

**MELROSE BOARD OF ALDERMEN
MELROSE PLANNING BOARD
JOINT PUBLIC HEARING
MEETING MINUTES
Tuesday, February 17, 2015
8:00 PM
Aldermanic Chamber, 1st Floor, City Hall, 562 Main Street**

PRESENT: Board of Aldermen: Donald L. Conn, Jr., Jaclyn L. Bird, Robert A. Boisselle, Gail M. Infurna, Jennifer L. Lemmerman, Mary Beth McAteer-Margolis, Monica C. Medeiros, Peter D. Mortimer, John N. Tramontozzi, and Francis X. Wright, Jr.

Planning Board: Carla Morelli, Anne DeSouza-Ward, Ed Cassidy, Paul King, Robert Mercado, and Sharon Petrillo

ABSENT: Board of Aldermen: Scott M. Forbes

Planning Board: Michael Cassavoy, John Sadowski, and Jack Welch

Denise Gaffey, Director and City Planner, Erin Zwirko, Assistant Planning Director, and Manisha Bewtra, Metropolitan Area Planning Council, were present.

The public hearing was called to order at 8:05 PM by Alderman Conn.

ORDER-2015-90: Amending Melrose Revised Zoning Ordinance, Chapter 235, Article III, Section 235-6 (Division into districts) and other related zoning amendments as forth herein, for the Commuter Rail Station Areas.

The Director of the Office of Planning and Community Development, Denise Gaffey, opened the presentation by indicating that the purpose of the zoning amendments is to encourage transit-oriented development at the three commuter rail stations. Ms. Gaffey noted that these zoning amendments are the third part of a zoning initiative that was laid out in the Commuter Rail Corridor Plan, which was prepared with the assistance of the Metropolitan Area Planning Council (MAPC). The first two elements included converting the BB Zoning District along the rail corridor to the BB-1 Zoning District and adopting the Rail Corridor Overlay District. When the Rail Corridor Overlay District was developed, the decision was made to split out the commuter rail station areas. Overall, the goal is to promote smart growth and transit oriented development along the rail corridor using the successful Smart Growth District as a model.

Ms. Gaffey explained that the Planning Board's Zoning Subcommittee has met a number of times over the past 5 months. With the assistance of the Planning staff and MAPC as well as input from the City Solicitor and the Building Commissioner, the Zoning Subcommittee determined that a new zoning designation for the commuter rail station areas was the best course of action. Two of the three commuter rail station areas are currently zoned BC, which are neighborhood business districts. The Zoning Subcommittee considered addressing the use and density and dimensional regulations for the BC District initially. However, the Wyoming commuter rail station is currently zoned BA-1, and there are two other BC Districts within the City that are not associated with the rail corridor, so it made it difficult to find a "one size fits all" approach to revising the BC District. Upon further consideration, the Zoning Subcommittee believed that the downtown zoning could be appropriate for these commuter rail stations, and ultimately decided that creating a new zoning district modeled on the downtown zoning would be the appropriate action. The new district is known as the BA-2. The goal is to create vibrancy and hubs for activity around the stations.

Ms. Gaffey presented graphics that illustrated the associated zoning map amendments. Around the Highlands station, the parcels zoned BC would be rezoned as BA-2. Two additional business parcels between the edge of the existing BC District and the Congregational Church would be included in the BA-2 District. At Cedar Park, there are no boundary changes proposed, and the parcels zoned BC would be rezoned as BA-2. At Wyoming, the existing BA-1 District extends from downtown Melrose. A new boundary would be cut between West Wyoming Avenue and Grove Street, the area would be rezoned as BA-1.

Ms. Gaffey explained that the BA-2 District took its cues from the existing BA-1 District. However, there are some changes to the permitted uses in the BA-2 District. Ms. Gaffey provided an explanation of the more significant changes. For multifamily dwellings, rather than requiring a special permit from the Board of Appeals, a special permit from the Planning Board would be required. Retail establishments selling general merchandise, which requires a special permit in the BC District, would be a permitted use in the BA-2. Similarly, eating and drinking establishments would be a permitted use rather than requiring a special permit. Sales of vehicles and accessories would not be permitted in the BA-2 as would automobile repair and service establishments. Funeral establishments would not be permitted in the BA-2. Medical offices would require a special permit in the BA-2, which is the case in the existing BC districts; however, Ms. Gaffey pointed out that this use does not make great first floor uses due to wanting privacy for patients, so this use would not be allowed on the first floor. Miscellaneous business offices such as real estate offices, insurance offices, and banks would be permitted in the BA-2. Ms. Gaffey noted that the use table was reprinted and provided to the Board of Aldermen if they are interested in the status of other specific uses.

