

MELROSE PLANNING BOARD & ZONING BOARD OF APPEALS

DEVELOPMENT PROJECT REVIEW PROCESS GUIDE

The Office of Planning and Community Development (OPCD) has prepared this guide to explain what to expect during the review process for a proposed project. This guide is intended to facilitate public participation during hearings by outlining how members of the public can get information and how to best communicate with the Boards. It is not intended to be a legal guide.

What is the Planning Board?

The Planning Board has the responsibility of reviewing proposed development projects of privately owned land and making decisions in accordance with state statute and local bylaws and regulations. The Board is comprised of nine unpaid volunteer members who are Melrose residents and have a variety of professional backgrounds in fields such as architecture, planning, engineering, and law. Members are appointed by the Mayor and confirmed by the City Council. The Board holds its meetings in the evenings, typically on the fourth Monday of the month. During these meetings, the Board may review a variety of applications including some that require a hearing by statute and/or by local bylaws and regulations. They are assisted by professional staff who work in the Office of Planning and Community Development during the day and attend the Board's meetings.

How do I contact the Board members?

To reach the Planning Board or ZBA, please contact the planning staff by phone (781) 979-4190 or email planningboard@cityofmelrose.org or appeals@cityofmelrose.org or visit the Office of Planning and Community Development on the second floor of City Hall. Planning staff administer applications and provide Board members with information and public comments. The Board members may ask questions and provide their feedback during the public meetings so that all the information is on the record as is required by the State's Open Meeting Law. They do not meet or provide responses outside of these sessions.

What is the Zoning Board of Appeals?

The Zoning Board of Appeals (ZBA) has the responsibility of reviewing applications for variances from zoning regulations, special permits for uses and parking requirements, and appeals of decisions from City Officials in accordance with state statute and local bylaws and regulations. The Board is comprised of five unpaid volunteer members and two alternates who are Melrose residents and have a variety of professional backgrounds in fields such as architecture, planning, engineering, and law. Members are appointed by the Mayor and confirmed by the City Council. The Board holds its meetings in the evenings, typically on the second Wednesday of the month. During these meetings, the Board considers applications that require a hearing by statute and/or by local bylaws and regulations. They are assisted by professional staff who work in the Office of Planning and Community Development during the day and attend the Board's meetings.

How can I find out more about what is proposed?

Applications, plans, and supporting materials are on file in the Office of Planning and Community Development and they are posted by planning staff to the webpages for the Boards:

<https://www.cityofmelrose.org/planning-board> &

<https://www.cityofmelrose.org/board-appeals>

Members of the public are welcome to come into the office to review this information during regular business hours for City Hall. It is best to call ahead of time to ensure that staff are available if you would like to discuss a project.

Why and when will I receive a hearing notice by mail?

You will receive a hearing notice in the mail if you own property near (as defined by law) a proposed development that requires a public hearing during a Planning Board or ZBA meeting. The law requires that a notice is sent in the event that you wish to attend and/or make verbal and/or written comments.

A notice will only be sent in the mail for the **first** scheduled hearing. If the Board continues the case to a future date, another notice will **not** be mailed out. At the end of their discussion, the Board will make clear when they will review the application again so members of the public can continue following the case. Information can also be found on the Board's agendas and minutes, which are posted on the City's website, or by contacting the Office of Planning and Community Development.

Notices of public hearings are also posted to the City's website and the bulletin board on the first floor of City Hall and published in the local paper – typically the Free Press & Advertiser Newspaper.

How can I make my comments known if I cannot attend or if I have a lot to say?

Comments and additional information that the public would like the Board members to consider may be submitted in writing prior to the close of the public hearing. Members receive and read all of the public comments submitted and they are part of the public record for each case.

What should I expect at a public hearing?

The issues addressed at public hearings involve property rights and technical considerations. These issues are often complex, and decisions are subject to appeal. Following the proper procedure helps ensure that public hearings are conducted fairly and according to state law.

