

**MELROSE PLANNING BOARD
MEETING MINUTES
Regular Meeting
Monday, November 26, 2018
7:45 PM
Cassidy Conference Room, City Hall, 562 Main Street**

PRESENT: Mike Cassavoy, Paul King, Robert Mercado, Carla Morelli, John Sadowski, Greg Sampson & Anne DeSouza-Ward

ABSENT: Sharon Petrillo & Jack Welch

STAFF PRESENT: Denise Gaffey, Director, Emma Schnur, Senior Planner and Lori Massa, Planning Coordinator

The meeting was called to order at 7:50 PM by Anne DeSouza-Ward.

APPROVAL OF MINUTES

Planning Board Regular Meeting, October 22, 2018

Mr. Mercado MADE a MOTION to approve the Planning Board regular meeting minutes from October 22, 2018. Mr. King SECONDED the MOTION. All members voted in favor except for Carla Morelli and Anne DeSouza-Ward who were not present at the October 22, 2018 meeting and abstained. None were opposed.

Zoning Subcommittee Meeting, October 29, 2018

Mr. Sampson MADE a MOTION to approve the Zoning Subcommittee meeting minutes from October 29, 2018. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

RECOMMENDATIONS TO THE BOARD OF APPEALS

Board of Appeals Public Hearing, December 12, 2018:

Case 18-021, 161 Boston Rock Road, Charles W. Shippee

Applicant and Owner, Mr. Shippee, appeared to explain the proposal. He would like to convert his two-car garage into an in-law apartment for his 93 year old mother-in-law, who has lived in Melrose for 57 years. He and his wife are dedicated to taking care of her at home.

Members asked questions about the proposal and made recommendations. A member asked about the proposed kitchen. It will have a microwave, sink and dishwasher. His mother-in-law will likely not be cooking in the unit. Another member recommended adding landscaping between the house and the end of the driveway to improve the appearance of the garage enclosure. A second recommendation was for the owner to check on a few technical items related to the plans meeting the building and stretch codes. The plans do not seem to comply with these regulations and the Building Commissioner will require that they comply before issuing a building permit.

Members also discussed why they support in-law apartments and this proposal. A goal in the City's master plan, Melrose Forward, is to permit a variety of housing types for residents of all ages and incomes and in-law apartments help to accomplish this goal. The proposed in-law apartment meets all of the required standards. With the exterior change, the house maintains the appearance of a single-family structure.

Mr. Cassavoy made a MADE a MOTION to send the Board of Appeals a letter of support for the application. Mr. Sampson SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 18-021

Case 18-023, 5-8 Fields Court, Abdelhakim & Marie Raoui

The general contractor for the project and Owners, Abdelhakim & Marie Raoui, appeared to explain the proposal for replacing the rear stairs with a deck and new stairs from the first and second floors of the 4-family structure.

Members were in favor of extending the nonconforming use with the proposed deck and stairs. The deck and stairs are conforming to the required setbacks, will be safer than the existing stairs and will improve the appearance of the back of the building.

Mr. Cassavoy made a MADE a MOTION to send the Board of Appeals a letter of support for the application. Ms. Morelli SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 18-023

Board of Appeals Public Hearing, January 9, 2019:

Case 18-022, 305 Vinton Street, Kimberly & Drew Morin

Applicants and Owners, Kimberly and Drew Morin, appeared to explain the proposal. They have a growing family and would like an additional bedroom in the house which would be over an existing two-story addition.

Board members found this mansard roofed house to be an iconic historic building that is over 100 years old and should be respected. The proposal made no attempt to address the mansard in the addition. They asked if the architect had considered a ground level expansion or a different roof type for the addition. Mrs. and Mr. Morin explained that they considered expanding the sunroom but it is only approximately 10 feet from the property line. They did consider proposing a mansard roof for the addition but it is costly and would reduce the usable floor space of the addition. Members understand the challenges but discussed how the proposed bedroom is large and there are options for roof types that do not greatly limit usable space and that would be more architecturally sensitive to the house.

The Board could not support the variance because of the requested height and design of the addition. They discussed how they typically do not support relief for height and have recently amended the Zoning Ordinance to address this issue. The amendment allows for dormers on half stories to provide an opportunity for some living space on the third floor without the visual impact of a full third story. This proposal includes a full third floor with a flat roof that is not consistent with the style of the house.

Ms. Morelli made a MADE a MOTION to send the Board of Appeals a letter explaining the reasons why they cannot support the application. Mr. Cassavoy SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: ZBA Application, Case 18-022

DRAFT ZONING AMENDMENTS

Affordable Housing Incentive Program Ordinance

City Planner, Denise Gaffey, explained the affordable housing zoning amendment that the Zoning Subcommittee has worked on for several months.

