

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES**

Regular Meeting

Thursday, October 1, 2018

7:30 PM

Cassidy Conference Room, 2nd Floor, City Hall, 562 Main Street

PRESENT: Anne DeSouza-Ward, Paul King, Sharon Petrillo & Greg Sampson

ABSENT: none

Denise Gaffey, City Planner, Emma Schnur, Senior Planner, & Lori Massa, Planning Coordinator, were also present.

The meeting was called to order at 7:45 PM by Mr. Sampson.

Affordable Housing Incentive Program Ordinance

The Subcommittee reviewed the affordable housing section of the Zoning Ordinance on March 22, 2018. Staff took the feedback from that meeting and drafted an amendment that the Subcommittee discussed. All members agreed to propose:

- Increasing the percentage of required units from 10% to 15%;
- Providing a by-right payment in lieu option for developments of 5-7 units;
- Changing the payment from 2% to 3% of the sale price/market value of all of the units in the development to increase the amount but not significantly since these projects find it difficult to absorb the cost of providing affordable housing;
- Eliminating the payment in lieu option for developments of 8 or more units;
- Eliminating the option for a density bonus and parking reduction for 5-7 unit developments;
- Providing a two-tiered approach where developments of 8 or more units would be required to construct units and give a cash contribution if the required number of affordable units results in a fraction less than 0.5 (a fraction more than 0.5 would round up to the nearest whole number); and
- Changing the parking reduction allowance to not less than 1.0 spaces per unit and requiring the submission of justification for the parking reduction.

Mr. Sampson suggested changing the definition of an affordable unit to ensure that if federal regulations change, the unit would still be eligible to count on the subsidized housing inventory. Ms. Gaffey said that staff will look into this and other housekeeping edits that have been identified over the years as the City has worked with the regulations since 2004.

Documents: Draft Affordable Housing Amendment dated Sept 2018

Recreational Marijuana

The Subcommittee discussed the DPH's regulations related to recreational marijuana, other cities' regulations, and where they may propose to allow the use. Melrose's recreational marijuana moratorium is good through the end of 2018. The City would have to have extenuating circumstances to extend the moratorium and should instead move forward with establishing regulations.

The Subcommittee reviewed a zoning map with 500 foot buffers around schools serving kindergarten to 12th grade, which, by state law, is less stringent than the 500 foot buffer for the Registered Marijuana Dispensaries (RMDs) for medical marijuana. More of the Medical Business Zoning District is possible for recreational marijuana establishments than were available for RMDs; however, recreational marijuana sales does not fit with the purpose of that district. The total number of establishments can be limited to 20% of the number of liquor licenses for off-premises consumption and therefore the number could be limited to one. This facility could be allowed in the BB and I districts where RMDs are allowed. The Subcommittee decided to be conservative in the number of establishments and locations and members are eager to hear residents' perspectives at the public hearings.

They also discussed regulating retail sales and allowing the associated uses such as product manufacturing to fall within existing uses in the Ordinance. Social consumption regulations have been delayed by the Cannabis Control Commission and therefore the Subcommittee recommends holding off on incorporating this use into the Zoning Ordinance until the CCC provides more direction. The regulations should specify that no smoking or consuming products on-site is allowed. The retail sales of marijuana should be permitted by Special Permit from the Planning Board. The regulations for RMDs and sale of recreational marijuana may be able to be combined considering co-location of these uses is possible. It should be clear that the expansion from an RMD to recreational sales establishment will require a Special Permit.

The Subcommittee will review a draft ordinance that incorporates these comments at their next meeting.

Documents: Zoning map of the City with 500 foot buffer around schools
 Informational Handout from Staff dated October 1, 2018

Nonconforming Uses, Structures, and Lots

The Subcommittee will be working on an amendment to incorporate Massachusetts General Law, Chapter 40a, Section 6 into the nonconforming section of the Zoning Ordinance. The Subcommittee would like to see, based on past cases, if there are scenarios in altering nonconforming structures that should be allowed by-right. They also would like more information on the past issuances of use variances.

The Subcommittee would like to review the setback regulations for corner lots because many structures are nonconforming due to these regulations.

The Subcommittee set a meeting date of October 29 at 7:45pm.

The meeting adjourned at 9:40 PM.