28 Baxter Street, Melrose, MA as
Superintendent of Parks & Open Spaces

HISTORY:

10/07/24 **City Council**

ASSIGN TO COMMITTEE

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Appointment/Reappointment 2025-11

Meeting of October 21, 2024

Date

Date

City of Melrose Hiring Committee,

I am writing to you today to extend my interest in the Superintendent of Parks and Open Spaces Position. When I received the news that Joan was retiring a few months ago, I knew that I wanted to be the one to take over her role, carry on what she did so well, and build off the foundation that she built over the past 20+ years serving the residents of Melrose.

As someone who grew up and currently lives in this city, I know firsthand how important the parks, fields, and greenspace are to the community. At the end of the day these fields are the places that many others and I grew up, learned countless life lessons, and are, and always will be, constant reminders of great memories and places where the future of this city will grow.

When I started with the Recreation Department in January of 2022, I had little knowledge of what the role I accepted truly entailed. There is no way to cover everything that I do as Recreation Coordinator into a basic job description because there are so many moving parts and unexpected things that pop up day to day. I learned and adapted to the role very quickly and had my full routine laid out by the end of my first week.

My current role has led me to perfect my time management skills, being on call basically 24/7 for our programs. Having to work on the spot, often from my phone, to fix problems with programs or find last-minute staff after one of my staff members calls out is a challenge that I have taken on with perfection for the Rec Department. I often found myself in multiple places at once for this job and I always found a way to make it work and overcome any obstacle that was at hand. I fully understand this is the nature of the role I am applying for as well. These chaotic, unexpected, and busy events that take place with my job are something that I honestly enjoy and have always needed in my life since I was young.

I was a 3-sport athlete in high school earning a great academic scholarship to college while working 40+ hours in the summers and winters as a construction and landscaping laborer. I spent 6 years as a college athlete through undergrad and graduate school while finishing Summa Cum Laude and serving 2 years as Varsity Baseball Captain. The only way I have ever lived my life is with a busy schedule and I know that everything I have done in my life up to this point has truly prepared me for this role.

The combination of being an athlete and spending 8+ years in construction/landscaping has taught me to take pride in my work. If I was practicing a pitch for baseball, I would work at it until it was perfect. If I was putting together a patio for my job, I worked for I made sure everything was perfect and the quality I would want at my own house. If I run a clinic for the Rec Department, I want every kid going home to their parents telling them how great it was. Pride in my work is something that I take extremely seriously because I want to be remembered as someone who did everything I could to the best of my ability regardless of the task at hand.

I have heard about the good and the bad from anyone who came forth to our department through our surveys, emails, and phone calls and I have served as a strong representation of the City's Mission providing excellent customers service and solving a wide variety of inquiries, requests,

issues, complaints, and much more. Through this customer service I have widened my network and have found myself on a first name basis with hundreds of Melrose Residents.

These past 3 years with the Rec Dept have allowed me to network with all the parties involved for this role as well as many surrounding cities' Park & Rec Department employees through meetings for the Mass Parks and Rec Association's meetings and conventions. I currently have great relationships with the Employees in City Hall, the Mayor's Office, Frank Olivieri and the Rec Dept, Cindy Brickly and Joan Bell in Parks, Stephen Fogarty and MPS, Members of the Park Commission, Many of the Presidents and Board Members of Melrose Youth Sports Leagues/User Groups, the DPW Administration and Staff, and most importantly the Community.

I constantly joke about how I can't go out in Melrose without seeing someone I know. The network that I have built with the community through working with the Recreation Department is unmatched and I know that in this role I can serve as a middleman between the community and the Mayor's Office to ensure that all areas under my management will be a direct representation both of Mayor Jen's mission and the community that we serve.

Additionally, through my personal LLC that I started I have overseen everything as I am the sole proprietor. I have overseen my own budget, I have cold called communities to offer my services, I have run my own marketing campaigns and social media, I hired my own staff, I scheduled, I made purchases and donations, and much more.

There are areas where I will need to learn and improve for this role, but this is a task that I look forward to. I am currently studying for the Certified Parks and Recreation Professional certification through the NRPA, and I plan on having this done by the end of the calendar year. I am also open to completing any certifications or training that will benefit me for this role.

If hired as Superintendent of Parks and Open Spaces I am planning on staying in the role for a long time, bringing my skills and knowledge to help improve it, and continuing Joan's legacy of near-perfect green space over the past 20+ years.

I can provide any further information or references upon request.

I appreciate you taking the time to read this and consider me as a candidate for the role and I am looking forward to serving the City I grew up in.

