



Director of Planning & Building

BOARD UPDATE

July 2, 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.

■ MBTA Communities Update

Recommendation for Procedure for 7/2 Planning Board Meeting

1. Utile Short Presentation
2. Follow Up Questions for Utile (Excuse Them)
3. Board Discussion on Other Zoning Bylaw Questions and Comments
4. Public Comments
5. Discussion and Vote on Final Map for 3A
6. Discussion of Public Hearing Opening on 7/16

7/2 Updates

- The state indicates that we can institute a cap of 3 units in the model and not include the cap in the zoning bylaw.
- The state also indicates that we can include “x” stories in the model and a different (higher) number of stories in the zoning.
- For each of the prior two comments, we’d have to be clear to the public that this was the case and what the impact would be.
- We are getting clarification in a brief Zoom with the state this morning regarding the inclusion of ROW in the Compliance Model as this variable will be important in accurately calculating area of districts and contiguity.

Zoning Bylaw

At the time of this writing, I have received two sets of comments from Planning Board members. They will be provided both in original form and included in a memo that contains all actionable comments from members, staff, and the public. This memo is intended for both Board review and for Utile to answer any relevant (to them) zoning bylaw questions.

I will add any additional comments received by tonight and while I will not likely include comments received late, I will still forward late comments to Board members.

Inclusionary Housing Bylaw

Counsel and I are still working out one sticking issue related to this draft. I may have this version for Planning Board review sometime tomorrow (7-2-2024).

Site Plan Review Bylaw

Counsel and I are also working out a few things with this draft as we're trying to hit a sweet spot related to a robust set of review criteria balanced by predictability and lessened subjectivity and discretion. We also hope to have something for Board review on Tuesday prior to the meeting.

Utile

Consultant Utile will be attending the meeting Tuesday night and will hopefully be able to explain all details related to the zoning bylaw draft. They will have an advance copy of Board member comments and with a bit of luck this session can wrap up with some consensus.

Graphics

As noted last week, Utile has finished setting up street scenes for the before-and-after eye-level views that speak to the character and scale of potential development in SD1, SD2, and SD4. These will be similar to their aerial view test-fits you've seen before, but at eye level and hinting more at architectural expression and pedestrian experience. They believe these images will be a great tool to showcase potential results of this rezoning effort and alleviate concerns that new development in the proposed 3A district would be out of scale or contextually insensitive. They have modeled everything except the hypothetical buildings themselves. They ask to let them know if we are ready to draw through the various test buildings based on the latest zoning parameters. They can mobilize and finish up a first pass of these images anytime.

MMU

As of July 1, 2024, there is still no feedback yet on Mandatory Mixed-Use submittals to the state.

3A Map

The Board may wish to continue to discuss the map provided to the Board after last week's meeting to try to get to 50% + Contiguity and a desirable number of units. The Board may wish to also discuss:

- I. The desirability of having a cap versus no cap.

2. Having differences between the model and the zoning to achieve compliance.

At this point, I can see some merit in the following:

1. Eliminating Lower Belmont Street (reason: contiguity and lowering units)
2. Reducing Lower Belmont to 5.1 acres (reason: contiguity and lowering units)
3. Adding back Agassiz and Thayer parcels (reason: contiguity)
4. Instituting a unit cap for SD1 in model, but not in zoning bylaw (reason: limit units in model)
5. Institute a 2 story max for SD2 in model, but not in bylaw (reason: limit units in model)

The last two provisions can make the unit count palatable in the model and justify retaining the Alexander Claflin triangle, which when upgraded to SD2, will increase the unit count.

Affordable Units/Inclusionary Zoning

Economic Feasibility Analysis – MAPC can begin to develop this more fully once the Board approves a map and dimensions in principle. However, the timeline for EFA is more flexible according to our consultants.

Remember that smaller sites that will result in less than 6 new units will not invoke the Inclusionary Housing Bylaw and people that are advocating for larger lot development opportunities are doing so because they want to make sure affordable units (at 80% AMI or over \$100,000 annual income for 2 person household) can be produced as a result of 3A. Granted 3A is not intended for affordability, but it would be grossly negligent to produce a plan that did not result in at least 10% affordable production.

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 soon, 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. RKG and I will discuss scenarios on Wednesday.

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