

TOWN OF BELMONT
PLANNING BOARD
MEETING MINUTES

June 4, 2024

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: July 10, 2024
TIME: 2:17 PM

Present: Online: Carol Berberian, Jeff Birenbaum, Thayer Donham, Renee Guo, Andrew Osborn, Taylor Yates

Staff: Online: Chris Ryan, Director, Office of Planning & Building; Michelle Blanchette, Recording Secretary, Office of Planning & Building

1. Meeting Called to Order

Mr. Birenbaum called the meeting to order at 7:00pm. Quorum was established.

2. 6.10 Inclusionary Housing Bylaw

Mr. Ryan said that he had sent the report ahead of the meeting. The intent of this bylaw is to ensure that affordable housing is available to Belmont residents. First, Mr. Ryan said that the definition of a Belmont resident, as being employed 30 hours per week or more within the Town of Belmont, does not comply with EOHLC requirements and needs to be removed. The definition needs to be modified to say that a resident is someone who is employed within the Town of Belmont, not by the Town of Belmont. Second, we need to remove the development with a residential component that requires a special permit in the section on applicability and replacing it with language that says 'residential development with six or more units'. This change eliminates the requirement for a special permit. This changes the way the program is applied. Before it could only be applied to developments that had a special permit. Now it is applicable to all projects whether by special permit or by right. These changes will be applied to any 3A zoning language. Third, an item voted affirmatively by the Belmont Housing Trust (BHT) yet not recommended by the Town Administrator, under Section 6.10.6.b, Belmont residents are given preference to have first opportunity to apply for units for 30 percent, not 70 percent. This change would revert back to 70 percent if approved. Mr. Birenbaum said that he is opposed to 30 percent and supports keeping it at 70 percent. Elizabeth Dionne, Vice Chair of the Select Board, then joined the meeting and said that the reduction from 30 to 70 percent is unfavorable. The intent is to assist municipal employees to afford housing in Belmont. Living locally would minimize the commutes of municipal employees and reduce traffic. There is a need for affordable housing in the Town of Belmont. Mr. Ryan affirmed that the parents of Metco students receive preference in obtaining housing in the Town of Belmont where their children attend school.

There was a discussion about the best way to amend bylaws. Ms. Berberian said that the State recommends that the Town of Belmont make the 3A language so that there are not restrictions from existing bylaws. Changes to the bylaws can complicate the process. Mr. Ryan said that he had attended webinars on this topic and understood that making changes external to the bylaw is the recommended methodology. Ms. Berberian inquired about the

Economic Feasibility Analysis to be done by MAPC and how it would play a role. Mr. Ryan said that the bylaw language under discussion would fit into MBTA language and not be conflicting. Ms. Berberian said that doing so, and having the language separate from the MBTA language, would complicate it. Ms. Berberian said that she is concerned about reducing benefits to the Town of Belmont employees and that changes to language should be considered with a full zoning language overhaul. Mr. Birenbaum said that MBTA zoning, being by right, introduces the risk of a developer building without partaking in inclusionary bylaws. Ms. Donham said that having this zoning language separate from MBTA zoning language is confusing. Mr. Yates said that he worries that writing this zoning language separate from MBTA zoning language could result in 3A passing and the 6.10 bylaws not passing. Ms. Berberian is concerned that inclusionary bylaws, if built into 3A bylaws, might not pass and would result in 3A bylaws being noncompliant as a whole. Ms. Berberian said that approval from MAPC is needed. Mr. Ryan said that if 6.10 bylaws were included in 3A bylaws and then rejected that the entirety of the 3A bylaws would be rejected. Ms. Berberian asked that the Town Moderator be consulted in this matter to develop a strategy. Mr. Ryan said that a severability clause would enable one part of the bylaw to be rejected and omitted without affecting the remainder of the bylaw. Mr. Birenbaum and Ms. Berberian were concerned that the affordability piece would be at risk of rejection. Mr. Ryan said that he does not anticipate failure and that the bylaw changes under discussion this evening simply represent small corrections. Mr. Ryan said that the only change to residents is 70 percent to 30 percent preference in applying for affordable housing. This change opens up the benefit to people who live or work within the Town of Belmont. Mr. Ryan added that the granting authority would be by special permit as approved by the Planning Board or the Zoning Board of Appeals. The BHT would have a recommending role to ensure that all affordability requirements have been met. The BHT would have a recommending role and make a recommendation to the Planning Board. Mr. Birenbaum said that this adds processing and would take more time. Mr. Ryan said that applicants would be reviewed to ensure that they are eligible for inclusionary housing. Ms. Donham said that BHT would make eligibility determinations and that the Planning Board would not want to be involved with that phase. Mr. Ryan offered to benchmark practices across peer towns. Mr. Birenbaum said that the language needs to be changed to meet EOHLG guidelines and include other beneficial language for the Town of Belmont. Mr. Birenbaum asked that this matter be researched and returned to the Planning Board. Mr. Ryan said that the Select Board will review this on June 10th. Town Council is expected to complete their review tomorrow. The Select Board had hoped for a recommendation from the Planning Board. Ms. Donham suggested that the Planning Board only change the words that need to be changed and return later with other zoning language modifications. Ms. Berberian asked that the affordability piece of the language be maintained. Ms. Donham recommended removing the '30 hours per week' language as well as all references to special permit requirements. Mr. Ryan agreed to this approach and said that he wants to wait for Town Council's full opinion. Mr. Ryan will raise this agenda item again at a future meeting. Mr. Birenbaum said that it is a matter of process and that everyone on the Planning Board agrees with the change from 30 percent to 70 percent. It was deemed best to wait to vote on this matter. Mr. Birenbaum asked if the Select Board would review this on June 10th. Mr. Ryan said that they might wait a week or two and that he would check with Patrice.

