

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES
Monday, March 3, 2014
7:00 PM**

Mayor's Conference Room, Second Floor, City Hall, 562 Main Street

PRESENT: Anne DeSouza-Ward, Michael Cassavoy, Paul King, Carla Morelli, and Sharon Petrillo

ABSENT: None

Denise Gaffey, Director and City Planner, Adam Duchesneau, Assistant Planning Director, and Manisha Bewtra from the Metropolitan Area Planning Council were present.

The meeting was called to order at 7:15 PM by Ms. DeSouza-Ward.

Tremont Street/Essex Street Rezoning

Ms. Gaffey began by informing the Zoning Subcommittee that the proposed zoning amendment to change the BB zoning district on Tremont Street to a BB-1 zone had been officially submitted to the Board of Aldermen earlier that day.

Ms. Gaffey then provided a brief overview of the existing and proposed zoning regulations table that Ms. Bewtra had put together to make it easier to view all of the zoning regulations for discussion purposes. Ms. Gaffey stated that Planning Staff had discussed some possible dimensional requirements for the proposed Overlay District for the Tremont/Essex Street area. Minimum lot size was examined by Planning Staff and they were recommending 10,000 square feet as an appropriate figure for the Overlay District as many of the parcels in the Tremont/Essex Street area are at least this size except for some of the lots near the intersections of Lynn Fells Parkway and Tremont Street and near Essex Street and Vine Street. Mr. Cassavoy asked if perhaps a larger minimum lot size should be used if the Subcommittee is trying to encourage larger development. Ms. Gaffey agreed but she also noted that they did not want to make too many of the existing lots nonconforming in size.

Ms. Gaffey noted that Planning Staff also looked at minimum frontage requirements and 50 feet seemed to be a reasonable number for the parcels in the area. Ms. DeSouza-Ward suggested 75 feet but then she did note that there are a number of existing lots that only have 50 feet of frontage. Ms. Gaffey stated that Planning Staff also looked at lot depth for parcels in the area as well. Attorney Robert Bell asked if the Overlay District was going to include any of the parcels north of Essex Street. Ms. Gaffey indicated that they would be proposing an Overlay District that included all of the BB-1 parcels which would include those lots north of Essex Street. She continued on to note that there is acknowledgment that to construct something new on the parcels north of Essex Street, some lot consolidation would be required.

Ms. Gaffey then stated that Planning Staff also discussed possible minimum and maximum front setbacks for the Overlay District. She noted that allowing buildings to be constructed right along the street might be too close in this area and also that careful thought needed to be given to the Deering Lumber site as well. Mr. Duchesneau stated that the Cedar Crossing building at 185 Essex Street was 25 feet from Essex Street. He also noted that the main façades of the Pondfield Towers across the street were setback approximately 17 feet. Ms. Morelli asked if the Subcommittee was more concerned with not allowing any construction within 5 feet of the front lot line or not having the front façade of a building be within 5 feet of the front lot line. Mr. Cassavoy followed this by asking what the goal was for the area in terms of massing of buildings. Ms. Gaffey stated that she felt the Subcommittee should think about how to soften the massing of buildings for the area.

Mr. King asked if the 185 Essex Street project provides something substantive or worthwhile between the building façade and the sidewalk as opposed to allowing for a much smaller minimum front setback. Ms. Morelli stated that she prefers the setbacks of the Pondfield Towers as there is some quality landscaping between the sidewalk and the front of each building. Mr. King confirmed that others on the Subcommittee would prefer to see on-site parking located towards the rear of each lot. Ms. Bewtra suggested that the Subcommittee could also implement some type of provision that takes into account adjacency to residential properties. Ms. Morelli stated that if the space between the front of the building and the sidewalk was too shallow it would be virtually unusable. Ms. DeSouza-Ward asked if they should proposed a minimum front setback of less than 10 feet. Mr. Cassavoy stated that a 10 foot minimum setback would help to soften the building edge. Mr. King suggested perhaps having a 5 foot front setback for 2 story buildings and a 10 foot front setback for 4 story buildings. Ms. Morelli stated that she thought there was something to be said for a consistent streetscape experience as one moves down Tremont Street. The Subcommittee reached general consensus around a 10 foot minimum front setback but were still giving some consideration to a 5 foot front setback.

Ms. Bewtra stated that she thought the Subcommittee should think about the end goal that is envisioned for the area and what types of uses they would like to allow in the Overlay District. Would the Overlay District be an as-of-right zone or a Special Permit zone she asked? Ms. Gaffey indicated that they were leaning towards having the Overlay District be an as-of-right zone with Site Plan Review. She also added that Planning Staff felt 35 dwelling units per acre would be a reasonable density for this area which is the same as the Smart Growth District. Mr. Bell noted that in working with the potential developers of the Deering Lumber site, some geometric constraints to the property have come up with regard to any new construction there. He stated that the City would like to widen Willow Street to make it a consistent width for its entire length. Ms. Gaffey pointed out that Willow Street was widened to accommodate for the Station Crossing development at the intersection of Willow and Foster Streets. Mr. Bell stated that if Willow Street was going to be widened, he would request that any development at the Deering Lumber site have no required minimum front yard setback. Ms. DeSouza-Ward suggested they could potentially implement some flexible side setbacks in the Overlay District. Ms. Petrillo stated that she did not feel this was fair to existing property owners. Mr. Bell indicated that his clients could work around minimum required side setbacks but reiterated that they would be giving up some of their own property to allow the City to widen Willow Street. There was then discussion regarding having a larger setback for those properties which abut residential zoning districts.

