

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES**

Wednesday, March 19, 2014

7:00 PM

Mayor's Conference Room, Second 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, Zoning Board of Appeals member James Bradley, and Manisha Bewtra from the Metropolitan Area Planning Council 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 noting that the Joint Public Hearing with the Board of Aldermen and the Planning Board regarding the proposal to rename the BB zoning district along Tremont Street a BB-1 zone would be held on Monday, April 7, 2014. Ms. Gaffey then began to explain the draft Rail Corridor Overlay District Regulations document that had been distributed to the Zoning Subcommittee. She noted that Planning Staff had taken the Smart Growth District (SGD) zoning language and edited it to reflect conversations the Zoning Subcommittee had at their previous meetings. Ms. Gaffey also noted that the Assisted Living Facility developer had provided a memorandum to Planning Staff which indicated some items to consider for the proposed Overlay District with the Deering Lumber site in mind. There was then some conversation regarding the official name to use for the Overlay District moving forward. Planning Staff had suggested calling it the Rail Corridor Overlay District (RCOD). Mr. Bradley wondered if people would be confused because the area had been referred to as the Tremont Street Corridor for so long. Mr. King thought the Rail Corridor Overlay District name summarized the subject area adequately and the other members of the Subcommittee agreed.

The Zoning Subcommittee then began to go through the draft RCOD zoning language section by section. The Subcommittee briefly went over the purpose and district location sections and then dove into the proposed uses for the RCOD. Ms. DeSouza-Ward asked what type of use was a retail food establishment with a floor area of less than 3,000 square feet in conjunction with an off-premises liquor license. Ms. Gaffey explained that this was a liquor store-type use and that there were only three licenses available in the entire City for this particular use. Ms. DeSouza-Ward also asked if the proposed uses listed in the RCOD came directly from the Table of Use and Parking Regulations. Ms. Gaffey indicated that they are uses that are found in the Table of Use and Parking Regulations but many of them are grouped together in the RCOD language as is also the case in the SGD. Ms. Bewtra noted that the Zoning Subcommittee may want to modify the permitted use section in the RCOD to more exactly reflect the wording of the uses in the Table of Use and Parking Regulations.

Ms. DeSouza-Ward confirmed that there was no proposal to change any of the existing uses in the underlying BB/BB-1 zoning districts and Ms. Gaffey indicated that at this time, that was correct. Ms. Gaffey then pointed out that the Subcommittee had indicated they wanted to prohibit banks and financial institutions as well as substance abuse treatment center uses from the RCOD and possibly the SGD at their last meeting. Mr. Duchesneau then read a definition for substance abuse treatments centers that the City of Malden had developed. Ms. Gaffey noted that since they will be adding Assisted Living Facilities

to the list of permitted uses in the RCOD it would be a good idea to develop a definition for this use as well.

Mr. Bradley noted that there had also been discussions about membership office space as a possible permitted use. Ms. DeSouza-Ward thought it might be part of the research and development use category. Mr. Bradley noted that membership office space is becoming a very popular use throughout the Commonwealth and is something that the Subcommittee should consider. Ms. DeSouza-Ward asked if this use was the same as shared innovation space. Mr. Bradley indicated that it was and that it was like a gym membership. Ms. Bewtra stated that it is similar to the Cambridge Innovation Center. Ms. Morelli added that this type of office space is viewed as being incubator space.

The Subcommittee then began a discussion regarding proposed setbacks in the RCOD and considered different setbacks for corner lots located in the RCOD. Ms. Gaffey stated that a maximum 25 foot front setback was being considered for the district, but this would only be permitted if a property owner created a courtyard or some type of public sitting area between the front building façade and the street. She also noted that the front setback of the building at 185 Essex Street is approximately 25 feet. Mr. Bradley noted that with the proposed requirements, the worst case scenario would be that all structures in the Corridor would be setback 15 feet from the back of the sidewalk. Ms. Bewtra noted that Mark Racicot at MAPC had discussed having a larger setback with Planning Staff because he was thinking about the creation of open space that is publicly enjoyable. Mr. King expressed concern about the words “exclusive use for pedestrians” in this section. He thought that the wording was too specific and suggested altering it to say “patrons” instead, as he did not want to exclude a café from locating seating in these front yard public open space areas.

