



Director of Planning & Building

BOARD UPDATE

June 25, 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

Compliance

I have received a slide deck on the compliance model run for the Planning Board map as discussed at the last meeting with the changes discussed, including Lexington Street. I will be glad to take the Board through this deck tonight in full. A summary of the findings is as follows:

	Compliance Run w/ No Subdistrict I Unit Cap	Compliance Run w/ 3 Unit Subdistrict I Cap	Compliance Run w/ 4 Unit Subdistrict I Cap
Total Units	2,374	1,838	1,988
Net Increase	1,638	1,102	1,252
Buffer	45%	13%	22%
Contiguity	49%	49%	49%

I think that it is pretty clear that we do need a cap of some sort. The 3-unit cap is punitive to development in the sense that you could have a 2,000 sf lot that would produce 3 units and also a 10,000 sf lot that would also produce 3 units. Utile is proposing a 4-unit cap that would at least allow some additional credit beyond 3 units but not much.

My biggest concern is if the state in running their compliance check could kick out lots like the latter hypothesized above where the effective density does not meet the minimum 15 units per acre requirement. This could also happen with a 4 unit cap so we'll have to check further on that question. There is also the question of imposing a cap in the model but not the zoning, as to whether the state would allow that. This is also a question we've already proposed to the state and are awaiting an answer.

For the 4-unit cap idea, the idea would be if owners of adjoining lots would like to develop several lots together, they always have the option of considering them separate for zoning purposes (e.g. build 8 units instead of 4 on two adjoining lots, 12 units instead of 4 on three adjoining lots, and so on).

Note that the key number after absolute number of units is the slight shortfall of contiguity which means we'll either have to:

1. Shave some acreage off one of the non-Waverley areas (making sure to maintain the minimum 5 acres), or
2. Add some acreage to Waverley.

Zoning Text

Utile updated the zoning text in a number of ways. The summary is as follows:

1. Added in building heights in dimensions that was not included previously.
2. SDI building footprint reduced from 2,000 to 1,800.
3. Unit cap for SDI is 4 units to allow some flexibility for larger lots.
4. They recommend a special building height definition. I asked them to write one.
5. They propose additional faux story height for SDI I am guessing for mechanicals.
6. They recommend eliminating adaptive reuse section. I agree.
7. They recommend scaling back bicycle parking section. I agree.
8. They are working on a building footprint explanatory diagram.
9. There are other questions and comments embedded in zoning bylaw document.

Here are some details related to these items:

1. The previous dimensional table omitted the dimensions for lot size. These have been added back in to the zoning bylaw in its latest iteration.
2. The subdistrict I building footprint has been proposed to be reduced from 2,000 sf to 1,800 s.f. as I believe that Utile did this to slightly reduce unit count.
3. The Planning Board needs to determine whether it wants a 3 unit cap for subdistrict I, a 4 unit cap, or no cap. As you see in the table above and the narrative attached to it, this will make a difference in how the model calculates units for subdistrict I. While no cap is probably not where you want to go given the high unit count, it does provide the most development opportunity for this subdistrict. Alternatively, the hard 3 unit cap reduces unit count down to where I believe the Board is more comfortable, but is very limiting to opportunities on oversized lots. The key question is whether we can offer more flexibility, either by-right or by special permit, to eliminate the cap in the zoning bylaw.
4. Utile recommends providing two sets of building height maximums that correspond to flat and pitched roofs. The numbers they show in the zoning tables are measured to the highest point of the roof beam, as opposed to the mid-point between the bottom and top of a pitched roof as defined in section 1.4. Utile feels that this would be a more intuitive way to determine building height, but are open to further consideration by the Board. I have asked them to provide the text of these height definitions so we can better evaluate this suggestion.

5. Full Top Story w/ Pitched Roof: Subdistrict I is capped at a 3-story maximum, so the top story of any development is likely to be a full story instead of a half story. Since a half-story pitched roof rules won't apply to SDI, Utile recommends an 8' addition to the flat roof maximum height to account for a pitched roof above the top story. An alternative is to allow a mechanicals screening wall which would not count toward building height. Utile will follow up with a graphic to visualize that for the Planning Board's consideration. They ask, does setting up a rule for pitched roofs above full stories make sense? In other words, should we allow pitched roofs for SDI at all? I would answer that if there is a specific purpose to it, like screening mechanicals, then possibly yes, but not just for aesthetic purposes.
6. Maximum Footprint for SDI: After another round of quick calculations, Utile is recommending a reduction of the maximum footprint for SDI from 2,000 sf to 1,800 sf. Their rationale is that even if a development maxes out at 4 units in a single building, the 1,800 sf footprint at 3 stories can still accommodate 4 spacious BRs.
7. Adaptive Reuse: Utile recommends removing this section altogether. The section is more specific to Newton's concerns around historic preservation and is not, for example, included in their recommendations for other communities like Watertown.
8. Bicycle Standards: Utile recommends simplifying bicycle standards as we see fit. The standards for Newton are on the lengthier end because they're intended for larger multi-family developments. They ask, are there general provisions elsewhere in the bylaw that would suffice?
9. Building Footprint Diagram: The feedback of needing to understand the concept of building footprint is well noted by Utile. They are working on a before-and-after diagram explaining the current approach of evaluating development proposals based on open space and maximum lot coverage and the proposed framework of using maximum footprints (and also open space). They will be able to deliver these diagrams later this week.
10. Utile has provided another pass at the Zoning Bylaw and I received it this morning. I will pass it along with this report.

Graphics

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

1. As of June 25, 2024, there is still no feedback yet on Mandatory Mixed-Use submittals to the state.

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

1. A modified map has been developed and I will show it tonight as part of the Compliance Model presentation and post it to the web after tonight's meeting.

Affordable Units/Inclusionary Zoning

1. The Inclusionary Housing Bylaw has been reviewed and edited by Town Counsel. The Trust discussed it last week and Counsel is still working out a few details.
2. 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.

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.

■ Long Range Planning

Please refer to the memorandum distributed on this issue last week for details.

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