At the first hearing session, the applicant will explain the proposal for the Board and audience. This usually includes presentations by the applicants' attorney, architect, civil engineer, and/or traffic engineer on their plans and studies. Following the presentation, the Board will ask the applicant team questions about the proposal and hear from the Planning Director for an overview of the staff report. The staff report includes information about the project, comments from city departments and other commissions if applicable, required findings for the zoning permit requested, recommendations and/or requests for additional information. Then there will be an opportunity for the public to speak, to ask questions or share opinions. Please see "Public Hearing Testimony Expectations & Suggestions for Effective Input" below for more information.

Since agendas often include several items, the Board may set time limits on presentations or public comment to be able to get through the agenda and respect everyone's time. At the end of each hearing, the Board will either close the hearing or continue it to a future date.

For smaller projects, hearings may be completed in one meeting and the Board could make a decision that night. For larger projects, the Board often continues hearings so that the applicant can respond to the recommended revisions and provide additional information as needed. Hearings may be continued for a month or several weeks depending on the applicant's ability to gather the required information and the Board's meeting schedule.

Occasionally the hearing process is delayed due to a Board member's absence or at the applicant's request. The applicant has the right to request to continue a hearing for any reason. To verify that a hearing is being held on a scheduled date, you may call the Office; however, please note that a

hearing cannot be officially continued until the Board votes on it and establishes the next meeting time.

Public hearing testimony expectations & suggestions for effective input:

1. The public hearing portion of the meeting is not a discussion, debate or dialogue between or among residents and the Board or applicant. It is an opportunity for the public to ask questions or express their opinion about an application on the agenda. The Chair of the Board will run the hearing and call on members of the public in an orderly way.
 - a. Meetings with discussion, debate or dialogue between or among residents and the applicant can happen outside of the public hearing process, typically before the public hearing date. A neighborhood meeting is coordinated by the developer and is encouraged but not required.
2. State your name and address at the hearing or in your written comments.
3. It is recommended that concerns are raised early in the process so they can be considered effectively.
4. If you have an issue with a proposal it is helpful to focus on how you think that it will impact you and if you have ideas on what would alleviate your concerns.
5. Any questions for the applicant should be addressed to the Chair of the Board. The Chair will ask the applicants to provide answers to the questions once everyone from the public has had a chance to speak.
6. State all questions or concerns at once and then allow the next person to speak. Each person typically has one opportunity to speak per hearing so that everyone has an opportunity, and the Board members have a chance to summarize the concerns and ask the applicants for additional information if needed for the next meeting.
7. Provide comments in a respectful manner.
8. Avoid personal attacks and whenever possible try to refrain from mentioning the names of private individuals – stick to issues relating to the project and within the scope of the Board’s review.

9. If you have the same thought as another person that already spoke it is effective to say “I agree with [name] about [issue]” rather than restating the same concerns.
10. Comments made at a previous hearing or in writing do not need to be repeated as they are part of the record.

What issues does the Board consider?

The scope of issues that the Board can consider in reviewing projects and making findings to grant approval is defined by state law and the City’s Zoning Ordinance and/or Subdivision Regulations.

1. Melrose Zoning Ordinance regulations for dimensions of the building and site plan, allowed uses, parking requirements, and other required land use standards. You can look up the zoning district and link to the use and dimensional tables from this website: <https://www.mapsonline.net/melrosema/index.html> or access the entire Zoning Ordinance here: <https://ecode360.com/15360049>
2. Criteria and findings for the specific zoning permit(s) that are before the Board, which are listed in the Melrose Zoning Ordinance. A project may require one or more zoning approvals/permits from the Planning Board, Zoning Board of Appeals or both Boards. The different types of approvals are specified below.
3. Public comments help the Board members understand different perspectives of the project and shape their ability to make the required findings.
4. The Board evaluates each project on its merits. The Board cannot legally base their decision on the applicant. The approval is tied to the land so one applicant could sell a property with an approved project to another person to construct. The new owner must build according to the approved plans and satisfy the conditions of approval.

What happens after the hearing?

After the hearing is closed, no new information can be submitted. The Board deliberates and then votes. They can either approve an application, approve with conditions, or deny it if they cannot make the applicable findings to grant the permit. The vote is taken during the public meeting and is documented in the written decision which is filed with the City Clerk within the statutory deadline. By law, notices of when the decisions are filed with the Clerk's Office are required to be mailed to the applicant, abutters, and the planning boards of surrounding communities. Notices of subdivision decision filings are not required to be sent to abutters.