Ms. DeSouza-Ward suggested having no minimum rear setback requirement in the Overlay District but still having a minimum side setback requirement. Mr. Bell noted that having no minimum rear setback would benefit corner lots. Ms. Morelli asked how the rear portions of lots would be accessed for parking if there was no minimum side setback requirement. Ms. Petrillo stated that developers would likely have to only build to one side property line but still allow space for a driveway on the other side of the parcel. Ms. Morelli pointed out the Subcommittee needs to be very careful not to design the Overlay District regulations to cater towards any one particular property or potential developer. She stated that the Subcommittee should be thinking about the majority of the properties that would be included in the Overlay District.

Ms. DeSouza-Ward noted that it may make sense to remove the corner lot provision from the zoning ordinance in its entirety. Ms. Petrillo stated that having a zero side setback seemed like a dated concept. Mr. Cassavoy suggested having front, side, and rear setbacks of 10 feet in the Overlay District. Mr. Duchesneau read the setback requirement recommendations for the Overlay District that are discussed in the Commuter Rail Corridor Plan which suggests a 5 foot front setback and elimination of the side and rear setback requirements, except where properties abut residential districts. Ms. Gaffey indicated that she

agreed with other Subcommittee members comments that they would like to make the massing contextual for the area. Mr. Duchesneau suggested that the Overlay District could have a minimum side setback requirement and a minimum combined side setback which would sum the setbacks of each side yard. Mr. King noted that developers are not going to build impractical structures in the corridor. Ms. Petrillo inquired if residential uses would be permitted in the Overlay District area and Ms. Gaffey stated that Planning Staff was open to that idea.

Ms. DeSouza-Ward stated that she thought the Subcommittee would have to get creative with the side setback requirements and that a zero rear setback might make sense for the area, except where a property abuts a residential district as indicated in the Commuter Rail Corridor Plan. Ms. Gaffey asked if corner lots in the Overlay District would be considered differently and Ms. DeSouza-Ward indicated that language in the zoning ordinance may need to be rewritten. Ms. Gaffey then asked if it made sense to consider allowing for structures that are taller than 50 feet in the Overlay District, perhaps through the use of an upper level step back requirement. Ms. DeSouza-Ward noted that it might look odd to have buildings go up to 4 stories and then have the fifth story stepped back from the front façade. Ms. Gaffey noted that if you have a large enough step back on the fifth story of a building the top floor would not even be visible. Ms. Gaffey also added that this is how the regulations currently read in the Smart Growth District. Mr. Bell stated that he felt zoning really addresses the simple boxes of massing at a site but the Site Plan Review process is where the aesthetics of a project are handled. He noted that the Deering Lumber site is a very unique property compared to all the other parcels in the proposed Overlay District area. Mr. Bell asked the Subcommittee to consider thinking about allowing for upper level step backs for structures on parcels that have much greater than the minimum required lot depth in the Overlay District.

Ms. Morelli stated that to her, a corridor is a traveled way with structures on both sides, however, most of the proposed Overlay District area is only one sided. The Essex Street neighborhood of the proposed Overlay District area is the exception to this statement because it is one of the few areas that has structures on both sides of the street. Ms. Morelli noted that because of this, much of the corridor will have a different feeling to it as opposed to if both sides of the street were going to be redeveloped in the future.

Mr. Bell stated that having a 25 foot step back for the fifth story of a building would not create any additional shadow effect on adjacent properties. Ms. Morelli noted that many developers would use the same argument, but she felt that the statement was more of pro forma argument because it would allow developers additional building capacity at a site. Mr. Cassavoy stated that perhaps there was some way to use the fifth story as a half story for additional habitable space in structures. Ms. Gaffey stated that she felt it sounded as if the Subcommittee was leaning towards allowing 4 stories and 50 feet of height in the Overlay District, but up to 5 stories and 60 feet of height with some amount of step back for the fifth story.

At this time Mr. Cassavoy left the Subcommittee meeting.

Mr. Duchesneau noted that the development at 185 Essex Street has a Floor Area Ratio (FAR) of 1.16 and Station Crossing has an FAR of approximately 1.1. Ms. DeSouza-Ward stated that she felt the Subcommittee should consider increasing the FAR to 1.0 in the proposed Overlay District. Ms. Morelli asked if there was any literature out there about not-to-exceed FARs for transit oriented developments.

Mr. King stated that he felt the Subcommittee did not need to worry about requiring a large amount of open space for each property in the Overlay District due to the ample amount across Tremont Street. Ms. DeSouza-Ward stated that the open space requirement is currently 20% in the BB/BB-1 district and also noted that there is a lot of open space in the area already. Ms. Gaffey stated that a 10% open space

requirement might be a more reasonable figure. Mr. King noted that this area floods quite a bit already and there is little ability to construct underground stormwater storage tanks. Ms. Morelli noted that the Subcommittee was only proposing a 5% open space requirement in the revised BC zoning districts.

Ms. DeSouza-Ward asked the Subcommittee what they felt should be the maximum front setback requirement. Ms. Morelli noted that she felt the development at 185 Essex Street was setback too far. Ms. DeSouza-Ward indicated that she would be comfortable with a 10 foot maximum front setback requirement but that 15 feet might be ok as well. There was then discussion about having a 10 foot maximum front setback requirement. It was suggested to possibly have a 5 foot maximum front setback requirement if there were no residential uses across the street. The Subcommittee ultimately settled on having a 10 foot minimum front setback requirement and a 15 foot maximum front setback requirement for the proposed Overlay District.

The Subcommittee then set their next meeting date for Wednesday, March 19, 2014 at 7:00 PM and indicated that they were aiming to possibly hold a community meeting regarding these proposed zoning changes to the Tremont/Essex Street area on Wednesday, April 9, 2014.

The meeting adjourned at 9:00 PM.