3. MBTA 3A Zoning Discussion

a. **Zoning and Dimensionals**

Mr. Ryan said that Utile plans to complete their work on dimensional requirements this week. Once presented, the Planning Board will have the opportunity to share its opinions on the dimensional criteria. Mr. Ryan suggested that the final compliance run be planned to take place after the Planning Board's review of dimensional criteria. The current buffers in place, 8% for total unit count and 1.5% for contiguity, are sensitive to changes in open space and parking. Sharing his screen, Mr. Ryan reviewed maximum stories which vary by subdistrict. In Subdistrict 1 (SD1), triple decker buildings are the default. At times, 3.5 stories are included to accommodate a few more units. In Subdistrict 2 (SD2), stories may be in the 2.5-3.5 range. In the last run, 3.5 stories were included. If reduced, more land area could be added to maintain the 8% total unit count buffer measure. Subdistrict 4 (SD4) and Subdistrict 5 (SD5) are OK. Mr. Birenbaum asked Mr. Ryan to define a half story. Mr. Ryan said that a half story is either a slanted roof with dormers or a small additional story that is stepped back. In either case, these half stories are occupiable. Mr. Birenbaum asked what the height of a story is. Mr. Ryan indicated that a story is between 6-7 feet. In SD1, a 3.5 story building would be about 39 feet tall. Ms. Berberian asked how stories are defined if there is a walkout or parking underneath the building, whether half stories are included for buildings of certain footprints or square footage and clarification on basements v. walkouts. Mr. Birenbaum said that all development would be by right. Mr. Ryan shared that the City of Newton and Town of Watertown used an approach whereby architectural standards were included. Mr. Ryan had a conversation about this matter with the City of Newton Planner who said that the EOHLC had no issue with this approach. Utile is working on including architectural standards requirements in the bylaw language that they are developing such as articulating a façade and no long, blank walls so that buildings are developed with character. Language to be shared Friday of this week or next Monday. Mr. Birenbaum asked if it were the same for all subdistricts. Mr. Ryan said that in SD4, ground level retail stories may be 15 feet tall. Mr. Ryan confirmed that all of the detailed criteria related to stories are included in the first model. Mr. Ryan added that, per Landwise, two residential stories over one commercial story is not financially viable and might not be approved by the State. Utile's models are based on the MBTA Advisory Committee's recommendations and ongoing input from the Planning Board. SD4 (mostly MMU), only counts in units and serves as 'connective tissue' and could be, if desired, discretely removed from the map. Mr. Birenbaum said that the Planning Board did not approve what Utile presented. At the time of the presentation, more illustrations were requested. Mr. Birenbaum said that he wants to ensure that the massing of four-story buildings does not look huge. Mr. Yates said that SD4 is important to the overall map and that he is comfortable with four-story buildings. Mr. Birenbaum disagreed and asked what it means to proceed with four-story buildings. Mr. Birenbaum asked what four-story buildings would look like and whether their roofs would be flat or pitched. Mr. Birenbaum said that with by right development, it is important to be cognizant of the impact of this decision. Ms. Donham said that the State's opinion matters and if the State would reject proposed four-story buildings, the overall map would fail. Mr. Ryan said that the said does not want mandatory mixed use (MMU) development and that their priority is to have affordable housing developed. Mr. Birenbaum asked Mr. Ryan to direct Utile to provide illustrations with architectural standards including four-story buildings. Mr. Ryan shared that Utile is

