

Appropriations Committee

Chairman Mortimer, Infurna,
Brodeur, Tramontozzi, Wright,
McAteer-Margolis, Seaboyer,
Medeiros, Conn, Boisselle
Absent: Forbes
In attendance: City Planner Denise
Gaffey, Planning Board member
Anne DeSouza Ward

Appropriations Committee called to order by Chairman Mortimer at 7:36 p.m. There are two orders on the agenda.

Order No. 09-060, Amending Melrose Revised Zoning Ordinances, Chapter 235, Article II, Section 235-5. Definitions as set forth herein. (A-3)

Order No. 09-061, Amending Melrose Revised Zoning Ordinances, Chapter 235, Article V, Section 235-15. Permitted uses (Table of Use and Parking Regulations) set forth herein. (A-3)

Alderman Infurna motions to open Public Participation, 2nd by Alderman Seaboyer. All in favor.

Joan Ford Mongeau, 80 Sheffield Road, Executive Director of the Melrose Chamber of Commerce, says the Chamber's Board of Directors support all 5 zones and supports the Planning Board's opposition for the Special Permit requirement for the specialty food license.

Bob Bell, 173 Ashland Street, says he was invited to a few ad hoc meetings the mayor held regarding what could be done to help businesses in the City. The economy is fragile and businesses face fierce competition. It's important not to place impediments in the way of acquiring a license for these stores.

Alderman Brodeur motions to close Public Participation, 2nd by Alderman Infurna. All in favor.

Alderman McAteer-Margolis motions to suspend the rules to hear from Ms. Gaffey, 2nd by Alderman Infurna. All in favor.

Ms. Gaffey says she expects to be joined by the chair of the Zoning subcommittee, Ann DeSouza Ward. They will address the report from the Planning Board regarding the proposed zoning amendments as required by Massachusetts General Laws. The report has been endorsed by the full Planning Board and it was sent to the Board of Aldermen on December 26. There are two components: the definition piece and the modification of the Table of Use and Parking Regulations. The definition section is very similar to what was presented at the Public Hearing; no additional recommendations were made subsequent to the Public Hearing. The Planning Board still recommends the language be changed slightly to be more in line with the language of the ballot questions. The second piece of the report deals with the Table of Use and Parking Regulations. It is clear in the report that after discussion and evaluations made by the Board of Aldermen, the Planning Board continues to recommend that the Specialty Food Establishments be

allowed as of right in all business districts. The public hearing process with both the Liquor Licensing Commission and the Planning Board will be sufficient to have the public weigh in on the matter of where the establishments will be located. The type of use is a real economic development to neighboring commercial areas and it is possible there will be a spillover effect as well. The report reiterates that the Planning Board doesn't feel it is necessary to distinguish between the BB and the BB-1 zones. The Specialty Food Establishments will sell beer and wine incidental to food – they are not package stores. There was a little discussion at the Public Hearing about signage, and that was added to the report.

Alderman Conn says he did not support the referendum but now that it has passed the Aldermen have an obligation to do their best to craft the best zoning. The only real substantial issue is whether or not to have a Special Permit requirement or allow as of right use in the business district. Regarding the concern about public notice and public hearings, there are plenty of safeguards set forth in Chapter 138 sec. 13A. There must be publication in a newspaper and a certified abutter's list mailing. If the proposed establishment is within 500 feet of a church or school or hospital, the mailings must be sent certified mail. An open public meeting must also be held. The Liquor Licensing Commission is going to make the decision on these licenses, not the Board of Aldermen. There are plenty of safeguards in place. Looking at the zoning map the vast and overwhelming percentage of the City is residential district. These stores are only allowed in the business district, in very limited areas. They are not permitted in the vast majority of the City. Nobody should be concerned about the specter of prior non-conforming uses; it can't have lapsed. If it has lapsed it is no longer a prior non-conforming use. The Board of Aldermen has to decide if it wants the Planning Board to require a Special Permit. Alderman Conn says he will support the Planning Board's recommendations of these zoning proposals.

Alderman Brodeur says there is a fair and formal process to getting one of the three licenses in the City and the Site Plan Review process will be in place. The commercial viability of the applicants needs to be thought about. An arduous, expensive and redundant process will be cost prohibitive for some folks; a more diverse opportunity should be offered. If 99% of goods sold at a bakery are baked goods and the owners want to offer a dessert wine of the month, creating a three-step process to getting a license would be prohibitive. The aldermen want to be very cautious in the idea of building precautions in this process.

As the maker of the orders, Alderman Wright says he filed them with the intent to start dialogue and that ultimately this board will hear the public's questions and concerns. After hearing what the Planning Board and the Board of Aldermen have had to say, he still has concerns with the BC district which is neighborhood business districts such as Cedar Park. He expects that the Specialty Food Establishments will make a lot of money and wants to see a Special Permit requirement in the BC district; he wants to see oversight in these districts. He is no longer asking the Planning Board to break up the BB and BB-1 districts, and he has no concerns with the downtown district.

Alderman Medeiros says she would like to see businesses in Melrose blossom. A record number of people voted in support of the ballot questions and she thinks the Planning Board's recommendations best reflect the language of the ballot questions. Every business district in Melrose has residences within them and she doesn't like the

idea of breaking up business districts because it pits one against the other.

Alderman McAteer-Margolis says she had a conversation with Ms. Gaffey about her concerns with the Special Permit requirement. The City will have its own safeguards in addition to state laws and every use will be a new use requiring a public hearing. She says she feels that the aldermen have to trust the process in place with the Planning Board and the Liquor Licensing Commission. She thinks some people that live in the BB and BB-1 and BC districts do so for the convenience of the commercial base there.

Alderman Infurna agrees with Aldermen Conn, Medeiros and McAteer-Margolis and supports the Planning Board's recommendation.

Alderman Wright says a couple of the Aldermen have said they don't want to split the business districts but they already are. The Board of Aldermen should be able to determine what goes in those districts. He thinks it behooves them to protect the districts that are a little more remote.

Chairman Mortimer asks if there is a motion on Order No. 09-060. Alderman Brodeur moves to adopt the amendments as proposed by the Planning Board in its report dated January 26, 2009; 2nd by Alderman Seaboyer. All in favor.

Alderman Brodeur moves to recommend as amended, 2nd by Alderman McAteer-Margolis. All in favor.

Chairman Mortimer asks if there is a motion on Order No. 09-061. Alderman Brodeur moves to amend by substitution to adopt the Table of Use and Parking Regulations as proposed by the Planning Board in its report dated January 26, 2009; 2nd by Alderman McAteer-Margolis.

On discussion Alderman Conn asks if it is not permissible to obtain use variances; Ms. Gaffey says it is the understanding of the Building Commissioner that it is not.

Alderman Medeiros asks if a change of use would require another public hearing; Ms. Gaffey says it would fall under the Site Plan Review process.

On the motion to recommend, one opposed; motion carries.

Alderman Brodeur moves to recommend as amended, 2nd by Alderman McAteer-Margolis. One opposed; motion carries.

Alderman Brodeur motions to adjourn, 2nd by Alderman Infurna. All in favor.

Appropriations adjourns at 8:20 p.m.

Maribeth Harrington
Clerk of Committees