

**MELROSE PLANNING BOARD  
ZONING SUBCOMMITTEE  
MEETING MINUTES**

**Wednesday, February 19, 2014**

**7:00 PM**

**Mayor's Conference Room, Second Floor, City Hall, 562 Main Street**

**PRESENT:** Anne DeSouza-Ward and Paul King

**ABSENT:** Carla Morelli and Sharon Petrillo

Denise Gaffey, Director and City Planner, Adam Duchesneau, Assistant Planning Director, and Manisha Bewtra from the Metropolitan Area Planning Council were present.

The meeting was called to order at 7:15 PM by Ms. DeSouza-Ward.

Tremont Street/Essex Street Rezoning

Ms. Gaffey began the meeting with a brief recap of what had been discussed during the rezoning process to this point. Ms. DeSouza-Ward asked if there was currently not any BA zoning district within the City and Ms. Gaffey indicated that was correct. Ms. Gaffey continued on to note that the Subcommittee should be careful about simply designating the BC zoning districts near the Melrose-Wakefield border and near Oak Grove as BA districts because of the slightly different permitted uses and dimensional requirements. She also noted that this item, as well as how the Subcommittee would like to handle the parking requirements for the BC zoning districts, are both topics that need to be discussed in greater detail.

Ms. Gaffey then raised the topic of renaming the BB zoning district along Tremont Street to a BB-1 zone. This was a slight deviation from the original discussion at the last Subcommittee meeting where the possibility of editing Sections 235-65 and 235-66 of the Zoning Ordinance by adding the BB zone to these sections was considered. However, upon further review, it appeared that it may be easier to simply rename the BB zoning district along Tremont Street to a BB-1 zone as the BB and BB-1 zones already have the same permitted uses and dimensional requirements. The other reason for this approach is that by renaming the BB district on Tremont Street only there is no change to the BB district on Route 99. The Special Permit for a multifamily use may not make sense in the Route 99 location and would require more study. Ms. Gaffey noted that changing the Tremont Street BB zoning district to a BB-1 would likely make things a bit less complicated as the only difference between these two zones is the reference in Sections 235-65 and 235-66.

Ms. DeSouza-Ward asked if the maximum permitted building height the Planning Board could allow in the BA-1 zones should be reduced from 80 feet, which is the current maximum height listed in the Zoning Ordinance, to possibly 60 feet. Ms. Gaffey noted that there are some preexisting structures which are taller than 60 feet which would become nonconforming. From a practical standpoint, she pointed out that the UR-C district height restrictions of 50 feet and 4 stories are the regulations that apply and that the Planning Board has applied these consistently to new multifamily developments in the BB-1 district. Ms. DeSouza-Ward stated that she thought there was no need to hold up this zoning amendment for further discussion because it was so simple. Mr. King confirmed that all they would be doing was renaming the Tremont Street BB zoning district to a BB-1 zone and Ms. Gaffey indicated that was correct. The Subcommittee then agreed they could bring the proposed amendment forward to the full Planning Board at their Monday, February 24, 2014 meeting.

The Subcommittee then shifted their conversation to the potential of placing an Overlay District over the BB zone along Tremont Street and the BB-1 zone along Essex Street, per the recommendations of the

Commuter Rail Corridor Plan. Ms. Gaffey began by describing the possible boundaries of this Overlay District which would cover two areas; one just south of the Cedar Park BC district and the other between the Cedar Park and Highlands BC districts bounded by Tremont Street to the east and the rail line to the west. Mr. King asked for a brief description of the difference between the BC and the BB zoning districts. Ms. Gaffey indicated that the BC districts are more geared for neighborhood commercial spaces around transit stations while the BB districts are design to be more full blown commercial districts with larger scale buildings. Ms. Gaffey noted that Manisha Bewtra from the Metropolitan Area Planning Council (MAPC) would be drafting new zoning language for this proposed Overlay District using the existing wording of the Smart Growth District as a starting point. Mr. Duchesneau pointed out that alterations to the Floor Area Ratio (FAR), setbacks, parking, and building height requirements all were recommended adjustments in the Commuter Rail Corridor Plan.

Mr. King asked if projects like Station Crossing and 185 Essex Street had maximized their development potential. Ms. Gaffey indicated that they did but they were created under a different set of criteria than the underlying zoning regulations as both projects used Special Permits for multifamily uses in nonresidentially zoned areas and Design Review Permits to reach their final designs. Ms. DeSouza-Ward thought that it might make sense to have an FAR of 1.0 in the Overlay District but she was open to a larger number as well.

