



Director of Planning & Building

BOARD UPDATE

May 21, 2024

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 Yagurtian until further notice. Thank you for your patience and consideration.

■ MBTA Communities Update

This section will provide time sensitive or critical information for the Board to consider as the Board continues review and development of MBTA Communities Zoning work. Here are some key questions that the Planning Board should consider definitively answering in their Tuesday meeting, after the Utile presentation. I will provide additional explanation below to clarify the importance of the questions.

New Information

1. Utile continues to work on the zoning dimensions and test site graphics but will not have anything new for the Planning Board meeting of May 21st.
2. I have received a MMU map from Utile to submit to the state. I will try to post this to the website later this week.
3. I am writing the bulk of the non-dimensional zoning text and have it about 80% complete. I should have a first draft for Utile review once they supply me with the graphics to drop in and data to populate the tables.

Timeline/Calendar Questions and Comments

1. The public hearing has been sent to the newspaper of record and will be printed on the 23rd and 30th of this month.

2. The calendar shows the timeline with the Public Hearing opening on June 20th and closing no later than October 1st.
3. The Mandatory Mixed-Use (MMU) districts will be submitted to the state later this week. The applications are detailed and will take a little time to complete. Utile supplied the OPB with a map for this purpose.
4. I am targeting the state EOHLC Pre-Compliance Review to be submitted by June 13th so that we hear back by September 11th. This gives almost another month of Public Hearing time to make any adjustments to the map and/or text.
5. Please consider a vote to adopt this version 12 of the timeline which will be attached to the email with this Report.

Map Issues

1. New Publicly Available Map – We should have a new map for public distribution later this week from Utile. I will post to website once I receive it.
2. Utile will not provide any pre-compliance run assurances to the Board on any of the map changes recommended and voted on by the Board. The Board should verify that it wishes Utile to conduct the final compliance model run on this map and I will authorize them to conduct it. It should be emphasized that any substantive increases in lot size, setbacks, open space, or reduction in building footprint will have an impact on the model's output of unit counts and is not recommended except in special circumstances where a rationale can be provided.
3. For parcels in subdistricts that “do not comply” individually, one way to regain compliance is to reduce the dimensional requirements to a point where they all technically fit and it will be up to the developer to determine how to make it work.

Affordable Units/Inclusionary Zoning

1. The Planning Board will need to rely on the Housing Trust to draft language for the needed change(s) to Section 6.10 otherwise known as the Inclusionary Housing Bylaw. It is not anticipated to be a very complex amendment but one thing should be understood regarding the intended change—it will eliminate the special permit provision and make all residential development of 6 or more units have to comply with the Bylaw. It will also need to modify the local preference provision to comply with state law.
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.

Impact Analysis

1. The Fiscal Impact Analysis (FIA) project has kicked off and interviews with Town officials will be taking place on Thursday the 23rd. The consultants have submitted to staff a list of

data requirements.

Public Outreach

1. A critical element—public participation—is an extremely important part of a successful MBTA Communities Zoning program, as evidenced by the over 40 communities that have passed it. The Planning Board should work with staff to approve a public outreach plan for 3A. This plan should be inclusive of messaging, media outlets and mechanism, types of materials, special meetings and forums/workshops, coffees, and the timing for all of this. I encourage discussion of this as soon as possible. Please do not push this off until late May or early June.
2. Note that I have previously developed a draft public participation plan that was submitted to the Board in March but I have not received any comment or feedback on it. I will revise and resubmit to the Board for consideration again with this Report. Please consider discussing and making a decision as to whether to adopt this, adopt something different, or take no action.
3. The scope with Utile notes an Open House event on June 19th. Utile cannot make this date and suggests considering the 18th or 20th. Does the Board even want to have this event take place and if so, where on the timeline would you wish it to occur?

Questions: *Can the Planning Board agree to a thorough public outreach campaign and help staff develop one for beginning implementation in the next week?*

Can the Board make a decision on an Open House event now?

4. Members are encouraged to review the 3A Advisory Committee website for ideas to keep information current and relevant. I propose to convert the title of the site to reflect the Planning Board jurisdiction after Advisory Committee crossover.
5. I encourage members to visit the many sites dedicated to MBTA 3A to answer questions and get fully informed by the crossover moment. Here are some suggestions:
 - i. EOHLC - <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>
 - ii. Mass Housing Partnership - <https://www.mhp.net/community/complete-neighborhoods-initiative>
 - iii. CHAPA - <https://www.chapa.org/>
 - iv. Commonwealth Beacon - <https://commonwealthbeacon.org/opinion/what-the-mbta-communities-law-means-for-your-town/>

- v. MMA - <https://www.mma.org/mbta-rapid-transit-communities-adopt-zoning-changes-for-law-compliance/>
 - vi. MAPC - <https://www.mapc.org/resource-library/mbta-multifamily-zoning/>
 - vii. Housing Toolbox - <https://www.housingtoolbox.org/complete-neighborhoods-initiative/mbta-zoning-technical-assistance>
 - viii. Mass Assn of Realtors - <https://www.marealtor.com/mbta-communities/>
 - ix. Lincoln Institute of Land Policy - <https://www.lincolnst.edu/publications/working-papers/series-articles-about-mbta-communities-zoning-law>
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