The Subcommittee then discussed the provision which allowed for more than one principal structure to be located on a lot in the RCOD. Ms. Morelli thought that it would be appropriate to leave this language in the RCOD zoning. Floor Area Ratio (FAR) for the RCOD was then discussed and Ms. DeSouza-Ward felt that an FAR of 1.5 would not be unreasonable. Ms. Morelli noted that having a database which kept track of past projects’ FARs, building heights, density, etc. would be a very useful resource moving forward. Ms. Bewtra noted that looking at existing projects as well as models of proposed projects would be helpful to the Subcommittee in understanding the impacts of each of these massing regulations.

Ms. DeSouza-Ward asked what the \$1,100 per unit open space contribution funds would be used for. Ms. Gaffey stated that those funds would be used to further and improve parks and open space within the City. Mr. Bradley asked what the word “residential” would cover in this requirement and asked if it would include assisted living dwelling units. Ms. Bewtra thought that it would be a good idea to change the words “residential units” to “dwelling units” to make the language clearer.

The Subcommittee then had a discussion about having the fifth story of structures in the RCOD be stepped back from the property line and the facades of each building. Mr. King thought it would make sense to allow a fifth story to be right at the edge of a building facade if it was on the rear of the building or if the building was set back further than the minimum requirements. Ms. Morelli felt it depended on where the property was located in the Corridor. Mr. Bradley pointed out that the Subcommittee needed to be thinking about what the words “building” and “structure” meant and how these would apply to building height. There was then a discussion about rooftop items and how these should apply to the height restrictions in the RCOD. Specifically, there was conversation as to how Section 235-25.F should be applied to the RCOD. Ms. DeSouza-Ward suggested that perhaps the Subcommittee should add the wording “and structures” to Section E.7(a).

Ms. Morelli indicated that she would like to quantify the amount or type of additional open space to be provided per Section E.7(a)(2) of the RCOD. Ms. DeSouza-Ward pointed out that it could also be left up to the discretion of the Planning Board possibly. Ms. Morelli stated she thought the open space amount should be meaningful as opposed to just narrow strips of grass in a parking area. She suggested that perhaps there was another item that an Applicant could contribute instead of additional open space such as some other type of funds. Mr. Bradley noted that the denser an area becomes the more pedestrian and open space amenities you would want to have for that area.

The Subcommittee's discussion turned next to maximum lot coverage which was proposed to be 60%. Mr. Bradley noted that on smaller lots it would probably make more sense to maximize the lot coverage of a building to make it more efficient. Ms. DeSouza-Ward pointed out that maximum setbacks, FAR, open space, and possibly even parking would all be other regulations that would limit the lot coverage of a building. There was then discussion about the need for a regulation which required the façade of a building to carry all the way to the ground along a public way. There was concern that a developer could possibly build a structure which used the entire first floor for parking and then had the residential or retail/office components only on the upper floors; which is not something that the Subcommittee thought would be appropriate for the Corridor.

Attorney Robert Bell who was in attendance asked if he and the Assisted Living Facility developer (LCB Senior Living) who was also in attendance could note a few items to the Subcommittee and Chairwoman Ms. DeSouza-Ward allowed this. Mr. Bell indicated that the Subcommittee may need to think about a few items differently in terms of the Assisted Living Facility use. Italo Visco from LCB Senior Living suggested that perhaps the Subcommittee would want to expand their definition of Assisted Living Facility to include many different types of senior housing such as nursing homes, independent living, etc. He also noted that the proposed dwelling unit density of 35 units per acre would not be sufficient for an Assisted Living Facility. Mr. Visco noted that at their company produces very small unit sizes in their projects but they have a higher unit density. In thinking about the Deering Lumber site, Mr. Visco pointed out that they would not be over densifying the site but they would need to have 80-90 dwelling units on the property to make the project work, which would translate to a density of 40-45 units per acre. He continued on to note that everyone thinks of assisted living as a residential use but it might be a good idea to make this clear in its definition.

