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TOWN ADMINISTRATOR
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JENNIFER HEWITT

Mr. Edward Augustus, Secretary
Executive Office of Housing and Livable Communities
100 Cambridge Street
Boston, MA 02114

RE: Pre-Compliance Review Submittal for Belmont, MA MBTA 3A Zoning Program
(Map #1)

Dear Secretary Augustus:

The Town of Belmont has submitted a comprehensive Pre-Compliance Review application through the online portal for the MBTA Communities 3A Zoning program. As Belmont's application and program may be atypically complex, and as per your staff's instructions, we are separately submitting the attached narrative designed to explain our framework and rationale.

Belmont is optimistic that all of the time and effort put into this very thoughtful program fully meets the requirements of the program's guidelines. We appreciate the state providing an opportunity for this pre-application review process and we look forward to your comments.

Sincerely,

Patrice Garvin
Town Administrator

cc: Chris Kluchman, Director, Livable Communities Division, Executive Office of Housing and Livable Communities



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SECTION 1 – COMMUNITY INFORMATION

Belmont has been classified as a Commuter Rail community with a requirement to zone for 1,632 multifamily housing units on a minimum of 28 acres. A total of fifty (50) percent of the required land area must be within Transit Station Areas.

The contact for the Pre-Compliance Review application is Christopher J. Ryan, AICP, Director of Planning and Building. The Municipal CEO is Town Administrator Patrice Garvin.

SECTION 2 – COMPLIANCE DOCUMENTATION

Belmont uses the term “subdistrict” to refer to the districts defined in the portal. Belmont has established eight (8) separate subdistricts in its Map #1 of 2 total maps submitted, as follows:

District 1 - Multifamily Overlay Zone 1A (MOZ1A)

The MOZ1A subdistrict facilitates the preservation of existing homes through conversion to multiple units and new, smaller-scale, multi-family buildings similar in size to the surrounding residential neighborhoods including triple deckers and other configurations, intended for *smaller* lots less than 6,500 s.f.

District 2 - Multifamily Overlay Zone 1B (MOZ1B).

The MOZ1B subdistrict facilitates the preservation of existing homes through conversion to multiple units and new, smaller-scale, multi-family buildings similar in size to the surrounding residential neighborhoods including triple deckers and other configurations, intended for *larger* lots.

District 3 - Multifamily Overlay Zone 2 (MOZ2)

The MOZ2 zone facilitates the development of 2.5 story townhouses and apartment buildings of a small to moderate scale.

District 4 - Multifamily Overlay Zones 3A (MOZ3A)

The MOZ3A subdistrict facilitates the redevelopment of certain Belmont Housing Authority properties into moderate scale 5 story apartment blocks interspersed with open space.

District 5 - Multifamily Overlay Zones 3B (MOZ3B)

The MFDZ3B subdistrict facilitates a mix of scales allowing the redevelopment of certain Belmont Housing Authority properties into small scale and moderate scale buildings interspersed with open space.

District 6 - Mixed Use Development Overlay Zone 4 (MXDZ4)

The MXDZ4 subdistrict facilitates mixed-use development of moderate scale. This zone contributes new housing and commercial space in certain existing mixed-use centers and

corridors, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active commercial uses address the needs of residents and employees in the immediate neighborhood, the larger Belmont community, and regional visitors.

District 7 - Multifamily Overlay Zone 5A (MOZ5A)

The MOZ5A subdistrict facilitates the development of moderate scale multifamily buildings as apartments or condominiums three and a half (2.5) stories in height with a limited footprint per building.

District 8 - Multifamily Overlay Zone 5B (MOZ5B)

The MOZ5B subdistrict facilitates the development of moderate scale multifamily buildings as apartments or condominiums with 4 stories in base height. A ground floor commercial option is available to allow 5 total stories in height. This typology has a larger footprint allowance than MOZ5A.

Table of 3A Metrics, By Subdistrict (Map 1)

Subdistrict	Land Area	Unit Capacity	Gross Density	Transit Station Area	Transit Station Units
MOZ1A	12.84	237	18.45	9.03	162
MOZ1B	6.57	130	19.77	5.44	105
MOZ2	10.51	145	13.80	10.51	145
MOZ3A	2.14	197	91.93	2.14	197
MOZ3B	12.66	462	36.51	12.66	462
MXDZ4*	10.92	360	32.97	9.36	310
MOZ5A*	2.36	97	41.14	2.36	97
MOZ5B*	0.51	43	84.67	0.51	43
Subtotal w/o MMU	47.59	1,311	27.55	42.63	1,211
TOTALS	NA	1,671	NA	NA	1,521

* Note that application portal for these subdistricts did not allow for decimal places.