The proposed changes from the current affordable housing regulations include:

- 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 option for a density bonus and parking reduction for 5-7 unit developments;
- Eliminating the payment in lieu option for developments of 8 or more units;
- Keeping the requirement that a fraction of a unit of 0.5 or greater round up but adding a financial contribution if the fraction less than 0.5. The payment is 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;
- Changing the parking reduction allowance to not less than 1.0 spaces per unit and requiring the submission of justification for the parking reduction; and
- Making housekeeping edits to reflect the Massachusetts Department of Housing and Community Development's current regulations and the City's process for administration and enforcement of the affordable units.

Board members discussed each part of the amendment and agreed with what the Zoning Review Subcommittee proposed in it.

They debated whether the percentage for the payment in lieu for projects of 5 to 7 units should be higher and decided an incremental increase from 2 to 3 percent makes sense. The increase will allow for more money in the Affordable Housing Trust fund and continue to allow these smaller developments to be financially feasible even when the housing market is not as profitable as it is right now.

Ms. Morelli made a MADE a MOTION to initiate the zoning amendment by sending it to the Board of Aldermen as proposed. Mr. Mercado SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Draft Affordable Housing Amendment, November 8, 2018
 Draft Cover Letter to the Board of Aldermen, November 26, 2018

Marijuana Establishments

City Planner, Denise Gaffey, explained the marijuana establishments zoning amendment that the Zoning Subcommittee has worked on since the beginning of October. The City currently has a moratorium on the adult use of marijuana establishments until the end of the year, which provided time to receive the state's Cannabis Control Commission regulation and formulate our own zoning requirements.

A member asked about the possibility of extending the moratorium. The Attorney General did allow for the extension of a moratorium for one town due to the timing of their public hearing. Melrose does not have the justification to extend the moratorium and has draft regulations that are ready for review.

The amendment is laid out in a similar way to how the Registered Marijuana Dispensaries (RMDs) for medical use section is structured. It creates regulations for six new types of marijuana establishments. These establishments cannot be located within 500 feet of schools that serve kindergarten through 12th grade. This buffer zone is more lenient than the state regulations for RMDs which is 500 feet from where children commonly congregate. The current draft allows the adult use establishments in the BA, BA-1, BB, BB-1, BC, and I zoning districts, except for Marijuana Retailers which are limited to BB and I zoning districts. The Board discussed expanding the areas where retailers could establish so that if two were allowed to locate here, as is drafted in this ordinance, there would be more location options. The City could limit the number of retailers to one but having the ability to permit two would allow for competition and for more financial benefit to the City through taxes and community host agreements than just one would provide. The non-retail marijuana establishments would also require host agreements. After discussion the Board decided to keep the allowance for two retail establishments and to add retail as an option to the I-A district, which is transit accessible and has the ability to occupy existing commercial spaces. The other marijuana related uses, which are more industrial in nature, would not be allowed in the I-A district because the purpose of the district is for residential and active retail uses. The Board does not have the benefit of the public hearing at this stage of the amendment process and felt that it would be best to propose more possibilities for retailers than less since it would be easier to reduce the options as opposed to adding them during the public hearing process. Also, their establishment requires a Special Permit which is a discretionary review process and allows the Board to reject applications that do not meet the findings.

The Board discussed how the I-A district is close to Malden but Malden voted yes on the ballot question to authorize adult use marijuana establishments. Medford also voted to pass the initiative while Saugus and Revere voted no on this question and will therefore not allow adult-use marijuana establishments.

To add the allowance for marijuana retailers in the I-A district, the use table, footnote 5 and the letter to the Board of Aldermen need to be edited.

Parking was the final topic of discussion and members agreed with using the typical retail parking requirement for marijuana retailers and the wholesale establishment parking requirement for the non-retail marijuana establishments.

Mr. Sampson made a MADE a MOTION to initiate the zoning amendment by sending it to the Board of Aldermen with the changes discussed. Mr. King SECONDED the MOTION. All members voted in favor. None were opposed.

Documents: Draft Marijuana Establishments Amendment, November 26, 2018
 Draft Cover Letter to the Board of Aldermen, November 26, 2018
 Map of Melrose with 500 foot Buffer around Schools

NEXT MEETINGS

The next Regular Meeting is scheduled for Monday, December 17, 2018 at 7:45pm. Staff will be in touch with the Design Review Subcommittee members to find a date to review the 524-530 Main Street project.

The meeting adjourned at 9:30 PM.