



MBTA Communities Multifamily Zoning

Planning Board Public Hearing

July 16, 2024

Agenda

1. Background—Overview of Law and Minimum Requirements for Zoning
2. Historical Process in Belmont Overview
3. Proposed MBTA 3A Bylaw and Map Overview
4. Proposed Inclusionary Housing Bylaw Overview
5. Proposed Design and Site Plan Review Bylaw Overview
6. Schedule
7. Questions on Presentation

Planning Board Process Team



Town of Belmont

- Christopher Ryan, Director Office of Planning & Building and Town Planner
- Delia Ferguson, Staff Planner



Belmont Planning Board

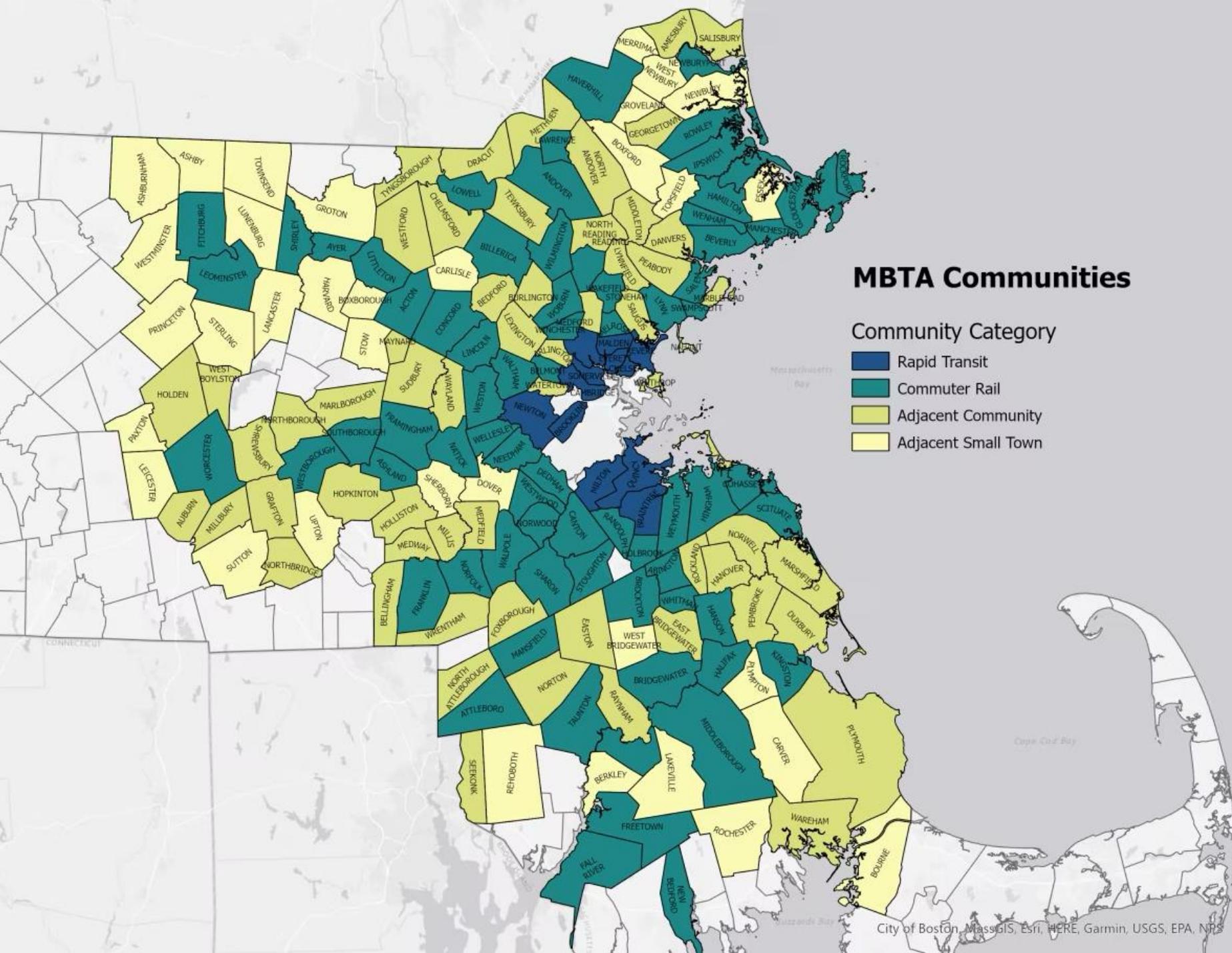
- Jeff Birenbaum, Chair
- Carol Berberian, Vice-Chair
- Thayer Donham, Member
- Renee Guo, Member
- Taylor Yates, Member
- Andrew Osborn, Associate Member



Metropolitan Area Planning Council (MAPC)

Utile Architecture and Planning

utile



MBTA Communities

Community Category

- Rapid Transit
- Commuter Rail
- Adjacent Community
- Adjacent Small Town



3A Overview

- Develop zoning that is in compliance with the Multifamily Zoning Requirement for MBTA Communities under Section 3A of M.G.L. Chapter 40A (“Section 3A”)
- Section 3A requires Zoning Bylaws in 177 MA communities to provide:
 - “...at least one district of reasonable size in which multifamily housing is permitted as of right, with no age restrictions, and is suitable for families with children.”
- Must be at a density of at least 15 units per acre

Defining Terms

At least one district of reasonable size in which multifamily housing is permitted as of right, with no age restrictions, and is suitable for families with children.