CUMULATIVE ZONING METRICS

2.8 Cumulative Land Area in acres

47.59 (58.5 including MMU area)

2.9 Cumulative Unit Capacity

1,311 (1,671 including MMU units) – For a detailed explanation, the total number of units in the program for Belmont is 1,671 including 360 mandatory mixed-use units. Without MMU units, the total is 1,311 units.

2.10 Overall gross density in units per acre

27.55 – Total 1,311 units divided by 47.59 acres.

2.11 Cumulative Land area (acres) in transit station areas

42.63 (51.99 including MMU)

2.12 Estimated unit capacity in transit station areas

1,211

2.13 Percentage of land area (to minimum land area requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%

88.4%

2.14 Percentage of unit capacity (to minimum unit capacity requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%

87.6%

2.15 Is at least 50% of the district land area comprised of one contiguous geography?

Yes

2.16 Are any district geographies smaller than 5 acres included in the land area calculation?

Yes

SECTION 3 – COMPLIANCE MODEL UPLOADS

3.1 Did this community complete the Compliance Model and achieve numerical zoning standards that satisfy the requirements of Section 3A and the Compliance Guidelines?

Yes

3.1a Completed Compliance Model Excel workbook

Attached files submitted to meet this section are as follows:



Filenames: 3A_Compliance_Model_Workbook_All Other Districts_Lower Belmont.xlsx
3A_Compliance_Model_Workbook_BHA_Lower Belmont.xlsx
3A_Compliance_Model_Workbook_MMU_Lower Belmont.xlsx

Please note that the first two workbooks were uploaded and the third was provided as a Sharefile link as there were only two file upload choices and Belmont has three workbooks for this map.

3.1c Zip folder containing GIS shapefile components for the designated zoning district(s)

Attached files submitted to meet this section are as follows:



Filename: All Zoning Districts – Lower Belmont

We have also provided a link to the Compliance Model Summary Sheet below which provided metrics for each subdistrict for this Map #1 as well as totals and compliance targets. We are providing this separate summary sheet because Belmont's underlying zoning defines seven separate residential zoning districts and the compliance model as distributed only allows up to five districts. The summary we have created contains all of this information from the compliance model summary page but in a format that allows all seven districts to be included.

<https://belmont-ma.sharefile.com/d-sf54d877d32304080a3f2bd578e8e4f09>

Finally, we have also provided a link to the complete parcel database for this Map #1:

<https://belmont-ma.sharefile.com/d-s6b1b727981fa4c97918b123553300908>

3.2 Were any modifications made to the calculations of the Compliance Model workbook, or to the parcel configurations or excluded land classifications provided by DHCD in the land maps?

Yes

3.2a What kinds of modifications were made?

- Workbook calculations
- Parcel configurations
- Excluded land classifications
- Other

Communities may find that modifications are necessary for the data contained in the Compliance Model to accurately reflect on-the-ground realities. For example, parcel configurations may have changed, or publicly owned land may have been disposed for private housing development. The Compliance Model workbook component allows users to override some of this data to better reflect those realities. If the community made any adjustments to that data, please submit a list of the adjustments that were made, and, if applicable, provide any evidence justifying the override (e.g., copy of a disposition agreement, a recorded plan of land, a recorded deed, etc).

3.2b Please attach a document explaining the modifications

Attached files submitted to explain this section are as follows with repeated text provided below.

Filename: UNIT COUNTING METHODOLOGY EXPLANATION FINAL.docx

UNIT COUNTING METHODOLOGY

Belmont's 3A zoning language restricts the size of building footprints for subdistricts 1, 2, 5A, and 5B. Each of these subdistricts has a different maximum footprint. However, the compliance model does not include footprint as a parameter when calculating zoning capacity. Instead, the compliance model independently calculates the building footprint for a parcel as the residual of the lot area minus open space minus an amount of parking area determined by the number of required parking spaces.

We chose to implement the compliance model in a way that recognizes the existence of footprint restrictions in the zoning language. Our procedure gives a conservatively low estimate of zoning capacity because the footprint restriction in the zoning language sets a cap on the number of calculated units that otherwise does not exist in the compliance model.