Mr. Visco continued on to note that in regard to the required open space contribution amount, perhaps certain uses, such as Assisted Living Facilities, could be graded so that there is more leniency on the payment as the current requirement would be very onerous for an Assisted Living project. Mr. Visco also spoke to the proposed requirement to have all sides of a fifth story be stepped back from the façade of a structure. He pointed out that requiring this would add a significant amount of steel to a structure to transfer the weight downward which would add significant cost to a project. Mr. Visco noted that the step back in the front made sense but allowing for a vertical façade on the rear or some sides of the structure would be helpful to a project. He also noted that some of the proposed parking area setbacks could be difficult to meet at the Deering Lumber site, in particular having the parking be setback 30 feet from the edge of the street.

The Subcommittee then discussed proposed minimum parking requirements for the RCOD. Ms. DeSouza-Ward noted that 1.0 parking spaces per dwelling unit would be somewhat of a compromise between what is currently permitted in the underlying zoning district and what is recommended in the Commuter Rail Corridor Plan. Ms. Morelli noted that there is free parking along Tremont Street during the day. Ms. Gaffey stated that one could make the case that the Corridor area is fairly walkable. Mr. King noted that he liked the suggested parking ranges in the Commuter Rail Corridor Plan and pointed out that developers are not going to build more parking than they think they would need. Mr. Bell added

that the number of parking spaces built in a development is largely a determination of the location of the project. If there is good access to transit in the area then developers will not build extra parking spaces. Ted Doyle of LCB Senior Living stated that if they are not satisfying the needs of their tenants it would hurt the project from a marketing standpoint.

Ms. Bewtra clarified that the parking space ranges listed in the Commuter Rail Corridor Plan are actually a bit more restrictive than a requirement of 1.0 parking spaces per dwelling unit. Mr. Bradley stated that he was wondering if there are ways to incentivize developers to provide alternative transit options at their project site. There was then conversation about the proposed minimum number of parking spaces for nonresidential uses. Mr. Duchesneau provided some parking space figures for existing buildings if they had been required to provide spaces at a ratio of 1.0 spaces per 750 square feet of floor area. Ms. DeSouza-Ward stated that perhaps the Subcommittee would want to lower the 750 square foot floor area number a bit. Mr. Bradley noted that retail establishments that are open later into the evening could push parking into the residential neighborhoods potentially if there are not enough off-street spaces. Ms. DeSouza-Ward noted that after certain hours the Commuter Rail parking lots are free to park in. Mr. Bradley stated that he felt the Subcommittee needed to understand the impacts of each square foot requirement in terms of minimum required parking spaces for nonresidential uses.

The Subcommittee then reviewed the proposed minimum bicycle parking space requirements. Ms. DeSouza-Ward asked if this section was trying to require developers to build a garage for bicycle parking, and if so, this felt like an odd requirement. Ms. Gaffey pointed out that Planning Staff would like to encourage people to use bicycles for the short trips to the Commuter Rail stations and the nearby businesses. Mr. Bradley was curious to know what the LEED requirements were in terms of minimum bicycle parking at a site. Ms. DeSouza-Ward stated that it seemed odd to require something that people would want to do. Ms. Morelli indicated that it seems LEED specifications require that there be bicycle spaces at a 15% ratio for residential units and for 5% of office space during the peak occupancy period. Ms. Gaffey asked that the Subcommittee members look over the draft RCOD regulations in more detail before the next meeting.

The Subcommittee then set their next meeting date for Monday, March 24, 2014 at 8:00 PM and indicated that they needed to discuss in greater detail the possibility of holding a community meeting regarding the proposed zoning changes to the Tremont/Essex Street area on Wednesday, April 9, 2014.

Document: Rail Corridor Overlay District Regulations DRAFT 3-19-14

The meeting adjourned at 9:20 PM.