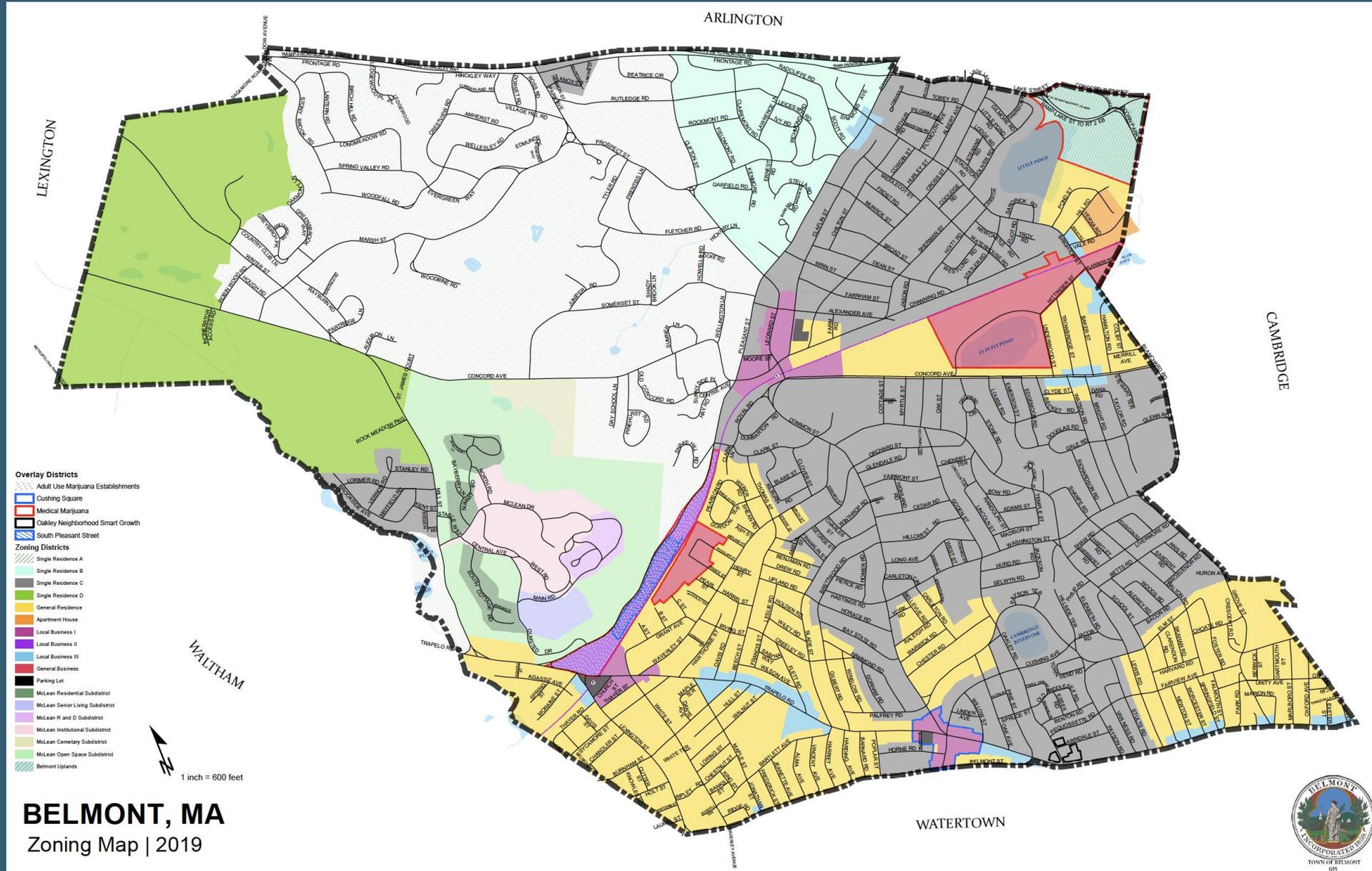
- **“Reasonable size”** is defined (for Belmont) as a minimum of 28 acres
- **“Multifamily housing”** is defined as 3+ units
- **“Permitted as of right”** may include site plan review but excludes subjective and discretionary reviews such as special permits
- **“No restrictions”** for age of residents or who could live there