Ms. Gaffey noted that the BA-1 and the BA-2 density and dimensional regulations were made consistent. Ms. Gaffey noted that the maximum number of stories in the BA-1 was reduced to 4 stories from 8 stories. She noted that the maximum stories and maximum height in the BA-1 was inconsistent at 8 stories and 50 feet. The BA-2 would allow a maximum of 4 stories. Ms. Gaffey explained that the BC District, which is the existing zoning district at the Cedar Park and the Highlands Stations, allows a maximum of 30 feet and 2 stories. She noted that the Zoning Subcommittee felt greater height could be achieved around the stations, especially by promoting mixed use with ground floor commercial and residential above. Ms. Gaffey also noted that the BA-1 and BA-2 Districts would have no front yard setback and a maximum setback of 5 feet in an attempt to bring buildings to the back of sidewalk.

Alderman Infurna asked for clarification on FAR. Ms. Gaffey explained it stands for Floor-Area Ratio.

Ms. Gaffey continued to explain that the Zoning Subcommittee preferred to reduce the parking requirements for the BA-1 District and the new BA-2 District. By amending Parking Code B, these two zoning districts would require only one parking space per unit for multifamily dwellings. Ms. Gaffey explained that one space per unit is consistent with the Rail Corridor Overlay District. Ms. Gaffey also noted that new parking reduction provisions would be added to Section 235-40. The provisions would allow for the possibility of shared or reduced parking in the BA-1 and the BA-2 through Site Plan Review. This is also consistent with the Rail Corridor Overlay District and the Smart Growth District.

For multifamily uses in nonresidentially zoned districts, developers can request a special permit from the Planning Board under Section 235-65 and Section 235-66. Section 25-66 allows the Planning Board, at their discretion, to permit a building with a maximum height of 80 feet. The Zoning Subcommittee decided that that allowance should be reduced to 62 feet.

Ms. Gaffey noted that there were other housekeeping amendments made to Sections 235-25, 235-70, and 235-71.

Ms. Gaffey noted that a minor technical amendment was also proposed the Rail Corridor Overlay District regarding the allowable density for assisted living facilities. The Zoning Subcommittee considered that the allowable density of 45 units per acre may be overly restrictive and may eliminate the viability of projects. Ms. Gaffey also noted that the Subcommittee found that there was no common density standard, and that assisted living facility projects are developed on a case by case basis considering the property characteristics and potential clients. The recommendation is to increase the allowable density to 60 units per acre. Ms. Gaffey noted that other dimensional controls would restrict the size of projects.

Seeing no members of the public who wished to speak, Alderman Mortimer MADE a MOTION to conclude the public hearing. Alderman Infurna SECONDED the MOTION. All members voted in favor. None were opposed.

Alderman Conn asked if the members of the Boards had any questions.

Alderman Infurna noted that she understands that medical offices do not offer an attractive storefront. She wondered if there were discussions regarding not permitting the use at all in the new zoning district. Alderman Infurna noted that the need for an elevator may be limiting. Ms. Gaffey explained that medical office uses received extensive attention by the Zoning Subcommittee. She noted that the Subcommittee understands that the need and/or desire for an elevator may be a burden in existing buildings. New construction could certainly include an elevator. Alderman Infurna asked if the Board of Appeals would consider accessibility if a special permit request for a medical office use was received. Ms. Gaffey stated that the Board of Appeals would consider accessibility. Ms. Gaffey also noted that all pre-existing uses in the proposed BA-2 District would not be affected; only newly proposed medical offices.

Alderman Boisselle asked about reducing the parking requirement to one space per unit for multifamily uses. Alderman Boisselle pointed to Section 235-40 which allows the Board of Appeals to grant the use of parking spaces in municipal lots within 1,000 feet of the building the parking is intended to use. Alderman Boisselle asked for clarification. Ms. Gaffey noted that it is a provision which is allowed today. Alderman Boisselle noted that decreasing the number of required parking spaces to 1 could push more cars into these municipal parking lots. Ms. Gaffey noted that the allowance is not just given away; the Board of Appeals must grant a special permit. Alderman Boisselle asked about those residents that may have more than 1 vehicle. Ms. Gaffey explained that 1 parking space per dwelling unit is the minimum required. If a developer wants to provide more than one space per unit and take advantage of this provision, the developer would have to request a special permit from the Board of Appeals to allow this. Further, a permit must be bought from the City, and parking is restricted to overnight only. Ms. Gaffey noted that this provision has been very effective for the redevelopment of downtown Melrose. Alderman Boisselle noted that public parking throughout Melrose is stressed. Alderman Conn noted that the provision was established in the 1970s.

Alderman Conn asked Ms. Gaffey to describe the shared parking provisions of the new language. Ms. Gaffey noted that shared parking could be very effective in the Highlands but there are opportunities throughout the City. For example, a restaurant could have an agreement with a nearby bank to allow nighttime restaurant parking in the bank parking lot. Ms. Gaffey noted that the language has a rigorous threshold that needs to be met.

