

**MELROSE PLANNING BOARD
MEETING MINUTES
Zoning Subcommittee
Thursday, October 15, 2020
7:30 PM
Remote Meeting**

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

ABSENT: Sharon Petrillo

STAFF PRESENT: Denise Gaffey, Director, Emma Battaglia, Senior Planner & Lori Massa, Planning Coordinator

The meeting was called to order at 7:35 PM by Mr. Sampson.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting was conducted via remote participation to the greatest extent possible. Meeting access and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting was found on the City of Melrose's website, at www.cityofmelrose.org/remote-meetings. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings in real time. An audio or video recording, transcript, or other comprehensive record of proceedings was posted on the mmtv3.org website as soon as possible after the meeting. A link was also available on www.cityofmelrose.org.

Incentive Zoning for General Business District and Parking Amendments

The Subcommittee last met on September 24, 2020 to discuss changes to the Zoning Ordinance for the BA-1 and/or BA-2 districts that would allow for development that they support with an incentive structure. They also discussed changes to the parking and driveway regulations that often require relief and of which the Board regularly recommends approval.

The Subcommittee discussed the floor area ratio regulation and how it is not a useful or reliable tool in regulating the massing of a building at this scale. Setbacks, height and coverage are concrete dimensions that do not require interpretation of what is and is not included in the dimension. Specifying a maximum floor area ratio may encourage developers to try to reach the number even if it is not obtainable. Rephrasing the increase in floor area ratio to allow for the additional story and including a step back for the fifth floor will achieve the desired effect of allowing more density without having a big impact on the scale of the building from the street.

Tweaks to the multifamily residential use in non-residentially zoned areas, section 235-65 of the ordinance, are included in the amendment because the proposed incentive zoning is replacing the design review special permit, section 235-66, which is connected to section 235-65. Fairly recent

projects that have used section 235-65 to allow for multifamily residential uses are Station Crossing, Oak Grove Village and 130 Tremont Street.

Additional text was added to the parking reduction allowed by the Zoning Board of Appeals by special permit in section 235-40.D to make clear that a project that received a parking reduction from the Planning Board under section 235-40.C would not also need to apply under 235-40.D.

They decided to propose to allow for the incentive zoning by Special Permit as opposed to allowing it by Site Plan Approval. The Zoning Enabling Act makes clear that density bonuses can be allowed by Special Permit for amenities provided by a development. Since there is no mention of Site Plan Review in the Zoning Act and there is no case law on allowing for density bonuses using this approval, there is uncertainty of the outcome if a party were to challenge the zoning as being improper. The appeal process for a Special Permit goes directly to court and may take less time than a Site Plan Approval appeal. Also, the Special Permit findings are appropriate to make a decision about the additional density.

The Subcommittee decided to apply the density bonus to the BA-2 district and not the BA-1 district. The downtown has BA-1 zoning and this area may need a different approach to density bonuses. Also, many Main Street parcels already have the advantage of having parking requirements waived.

They discussed map changes to apply the BA-2 district to the following two locations: expand the district to cover the block between Berwick Street, Grove Street, Main Street and W Wyoming Avenue and at the intersection of Main Street and Emerson Street.

They discussed if the four residential parcels on Grove Street should be rezoned. The BA-2 zoning would only increase the value of their property. For the most part the other parcels on the block are commercial or higher density residential that could benefit from the incentives. Members did not feel strongly either way with rezoning the residential parcels and would discuss further with the full Board.

The intersection of Main Street and Emerson Street is zoned BD which allows for eight stories with a 2.0 FAR and requires a 15-foot front yard setback. The zoning works for the hospital but is not ideal for the redevelopment of other parcels in the district. In particular, there has been interest in redeveloping 681 Main Street, which has been vacant for some time. Changing the zoning now would help facilitate the redevelopment of this parcel and of this significant intersection in a manner in which the City would be supportive. The proposed zoning map takes an incremental approach and only rezones the four corner parcels. The subcommittee thought that the BA-2 made sense in this location which is close to the Cedar Park Commuter Rail Station and has redevelopment potential. They discussed if it made sense to expand the proposed boundary. The BA-2 would make first floor medical uses nonconforming but the buildings are likely already nonconforming in terms of their dimensions. They will think more about including other parcels in the district.

They did not receive any new letters prior to this meeting and no members of the public chose to provide comments during the meeting.

The Subcommittee will provide an updated draft of the amendment that incorporates the changes discussed tonight to the full Board at their regular meeting on October 26, 2020. When the Board is ready they can initiate the amendment by sending it to the Mayor.

The meeting adjourned at 8:35 pm.