



Director of Planning & Building

BOARD UPDATE

July 16, 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 Yogurtian until further notice. Thank you for your patience and consideration.

■ MBTA Communities Update

Recommendation for Procedure for 7/16 Planning Board Meeting

I have provided a set of recommendations for the conducting of the public hearing that opens on Tuesday evening. The Chair and I are continuing to discuss refinements.

I have a short presentation on 3A that I intend to give tomorrow night. It provides a summary of the law and what Belmont needs to do to comply. This is old news for many who have been following this but it is a good primer for the general public at this stage of the process.

Proposed Map Changes

Feedback on the changes recommended by the Planning Board at their 7/9/24 meeting:

- **Belmont Center:** There is concern that the 6,500 minimum Subdistrict 2 lot size might throw many of the SD2 lots designated here. For example, only two lots on Channing are over 6,500 s.f. Multiple lots on Cross, Farm, and Alexander are also smaller than 6,500 s.f. Additionally, the 4,000 maximum footprint on lots that do pass that threshold may not be developable at a 30% minimum open space.

Options to Consider: Revert these areas back to SD1 or reduce lot size minimum to the smallest lot in the SD2 inventory. Board may also wish to consider removing all of the parcels designated between Clafin and Cross as this block may be better suited for a non-3A development opportunity.

Update: Utile confirmed that many of the SD2 parcels WILL FAIL and some fix is needed to bring these areas back into likely compliance. The same applies to the Waverley comments below.

- **Waverley:** There is the same issue at a smaller scale in Waverley for minimum lot size as several parcels may be kicked out. This is particularly problematic along Lexington Street as the result would be to break up connectivity of the district. The Moraine Street area is now, with SD5, a hodgepodge of different subdistricts that do not seem to have a theme. I would consider making it all a SD2 or all a SD5.
- **Lower Belmont:** Is the Board looking for Utile to make the judgement call on finding parcels to eliminate to get down close to 5 acres? What is the formal justification for keeping this district in given its small size, paper compliance, and unlikelihood of development? In other words, how would you explain to the public why you've chosen this area? If you wish to keep Lower Belmont in, please choose a line of demarcation that you want to see and I can try to approximate an acreage.

Zoning Bylaw Comments

It isn't practical to evaluate 3A dimensional requirements as compared with the Town's existing Bylaw requirements, for the following reasons:

1. The current Bylaw does not have a comparable set of multifamily criteria that could be utilized for 3A.
2. Evaluating the Bylaw for this purpose, even given the statement above, would take significant staff and possibly consultant time, time that is not available, particularly given the futility of the exercise.

Definitions, for the most part, can be accommodated with cross references.

Lowering Subdistrict 4 to 3 stories and 37' and offering a waiver option will only count in the 3A Compliance Model as 3 stories so the unit count will be reduced. The waiver would not count as by-right so would not be a consideration by the State. I continue to strongly recommend allowing the 4 story allowance. For pitched roofs, why is the Board proposing 42' for SD 1 & 2 but only 36' for SD 5? This doesn't make any sense. Please consider using Utile's original dimensions which are based on experience with these typologies.

Inclusionary Housing Bylaw

I will provide a final version with a few tweaks by the Trust, which are highlighted in a version I will send shortly.

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 has approximately \$6,500 remaining for this project. They can run one more “update” model for us but not any more full compliance runs. Therefore, I would recommend that the Planning Board make sure a final map version is what is desired and I will ask them to do the update. However, before we do this, the Board needs to adequately address the shortcomings and issues that I have identified above. The Board also needs to finalize the dimensional requirements before that run and I would strongly urge the Board to use the criteria that Utile provided for the last version of the Bylaw. Anything different risks the state identifying subdistricts and individual lots that cannot be buildable under the modified dimensions and therefore kicked out of the model.

Utile also noted that the remaining budget can be used for one of two things besides a model run update, these are:

1. Ground level perspective graphics, or
2. Attending additional meeting(s)

I would recommend using the funds for the graphics that have been so in demand by the Board and the public. Additionally, any further tweaks to dimensions will cascade and require additional changes to the graphics that have already been partly or completely prepared. This is another reason to carefully consider the final dimensions that the Board chooses.

MMU

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

Affordable Units/Inclusionary Zoning

Economic Feasibility Analysis – MAPC can begin to develop this more fully once the Board approves a map and dimensions. Note that MAPC did reach out today and ask about our progress in this area as they are now waiting on us for this information. Their other preparatory work has been completed.

Market and Impact Analysis

1. The Market Analysis is making good progress and we have preliminary results.
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. The scenarios have been articulated.

Technical Assistance

Many of the issues facing the Board on the map and dimensions require technical assistance, but funds are not available for Utile to work on these adjustment iterations. I highly recommend requesting the assistance of Select Board member Roy Epstein, who is now highly competent in conducting analyses based on small adjustments. To me, this is a logical gap filler for the help the Board needs to answer the remaining questions.

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