

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES
Thursday, January 23, 2014
7:00 PM
Aldermanic Chamber, 1st Floor, City Hall, 562 Main Street**

PRESENT: Anne DeSouza-Ward, Paul King, and Carla Morelli

ABSENT: Sharon Petrillo

Denise Gaffey, Director and City Planner, Adam Duchesneau, Assistant Planning Director, and Zoning Board of Appeals member James Bradley were present.

The meeting was called to order at 7:10 PM by Ms. DeSouza-Ward.

Tremont Street/Essex Street Rezoning

Ms. Gaffey began by recapping some items from the previous Zoning Subcommittee meeting. She noted that at the last meeting the Subcommittee focused primarily on the uses currently in and proposed for the BC zoning districts. Ms. Gaffey also reminded the Subcommittee that the City has been awarded \$20,000 to \$25,000 in funding from the Metropolitan Area Planning Council (MAPC) through a District Local Technical Assistance Program grant to assist with implementing the recommendations from the Commuter Rail Corridor Plan. She added that Planning Staff thought it made sense to focus on the modifications to the BC zoning districts until the contract with MAPC has been executed, at which time they could begin a discussion about an overlay district for the area. Mr. Bradley clarified that the overlay district would not include the existing BC zoning districts and Ms. Gaffey indicated that was correct. She went on to note that the overlay district would likely include the BB and BB-1 districts in the Tremont Street/Essex Street area. Ms. Gaffey then pointed out how the BC District Map identifies the parcel boundaries, lot sizes, building footprints, and businesses that are found in each BC district. She also pointed out the new materials that the Subcommittee had in front of them which included edited versions of the BC district use and dimensional requirements based upon the recommendations in the Commuter Rail Corridor Plan and Planning Staff discussions.

Ms. DeSouza-Ward confirmed that the current BC district in the Highlands did not include the businesses just to the east of the Melrose Insurance Group plaza (Domino's, Number One Taste, Apple of My Eye, etc.) and Ms. Gaffey indicated this was correct. Ms. Gaffey added that these particular uses were either established before zoning was implemented in the area or received some type of zoning relief. Mr. Bradley asked what additional properties in the Highlands would be encompassed if the BC district were to be expanded. Ms. Gaffey stated that the expansion would likely only include the existing businesses that are not already within the BC district. Mr. King stated that he thought the Subcommittee should think about including the church at the corner of Franklin Street and Ashland Street in any BC district expansion in the Highlands. Ms. DeSouza-Ward noted that the church property is in valuable location as it is close to the transit station.

The Subcommittee then went over the BC district use category changes they had discussed at the last meeting. Mr. Bradley indicated that he would prefer to remove funeral establishments as a use that is permitted as-of-right in the BC district. There was then discussion about changing the multi-family use category to being not permitted in the BC district, which ultimately all members seemed comfortable with. Mr. King suggested the Subcommittee could create entirely new zoning districts around each of the transit stations as opposed to simply amending the existing BC district.

Ms. Morelli noted that the Oak Grove BC district area has multi-family housing adjacent to it. Mr. Bradley stated that he thought a four or five story building in the BC district near Oak Grove would change that area dramatically. Ms. Gaffey pointed that the Subcommittee could also re-label the zoning districts as well. Mr. Duchesneau noted that at the last Subcommittee meeting the members had agreed that the uses that would be permitted as part of the mixed use category would reflect what was permitted as stand-alone uses in the BC district.

Ms. Gaffey then noted that Planning Staff had substantial discussion about whether or not the medical office use should be permitted in the BC districts. The concern is that this type of use frequently closes around 5:00 PM or earlier, often times are very private, and usually do not have a strong streetscape presence. Ms. Morelli noted that perhaps medical office should only be permitted above the first floor of a mixed use development. Ms. Gaffey stated that the Subcommittee should also be careful to not be too restrictive because vacant storefronts are not desirable. Ms. Morelli added that handicap accessible issues need to be considered as well for these potential medical office spaces. Ms. Gaffey asked what the Subcommittee thought the differences might be between medical office and miscellaneous professional office. Mr. Bradley asked if a medical office use is permitted in the BB-1 district and Ms. Gaffey indicated that it was not. Ms. DeSouza-Ward stated that she was leaning towards permitting the medical office use in the BC districts. Mr. King pointed out that making the medical office use category only permitted by Special Permit would allow for some control over the use before it was established. Ms. Gaffey stated that making the medical office use allowable by Special Permit would essentially make it a permitted use. Mr. Bradley indicated he thought there were numerous other opportunities in the city for medical office uses to locate. The Subcommittee then reached consensus that they would not permit medical office uses in the BC district.