Thank you,
Rob Carrillo

ROBERT CARRILLO, MBA

EXPERIENCE

[LinkedIn](#) | [Robert Carril](#)[A](#)

RECREATION COORDINATOR | CITY OF MELROSE

MELROSE, MA

January 2022-Present

- Plan and Coordinate 60+ programs, including assisting with designing, and organizing creative, interesting recreation programs for the community.
- Manage 25+ staff members, 250+ volunteer coaches, 20+ paid coaches, 20+ officials , and 20+ vendors
- Oversee proper facility rentals, custodial details, and staff schedules for all programs
- Submit weekly staff hours payroll for all employees
- Provides customer service for residents on inquiries on recreation programs and events in person, over the phone, and through email
- Enter and create program listings with correct registration prompts and prices for all programs on CivicRec along with managing registrants
- Manage marketing and communications through CivicRec and Microsoft Outlook
- Train employees, coaches, and volunteers to align with our departments mission and guidelines
- Submit and check CORI for all employees, volunteers, vendors, officials, etc.
- Assisted in running camps and clinics for youth registrants

ASSISTANT BASEBALL COACH | EMERSON COLLEGE

BOSTON, MA

September 2021-Present

- Manage the 20+ pitchers day-to-day warmup, throwing, recovery, diet, and lifting plans year-round
- Assist Head Coach with lineup decisions and gameplans for every game
- Effectively communicate with co-coaches and team through text, phone calls, email, and GroupMe
- Actively Recruit and secure talented and well-rounded student-athletes for Emerson College
- Shot, edited and produced video for student-athletes to refine pitching and hitting mechanics
- Address recruit, parent and player concerns with professional written communications
- Oversaw the creation and implementation of pitching analytics
- Purchased and maintained equipment for staff and student-athletes
- Set goals and effectively managed KPIs for student-athletes

DIRECTOR OF OPERATIONS | SHOWCASE LEAGUE

LONDONDERRY, NH

September 2018-November 2020

- Created and maintained statistical database and archives for Showcase League's website using iScore and Gamechanger software
- Managed gameday operations, including officiating payments, field maintenance and punctual start times
- Directed livestream productions on Facebook and Showcase League website through JPR Live
- Promoted Showcase League across social media channels and website updates
- Served as Showcase League's social media manager, publishing game, scheduling and roster updates in real-time across Facebook, Instagram and Twitter
- Developed and implemented social media strategies to increase engagement through effective copy, polls and graphics
- through consistent communication and evaluation
- Established and maintained relationships with customers and addressed questions or concerns as needed

ASSISTANT BASEBALL COACH | COMMUNITY COLLEGE OF RHODE ISLAND

WARWICK, RI

January 2019-September 2019

LABORER | ALDO CONSTRUCTION

EVERETT, MA

May 2013-September 2020 (Summers & Winters)

EDUCATION

UNIVERSITY OF MASSACHUSETTS DARTMOUTH

DARTMOUTH, MA

Master of Business Administration. Graduated May 2021

Charlton College of Business, AACSB Accredited

Summa Cum Laude GPA: 3.81

5 Year Varsity Baseball. 2 Year Varsity Baseball Captain

Attachment: Robert Carrillo Letter of Interest and Resume Redacted (APPT-2025-11 : Appointment of Robert Carrillo as Superintendent of

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

ORDER-2025-3

Calling a State Election on Tuesday, November 5, 2024

BE IT ORDERED

In accordance with Massachusetts General Laws, the City Clerk is hereby authorized and directed to notify and to warn the inhabitants of the City of Melrose as are qualified to vote in the State Election to assemble at the polling place in their respective wards as designated herein, on **Tuesday, the Fifth of NOVEMBER, 2024** to cast their votes in the State Election for the candidates of political parties for the following offices and questions:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT
SENATOR IN CONGRESS.....
REPRESENTATIVE IN CONGRESS
COUNCILLOR
SENATOR IN GENERAL COURT.....
REPRESENTATIVE IN GENERAL COURT
CLERK OF COURTS
REGISTER OF DEEDS
REGIONAL SCHOOL COMMITTEE

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would specify that the State auditor has the authority to audit the legislature.

A YES VOTE would specify that the State auditor has the authority to audit the legislature.

A NO VOTE would make no change in the law relative to the State Auditor's authority.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would eliminate the requirement that a student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete course work certified by the student's district as demonstrating mastery of the competencies

contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

A YES VOTE would eliminate the requirement that students pass the Massachusetts Comprehensive Assessment System (MCAS) in order to graduate high school but still require students to complete course work that meets state standards.

