

**MELROSE PLANNING BOARD
MEETING MINUTES
Joint Public Hearing with City Council
Monday, August 19, 2024
7:30 PM
City Council Chamber, 562 Main Street, Melrose**

PRESENT: Planning Board

Greg Sampson, Tim Bailey, Beth Delahaij, Brian Gregory, Anne DeSouza Ward,
Paul King Jack Welch,

City Council

Maya Jamaledine, John Obremski, Kim Vandiver, Leila Migliorelli, Robb
Stewart, Manjula Karamcheti, Ryan Williams, Ward Hamilton, Mark Garipay and
Devin Romanul

ABSENT: Planning Board

Carla Morelli, Michael Aveni

City Council

Cal Finocchiaro

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

The meeting was called to order at 7:30 PM by Ms. Jamaledine, Appropriations and Oversight
Committee Chair and Mr. Sampson, Planning Board Chair.

CONSIDERATION OF ZONING RECODIFICATION PROPOSAL

Denise Gaffey, City Planner, Lori Massa, Senior Planner, and Jonathan Silverstein, Attorney and
Consultant with Blatman, Bobrowski, Haverty & Silverstein, LLC, appeared to present. Ms.
Gaffey provided a brief overview of the recodification project noting that the City received
funding from the State to recodify the city's zoning ordinance, which was last rewritten in 1972.
The grant enabled the onboarding of CommunityScale, a planning consulting firm that worked
alongside Planning Staff and the Zoning Subcommittee, to undertake this effort. She noted that
the proposed ordinance is a more readable, organized, and user-friendly document that is up to
date with State law and the current processes and requirements imposed by Boards.

Ms. Massa provided a presentation on the recodified ordinance noting that the focus of the
recodification is structural and does not propose any changes to the Zoning Map or changes to
the dimensional and density regulations. She noted that the proposed code is easier to navigate
and understand, and is restructured so that future amendments can be easily incorporated. Ms.
Massa explained that the consultants conducted one on one interviews with nine stakeholders
who are familiar with the code to gather feedback on how to improve the code. Planning Staff
also met with the Building Commissioner and the Building Inspector, whose comments have

been incorporated into the draft, and posted information on the city's website and in the newspaper for the public.

Ms. Massa reviewed the proposed table of contents highlighting the proposed changes and explaining the sections of the code that were removed. She noted that the code could be further amended to update and clarify the signage section, initiated by Councilor Migliorelli question about yard signs, as well as other minor edits.

Councilor Hamilton asked if there are limits to the amount of time a political sign can be posted in someone's yard and if the proposed 18 sf size limit conflicts with protections of freedom of speech. Ms. Massa noted that the ordinance must remain content neutral, but the time limits were removed and that 18 sf amounts to six standard political signs. She explained that this allows for a generous number of signs while also instituting controls over the public domain. Councilor Migliorelli recommended removing the maximum sign limit. Councilor Williams wondered if it would be possible to delineate between temporary and permanent signs for the proposed size restrictions. Councilor Garipay wondered if the code can regulate signs in the public way and if the suggested changes to the signage section affect the regulations for the Historic District. Mr. Silverstein explained that zoning can only regulate private property and Ms. Gaffey noted there are no proposed changes for the Historic District.

Councilor Williams confirmed that the primary goal of the updated nonconformance section is to limit the number of cases in front of the Zoning Board, which primarily involve alterations to nonconforming structures. He wondered how many nonconforming structures and lots exist in Melrose and Ms. Massa responded that there are many and we can dig into the details for future zoning amendments affecting dimensional regulations. Councilor Williams asked how the newly ratified State housing bill that requires municipalities to allow for accessory dwelling units will affect the zoning ordinance. Ms. Gaffey responded that the city is still waiting for guidelines from the State and municipalities have 180 days to institute the changes so this proposal can move forward and accessory dwelling unit regulations will follow. Councilor Williams asked for clarification on the proposed changes to the lot width requirement and Ms. Massa explained that as it is written, the interpretation of the regulations promotes a triangular shape building at the rear of buildings to get around the intent of the rule and it was modified to remove this possibility.