There was then a conversation about profit versus non-profit membership clubs. Ms. Morelli pointed out that membership clubs typically have large floor plates and there are not many spaces in the BC districts that would accommodate this specification. Mr. Bradley indicated that he thought it made sense to continue to require Special Permits for the for-profit membership club use category. He then discussed a few places in downtown Boston where they have innovations centers which provide space and resources for start-up businesses at a membership cost to use their amenities. Mr. Bradley noted that these businesses try to create a nucleus of like-minded thinking in one space with collaborative resources. The Subcommittee then determined to continue to allow non-profit membership club uses as-of-right and to allow for-profit membership club uses by Special Permit.

Ms. DeSouza-Ward then indicated that she agreed with changing the automotive repair use category to one that is not allowed. Ms. Gaffey pointed out that there is one type of this use category in the Highlands at the intersection of Franklin Street and Tremont Street. The Subcommittee then determined they wanted to change the miscellaneous business repair services use category from allowable by Special Permit to not being permitted in the BC districts. There was also discussion about the commercial parking lot use category and it was determined that this use should not be permitted. Mr. Bradley pointed out that if the Subcommittee is looking to increase density levels in the areas around the transit stations the existing parking lots can be used to the benefit of the businesses in these areas. There was then discussion about the towers use category and the Subcommittee agreed this use should also be prohibited in the BC districts.

The Subcommittee then discussed the bakery, laundry or dry cleaning plant use category. Ms. DeSouza-Ward indicated that she thought this use category should be permitted in the BC districts. Mr. Duchesneau explained that the uses in this category would not have a retail component. These uses are the wholesale or industrial components to smaller versions of these uses such as coffee shops or laundromats. The Subcommittee reached consensus that this use category should therefore be prohibited from the BC

districts. There was then conversation about the research office use category and it was noted that this particular use can have significant noise, odor, and other impacts on abutters and the Subcommittee decided to make it a prohibited use in the BC districts.

In looking at the Accessory Uses in the use table, there was conversation about whether the category of accessory retail or consumer services in multi-family dwellings over 20,000 gross square feet should be permitted in the BC district. Mr. Bradley indicated that he was concerned about the language in this use category which stated that such uses shall not aggregate to more than 2,000 square feet. He did not want to put a limit on the amount of retail or consumer services that could be combined with multi-family structures and the Subcommittee agreed. Therefore, this use category was kept as being not permitted in the BC districts.

At this time Ms. Morelli had to leave the meeting. Before she departed, the Subcommittee set their next meeting date for Tuesday, February 4, 2014 at 7:00 PM.

Planning Staff then pointed out that they had adjusted the permitted fence height in the BC districts from having no height restriction to a maximum allowable height of 7 feet. The Subcommittee thought this made sense and Ms. DeSouza-Ward pointed out Section 235-25.L of the zoning ordinance which limited fence height to 3 feet within 5 feet of the front property line. There was also conversation about the accessory signage provision but the Subcommittee members felt this was already addressed well in the signage section of the zoning ordinance.

Ms. Gaffey pointed out that tattoo parlors are not specifically addressed in the zoning ordinance and therefore that use would likely fall into the personal and consumer service establishment use category. Mr. Duchesneau stated that in Somerville tattoo parlors have their own specific use category and they are only allowed by Special Permit with Design Review (a Special Permit that allows the Board of Appeals to regulate numerous aspects of the proposed structure and use). The Subcommittee agreed that this was an interesting way of handling this particular use and wanted to consider implementation of this Special Permit process at a later time.

Mr. Duchesneau then confirmed the Building Commissioner's interpretation of Section 235-44.D that a conforming structure on a nonconforming lot could be expanded so long as the expansion of the structure did not violate the dimensional and density requirements of the zoning district. Ms. Gaffey then raised the question as to what would happen if a property owner tore down their existing structure on a nonconforming lot and wanted to build a new fully conforming structure. Mr. Duchesneau indicated he could follow up with the Building Commissioner on this topic. Mr. Bradley indicated that he thought the Subcommittee needed to take a step back and think about what uses and structures they wanted to see in each of these BC district areas in the future. Ms. Gaffey agreed and stated that this is what the whole rezoning process is all about.

There was then some conversation about the Wyoming Commuter Rail station area and possibly creating a new BC zoning district in this location. The Subcommittee also briefly discussed the possibility of reducing the minimum parking requirements throughout all of the BC zoning districts.

Documents: - BC Zoning District – Table of Uses
 - BC Zoning District – Table of Dimensional and Density Regulations

The meeting adjourned at 9:15 PM.