

**MELROSE PLANNING BOARD
ZONING SUBCOMMITTEE
MEETING MINUTES**

Monday, April 24, 2014

7:00 PM

Aldermanic Chamber, First Floor, City Hall, 562 Main Street

PRESENT: Anne DeSouza-Ward, Carla Morelli, and Sharon Petrillo

ABSENT: Paul King

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 7:10 PM by Ms. DeSouza-Ward

Tremont Street/Essex Street Rezoning

Mr. Duchesneau began by going over the comments that were received at the April 16th community meeting and via email after the meeting. The first comment was regarding ways to push developers to meet sustainable design standards for their projects. Mr. Bradley asked if Melrose had adopted the Stretch Code as he knew that the State was pushing for all communities to abide by its regulations. Melrose has adopted the Stretch Code. Mr. Duchesneau noted that some of the sustainable design standards are pushed for by the Planning Board during the Site Plan Review process. Mr. Bradley stated that there were some lighting issues with the Whole Foods proposal a while back. They were proposing to have linear lighting pointed upward for most of the length of the façade. Mr. Bradley indicated that cut off lighting and dark skies principles should be used in projects to avoid light pollution. Mr. Bradley went on to state that the comments that were submitted were also suggesting the promotion and implementation of alternative fuels such as parking for low-emit vehicles and charging stations.

The next set of comments were suggesting that existing projects in the area be analyzed to ensure that the slightly reduce parking requirements were actually working. The comments noted that there appeared to be a larger number of vehicles parking in the neighborhood on-street during the day. Ms. DeSouza-Ward indicated that Planning Staff and the Planning Board feel that the parking situation is working appropriately, but it would be good to gather some data on this.

At this time Ms. Petrillo arrived at the meeting.

Mr. Bradley asked if they could survey the property owner at 99 Essex Street to find out what the parking situation is for the project. Ms. DeSouza-Ward stated that it would be good to get more information about the parking situation in the area, but she did not feel compelled at this time to change how they have been dealing with parking for projects in the Tremont/Essex Street neighborhood.

At this time Ms. Morelli arrived at the meeting.

Mr. Bradley then spoke about the street lighting for the area and stated that the perhaps the City could provide incentives that would help to create consistent light fixtures for the entire Tremont/Essex Street Corridor. There was then conversation about the style of light fixtures that might be appropriate for the neighborhood. Ms. Morelli stated that she could envision gas light style light fixtures for the areas immediately around the Commuter Rail stations. Mr. Duchesneau noted that Planning Staff was considering implementing some type of streetscape improvement fund for the Tremont/Essex Street area and having developers pay into this fund instead of the Open Space Fund. Ms. Bewtra stated that some

thought should be given about how to make the streetscape consistent over time as opposed to using a piecemeal approach. Ms. Morelli added that some cohesiveness to the area would be good, but she did not want the entire City to have the exact same identity and feeling. Ms. DeSouza-Ward indicated that she would feel better not being too specific with regard to the lighting details at this point in time. Ms. Morelli noted that most projects are not installing new light fixtures along the streetscape, but Mr. Duchesneau indicated that actually this was happening in the Smart Growth District (SGD).

There were also comments from the public about air quality in the area and Ms. Bewtra noted that this is a challenge for all Transit Oriented Development projects. She indicated that MAPC was carrying out some health impact assessments and noted that there could possibly be some avenues in the future to explore this topic in greater detail by partnering with MAPC. Ms. Bewtra stated that the constituent's comments could also help to possibly strengthen data on this topic down the road. The public comments also pointed out that the light fixtures in the parking lots for 99 Essex Street were not functioning. Ms. DeSouza-Ward stated that it would probably be a good idea to follow up on the status of the parking lot lighting at 99 Essex Street as well as the usage of the parking spaces themselves.

