



Director of Planning & Building

BOARD UPDATE

June 18, 2024 (Updated)

Please note that while the MBTA Communities Zoning project is in full swing, I will not be able to provide analysis and commentary regarding DSPR applications. Regrettably, this project is taking a significant amount of bandwidth, along with Zoning Bylaw warrant articles in both the spring and fall, and I will continue to rely on the great work of Inspector of Buildings Ara Yogurtian until further notice. Thank you for your patience and consideration.

■ Ice Rink – Modification to Design and Site Plan Review

Based on a brief review of the proposed changes, it is the opinion of this reviewer that the modifications are minor in nature, and do not require a full application.

Most of the changes proposed are on the interior of the building and do not impact site plan criteria or operations external to the building. The one modification relevant to the exterior, the shortening of the pedestrian walkway, will not have a material impact on the flow of pedestrian activity.

It is recommended that the proposed modifications be considered minor and not require a public hearing. The applicant should provide an updated set of plans showing these modifications as per Section 7.3.6 of the Zoning Bylaw. I do not have any recommendations either way regarding allowing public comment on the modifications. It is not a public hearing so you do not have to. Additionally, the Town Meeting article elicited quasi-public comment by TMMs and you may feel that this is sufficient.

■ MBTA Communities Update

Zoning

1. The version of the draft Bylaw sent last week erroneously included a reference to a bonus for affordable units. This has since been removed. This draft was borrowed from Newton and this was a leftover provision that I did not catch. So to reiterate, there is NO affordable housing density bonus. The only density bonus proposed in our Bylaw is for Subdistrict 5.

2. Utile is developing information for the Board related to roof types, These will include flat roofs for SD1 and 3 and pitched and stepback roofs for subdistricts 2, 4, and 5.

New Information

1. As of June 17, 2024, there is still no feedback yet on Mandatory Mixed-Use submittals to the state.
2. Utile is taking a second pass with the draft zoning bylaw. They need to add additional material related to roof types, add some tables and graphics, and update some dimensions that hadn't been changed yet. I do not want to post a draft bylaw until this is done because the first draft would have elicited too many unnecessary questions. I say unnecessary because they would be related to material that needed to be edited out.
3. The Planning Board rejected the 2nd map idea at their previous meeting and affirmed the intent to proceed with the originally voted Planning Board map.
4. The Director met with the Chair and member Yates last week and several ideas for map modifications were discussed. Some dimensional issues were also raised. The Chair authorized staff to request that Utile conduct a compliance check on these proposed changes to see if viable and what the numbers would be.

Timeline/Calendar Questions and Comments

1. The revised public hearing notice has been sent in and the public hearing will now commence on the 16th of July.
2. As a reminder, the state EOHLC Pre-Compliance Review is strongly recommended to elicit the necessary feedback from the state. To re-emphasize, this is not locking the Town in. We are not seeking an approval. This is just constructive feedback showing where the Town may not be compliant in one or more areas.
3. Staff conducted an updated calendar/timeline for the Chair. Please note that pre-review period has been shifted to the July 30th to October 28th time window. See the end of this report for this updated timeline.

Map Issues

1. A modified map will be developed and submitted to the Board should Utile's compliance check show favorable numbers. Hopefully this will be available this week.

Affordable Units/Inclusionary Zoning

1. The Inclusionary Housing Bylaw has been reviewed and edited by Town Counsel. The Trust had a few questions and Counsel is working on this currently.
2. Economic Feasibility Analysis – MAPC can begin to develop this more fully once the Board approved a map and dimensions in principle. However, the timeline for EFA is more flexible according to our consultants.

Market and Impact Analysis

1. The Market Analysis is making good progress and we have preliminary results [at this link](#).
2. The Fiscal Impact Analysis (FIA) project still requires data from the Town. This is primarily the MBTA3A map and zoning. If this becomes available next week, staff will submit it to RKG.
3. Once we flesh out the scenario thresholds, we can target the lowest scenario for the MBTA Communities Zoning impacts.

Public Outreach

No additional public outreach is available. This can be discussed as the Board wishes.

■ Long Range Planning

[this is the third and final time this section will be provided]

With partial monies dedicated to a new comprehensive/master plan, I encourage the Planning Board to begin getting vocal about what they would like to see for a plan process. I recommend that the program have a dedicated committee and that the committee have at least one, possibly two members of the Planning Board but also representatives of other boards and committees in Town that would be providing content including Conservation Commission, Select Board, DPW, Housing Trust, Recreation Department, Warrant Committee, Finance Department, and others. It could also have a few at-large citizens. While I do not have any issue with the Vision 21 Committee as a starting point, I'd recommend a re-naming and a populating with the appropriate additional members. It should also have a clearly articulated charge. Duxbury had the Planning Board and Select Board as co-appointing authorities and this worked well in getting departmental and committee buy-in and participation.

Other issues to consider include:

1. Where the additional funding will be coming from.
2. How to develop a scope.
3. What kind of consultant should be sought?

I recommend adding this as a short 10-minute agenda item for June 25.

Planning Board Meeting	11-Jun-24	✓	PB continues MBTA Communities work - Finalize Zoning Language
Town Counsel Full Zoning Bylaw Review	12-Jun-24	✓	Review of full Bylaw for any potential MBTA conflicts.
Planning Board Meeting	18-Jun-24		Planning Board continues MBTA Communities work
First Notice in Newspaper of Record	20-Jun-24		Not less than 14 days before Public Hearing (not counting 14th day)
Posting of Notice in Town Hall	20-Jun-24		Not less than 14 days before the date of Public Hearing
Planning Board Meeting	25-Jun-24		Planning Board continues MBTA Communities work
Second Notice in Newspaper of Record	27-Jun-24		One week after first notice
Refinement of Public Information Materials	June/July 2024		Posted on website and hard copies for Library, Town Hall
Planning Board Meeting	2-Jul-24		Planning Board continues MBTA Communities work
Planning Board Meeting - (Open Public Hearing)	16-Jul-24		Planning Board continues MBTA Communities work
Submit Application for Pre-Compliance Review from EOHLIC	30-Jul-24		90-day turnaround from EOHLIC
Town Counsel MBTA Draft Zoning Review #2	July/August 2024		Internal legal review for MBTA Compliance and other issues
MBTA Communities Fiscal Impact Analysis Due	August 2024		Estimate based on scope
Planning Board Meeting	10-Sep-24		Planning Board continues MBTA Communities work
Planning Board Meeting	17-Sep-24		Planning Board continues MBTA Communities work
Planning Board Meeting	1-Oct-24		Planning Board continues MBTA Communities work
Planning Board Meeting - (Close Public Hearing)	10-Oct-24		In Reserve
Planning Board Report Submitted	11-Oct-24		Week following close of PB Public Hearing
Warrant Closes for STM 2024	11-Oct-24		To be determined
Receive EOHLIC Determination	28-Oct-24		August 6 + 90 days
Final Language for Warrant Articles	30-Oct-24		To be determined
Warrant Posted	1-Nov-24		Need Zoning Language By This Date
Federal Election	5-Nov-24		No Town Meetings
Planning Board Meeting	12-Nov-24		In Reserve
Town Meeting (Proposed)	18-Nov-24		Must occur within six months after Planning Board Public Hearing
Submit Final Zoning, Map, and Vote to EOHLIC for Compliance Determination	20-Nov-24		Requires time after STM to assemble and review packet
Effective Date	Date of TM Action		Subject to posting by Clerk and AG approval