A NO VOTE would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

The proposed law would provide Transportation Network Drivers (“Drivers”) with the right to form unions (“Driver Organizations”) to collectively bargain with Transportation Network Companies (“Companies”)-which are companies that use a digital network to connect riders to drivers for pre-arranged transportation-to create negotiated recommendations concerning wages, benefits and terms and conditions of work. Drivers would not be required to engage in any union activities. Companies would be allowed to form multi-Company associations to represent them when negotiating with Driver Organizations. The state would supervise the labor activities permitted by the proposed law and would have responsibility for approving or disapproving the negotiated recommendations. The proposed law would define certain activities by a Company or a Driver Organization to be unfair work practices. The proposed law would establish a hearing process for the state Employment Relations Board (“Board”) to follow when a Company or Driver Organization is charged with an unfair work practice. The proposed law would permit the Board to take action, including awarding compensation to adversely affected Drivers, if it found that an unfair work practice had been committed. The proposed law would provide for an appeal of a Board decision to the state Appeals Court. This proposed law also would establish a procedure for determining which Drivers are Active Drivers, meaning that they completed more than the median number of rides in the previous six months. The proposed law would establish procedures for the Board to determine that a Driver Organization has signed authorizations from at least five percent of Active Drivers, entitling the Driver Organization to a list of Active Drivers; to designate a Driver Organization as the exclusive bargaining representative for all Drivers based on signed authorizations from at least twenty-five percent of Active Drivers; to resolve disputes over exclusive bargaining status, including through elections; and to decertify a Driver Organization from exclusive bargaining status. A Driver Organization that has been designated the exclusive bargaining representative would have the exclusive right to represent the Drivers and to receive voluntary membership dues deductions. Once the Board determined that a Driver Organization was the exclusive bargaining representative for all Drivers, the Companies would be required to bargain with that Driver Organization concerning wages, benefits and terms and conditions of work. Once the Driver Organization and Companies reached agreement on wages, benefits, and the terms and conditions of work, that agreement would be voted upon by all

Drivers who has completed at least 100 trips the previous quarter. If approved by a majority of votes cast, the recommendations would be submitted to the state Secretary of Labor for approval and if approved, would be effective for three years. The proposed law would establish procedures for the mediation and arbitration if the Driver Organization and Companies failed to reach agreement within a certain period of time. An arbitrator would consider factors set forth in the proposed law, including whether the wages of Drivers would be enough so that Drivers would not need to rely upon any public benefits. The proposed law also sets out procedures for the Secretary of Labor's review and approval of recommendations negotiated by a Driver Organization and the Companies and for judicial review of the Secretary's decision. The proposed law states that neither its provisions, an agreement nor a determination by the Secretary would be able to lessen labor standards established by other laws. If there were any conflict between the proposed law and existing Massachusetts labor relations law, the proposed law would prevail. The Board would make rules and regulations as appropriate to effectuate the proposed law. The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work

A NO VOTE would make no change in the law relative to the ability of transportation network drivers to form unions.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances. This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over. This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, record keeping, education and training, health and safety requirements,

testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances. This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances. The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law. Using the psychedelic substances as permitted by this proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child. This proposed law would not affect existing laws regarding the operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local governments could continue to restrict the possession and use of these psychedelic substances in public buildings or at schools. This proposed law would take effect on December 15, 2024.

A YES VOTE would allow persons over age 21 to use certain natural psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home and would create a commission to regulate those substances.

A NO VOTE would make no change in the law regarding natural psychedelic substances.

QUESTION 5: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

The proposed law would gradually increase the minimum hourly wage an employer must pay a tipped worker, over the course of five years, on the following schedule:

- To 64% of the state minimum wage on January 1, 2025;
- To 73% of the state minimum wage on January 1, 2026;
- To 82% of the state minimum wage on January 1, 2027;
- To 91% of the state minimum wage on January 1, 2028; and
- To 100% of the state minimum wage on January 1, 2029

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum wage and the total amount a tipped worker receives in hourly wages plus tips through the end of 2028. The proposed law would also permit employers to calculate this difference

over the entire weekly or bi-weekly payroll period. The requirement to pay this difference would cease when the required hourly wage for tipped workers would become 100% of the state minimum wage on January 1, 2029.

Under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a “tip pool” that combines all the tips given by customers to tipped workers and distributes them among all the workers, including non-tipped workers.

A YES VOTE would increase the minimum hourly wage an employer must pay a tipped worker to the full state minimum wage implemented over five years, at which point employers could pool all tips and distribute them to all non-management workers.

A NO VOTE would make no change in the law governing tip pooling or the minimum wage for tipped workers.

All WARDS and PRECINCTS - ONE POLLING LOCATION

Melrose Veterans Memorial Middle School | Melrose Street - Rear Entrance - 90 Melrose St.

