

**MELROSE PLANNING BOARD  
ZONING SUBCOMMITTEE  
MEETING MINUTES  
Meeting  
Wednesday, April 6, 2022  
7:30 PM  
Remote Meeting**

**PRESENT:** Anne DeSouza-Ward, Gregory Sampson, Beth Delahaij, & Brian Gregory

**ABSENT:** None

**STAFF PRESENT:** Denise Gaffey, Director, Lori Massa, Senior Planner & Maya Noviski, Assistant Planner

The meeting was called to order at 7:34 PM by Ms. DeSouza Ward

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 of the Melrose Planning Board 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](http://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](http://www.cityofmelrose.org).

The Subcommittee first reviewed the new multi-family zoning requirements for MBTA communities under section 3A of the Zoning Act. Ms. Gaffey and Ms. Massa gave a presentation on the legislation and draft compliance guidelines indicating that Melrose may need to make a couple of minor alterations to the zoning code to comply, although there are several areas within the guidelines where more clarification is needed to ensure that the City is in compliance. The presentation ended with next steps which include presenting the draft guidelines to the City Council on April 11, 2022.

Mr. Sampson commented that he had been a part of an advisory committee that helped draft the MBTA guidelines. He has heard that those from the real estate industry are relatively satisfied with the new guidelines but many municipalities are struggling and he was happy to hear that the City of Melrose is very close to compliance. There was a short discussion on how the City's Historic District might interact with the guidelines and the Planning Department asked the Department of Housing and Community Development and is waiting to hear back. Mr. Sampson asked about the minimum unit size in the City's zoning code to which Ms. Massa responded that

it is bigger than what the building code mandates, and we can bring more information on this issue to the next meeting.

Committee Members moved on to discuss possible zoning amendments. The Planning Staff identified 19 potential topics, including two requested by Attorney David Lucas and two by City Councilor McMaster, and organized the list by the length of time needed to consider them. Several of the short-term topics include modifying corner lot setback and sight lines/fence height restrictions, modifying the term for Special Permits and voting thresholds to be consistent with MGL, removing some restrictions on in-law apartments, reviewing setback requirements for retaining walls and fences, and reviewing zoning around nonconforming structures, lots, and uses.

The medium-term items include considering whether to require mixed use in the Smart Growth Overlay District, amending the allowable density in the rail corridor overlay district and evaluating the Medical Business District. Mr. Sampson commented that he believes that it is difficult to work with mandates on mixed use zoning. He explained that the most effective thing he has seen is offering an incentive that allows an additional story if the first story has commercial uses or uses that are accessory to residential such as a gym or other amenity space that is open to the residents. Mr. Sampson commented that the City's current definition for mixed use buildings states that dwelling units are above the first-floor level and; which is well written to allow for residential amenity space.

Another option is to make residential units on the first floor subject to a Special Permit or some enforceable measure to make sure developers consider whether they can build more on the upper levels and introduce non-residential uses on the first floor to support them. Mr. Sampson emphasized that conceptually, the City should be incentivizing mixed use building where it is appropriate.

Mr. Gregory commented that not all locations will be able to sustain retail. He noted that incentive zoning could make sense to get more mixed use buildings, which activate the street. Mr. Gregory added that requiring mixed use buildings where businesses are not viable and at the expense of building more housing, would be undesirable. Ms. DeSouza Ward echoed these sentiments and expressed that while many members of the subcommittee and the Planning Board agree with Councilor McMaster and have been pushing for mixed-use in the Smart Growth District, there have been mixed results. Ms. DeSouza Ward asked to clarify if residential was allowed in other mixed-use areas throughout the City to which Ms. Gaffey responded that residential units were not allowed on the first floor in the downtown area but along the rail corridor they were. Ms. DeSouza Ward noted that while this topic will require further discussion, she doesn't believe that a strict requirement will be viewed favorably among subcommittee members and an incentive may be better suited for encouraging mixed-use.

Members moved on to consider the longer-term issues which are mostly related to the goals in the Housing Production Plan. Subcommittee members agreed that these amendments will require more time because they are more complex. Ms. Gaffey mentioned that the City is planning to apply for a grant for technical assistance to help draft these zoning amendments.

The Subcommittee members discussed which topics they believe could be packaged into one amendment especially considering the new MBTA requirements. They agreed that focusing on the shorter-term topics would make sense to begin with before moving on to the longer-term issues. Members agreed that it would be helpful to discuss the scope of the medium-term goals at the next or subsequent meeting.

The Members allow for public comments and questions. Finn McSweeney of 160 W Wyoming asked if City Council approval would be necessary for any intermediary steps taken to ensure the MBTA requirements are met. Ms. Gaffey answered that the only current requirement is to provide a briefing to City Council on the draft guidelines for MBTA Communities. However, if the City needs to change its zoning code to comply then City Council approval will be necessary. Attorney David Lucas of 1 Nelson Terrace commented that zoning district BA-2 allows mixed use but not multifamily.

The Subcommittee agreed that a meeting will be scheduled at a later date in about one month.

Documents: Presentation on Multi-Family Zoning Requirements for MBTA Communities dated March 5, 2022  
Department of Housing and Community Draft Guidelines for MBTA Communities dated March 5, 2022  
List of possible amendments to the Melrose Zoning Ordinance dated March 5, 2022  
Letter to Zoning Subcommittee from Attorney David Lucas dated April 6, 2022

The meeting adjourned at 9:00 pm.