Defining Terms - Zoning

- Sets the rules for future development, redevelopment, and land use
- Evolves over time with changes approved at Town Meeting
- Topics covered in the Town's Zoning Bylaw:
 - Zoning districts, allowed uses, dimensional standards (e.g. building height, setbacks), parking requirements, and other regulations

Belmont Zoning



Section 3A Requirements for Belmont

Units

Minimum multifamily unit capacity: **1,632**

Minimum transit area unit capacity (50%): **816**

Area

Allowed units from mandatory mixed-use: **408**

Minimum gross land area (acres): **28**

Other

Minimum transit area (50%) (acres): **14**

Minimum contiguity (of total proposed area): **50%**

Minimum dwelling units per acre: **15**

Allowed affordability: **Up to 10%; up to 20% with additional Economic Feasibility Analysis (EFA)**

Belmont's EFA is currently being developed by MAPC

Allowed Affordability

- Affordability is not required but is highly recommended so as to not fall further below 10% minimum
- Up to 10% affordability is allowed to be applied without conditions
- Up to 20% is allowed with additional financial feasibility modeling referred to as an Economic Feasibility Assessment (EFA)
- Belmont currently has an inclusionary housing (IH) bylaw which requires up to 15% affordability at 80% Area Median Income or AMI

Allowed Units from Mandatory Mixed-use

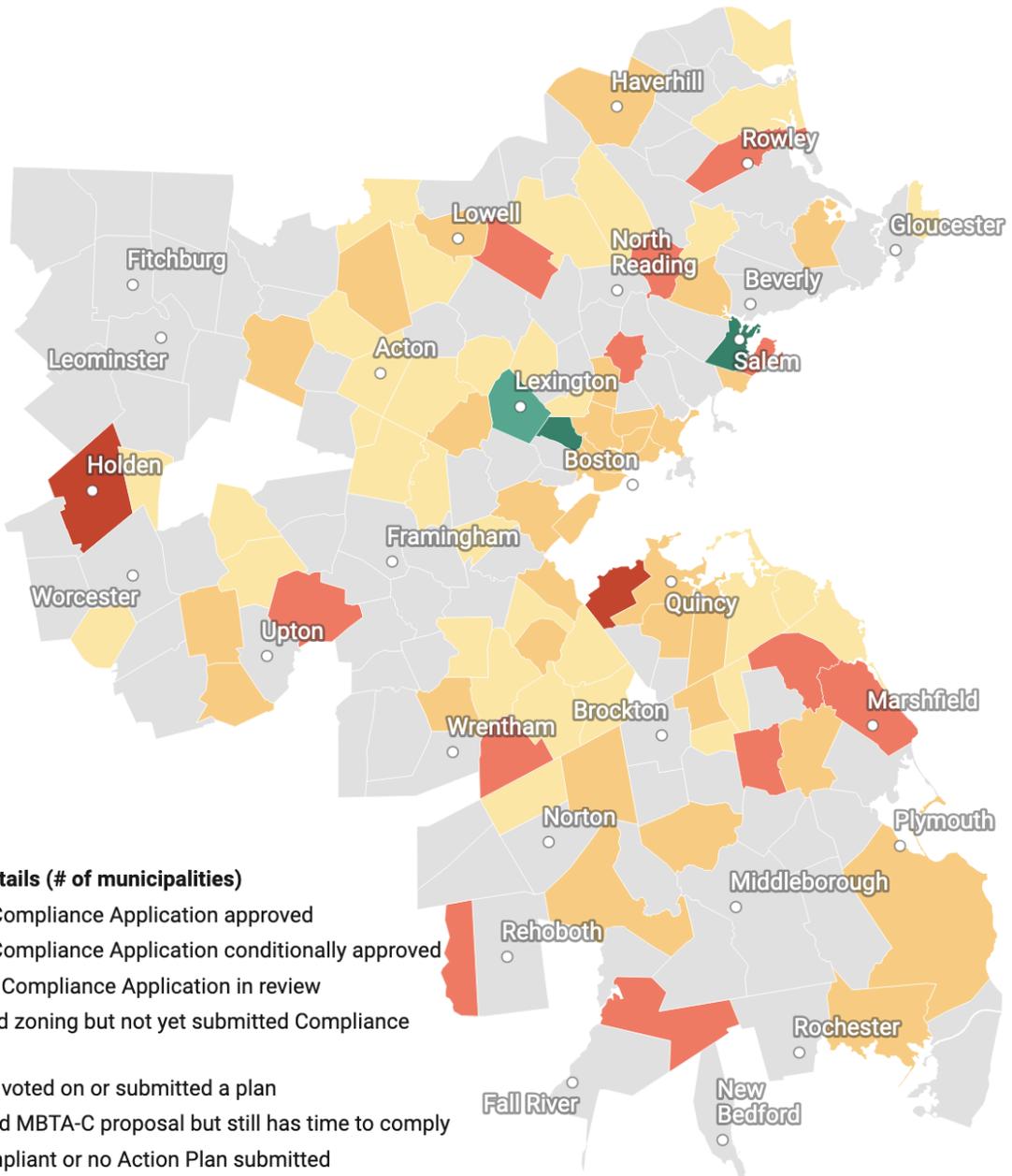
- Mixed-use cannot be required...
- ...except in a “Mandatory Mixed-use District” (MMU) which would count toward the zoned unit capacity (up to 25%) but not count toward the required acreage
- For contiguity, MMU is “connective” but not “contributing”
- Conditions for approval of MMU

