

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES**

Wednesday, April 9, 2014

7:00 PM

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

PRESENT: Anne DeSouza-Ward and Carla Morelli

ABSENT: Paul King and 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 (MAPC) were present.

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

Tremont Street/Essex Street Rezoning

Mr. Duchesneau began by going over the Zoning Amendments for RCOD-BC Districts document which was a summary of the various zoning amendments Planning Staff and the Zoning Subcommittee had been working on. He then explained the proposed draft RCOD regulations. Mr. Duchesneau noted that in the most recent draft of the proposed RCOD regulations there was debate about possibly leaving the BB zoned parcels on the east side of Tremont Street out of the proposed RCOD. Ms. DeSouza-Ward indicated that she was leaning toward excluding these parcels from the proposed RCOD. Ms. Morelli noted that the parcels could potentially allow for development that is distinctly disproportionate to what is around them if they are redeveloped. Ms. DeSouza-Ward pointed out that there are still a lot of options for the properties that are non-residential, even if they were left out of the proposed RCOD. Ms. Morelli added that these are the only parcels in proposed RCOD area that are bordered on two sides by existing residential properties. Ms. Gaffey noted that the alternative would be to have additional side and rear yard setback requirements for these particular parcels. Ms. DeSouza-Ward and Ms. Morelli both still preferred to exclude these parcels from the proposed RCOD. Ms. DeSouza-Ward added that they should discuss this item with the other Zoning Subcommittee members, but she would attempt to persuade them to leave the parcels out of the proposed RCOD.

Mr. Duchesneau then read the proposed definition for an Assisted Living Facility. Ms. DeSouza-Ward noted that at a previous meeting there was talk about broadening this definition to include the many other types of senior living uses. Ms. Gaffey stated that the Subcommittee would likely need more time to consider the various other types of senior living uses. Ms. Morelli asked what the difference was between a nursing home and a skilled nursing facility which was clarified. Ms. DeSouza-Ward indicated that she could be persuaded to support a broader definition for Assisted Living Facilities. Ms. Gaffey stated that it seemed there would need to be a specific definition and use category for each particular senior living use.

Ted Doyle of LCB Senior Living stated that an Assisted Living Facility would not have skilled nursing accommodations. Ms. Morelli noted that if one of the other types of senior living uses wanted to locate in the Corridor, it would not be an allowed use. She asked why the City want to exclude these other types of senior living uses from the Corridor if a developer wanted to locate there? Ms. Gaffey stated that it was simply a much larger conversation to consider all the other types of senior living uses and each of them might work much better in other locations within the City. Mr. Doyle noted that elderly housing is a rather vague term and suggested removing that language from the definition. He also noted that adult day care is an important use in a community and it does not have a huge parking requirement difference from an Assisted Living Facility. Ms. Bewtra stated that it seemed like an Assisted Living Facility would have

to meet the three specific criteria in the definition and therefore it was very clear what this particular use consists of.

Mr. Duchesneau then noted that the draft RCOD regulations are proposing to allow up to 45 dwelling units per acre for an Assisted Living Facility. Ms. Bewtra stated that MAPC has been analyzing dwelling units per acre figures and this item seems to be a fairly limiting factor in many potential developments. She noted that the project at 16 Willow Street (Station Crossing Condominiums) has 48 units on a 45,409 square foot lot and she felt that the dwelling units per acre requirement would be a limiting factor in the RCOD. Ms. Gaffey stated that Planning Staff wanted to use the UR-C zoning district density as a basis for the proposed RCOD. Ms. Morelli noted that a developer might alter their unit sizes if they ran into some type of dwelling unit per acre issue. Ms. DeSouza-Ward asked if 40 dwelling units per acre might be more appropriate. Ms. Bewtra noted that when MAPC ran the numbers the dwelling units per acre regulation was the limiting factor, especially for smaller lot sizes. Ms. DeSouza-Ward suggested perhaps sticking with 35 dwelling units per acre for residential properties and 45 dwelling units per acre for Assisted Living Facilities for the community meeting the following week. Ms. Morelli stated that another option would be to settle the dwelling units per acre issue on a case by case basis through a Special Permit process. The Subcommittee then decided to propose to allow 45 dwelling units per acre for Assisted Living Facilities in the RCOD for the public meeting on April 16th.