waiting for the Planning Board to first confirm dimensional standards and that multiple iterations are not in the budget. Mr. Birenbaum said that to-scale illustrations, massing in context and architectural standards are needed. In addition, another model iteration may be needed. Ms. Berberian requested that a Planning Board member be included in meetings with Utile. Ms. Berberian asked if total unit counts included units derived from the fourth story of four-story buildings and remembered only seeing three and a half story buildings. In response to the request to have a Planning Board member attend meeting with Utile, Mr. Ryan agreed to check with the Town Administrator. Mr. Ryan added that units derived from the fourth story of four-story buildings are not included in the total unit count. Mr. Birenbaum said that he had asked that the Planning Board be invited to Utile meetings in order to avoid needing to wait for updates every two weeks. Mr. Ryan said that most communication with Utile was via email and added that the Town Administrator had asked him to manage Utile's budget. Mr. Birenbaum said that having a member of the Planning Board attend future Utile meetings would be result in an efficient and transparent process whereby information would be available real-time. Mr. Ryan agreed to follow up on this question with the Town Administrator.

b. Parking

Mr. Ryan said that he prefers maximum parking ratios, not minimum. In SD1 and SD2, Utile recommends one space per unit. In SD4 and SD5, Utile recommends .5 parking space per unit. Surface parking creates a space issue. In SD5, one parking space per 350 square feet of ground floor retail, if used. It was said that one parking space per 600 feet could be built into the zoning. Mr. Ryan said that the State prohibits parking for retail for Mandatory Mixed Use (MMU) buildings. Ms. Berberian asked if, for SD4, one parking space per unit were allowed, if it could be used for commercial and residential. Mr. Ryan said that such an assumption could be made and see how it works. Mr. Ryan said that maximum parking standards can be established with by right development. Mr. Yates said that he is concerned about parking minimum requirements in SD4. The Town of Belmont wants SD4 to be more pedestrian. By not providing parking minimum requirements, foot traffic will be encouraged. Mr. Ryan agreed with this approach. Mr. Birenbaum asked of there might be no parking minimums imposed for SD4 and SD5. Mr. Yates that said Mr. Ryan has thought of ways to prevent strip malls from being developed throughout the Town of Belmont. Mr. Birenbaum said that he is supportive of one space per unit in SD1 and SD2 and 0 to .25 space per unit in SD4 and SD5. Ms. Donham said that Utile could look at parking in SD4 and SD5 with a maximum ratio of .5 space or less per unit. There is a community concern about the need for additional parking and underground garages are expensive to build. Mr. Osborn and Ms. Guo made no comments. Mr. Birenbaum asked Mr. Ryan to have Utile follow up on the points raised and inquired about open space requirements. Mr. Ryan indicated that open space requirements vary by district. Mr. Birenbaum asked if balconies are included in open space measurements. Mr. Ryan said that the Planning Board could define open space themselves including rooftops, plazas, etc. Mr. Ryan said that he has added a definition of open space to draft bylaw language. SD1 and SD2 should have some green spaces at ground level. Mr. Birenbaum asked if the space below a cantilevered building would be included in the measurement of open space. Mr. Ryan indicated that it would not unless designated. Ms. Donham said that there is a 50% requirement for residential, a 40% requirement for general residential including apartment buildings and no requirement for