Therefore, our approach for subdistricts 1, 2, 5A, and 5B is as follows herein. Regardless of the actual size of the parcel, we set the size of the footprint for modeling purposes as the **minimum** of the model calculated footprint and the maximum footprint in the zoning language.

For example, 160 Lexington Street is a Subdistrict 2. This parcel is 53,835 square feet (sq. ft.) according to the shapefile. The compliance model calculates a footprint of 20,727 sq. ft. and, using a building height of 2 ½ stories, calculates a total of 51 units. Instead, we cap the footprint for 160 Lexington Street to the allowed maximum of 4,000 sq. ft. footprint for Subdistrict 2. Using 2 ½ stories then yields our conservative calculation of only 10 units for this parcel.

In reality, we would expect a developer to put several buildings on such a large parcel. However, because we cannot say now how many buildings there would or could be, we count units very conservatively by assuming only a single building.

For Subdistrict 2 as a whole, ten parcels have footprints under 4,000 sq. ft. and the compliance model calculates a capacity of 65 units for them. For the remaining parcels in Subdistrict 2, the compliance model calculates footprints greater than 4,000. Our procedure caps the footprints for these parcels at 4,000 sq. ft. each and imputes capacity of only 10 units per parcel. This is accomplished in the Compliance Model by specifying the Cap on Maximum Dwelling Units for District 3 (which is the column that models Subdistrict 2). For the Lower Belmont map, for example, the compliance model calculates Subdistrict 2 capacity of 337 but we set the cap at 145 units (65 plus 80). For the Brighton map, the compliance model calculates Subdistrict 2 capacity of 384 but we set the cap at 155 units (65 plus 90).

Subdistrict 3B includes the Belmont Housing Authority (BHA) properties known as Waverley Oaks (625 Trapelo Rd) and Belmont Village. The compliance model calculates 262 zoned units for Waverley Oaks and 630 zoned units for Belmont Village. (Note that per earlier discussion with EOHL, Belmont Village is treated as a single aggregated parcel because it consists of many separate contiguous parcels, all under common ownership of BHA.) However, BHA has informed us that they intend no more than 200 units for any development at Belmont Village.

For this reason, we conservatively cap the 3B capacity at 462 units (262 plus 200) instead of the total of 892 from the raw compliance model.

This procedure is applied to each of our subdistricts, reflecting the mix of the various footprint constraints. The bottom-line result is shown in cell H21 in the Summary tab for each district. In each case, the resulting unit count is considerably lower than what the model would otherwise calculate.

SECTION 4 – ZONING UPLOADS

4.1 Please upload the complete existing zoning text

Attached files submitted to meet this section are as follows:



Filename: Belmont_zbl_complete_searchable_pdf.pdf

4.1b Please upload any proposed amendments to the zoning text

Attached files submitted to meet this section are as follows:



Filename: Section 9 – MOZ Version 8.3 – 08-05-2024.pdf

Additionally, Belmont will amend its Design and Site Plan Review Bylaw (Section 7.3), which is relevant for MBTA 3A zoning. The link to the draft of these amendments is below:

https://www.belmont-ma.gov/sites/g/files/vyhlf12826/f/uploads/section_7_final_08-01-2024_pcr.pdf

Belmont also will amend its Inclusionary Housing Bylaw (Section 6.10) to align with MBTA 3A. The link to the draft of these amendments is below:

https://www.belmont-ma.gov/sites/g/files/vyhlf12826/f/uploads/section_6_final_08-01-2024_pcr.pdf

You can also review our existing versions of these Sections at this link:

<https://www.belmont-ma.gov/planning-board/pages/pre-certification-review-documents>

4.2 Please upload the official zoning map

Attached files submitted to meet this section are as follows:



Filename: zoning_map_Belmont.pdf

4.2b. Please upload the zoning map with any proposed amendments for compliance

Attached files submitted to meet this section are as follows:



Filename: 3A_Belmont Map – Lower Belmont.pdf

4.2b If available, zip folder containing GIS shapefiles for municipal zoning map

4.3 Is the municipality a town or a city?

Town

4.3a When does the Town plan to adopt or amend the zoning by-law at Town Meeting in order to comply with Section 3A?

November 18, 2024

Section 9 of the Compliance Guidelines requires towns to submit evidence that a new or amended by-law was adopted and was submitted to Attorney General's Office by submission of "Form 7" prior to submitting an application for District Compliance.