The conversation then turned to a discussion about the clarity of the "Live/Work" use category as a constituent noted that there is no definition for this particular use. Mr. Bradley pointed out that there is broad range of uses that could fit into this category if there is no definition for it. Ms. DeSouza-Ward noted that the use category does refer to a "dwelling unit" which to her would mean that the use would need to occur within a residential unit. Ms. Bewtra noted that the term "live/work" is often used to refer to artist live/work space, but also noted this is an example of a term that is not defined in the zoning ordinance. Ms. Petrillo and Mr. Bradley both agreed that the "Live/Work" use category was too broad of a term and could lead to a slippery slope of permitted uses. Ms. Petrillo asked exactly what the term live/work meant. Ms. DeSouza-Ward stated that she interpreted it to mean you live and work in the same space. She continued on to note that she could see how this broad definition would be fine in the SGD, but it is a different situation in the Tremont/Essex Street neighborhood area.

Mr. Bell noted that no zoning is going to supersede the Building Code or Fire Safety Code and these regulations would restrict what activities could be performed in a dwelling unit. He continued on to note that the health and safety issues of a live/work space do not really need to be discussed because they are already being regulated. Mr. Bell did note that live/work space is a growing definition and continues to encompass a variety of uses. Ms. DeSouza-Ward indicated that she would be interested in allowing live/work space, but felt that a specific definition was needed. She continued on to note that if there was no definition for the use then it should probably be excluded from the proposed RCOD.

There was then some discussion about a public comment regarding the minimum front yard setback and how it should perhaps be reduced to eliminate the need for projects to seek Board of Appeals relief if they wanted to have their building right up against the street. The Subcommittee members all agreed that this topic had already been discussed in great detail and they were comfortable with the currently proposed regulations.

At this time Ms. Morelli departed from the meeting.

There was then discussion regarding a resident's comment on the proposed shared parking section in the proposed RCOD. Ms. DeSouza-Ward indicated that she liked the language that the resident had suggested for insertion. Ms. Petrillo commented that she wanted to include the factors for potentially allowing for reduced parking that the resident had listed. It was also suggested that the Subcommittee also consider adding employers who provide transit incentives for their employees as a factor to allow reduced parking

requirements and the Subcommittee members agreed. Mr. Duchesneau indicated that he would work on revising this section of the proposed RCOD based upon the Subcommittee's and the resident's comments.

There was then conversation about the property located at the northwest corner of the intersection of Tremont Street and the Lynn Fells Parkway. A member of the public had asked if something could be done to help redevelop this property. Mr. Bell noted that a number of developers had inquired about this property. Ms. Petrillo suggested that perhaps the property could be taken out of condominium status to enhance its potential for redevelopment. Mr. Bell noted that the site used to be all one property, but now, due to the ownership issues, it has become a challenge to acquire the property for redevelopment.

The Subcommittee's discussion then turned to the two properties in the current BB zoning district on the east side of Tremont Street. Ms. DeSouza-Ward stated that she would prefer to remove these properties from the RCOD and Ms. Petrillo agreed. Mr. Bradley stated that he thought the Subcommittee should be doing everything they can to promote the redevelopment of these parcels. Ms. DeSouza-Ward noted that the RCOD allows for significant height and density which may not be appropriate for this particular area. Ms. Petrillo noted that there is no Special Permit required for projects in the proposed RCOD. Ms. DeSouza-Ward also noted that there is something to be said for making the proposed RCOD area symmetrical as the district is designed to be a "Rail Corridor" overlay. Mr. Bradley commented that he thought these two parcels were in strong need of redevelopment.

Ms. DeSouza-Ward stated that she thought it made sense to leave the parcels out of the proposed RCOD. Ms. Bewtra asked if mixed-use development would be permitted at these parcels if they were left out of the proposed RCOD and Mr. Duchesneau indicated that it would not be allowed as-of-right. Mr. Bradley noted that this would be a great site for an Assisted Living Facility and if it was left out of the proposed RCOD, this use would not be permitted in this location. Ms. DeSouza-Ward noted that it could always be added to the proposed RCOD later on in the process. Mr. Bradley stated that he would prefer to leave the parcels in the proposed RCOD because this location is ripe for mixed-use development. Ms. Bewtra stated that the only reservations she was hearing about including the two parcels in the proposed RCOD was related to the allowable height of the RCOD. Ms. DeSouza-Ward asked if an additional front setback would be required for the parcels on the west side of Tremont Street that were across from UR-B zoning district parcels. Mr. Duchesneau indicated that there would not be because the parcels on the west side of Tremont Street do not abut these UR-B district parcels because the zoning district boundary is located on the center line of Tremont Street.