business zones. Mr. Birenbaum asked how the model was developed. Mr. Ryan responded that the model reflects the requirements shared by Ms. Donham. Ms. Donham said that business zones are done by Floor Area Ratio (FAR) not an open space calculation. Mr. Birenbaum asked if some type of provision, such a community contribution or mandate, for greenspace is included. Mr. Ryan said that requirements, part of the bylaws and enforceable, could be included in the site plan review. Mr. Birenbaum asked how the Planning Board can control development to ensure such things as parks, trees and greenery etc. are included. Mr. Ryan said that there are two ways: special permits with discretionary latitude and impact fees (only Cape Cod allows this). These provisions can be written into design site plan review sections. Mr. Ryan has created a category called 'major site plans' which if meets certain thresholds, might require a development impact review. Mr. Birenbaum asked that Utile run a sensitivity analysis for increasing the open space for SD1 and SD5 to inform the Planning Board what the threshold is. Mr. Ryan believes that this has already been done. SD1 maximum unit count of three is the limiting factor of unit capacity. The model is not sensitive to changes to open space, lot coverage or building height as long as the maximum unit count is in place. Mr. Ryan said that if you increase the open space to 45 percent, you may need to increase the height. Mr. Birenbaum asked that Utile inform the Planning Board on the point at which increases to open space start to impact other parameters. Mr. Ryan agreed to carry this question to Utile. Mr. Ryan said that suburban development in an urban area would not fit. Ms. Berberian shared that the public comments received to date expressed concern about building height. There is a 20-foot minimum separation between buildings. Driveways need to be 10-11 feet wide. Zoning will encourage driveways on the sides and rears of buildings. Ms. Berberian asked if parking decisions were discussed with the Belmont Fire Department so that access for emergency vehicles and safety concerns would be addressed. Mr. Ryan said that parking bylaws are vetted by all departments and board including the Department of Public Works, Belmont Fire Department, Belmont Police Department, Zoning Board of Appeals, etc. All comments are shared. Mr. Birenbaum asked if developers can circumvent things such as turning radius requirements for safety vehicles, elevator size to ensure large enough for gurneys, etc. Mr. Ryan responded that this question would be the developer's preference, not a requirement. The requirement would be that reasonable maneuvering would be possible. Ms. Donham added that from her experience, the Belmont Fire Department has the final sign off on a building permit. Mr. Birenbaum said that the feasibility analysis would consider increased demand on the electrical grid to ensure new development would be adequately supported. Mr. Ryan clarified that capacity is only reviewed at a certain threshold of development. As for the need for increased infrastructure such as Belmont Fire Department, Belmont Police Department and schools, the Fiscal Impact Analysis will take these areas into consideration.

c. Public Process and Outreach

The open house initially scheduled for June 20th has been canceled. Mr. Ryan inquired if other ways in which to engage the public, such as presentations to other committees and boards open to the public, biweekly coffee meetings at coffee shops, videos and handouts, would be of interest to the Planning Board and, if so, the timing for each. Mr. Birenbaum said that he is not interested in holding any open house meeting until the Planning Board is ready with a map, model and related zoning language. Mr. Birenbaum said that he would support Town Meeting members updating their constituents. Mr.

Ryan said that he has developed a Frequently Asked Questions (FAQ) document as well as a Glossary of technical terms. Mr. Birenbaum said that Ellen Cushman, Town Clerk has access to all Town Meeting member emails and that an electronic monthly fly sheet with links to all documents could be distributed via email. Mr. Ryan agreed to write an executable plan for Planning Board review and comment. Mr. Ryan shared that Michael McNamara was on-line and interested in the public portion of the meeting this evening. At this point in the meeting, Mr. Birenbaum was not entertaining public comments. Mr. Ryan offered to respond to any inquiries that Mr. McNamara had via email.

d. Consider approval of timeline

Mr. Ryan said that the precompliance review has been moved to July 3, 2024, a week later than the original target date. The public hearing process will start July 16, 2024. It is anticipated that the Planning Board would close the public hearing process on October 19, 2024, after the EOHLC determination is expected to be received and before Fall Town Meeting. Mr. Birenbaum asked if the public hearing process might start sooner. Mr. Ryan said that there had been an error in the public notification with the newspaper and the notice had to be rescheduled for posting. Mr. Birenbaum said that public hearings would fall in the summer timeframe as a part of the process. Mr. Ryan said that the Planning Board can keep the public hearing open as long as wanted, perhaps the entire month of September or as late as October 18, 2024. Mr. Ryan added that there are three different bylaws: MBTA, inclusionary and site plan review bylaws. Mr. Ryan said that he plans to have the inclusionary bylaw draft completed in the next week. Mr. Ryan added that he will write up an outreach plan and zoning bylaw draft with architectural standards. Mr. Ryan committed to asking Utile for illustrations. Mr. Birenbaum said that he wants to ensure that the materials submitted to the State are final and complete before submission and expects Utile to provide these materials. Mr. Birenbaum said that there may not be enough time to submit materials for a precompliance review 90 days ahead of the deadline as the Planning Board needs time for due diligence. At this point in the meeting, Mr. Birenbaum asked the other members of the Planning Board for their opinions. Mr. Yates advocated for creating a second map and bringing both to Fall Town Meeting. Mr. Yates is also in favor of a precompliance review with the State to ensure that compliance will ultimately be received. Mr. Birenbaum said that he does not think that the Planning Board will not be ready for a precompliance review on July 3rd. Mr. Birenbaum mentioned a meeting which he had had with Mr. Ryan, Mr. Epstein and Patrice earlier in the week when they discussed dimensional issues and the concept of a secondary map. A secondary map does not yet exist. The purpose of a secondary map would be to provide options to Fall Town Meeting. Under this approach, Mr. Epstein would present a secondary map to the Select Board in June. The Select Board would then strategize whether to present a second map to Fall Town Meeting. Mr. Ryan said that the Town of Needham moved two maps forward including one map that was minimally compliant. The purpose of the second minimally compliant map was to serve as a backup. Mr. Yates inquired who would draw a second map and why the MBTA Advisory Committee did not develop multiple maps. Mr. Ryan indicated that the Town of Needham only took this strategy recently and he just learned of it. Ms. Donham said that two years of public input had been collected and reflected in the recommended map from the MBTA Advisory Committee and that it represents a compromise on what the Town of Belmont wants. Mr. Ryan said that any map is just zoning and does not mean that development would take place. Ms. Berberian said that compliance is the current focus,