MBTA Communities

72 municipalities have now passed 3A zoning

14 municipalities have rejected a proposal

2 of those are currently non-compliant



Compliance Details (# of municipalities)

- (2) District Compliance Application approved
- (1) District Compliance Application conditionally approved
- (33) District Compliance Application in review
- (35) Adopted zoning but not yet submitted Compliance Application
- (92) Not yet voted on or submitted a plan
- (12) Rejected MBTA-C proposal but still has time to comply
- (2) Non-compliant or no Action Plan submitted

Map: Boston Indicators • Source: [Boston Indicators Interpretation of EOHLA Multi-Family Zoning Requirements for MBTA Communities](#) • Map data: [MassGIS](#) • [Get the data](#) • Created with [Datawrapper](#)



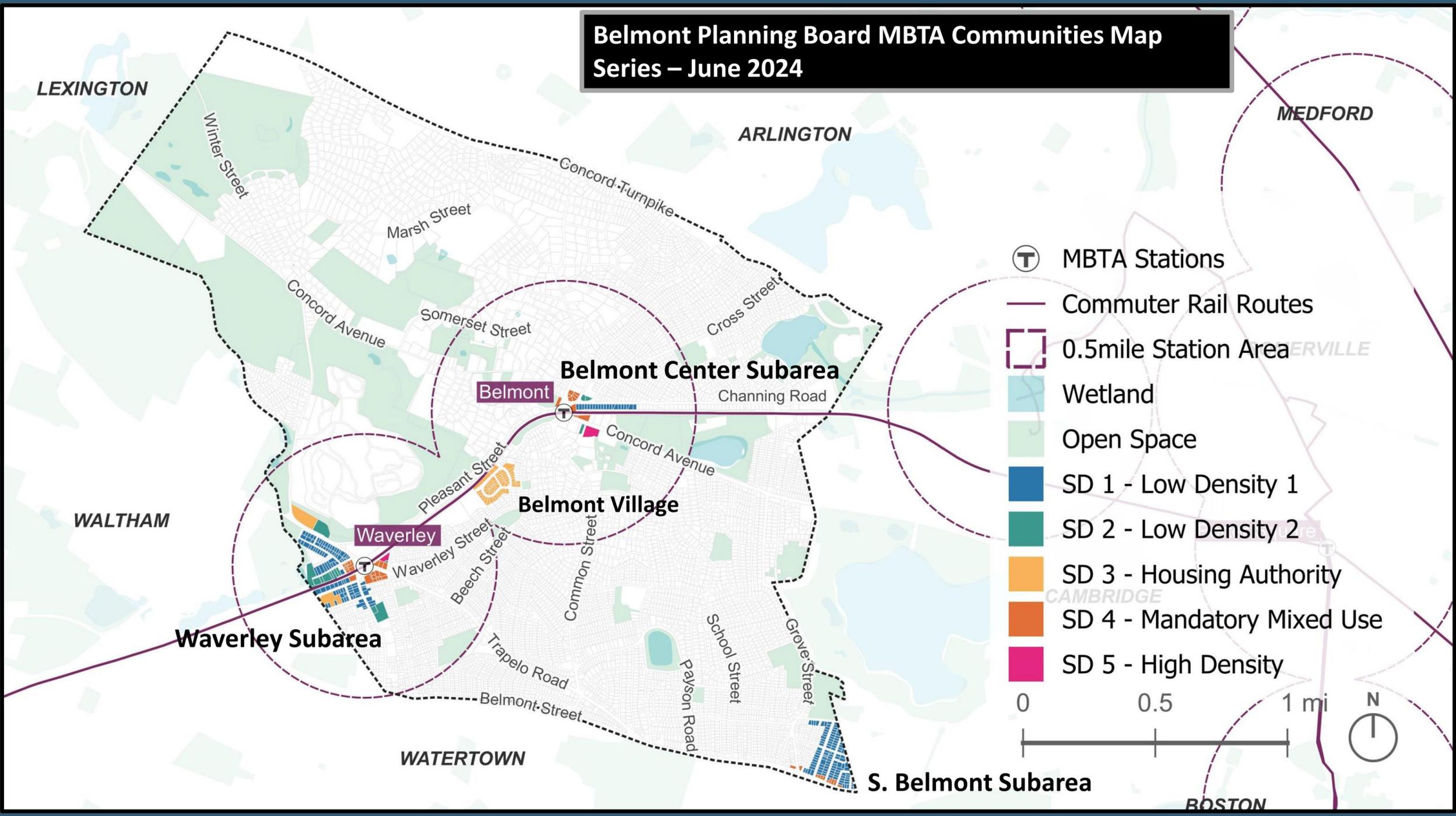
Belmont Program History

- Established an Advisory Committee in December of 2022 (met a total of 53 times)
- Committee held four (4) public forums
- Committee produced a recommended map and a memorandum serving as a blueprint for the Planning Board
- Planning Board took on the project in April 2024
- Planning Board produced their own map in April 2024 which was passed on May 7, 2024 by a 4-1 vote
- Second map developed in June 2024 which was run through Compliance Model by consultant Utile
- Third map developed in July 2024 where a second Compliance Model run was conducted showing unit compliance but not contiguity compliance.
- A fourth map was voted on by the Planning Board on July 9, 2024 but no map or compliance model run has yet been conducted.

Planning Board map
voted 4-1 on May 7, 2024
showing Lower Belmont
district.