Ms. DeSouza-Ward noted that one idea she liked was the implementation of a Corridor Improvement Fund in place of the Open Space Fund for developments in the Tremont/Essex Street neighborhood. She noted that developers are going to have to make some improvements along the streetscape with their projects but the fund could be used to help create consistent elements and design along the Corridor. Ms. Petrillo asked if there would potentially be left over funds once the entire Corridor was redeveloped and Mr. Duchesneau indicated that this would not be likely. Ms. DeSouza-Ward suggested that perhaps the requirement to pay into this fund should include commercial projects as well as residential ones. Ted Doyle of LCB Senior Living noted that the City could inform developers that they are trying to create a unique and consistent identity for the Corridor area. Ms. DeSouza-Ward stated that she thought the Open Space Fund payments made sense for SGD projects, but a Streetscape Improvement Fund, which included commercial projects, would make more sense for the Tremont/Essex Street neighborhood area. Ms. Bewtra noted that while only RCOD projects would pay into the fund, perhaps the funding could be used to serve a larger area outside of the proposed RCOD.

Mr. Bradley noted that at the public meeting there were comments about having a traffic/parking study completed for the area to see what the potential vehicular impacts might be if the area was fully

redeveloped under the proposed RCOD. He wondered if there was a way to use funding from developers to conduct this type of study as it would be good to know if the existing roadway infrastructure could handle the additional traffic. Ms. DeSouza-Ward stated how this is also true for the utility infrastructure in the area and asked if the Public Works Department could look into this in greater detail to see if the area had the capacity for this additional development.

There was then conversation about the affordability requirement for Assisted Living Facility projects. Ms. DeSouza-Ward stated that she did not think it made sense to require affordable units in Assisted Living projects. She also noted that she hoped the U.S. Census would only count these projects as one dwelling unit; otherwise it would be a big hit to the City's Subsidized Housing Inventory percentage. Ms. DeSouza-Ward also stated that she thought a payment into the Affordable Housing Trust Fund would be more appropriate for Assisted Living Facility projects. Ms. Bewtra noted that the Subcommittee should also think about the required affordability payment amount as there had been some conversation that the current 2% payment amount in the zoning ordinance might be too lenient a requirement.

Mr. Bell stated that without providing the incentive of additional market rate units for each affordable unit that is required in a project, Constitutional issues would arise. He noted that people who are entering into Assisted Living Facilities are paying out of their own pockets as there is no Medicare or Medicaid assistance for these units. Mr. Bell continued on to state that trying to pigeonhole Assisted Living Facilities into a normal residential project situation does not really fit. Mr. Bradley indicated that he preferred the arrangement that was worked out between LCB Senior Living and the Town of Ipswich, Massachusetts, but he also understood that managing the units in that situation becomes problematic. Mr. Bell added that virtually all of the people in Assisted Living Facilities would qualify for affordable housing if you only took into consideration their annual income and not their assets.

Mr. Bell then asked where things stood with the proposed required upper level step backs and the front yard parking area setback. Mr. Duchesneau explained that upper level step backs for the fifth story of buildings would be required on all sides except those facades of buildings which are parallel to the Commuter Rail tracks. He also indicated that the Subcommittee wished to keep the front yard parking setback at 20 feet to prevent any parking spaces in a project being located closer to the street than the building on site. Mr. Bell asked that the Subcommittee considering revising these items as the process continued to move forward.

Document: Rail Corridor Overlay District Regulations DRAFT 4-10-14

The meeting adjourned at 9:30 PM.