



Director of Planning & Building

BOARD UPDATE

July 23, 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 Yorgurtian until further notice. Thank you for your patience and consideration.

■ MBTA Communities Update

■ *Recommendation for Procedure for 7/23 Planning Board Meeting*

The Board should continue the Public Hearing as follows:

1. The Chair should announce that the Public Hearing on (see Public Hearing notice for formal topic description) shall be continued and ask for a vote to waive the formal reading of the notice.
2. Staff presentation on MBTA 3A zoning
3. Planning Board Discussion
4. Public Comments and Questions
5. Further Board Discussion
6. Continue Public Hearing to July 30, 2024.

Explain to audience that the Board is expected to keep the Public Hearing open for the next several meetings of the Board and target a closing when satisfied that the public and Board have heard sufficient information on the bylaws. As a FYI, note that closing a public hearing concludes the proceedings and no further submittals or information can be accepted. Once the hearing is closed, members can only deliberate amongst themselves, and get limited clarifying information from staff; there can be no further questions or comments to or from the applicant or other participants.

■ *Updates*

Utile has NOT YET been asked to conduct an updated run to the Compliance Model and create a new map based on the meeting of the 9th for the reasons noted below. This office was ready to pull the

trigger several times only to have new information arise that suggested it would be prudent to hold off. I would be glad to discuss further tonight. The reasoning included the following:

1. Awaiting word on whether additional funding would be available.
2. Awaiting word on whether Board would reconsider allowing Select Board member Epstein to conduct a preliminary review at no cost.
3. The proposal by the owner of the Purecoat site requesting inclusion in the 3A program. See separate memo on this issue.

■ ***Proposed Map Changes***

The map changes voted on by members at the 7/9/24 meeting have not yet been affixed to a new formal map other than the slides shown on the 16th. We have a few issues to still work out before we conduct a run. These are:

1. Will Brighton Street be re-integrated or not?
2. Is the Planning Board really comfortable with units well in excess of 2000 given the recent changes from SD1 to SD2 and SD 2 to SD5?
3. Will we potentially create two separate SD5 zones or stay with the single zone calibrated to possible different outcomes?
4. Will we reconsider the footprint decision for SD2 made at the last meeting?

■ ***Zoning Bylaw Comments***

I/we still need to do the following:

1. Change some definitions to the Town Zoning Bylaw definitions.
2. Look up some cross references.
3. Get final Planning Board comments on Zoning Bylaw.

In discussing the Zoning for 3A on Tuesday night, I will not have a summary presentation but will be able to scroll through the Bylaw on screen and describe the provisions at a high level. I may try to put together some annotations which will serve us later at Town Meeting.

■ ***Inclusionary Housing Bylaw***

A final version has been made available to members and is now posted online. It can be discussed at a future meeting.

■ ***Site Plan Review Bylaw***

A final version has been made available to members and is now posted online. It can be discussed at a future meeting.

■ **Utile**

Consultant Utile has approximately \$6,400 remaining for this project. They can run one more “update” model for us but not any additional full compliance runs. Therefore, I would recommend that the Planning Board make sure a final map version is what is desired and then 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.

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 23, 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.

RKG is still expected to provide results to us by mid-August but the fiscal impact of 3A is dependent on receiving 3A final information from the Town in the next week or so.

■ **Technical Assistance**

Financial Feasibility and Fiscal Impact Analysis

This office has applied for a grant from EEA for \$15,000 to conduct a financial feasibility analysis of Subdistrict 4 at 3 or 4 stories plus a site analysis of 30 Brighton at 5 stories mixed use. The latter would also include a fiscal impact analysis at a range of bedroom mixes. Utile partner Landwise had provided us with a quote for these services and we could get a completed report within 2 weeks after going to contract.

In-House Pro Bono Tech 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. Mr. Epstein has offered to meet with the Planning Board subcommittee again to work everything out before finalizing the map.

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