Belmont Planning Board MBTA Communities Map Series – June 2024



LEXINGTON

ARLINGTON

MEDFORD

WALTHAM

WATERTOWN

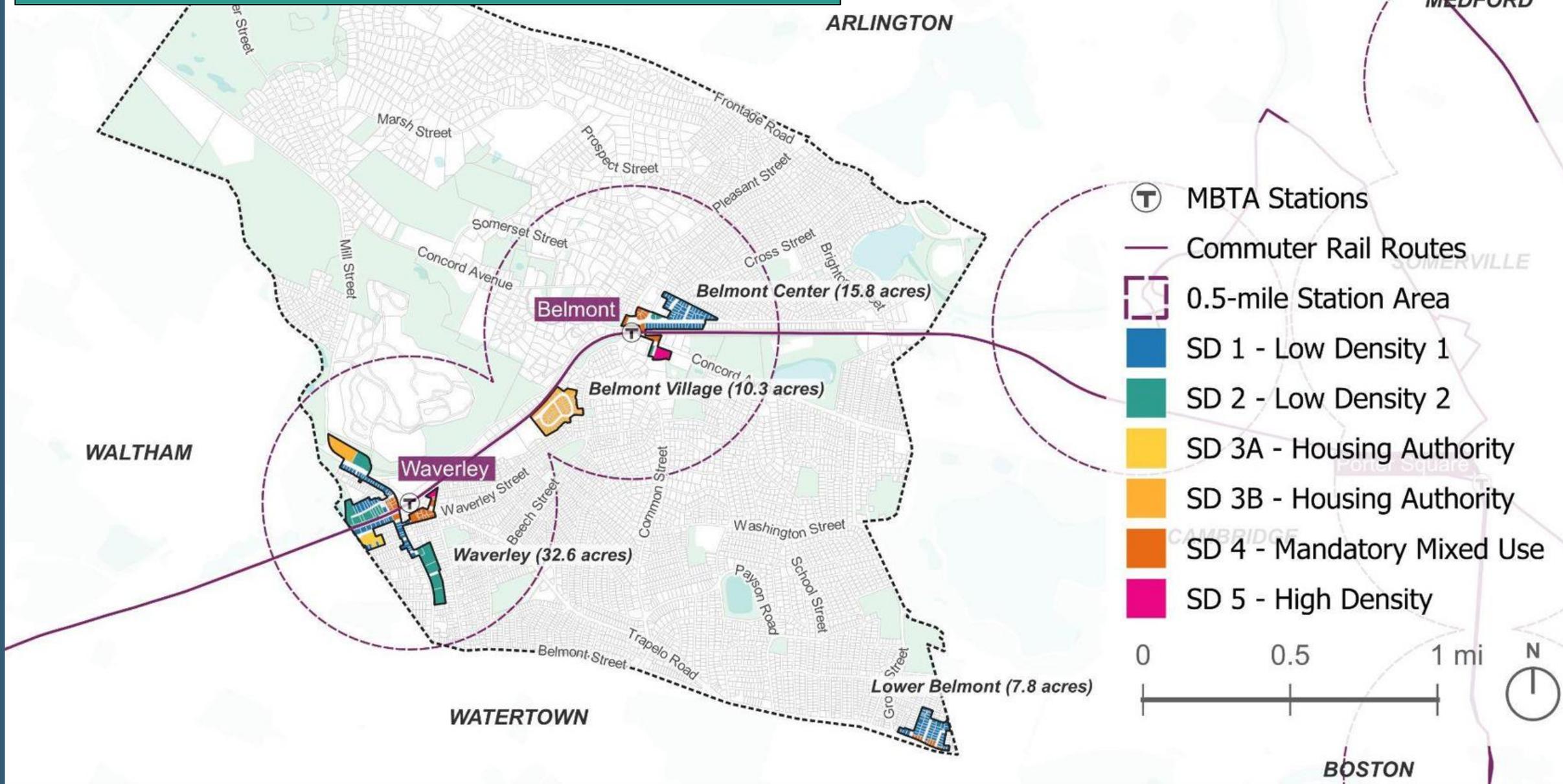
S. Belmont Subarea

BOSTON

- MBTA Stations
- Commuter Rail Routes
- 0.5 mile Station Area
- Wetland
- Open Space
- SD 1 - Low Density 1
- SD 2 - Low Density 2
- SD 3 - Housing Authority
- SD 4 - Mandatory Mixed Use
- SD 5 - High Density



Map Developed By Utile for Compliance Model Run #2 in June 2024



Belmont's Program Status

- **MBTA 3A Map (draft) showing zoning areas**
 - Current map unit compliant but not contiguity compliant
 - Board will continue to work to gain full compliance metrics shortly
- **MBTA Zoning Bylaw draft amendment** (overlay zoning subdistricts)
 - Still working on language and dimensional criteria and will be presented in an upcoming Public Hearing session
- **Inclusionary Housing Bylaw draft amendments**
 - Draft has been through Housing Trust and Town Counsel
- **Design and Site Plan Review (DSPR) Bylaw draft amendments**
 - Draft developed by Town Counsel in collaboration with staff.
- **Mandatory Mixed-Use (MMU) Evaluation** (pending)
- **Economic Feasibility Analysis (EFA) Evaluation** (pending)

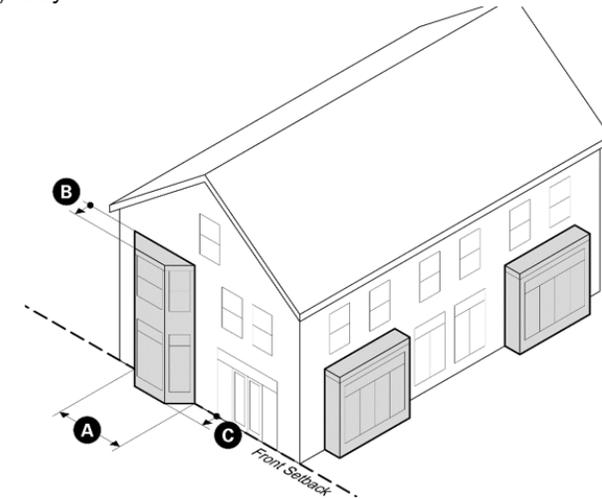
Zoning Bylaw Draft Amendment

- Zoning will be an overlay zone, which is a zoning district that "lies" on top of the existing base zoning district. This overlay district identifies special provisions in addition to those in the underlying or base zoning district. Each property would continue to have the existing base zoning available for use, but would also have an optional set of zoning tools available to building according to the overlay provisions.
- The Bylaw would have its own unique set of dimensions and development criteria which is employed, would supersede zoning criteria in the overall Bylaw.