and that actual development could ensue. Mr. Yates said that 3A zoning is the beginning of densification in the Town of Belmont. Mr. Birenbaum said that Roy Epstein will present to the Select Board on June 18th. Ms. Berberian asked how changes to the map would be made in a public process. Mr. Yates said that there would be a discussion at the June 18th Select Board meeting and that the other map could be available by July 3rd. Mr. Birenbaum said that all stakeholders would need to be kept in the process. Ms. Berberian asked if the Select Board had already had a discussion. Mr. Ryan said that only Mr. Epstein, Chair of the Select Board had been consulted. Ms. Donham said the current approach is barely compliant and the deadline is the end of the year. As Ms. Donham will be away in the near term, she recommended that the Planning Board consult with Mr. Epstein. Mr. Ryan said that the current map is not entirely new, it is the original map with some modifications. Mr. Yates said that the MBTA Advisory Committee's map only had about 100-200 more units than the modified map developed by the Planning Board and, as such, the difference in units is not significant. Mr. Birenbaum said that it is important to protect and promote commercial development and that the Planning Board map is defensible. Mr. Ryan said that if the first map fails, the second map would come up as a warrant article. Mr. Ryan said that the State does not want special permits because they get in the way of development. A strategy is to place detailed requirements in site plan review bylaws. Mr. Birenbaum asked that Mr. Epstein attend the next meeting of the Planning Board to present his map. Mr. Birenbaum added that Mr. Epstein's map would need to be vetted in a public hearing setting. Mr. Yates said that 50 percent of the Town of Belmont is comprised of single-family homes which makes the 3A zoning exercise challenging. Mr. Birenbaum asked that Mr. Epstein hold working sessions where Planning Board members would attend. Mr. Ryan agreed to ask this of Mr. Epstein.

Mary Lewis, via the online chat, commented that 'Public Comment' was included on the agenda and asked the Planning Board to honor the agenda item. At this point, the meeting was opened to public comment.

Doug Koplow: Mr. Koplow joined the meeting and said that there are a lot of moving pieces. Mr. Koplow added that imaging and massing is needed. Mr. Koplow said that zoning rules may affect open space. Mr. Koplow believes that having two maps would make things worse. At the time that Tatte was introduced to the Town of Belmont, mortgage rates were low. With increasing mortgage rates, development would be affected. Mr. Koplow said that there needs to be a 10-20 year build plan taking into account the conditions for decades. Mr. Koplow added that plans need to be properly vetted and that there is no path before the deadline to accommodate a precompliance review. Mr. Ryan said that Elizabeth Dionne had commented on-line that options would be explored tomorrow to find funds to generate the needed illustrations.

Mary D. Lewis, Town Meeting Member, Precinct 1: Ms. Lewis said that she had attended all MBTA Committee and Planning Board meetings. Ms. Lewis added that she is concerned that the second map is not vetted and has not been created in the same spirit that Roy Epstein's map had been which included a lot of public discussion. Ms. Lewis said that she is in favor of a precompliance review by the State with a review by the Town of Belmont Select Board ahead of submission. Ms. Lewis added that it was the Planning Board that changed the original map presented and created its own timing issue.

Planning Board: June 4, 2024 meeting minutes

Rachel Heller, Town Meeting Member, Precinct 3, Co-Chair of the MBTA Advisory Committee: Ms. Heller said that she supports the idea of two maps. Ms. Heller added that the MBTA Advisory Committee had been created by the Planning Board. The intention of the map put forth by the MBTA Advisory Committee was not to have the Planning Board replace its recommended map. Ms. Heller added that two maps would give the Town of Belmont security.

At this point in the meeting, Mr. Birenbaum closed public comments.

4. Adjourned

With all in favor, the meeting was promptly adjourned at 10:09pm.

Mr. Ryan agreed to follow up on other agenda items the next day.

The Planning Board's next scheduled meeting will be held on Tuesday, June 11, 2024.