The polls shall open at seven o’clock a.m. and shall close at eight o’clock p.m.

Posted via online agenda

HISTORY:

10/07/24 City Council

ASSIGNED TO COMMITTEE

Order 2025-3

Meeting of October 21, 2024

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Date

Date

CITY OF MELROSE

In City Council

October 21, 2024

AN ORDER

APPT-2025-10

Appointment of Lori Massa, 145 Bellevue Avenue, Melrose, MA, as Director of Planning and Community Development

BE IT ORDERED

Appointment of Lori Massa, 145 Bellevue Avenue, Melrose, MA, as Director of Planning and Community Development

HISTORY:

10/07/24 **City Council**

ASSIGN TO COMMITTEE

In the City Council
Ordained Roll Call

Passed October 21, 2024

Kristin Foote, Clerk

Leila B. Migliorelli, President
City Council

Jennifer Grigoraitis, Mayor

Appointment/Reappointment 2025-10

Meeting of October 21, 2024

Date

Date

145 Bellevue Avenue
Melrose, MA 02176

August 22, 2024

Polina Latta
Director of Human Resources and Labor Relations
City of Melrose
562 Main Street
Melrose, MA 02176

Dear Ms. Latta:

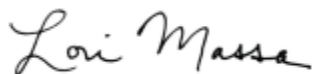
I am interested in the open Director of Planning and Community Development position for the City of Melrose. I have been working in the Office of Planning and Community Development since 2016 in the roles of Senior Planner and Planning Coordinator. As Senior Planner I have been working with the Planning Board, Zoning Board of Appeals, and Historic District Commission managing the Board's and Commission's case load. I have also been involved with other projects within OPCD including long-term planning efforts such as the Housing Production Plan, short-term project management like the Wayfinding and Placemaking implementation, monitoring of affordable housing units, and writing zoning amendments including the recent recodification of the code.

I am passionate about municipal planning and find working in this office rewarding. I was a Planner and Senior Planner for the City of Somerville for nine years. With this prior experience, the eight years that I have been working in OPCD, and my ability to work collaboratively with others, I am confident that I have the knowledge and skills to be successful in the Director role.

I have attached my resume for reference. Please let me know if you need anything else from me to pursue this position.

Thank you for your consideration.

Sincerely,



Lori Massa

LORI MASSA, AICP

145 Bellevue Ave • Melrose, MA 02176 • [REDACTED] • [REDACTED]

EMPLOYMENT

Senior Planner

City of Melrose, MA: 2021-current

- Writes zoning amendments
- Serves as lead coordinator on various projects such as Wayfinding and Milano Park Redevelopment
- Conducts development review in light of City ordinances, state laws, and urban design principles
- Works collaboratively with staff, the community, and consultants to develop city planning documents
- Monitors affordable housing units
- Writes and manages grant applications
- Serves as staff to Planning Board and Historic District Committee
- MAPC Inner Core and North Suburban Consortium Representative

Planning Coordinator

City of Melrose, MA: 2016-2021

- Provided administrative, regulatory and technical support to Zoning Board of Appeals (ZBA) and Planning Board
- Reviewed zoning permit applications and provided summaries and recommendations
- Wrote decisions for ZBA
- Provided support to the Planning Office related to zoning amendments and planning initiatives

Senior Planner

City of Somerville, MA: 2010-2016

- Wrote zoning amendments including part of team that rewrote City's zoning ordinance
- Served as lead coordinator on various projects such as Assembly Row Development
- Provided direction to planning staff in review of case work in light of City ordinances, state laws and regulations

- Designed zoning review in electronic permitting system, Citizenserve
- Worked collaboratively with planning staff, the community, and consultants to develop neighborhood plans
- MAPC Inner Core Representative

Planner

City of Somerville, MA: 2007-2010

- Analyzed and provided recommendations to ZBA, Planning Board, and Design Review Committee for proposals requiring zoning relief and zoning amendments

EDUCATION

University of Pennsylvania School of Design

Philadelphia, PA

Master of City Planning

Certificate in Urban Design

Bates College

Lewiston, ME

Bachelor of Science, Psychology Major,
Magna Cum Laude, Dean's List

Andean Center for Latin American Studies

Quito, Ecuador

PROFESSIONAL SKILLS / ORGANIZATIONS

- Proficiency in Adobe Creative Suite, ArcGIS, Microsoft Office Suite, Pictometry, SketchUp
- Member of American Planning Association & MA Chapter
- MHP's Housing Institute Panelist 2023
- ABX Panelist 2013
- CPTC Panelist 2015
- SNEAPA Panelist 2015