10. Architectural Features

- The structural and architectural elements that extend outward from a building façade, including awnings, bays, balconies, and porches.
- Architectural features which fully comply with the dimensional standards below are not considered part of the building footprint.
- Architectural features may project into the front setback and/or right of way only based on the following standards:

1) Bay



Dimensions	
Width of each bay, (max)	Greater of 20% of wall length or 12 ft
Depth, (max)	3 ft
Front setback encroachment at the ground story, (max)	3 ft
Fenestration (min)	60%
Extension into the right of way (max)	3 ft
Clearance above grade within the right of way (min)	Top of the ground story

Inclusionary Housing Bylaw Draft Amendments

- The Inclusionary Housing Bylaw (existing Section 6.10) is a local zoning provision that requires a developer to include deed-restricted affordable housing as part of a new development.
- Amendments to this Section are necessary because there are provisions currently in the Bylaw that conflict with MBTA 3A and if not amended, would not allow the inclusionary provisions to apply to 3A projects.
- The ability to use these provisions with 3A projects is critical to maintain progress toward the Town's 10% minimum affordable housing inventory, which if met, would give the Town safe harbor from unfriendly 40B projects.

6.10.4 Requirements

- 1) ~~Residential~~ Developments ~~that result in with~~ six (6) or more new Housing Units shall provide Affordable Housing Units as outlined in the table below:

Size New Housing Units in the of Residential Development	Percent of Affordable Housing Units Required for Residential the Developments
6 to 12 Housing Units	10%
13 to 20 Housing Units	12%
More than 20 Housing Units	15%

Note: §6.10.4 was amended under Article 3 at the 2019 Annual Town Meeting.