Ms. Gaffey pointed out that in terms of building height for the Overlay District, four stories and 50 feet is what would be permitted in the nearby BC zoning districts if the Subcommittee's proposed amendments were approved. Ms. DeSouza-Ward expressed concerns about having a wall of buildings along the street in the Overlay District area and thought some type of upper level step back should be considered. Mr. King noted that a possible canyon effect would not be as likely along Tremont Street because of the vast amount of open area across the street at Ell Pond and Middle School/High School athletic fields. Ms. DeSouza-Ward noted that four stories and 50 feet seemed like reasonable dimensional requirements, but perhaps the Subcommittee should think about allowing a fifth story that is stepped back from the front lot line. She also added that different roof styles would help to soften the massing appearance of taller buildings. Mr. King noted that permitting four stories would likely allow for a building that is close to 50 feet in height. He also noted that the setbacks and massing of each structure will have a big impact on the feeling of the area. Ms. Gaffey agreed that ultimately the feeling of the area will likely come down to the massing of each building when constructed, which would be managed through the Site Plan Review process as with past projects.

Ms. DeSouza-Ward and Mr. King both agreed that having minimum and maximum front setbacks would make sense for the properties in the Overlay District. Ms. DeSouza-Ward thought that a 5 foot front yard setback seemed reasonable, but asked what others thought was practical for the side and rear yards. Mr. King noted that with a zero side yard setback you could basically have abutting buildings. Attorney Robert Bell who was in attendance pointed out that the railroad right-of-way creates a natural rear setback for most of the parcels along Tremont and Essex Streets. He continued on to note that the High Street neighborhood to the west of the rail tracks is also situated much higher than the surrounding area. Mr. Bell also noted that the Fire Department would be unlikely to allow a zero rear yard setback requirement and that he had not heard of any developers wanting to build right up to the rear lot at any of the sites in this area. Ms. DeSouza-Ward proposed having 5 foot minimum and 10 foot maximum front setback requirements along with 10 foot side and rear yard setbacks.

Ms. Gaffey suggested that the Subcommittee discuss the issue of minimum parking requirements for the Overlay District at another meeting but examine the uses they might want to permit in the Overlay District tonight. She pointed out how an assisted living use is not permitted anywhere in the City currently but it seems like a use that should be allowed. The Subcommittee then went through the uses

that are currently allowed in the Smart Growth District zoning ordinance (Section 235-71.1.D(1)). The Subcommittee was comfortable with most of the permitted uses in the Smart Growth District zoning with the exception of banks and financial institutions, which they wanted to remove from the list of permitted uses. There was also some discussion about possibly removing the medical office use category from the list of permitted uses. It was noted that a separate use category for assisted living would need to be created if it was going to be allowed in the Overlay District. Ms. DeSouza-Ward pointed out that a definition for assisted living would also need to be created as well. She continued on to note that parking at assisted living facilities was an issue many years ago. Ms. Gaffey responded by noting that parking is not as much of a concern these days as it seems that these facilities do not need a substantial number of parking spaces.

There was then some conversation about the commercial stable/kennel/veterinary hospital use category. Ms. DeSouza-Ward noted that this use category had been requested as part of a Board of Appeals case many years ago. She stated that perhaps a veterinary hospital should be permitted in the Overlay District, but not a stable or a kennel. There was then some discussion about whether or not to permit the research and development use category in the Overlay District. Ms. DeSouza-Ward thought that the wording of the research and development use category could be expanded and looked at in more detail. Ms. Gaffey noted that drive-throughs are not permitted in the Smart Growth District and asked if the Subcommittee thought they should be allowed in the Overlay District. She also pointed out the language in the Smart Growth District which allows for more than one principal structure on a lot and asked the Subcommittee to give some thought if this language should be included in the Overlay District ordinance.

Mr. King asked if the goal was to implement the Smart Growth District in the Tremont/Essex Street area or if they were going to edit the Smart Growth District ordinance to create the Overlay District. Ms. Gaffey indicated that they were only using the Smart Growth District ordinance as a starting point and the goal would be to edit that ordinance to create an overlay district that is appropriate for the Tremont/Essex Street area. There was then conversation about what the minimum open space requirement should be for the Overlay District. Ms. DeSouza-Ward pointed out that if multi-family residential buildings would be allowed as a stand-alone use then perhaps the minimum open space requirement should be somewhat low because of the amount of open space east of Tremont Street. Ms. Gaffey then asked the Subcommittee members to give some thought to the minimum frontage, lot size, and lot depth requirements for the Overlay District for the next Subcommittee meeting.

The Subcommittee then had a discussion about the timeline for the proposed rezoning initiative. Ms. DeSouza-Ward confirmed that they would be seeking input from property owners and residents in the area at some point and Ms. Gaffey indicated that was correct. Ms. Gaffey noted that a possible public meeting date of Wednesday, March 19, 2014 had been suggested, but that they may not be ready to present anything to the public by that time.

The Subcommittee then set their next meeting date for Monday, March 3, 2014 at 7:00 PM.

The meeting adjourned at 9:00 PM.