The Planning Board and Zoning Board of Appeals (ZBA) holds public hearings on the following types of applications, as noted. The process for submission and review is depicted in the graphic.

Site Plan Review – Planning Board

New commercial and industrial uses, multifamily uses with four or more units, and extensions over 2,500 ft. of an existing commercial, industrial, or multifamily use are required to go through the site plan review process under MZO Section 235-16.1. During the site plan review process, the Planning Board evaluates projects based on several criteria as are outlined in this section of the MZO. Until a project has received site plan approval, a building inspector cannot issue a building permit.

SITE PLAN REVIEW PROCESS

PRIOR TO THE HEARING

1. A site plan proposal is submitted to OPCD for a preliminary review, which is reviewed for completeness and returned to the Applicant within 7 days
2. The application is filed with the City Clerks Office and the Office of Planning and Community Development (OPCD)
3. A meeting is scheduled with the Applicant, the City's Engineering and Health Departments, the Fire and Police Chief, Conservation Commission, and Building Commissioner to review the proposal

WITHIN 65 DAYS OF THE APPLICATION FILING:

1. The hearing is advertised in the newspaper for two consecutive weeks, posted at City Hall, and mailed to abutters within 300 ft. at least 14 days prior to the hearing
2. One or more public hearings are held

WITHIN 35 DAYS AFTER THE CLOSE OF THE PUBLIC HEARING:

1. A decision is made and recorded with the City Clerks Office and notice is sent to the Applicants and abutters
2. If an appeal is made, it must be done within 30 days of the decision filing
3. If no appeal is made after 30 days, the project may proceed to getting a building permit and/or a certificate of occupancy

TWO YEARS AFTER THE DECISION:

1. If construction has not begun, the approval expires unless extended upon request

Special Permits – Planning Board & ZBA

As described in MZO Section 235-61, both the ZBA and the Planning Board have the authority to grant certain special permits. While the ZBA primarily grants special permits to establish uses designated with an “S” in the Table of Uses, the Planning Board has the authority to grant other available special permits specified in the Zoning Ordinance:

- Shared or Reduced Parking Spaces (MZO Section 235-40)
- Increase in number of compact parking spaces (MZO Section 235-41)
- Affordable Housing Incentives (MZO Section 235-73.1)
- Density Incentives in the BA-1 & BA-2 Districts (MZO Section 235-66)
- Slope Protection (MZO Section 235-73.2)
- Multifamily residential use in non-residentially zoned area (MZO Section 235-65)
- Cluster development (MZO Section 235-67)
- Planned unit developments and planned business developments (MZO Section 235-68-71)

Developments applying for a special permit adhere to procedures outlined in the Massachusetts General Laws, Chapter 40A and the MZO Section 235-62.

To receive a special permit, the Board evaluates how well a project meets certain findings. The findings are outlined under MZO Section 235-63. Some special permits require projects to meet additional or other requirements than those listed in Section 235-63. In these instances, the Zoning Ordinance outlines special permit specific information under each of the respective sections.

SPECIAL PERMIT PROCESS

PRIOR TO THE HEARING

1. A special permit application is filed with the City Clerks Office and the Office of Planning and Community Development (OPCD)



WITHIN 65 DAYS OF THE APPLICATION FILING:

1. The hearing is advertised in the newspaper for two consecutive weeks, posted at City Hall, and mailed to abutters within 300 ft. at least 14 days prior to the hearing

2. The special permit granting authority holds one or more public hearings



WITHIN 90 DAYS AFTER THE CLOSE OF THE PUBLIC HEARING:

1. A decision is made and recorded with the City Clerk's Office and notice is sent to the Applicants and abutters (within 14 days)

2. If an appeal is made, it must be done within 20 days of the decision filing

3. If no appeal is made after 20 days, the project may proceed to getting a building permit and/or a certificate of occupancy