- 2) Where the calculation of Affordable Housing Units results in a fractional unit ~~greater than one-half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation results in a fractional unit less than or equal to one-half (.5), the fraction shall be rounded down to the next whole unit.~~
- 3) ~~Rental~~ Developments with ~~for-rent housing~~ units for households at 50% or less of ~~Area~~ Median Income may reduce the total number of required Affordable Housing Units by an amount equal to the number of ~~for-rent~~ units available to households at 50% or less of ~~Area~~ Median Income, or by 25% of the Affordable Housing Units required, whichever is less.
- 4) Except for cash payments permitted ~~in under~~ Section 6.10.5 with respect to for-sale Developments, Affordable Housing Units shall be provided within the Development that requires the Affordable Housing Units.

6.10.5 Cash Payment Option for For-Sale Affordable Units

In exceptional circumstances, the Planning Board may allow the applicant for a Development of 6 or more for-sale new Housing Units to make a cash payment to the Affordable Housing Trust Fund in lieu of providing Affordable Housing Units required under this Section 6.10. Such cash payment shall be equal to 5% of the projected total sale price of the Housing Units based on an appraisal satisfactory to the Planning Board. In making its decision, the Planning Board shall seek a recommendation from the Belmont Housing Trust.

Note: §6.10.5 was amended under Article 3 at the 2019 Annual Town Meeting.

6.10.6 Selection of Qualified Affordable Housing Unit Purchasers or Tenants

The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be pursuant to the Local Initiative Program and shall be administered as follows:

- The selection process shall include a plan for marketing of the Affordable Housing Units created under this Section 6.10. The duration and design of this plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.
- Belmont Residents shall be given preference for seventy percent (70%) of the Affordable Housing Units created under this Section 6.10.

Design and Site Plan Review Draft Bylaw Amendments

- The existing Section 7.3 of the Zoning Bylaw covers requirements for Design and Site Plan Review, which are the important provisions to ensure that by-right development is done sensitively and appropriately.
- This Section also needs to be amended to be better suited to the scale of development expected from 3A projects.
- These proposed amendments, while not as ambitious as originally intended, will give the Planning Board more tools to effectively evaluate and decide on site plan review submittals, both for 3A and other by-right projects.

federal, state, or local law. Issuance of a Building Permit or Certification of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

7.2.2 Vested Rights Limitation

Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this By-Law unless the use or construction authorized by the Permit is commenced within a period of not less than six months after the issuance of the Permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

7.3 Design and Site Plan Review

Note: §7.3 was amended by Article 16 at the 2005 Annual Town Meeting.

7.3.1 Purpose

- To maintain the integrity and character of all zoning districts and adjoining zones by insuring that proposed development fulfills the purposes and complies with the requirements of the Belmont Zoning By-Law ("these By-Laws").
- To ensure that development which is subject to this review is planned and designed to minimize impacts on its abutters, the neighborhood, and the environment.
- To provide an orderly review procedure where site plans of proposed projects can be approved with reasonable conditions which that will further the purposes of these By-Laws.

7.3.2 Applicability and Waiver

The Planning Board shall hear and decide all petitions for Design and Site Plan Review in accordance with the provisions of this Section 7.3.

- Design and Site Plan Review is required for any new building, addition or change in use of a predominantly non-residential building greater than 2,000 2,500 gross square feet gross floor area in any zoning district, or a proposal that results in the need for six requires five (65) or more parking spaces on the lot, or a or if the proposal that reduces the number of on-site parking spaces or changes to the configuration of off-street parking, screening, egress, utilities, drainage or lighting.

For addition or alterations of less than 2,500 gross square feet, the Planning Board may waive any or all of these requirements.

- Design and Site Plan Review is not required for those uses which require a Special Permit (for use) from either the Planning Board or the Zoning Board of Appeals. If a Special Permit is required per Section 1.5 of these By-Laws, it shall be obtained prior to the submittal of an application for Design and Site Plan Review.
- Upon written request, the Planning Board may waive any or all of these requirements for an addition to or alteration of an existing structure affecting less

Public Hearing Schedule (Proposed)

Session 1 – July 16, 2024

- A. Staff Presentation on MBTA Communities
- B. Staff Presentation on Zoning Map Proposed (15 min.)
- C. Board discussion
- D. Public Comments and Questions (45 minutes)

Session 2 – July 23, 2024

- A. Continue Public Hearing (5 min.)
- B. Staff Presentation on MBTA Zoning Bylaw (45 min.)
- C. Board Discussion (45 min.)
- D. Public Comments and Questions (35 min.)