Ms. Morelli noted that there was a comment at the Joint Public hearing on April 7th about the status of the streetscape in the Tremont/Essex Street neighborhood area. She suggested that perhaps there could be some type of streetscape improvement fund that developers would be required to pay into. Ms. Gaffey stated that improving the streetscape along the public way of a particular property was already a standard requirement for a new development. Ms. DeSouza-Ward stated that perhaps the Planning Board should be more flexible in their requirements for new developments. Ms. Morelli indicated that she felt there could be a lot more vegetation in the Corridor. Ms. Gaffey stated that she agreed that there could be more curb appeal in the neighborhood and that development projects can help with that. Ms. DeSouza-Ward suggested perhaps not having a fixed Open Space Fund contribution amount, but Ms. Gaffey stated that is too hard to do because developers want some certainty on this topic.

Attorney Lou Izzi noted that an Assisted Living Facility is not going to have the same type of impact on the open space resources in the community that other residential developments would. He suggested that perhaps a more appropriate relation to the resources of the community the development would be using would be in order. Mr. Doyle added that this topic has nothing to do with LCB Senior Living's lack of desire to contribute to the community. Ms. Gaffey stated that Planning Staff understands that Assisted Living Facility projects will not place a substantial additional demand on the open space and recreational resources in the City. Ms. Bewtra pointed out that people choose a community for all of the resources and amenities that will be available to them as a whole.

There was then conversation about the additional open space requirements for a project if it wanted to exceed the 4 story and 50 foot height limitations. Ms. Gaffey reiterated that the additional open space requirement would only be applicable if the project's height exceeded the height limitations for the proposed RCOD. Ms. DeSouza-Ward indicated that she had trouble visualizing what a five story building would look like in the area. Ms. Gaffey suggested that perhaps the Subcommittee should eliminate the specific dimensional requirements for the additional open space area. Ms. Morelli stated that they are trying to create a pedestrian corridor through this area and they are looking for more quality open space. She wanted to remove the specific dimensional requirements from the regulations because she felt a quality amenity space could be created in a fairly small area. She also noted that it was in the best interest of a developer to enhance the streetscape of the neighborhood to help promote their own project. Ms. Gaffey agreed and noted that residents would be able to get heads around this tangible contribution.

There was then a discussion about the theory for the required number of parking spaces for a project. Ms. Morelli indicated it would be a good idea to know the parking space ratios for the Oak Grove development project. There was also discussion about the proposed 20 foot setback requirement of a parking area from a public way, as well as the required number of covered bicycle parking spaces for a project. Ms. Morelli commented that she also thought the 40 foot minimum spacing requirement for street trees might be too much and the Subcommittee decided to reduce the spacing to 30 feet. Ms. Morelli also asked if there was the potential to widen the sidewalks in the Corridor and Ms. DeSouza-Ward pointed out that the sidewalk has to be located in the public right-of-way.

At this time Mr. Bradley arrived at the meeting.

Ms. Gaffey then noted that there is concern about how to create affordable housing units with an Assisted Living Facility. She also stated that it is still unclear how Assisted Living Facilities are counted towards the overall housing unit count in a community as Planning Staff has not been able to get a straight answer out of the Department of Housing and Community Development (DHCD). Ms. Gaffey noted that the Town of Ipswich, Massachusetts has worked out an agreement with an LCB Senior Living Assisted Living Facility to rent a portion of the units at a reduced rent while still allowing them to charge full rates for the services at the facility. These units do not count towards the DHCD Subsidized Housing Inventory, but they do provide Assisted Living dwelling units at a reduced rate for certain residents. There is also a penalty payment that LCB Senior Living is required to make to the Town of Ipswich if they cannot fill the units with qualified residents.

Mr. Doyle indicated that they have a good marketing plan and they are confident they will be able to fill the necessary affordable units in the development with qualified residents. Ms. Gaffey noted that a payment to the Affordable Housing Trust Fund in lieu of providing affordable units at an Assisted Living Facility would be less complex and this is the direction that Planning Staff is leaning. Ms. DeSouza-Ward indicated that she felt that this made more sense as well. Ms. Gaffey stated that the situation with these Assisted Living Facilities is a bit more complex because they are all rental units.

There was then some discussion about preparation for the Wednesday, April 16, 2014 community meeting. Ms. DeSouza-Ward felt that a less formal meeting with more opportunities for the public to comment would be the most appropriate format. Mr. Bradley also asked Planning Staff to think about how to get everyone at the meeting to participate and how to give everyone the ability to comment on the proposed RCOD regulations if the room was going to be set up in a large auditorium style. The Subcommittee determined that they thought it made sense to only move forward with the proposed RCOD zoning amendment at this time.

The Subcommittee then set their next meeting date for Thursday, April 24, 2014 at 7:00 PM.

Documents: Rail Corridor Overlay District Regulations DRAFT 4-9-14
Zoning Amendments for RCOD-BC Districts (Summary Document)

The meeting adjourned at 9:30 PM.