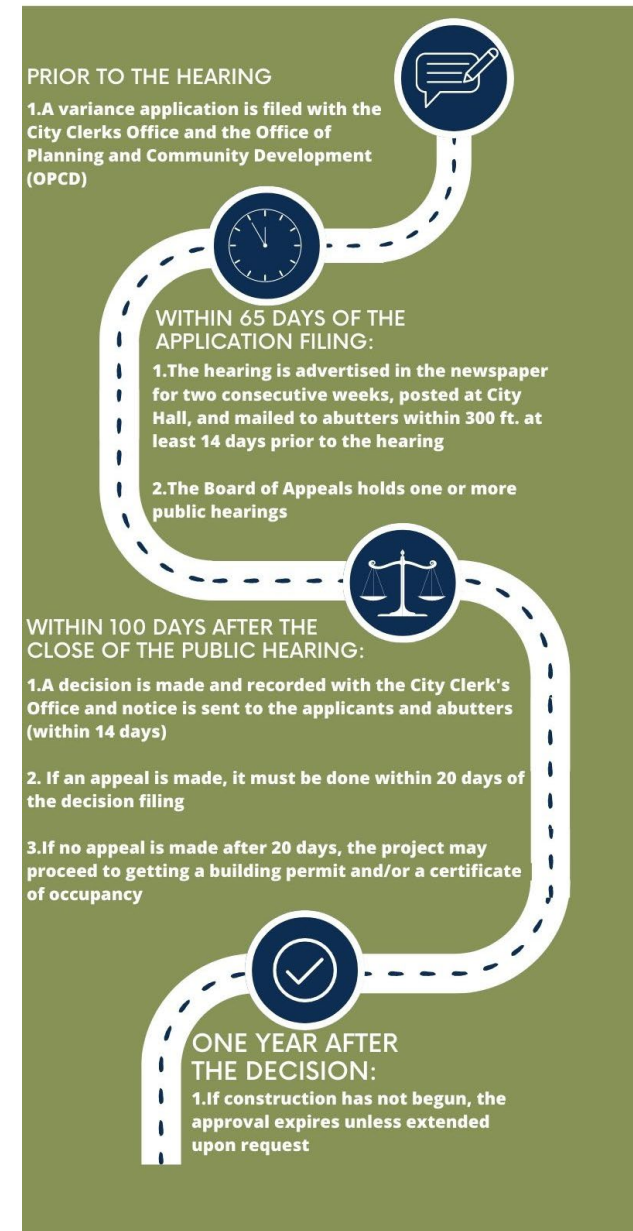
THREE YEARS AFTER THE DECISION:

1. If construction has not begun, the approval expires unless extended upon request

Variations - ZBA

A variance is required when a proposal violates the dimensional or use requirements of the MZO. The ZBA is the permit granting authority for variances. When granting a variance, the ZBA evaluates if a literal enforcement of the provisions of the MZO would involve a substantial hardship and if relief may be granted without detriment to the public good. To grant relief, the ZBA must find a series of conditions to be present, which can be found under MZO Section 235-64.B.

VARIANCE PROCESS



Subdivisions – Planning Board

The Planning Board reviews subdivision proposals to ensure that they meet the City and State requirements. A link to the City’s subdivision regulations can be found on the website and the State’s regulations can be found under MGL Chapter 41 Section 81.K-FF.

SUBDIVISION PROCESS

PRIOR TO THE HEARING

1. Some projects will submit a Preliminary Plan where the Planning Board will review the proposal at a public meeting (not a public hearing)
2. The Definitive Plan is filed with the Office of Planning and Community Development (OPCD) and the City Clerk's Office
3. A meeting is scheduled with the Applicant, the City's Engineering and Health Departments, the Fire and Police Chief, Conservation Commission, and Building Commissioner to review the proposal



WITHIN 90 OR 135 DAYS OF THE APPLICATION FILING*:

1. The hearing is advertised in the newspaper for two consecutive weeks, posted at City Hall, and mailed to abutters at least 14 days prior to the hearing
2. A public hearing is held



WITHIN 90 OR 135 DAYS OF SUBMISSION

1. A decision is made and recorded with the City Clerks Office and sent to the Applicants
2. If an appeal is made, it must be done within 20 days of the decision filing
3. If no appeal is made after 20 days, the Planning Board endorses the plans, signs a covenant and the project continues



TWO YEARS AFTER THE DECISION:

1. The plan and covenant are filed at the Registry of Deeds
2. Roadways and utilities are complete

*The timeframe is determined based on whether a Preliminary Plan was submitted or not