Session 3 – July 30, 2024

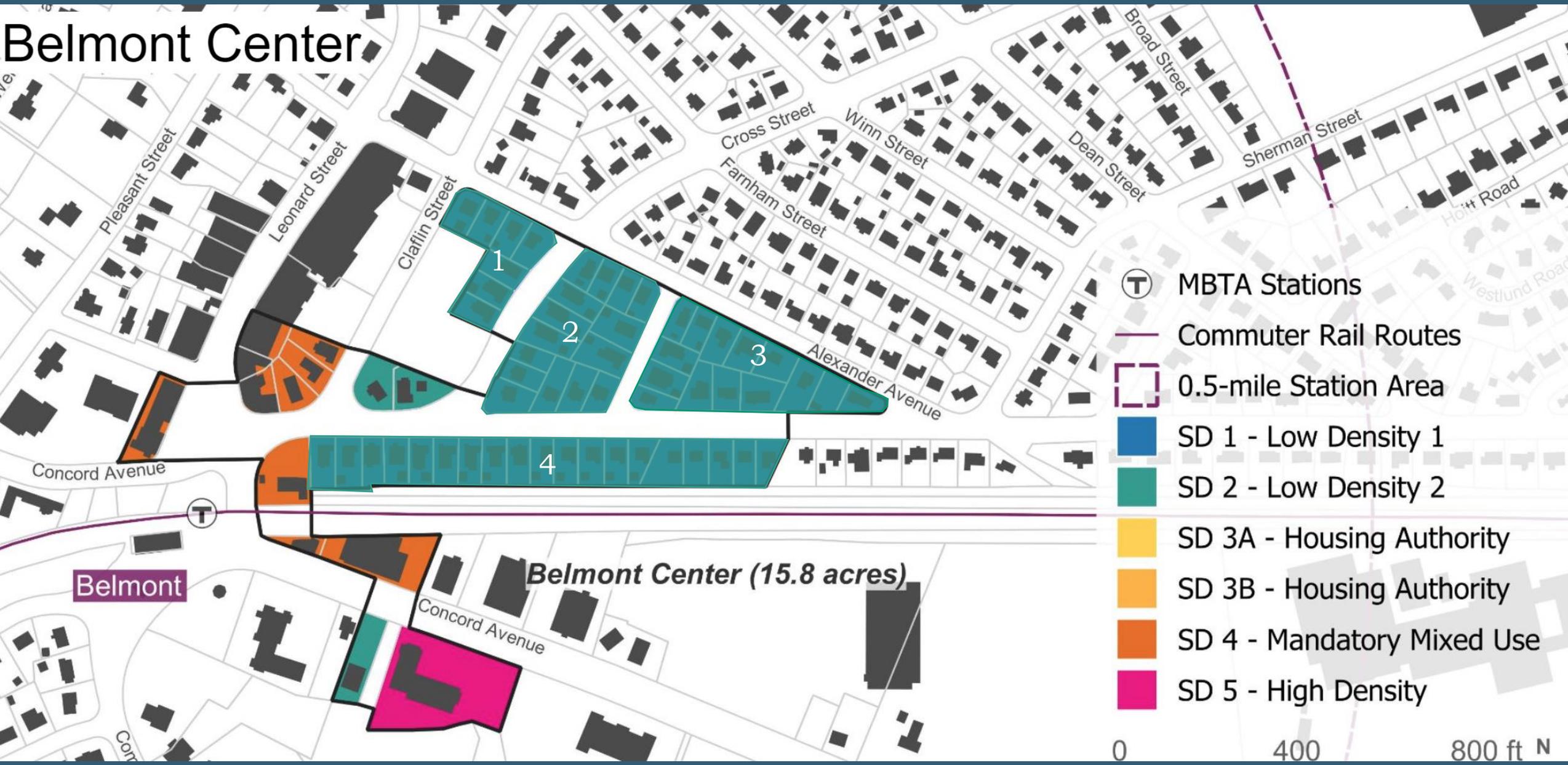
- A. Continue Public Hearing (5 min.)
- B. Staff Presentation on Design and Site Plan Review Bylaw (35 min.)
- C. Board discussion
- D. Public Comments and Questions (30 min.)

Session 4 – August 6, 2024

- A. Continue Public Hearing (5 min.)
- B. Staff Presentation on Inclusionary Housing Bylaw (15 min.)
- C. Board Discussion
- D. Public Comments and Questions (55 min.)

Questions & Comments

Belmont Center



- Ⓣ MBTA Stations
- Commuter Rail Routes
- 0.5-mile Station Area
- SD 1 - Low Density 1
- SD 2 - Low Density 2
- SD 3A - Housing Authority
- SD 3B - Housing Authority
- SD 4 - Mandatory Mixed Use
- SD 5 - High Density

0 400 800 ft N

Belmont

Belmont Center (15.8 acres)



Reduce SD1 area to just over 5.0 acres

-  MBTA Stations
-  Commuter Rail Routes
-  0.5-mile Station Area
-  SD 1 - Low Density 1
-  SD 2 - Low Density 2
-  SD 3A - Housing Authority
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