Note that Belmont will be submitting as required to the AG Office as noted above.

SECTION 5 – INCLUSIONARY ZONING / AFFORDABILITY REQUIREMENTS

5.1 Is multi-family housing development in this district subject to affordability requirements?

Yes

5.2 Through which mechanism are affordable units required? (check all that apply)

- Inclusionary zoning bylaw or ordinance that applies to the whole municipality

DHCD pre-adoption review of affordability requirements, and, if applicable, an economic feasibility analysis, is recommended, but not required. If a pre-adoption review application is submitted without the affordability provisions or an economic feasibility analysis, there is a risk that some requirement of the inclusionary zoning may later cause a pre-approved zoning district to not be certified as compliant when the MBTA community applies for district compliance.

Please attach any economic feasibility study that is to be included with this pre-adoption review application. Multiple uploads are provided here in case the study contains multiple files.

Belmont's EFA is in process currently being developed by the Metropolitan Area Planning Council (MAPC).

5.3 What is the threshold of units in a project to trigger affordability requirements?

6-12 Units = 10%; 13-20 Units = 12%; 20+ Units = 15%

5.4 What is the cap on the income of families or individuals to occupy the affordable units, expressed as a percentage of Area Median Income? (For example, 80% of AMI, 60% of AMI.)

80% of AMI

5.5 What is the threshold of units in a project to trigger affordability requirements? Please describe how rounding and fractional units are handled.

Section 6.10 of the Zoning Bylaw states: "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."

The revised version of the bylaw currently under review amends the last sentence to read: "Where the calculation of Affordable Housing Units results in a fractional unit, the fraction shall be rounded up to the next whole unit."

5.6. How does the threshold apply?

- To the total number of units on a lot/in a project, and the pre-existing units count towards the unit threshold
- To the number of units added to a lot/to a project, and pre-existing units do not count towards the unit threshold
- The applicability of pre-existing units towards the unit threshold depends on whether the development is an addition/expansion, or a razing with new construction

5.7. Please describe any zoning or developer incentives

None

5.8 May a financial payment be provided in lieu of providing on-site affordable units?

Yes

5.8a What is the formula used to calculate the required payments?

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.

5.9 May offsite affordable units be provided as an alternative form of compliance?

No

5.10 Please provide any other description of town/city wide inclusionary zoning requirements not captured in the preceding questions.

Note that Belmont needs to amend the current Inclusionary Housing Bylaw (Section 6.10) in order to comply with MBTA 3A. This draft amendment is uploaded to the Zoning Uploads page (p. 14)

5.11 Has the appropriate municipal staff reviewed the guidelines for the Local Initiative Program/Local Action Unit (LIP/LAU) and do they understand the process for getting Inclusionary Zoning units onto the Subsidized Housing Inventory?

Yes

SECTION 6 – ZONING DATA

6.1 Please describe the zoning (or non-zoning) changes that are proposed. Select all that apply.

- A new zoning district

6.2 How does the new district differ from the previous or underlying base zoning district(s)? Select all that apply.

- Allows multi-family housing as of right, vs by special permit
- Allows multi-family housing as of right, vs prohibiting it
- Allows more dwelling units per lot under use regulations
- Allows more dwelling units per lot by direct dimensional regulations (i.e. units per lot area, etc)
- Allows more dwelling units per lot by indirect dimensional regulations (i.e. setbacks, FAR, etc)

The new zoning districts overlay base zoning that are varied whereby some base districts outright prohibit multifamily zoning and others allow currently only by special permit. All new overlay districts allow more density than currently allowed in base districts.

6.6 Will the changes be voted on using a Simple Majority voting threshold under c. 40A Section 5?

Yes

6.8 Please describe any other changes that were made previously made to comply with Section 3A

Concurrently with seeking amendments to facilitate MBTA 3A, Belmont will be bringing two additional Zoning Bylaw amendments to Fall 2024 Special Town Meeting. These are:

1. Amendments to Section 6.10, Inclusionary Housing, to eliminate any 3A conflicting provisions.
2. Amendments to Section 7.3, Design and Site Plan Review, intended to establish a reasonable site plan review process for Belmont whereas the current version is infrequently used and has been substandard.

These files are available for review on the links provided in this narrative above. These amendments are intended to be filed for the same November 18th Town Meeting that the 3A zoning will be heard at.