Alderman Medeiros inquired about the commuter parking at the Highlands Station. She asked if the spaces in the commuter lots are available for businesses. Ms. Gaffey indicated that she believes parking is available for free after 12 noon. Alderman Medeiros asked for clarification on the applicability of the provision Alderman Boisselle mentioned. Ms. Gaffey noted that the provision has no distinction for

zoning districts. Alderman Medeiros asked Ms. Gaffey to provide permitting information from the Parking Clerk. She stated that she shares Alderman Boisselle's concerns regarding parking. Alderman Medeiros asked for clarification on the amendment to Parking Code B. Ms. Gaffey explained that Parking Code B, which is specific to multifamily dwellings, would be reduced from 2 parking spaces per unit to 1 parking space per unit in the BA-1 and BA-2 Districts only.

Alderman Medeiros asked Ms. Gaffey for clarification on the amendment to Section 235-25. Ms. Gaffey read the proposed language of the section, and explained that the Building Commissioner requested this revision. Ms. Gaffey explained that currently the Section gives the Building Commissioner discretion to apply the nearest residential density and dimensional regulations to residential uses in nonresidential zones; however, the Building Commissioner always defaults to the UR-C District. The Building Commissioner recommended striking the language giving him discretion.

Alderman Medeiros noted that certain uses would no longer be permitted uses in the proposed BA-2 District. She asked what happens to their status. Ms. Gaffey explained that when the use is abandoned, they lose their status as a permitted use, but existing uses will be allowed to continue to operate even under different ownership.

Alderman Medeiros asked whether permitting eating and drinking establishments in the BA-2 District would have any effect on alcohol sales in restaurants and stores. Ms. Gaffey noted that it would, although she noted that the number of licenses for retail sales has reached its limit, but restaurants could serve alcohol. Alderman Medeiros noted that restaurants would need the appropriate licensing. Alderman Medeiros asked if a certain area would be more affected by the change in status for eating and drinking establishments. Ms. Gaffey explained that all three would be equally affected.

Alderman Wright explained that he looks forward to the potential that the recent zoning amendments would create. He explained that he had some comments regarding parking. Alderman Wright explained that transit oriented development tries to get away from vehicle use. Reducing the number of parking spaces required may have the opportunity to create more density. It will also reduce the number of vehicles on our roads and encourage people to use transit options. Alderman Wright noted that some people want to have a car although they use the train. Alderman Wright encouraged the Planning Board to reduce the number of parking spaces required, especially when considering those that could be provided off-site. Ms. Gaffey notes that there have been a number of projects recently that needed creative solutions for parking. Alderman Wright stated that a balance can be struck between creativity and the goal of transit oriented development. Alderman Wright also stated that he is in favor of permitting eating and drinking places in the station areas.

Alderman McAteer-Margolis appreciated that the Zoning Subcommittee separated the commuter rail stations out for separate treatment. She is also concerned about parking as the lots around the Cedar Park and Highlands Stations are very busy. She recommended speaking with the Parking Clerk about permitting and the Police Department about enforcement. Alderman McAteer-Margolis asked about provisions for bicycle parking. Ms. Gaffey explained that it was considered but it was tough to fit into the Zoning Ordinance. It was easier for the Rail Corridor Overlay District as it has separate requirements. Ms. Gaffey pointed out that bicycle parking is an option in the new language regarding shared parking, which would be applied on a case by case basis for projects in the BA-1 and BA-2 Districts through Site Plan Review.

Alderman McAteer-Margolis asked about the assisted living facility density amendment. She asked about the size of the lot. Ms. Gaffey noted that there are a variety of sized lots throughout the Rail Corridor Overlay District, but for the specific 90-unit project at the Deering Lumber site, the size of the lot is

1.75 acres. The amendment would apply throughout the Rail Corridor Overlay District, not just to the Deering Lumber project. Alderman McAteer-Margolis noted that it would be specifically for assisted living facilities.

Alderman Conn thought that there was little difference between a medical office use and a law office use when considering their contribution to the vibrancy of an area. Alderman Conn also stated that the commuter rail station areas are very different from the Smart Growth District, which is much larger with large parcels where parking could be hidden. He stated that increasing density and reducing parking as well as allowing shared parking and allowing municipal lot use causes concern to him.

Alderman Mortimer suggested that the Office of Planning and Community Development should look for grant opportunities in order to fund the construction of a two-story parking garage behind the Fire Department.

Alderman Mortimer MADE a MOTION to allow a brief recess. Alderman McAteer-Margolis SECONDED the MOTION. All members voted in favor. None were opposed.