Councilor Garipay asked how the stakeholders were identified. Ms. Gaffey explained that Planning Staff reached out to people who use the zoning code and are very familiar with it such as local land use attorneys, previous Board Members, architects and developers. Planning Staff has a good understanding of the issues that residents have with the code in answering questions about it over the years. Councilor Garipay wondered about the current time limits for an approved site plan and Ms. Massa explained that it is two years. Councilor Garipay wondered if Staff considered loosening the dormer restrictions to allow for more living space without adding rear additions. Ms. Gaffey explained that the dormer regulations were created several years ago to limit the height and bulk of structures, but the Board of Appeals can use their discretion and consider feedback from abutters if a variance is sought from the dormer dimensions. Ms. DeSousa Ward explained that the dormer dimensions only apply when at the half story limit. In a district where 2 ½ stories is allowed, a 1 ½ story house could have a dormer that is the full length

of the roof to increase the height to a 2 story structure. However, a full-length dormer on a 2 ½ story structure would make it a 3 story structure, which is not allowed.

Councilor Garipay asked for clarification on the proposed changes to the mixed-use (commercial with residential) commercial parking requirements. Ms. Gaffey explained that the requirements will be eliminated because these developments are allowed in locations where there is generally street parking or municipal parking available, and it does not make sense to require a developer to provide more parking than necessary. Additionally, the Planning Board often uses the special permit allowance to approved reduced parking for these projects. However, there are no parking maximums so if a developer wants to build more parking in a location without on street or shared parking, they can.

Councilor Stewart wondered if there is a user-guide for applications to the Board. Ms. Massa noted that there is information on the various application forms and there is an explanation on permitting processes on the Board's webpages. Councilor Stewart wondered how zoning fines are enforced and if it is clearly explained in the code. Ms. Gaffey explained that the Building Commissioner and Inspectional Services handle enforcement and they usually try to work with property owners before issuing fines so it would be difficult to standardize a specific process.

Councilor Vandiver wondered why the recodified ordinance proposes eliminating case sharing between the Boards. Ms. Massa explained that the Planning Board currently reviews all the cases that come before the Zoning Board and makes recommendations, but the process can be confusing for applicants. She noted that the Planning Board will still be consulted for more complicated zoning cases and Planning Board Members can request to discuss specific zoning cases with the full Planning Board, if desired. Councilor Vandiver wondered why more oversight is needed for smaller additions to multifamily and commercial buildings (1,000sf proposed versus 2,500 existing) and the likelihood that alterations will occur. Ms. Massa explained that these types of additions and alterations are uncommon but the Building Commissioner appreciates the Planning Board's oversight and the notification to abutters and he requested that the amendment be included in the updated code. Councilor Vandiver wondered if there could be a regulation in the code around green roofs. Ms. Massa explained that the building code requires energy efficiency and green roofs are one of the green building practices that the zoning code offers to allow for density incentives in the BA district. At this time we would not recommend requiring green roofs on structures.

During the public hearing portion of the meeting David McLaughlin of 1 Cedarwood Lane appeared before the Board and the Council and requested a more detailed comparison of the changes to better understand what is being proposed and how his properties would be impacted by the proposal.

Council members asked to reiterate the answer to the question about impacts to specific properties and the timeline for public feedback. Ms. Gaffey reiterated that the zoning district boundaries and dimensional and use regulations are not proposed to change and provided an overview of next steps. After this hearing, the Appropriations and Oversight Committee must wait to receive a report from the Planning Board containing responses to questions raised during the hearing and documentation of any changes to the proposal, or 21 days, before voting on the

amendment. The City Council has 90 days from the close of the public hearing to vote on the amendment.

Councilor Migliorelli made a motion to hold the amendment in committee. Councilor Garipay seconded the motion. All voted in favor. None were opposed.

The meeting adjourned at 9:00 PM.