

TOWN OF BELMONT

PLANNING BOARD MEETING MINUTES

February 27, 2024

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: March 20, 2024

TIME: 2:52 PM

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

Staff: Online: Chris Ryan, Director, Office of Planning & Building, Ara Yogurtian, Inspector of Buildings, 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. Review and approve Planning Board December 5, 2023, December 19, 2023, January 16, 2024 and February 6, 2024 meeting minutes.

There were no edits from the Planning Board on the December 5, 2023, December 19, 2023, January 16, 2024 and February 6, 2024 meeting minutes.

MOTION was made by Mr. Birenbaum to accept the meeting minutes from the December 5, 2023 Planning Board meeting into record. SECONDED by Ms. Berberian. All in favor.

3. Continued Cases:

a) Case No. 24-01 Special Permit & Design and Site Plan Approval

190 Lexington Street (GR) – Donald Cusano

Applicant requests One Special Permit and Design and Site Plan Approval to under sections 3.3 and 6D-2 of the By-Law to construct a two family dwelling at 190 Lexington Street Located in a General Residence (GR) zoning district.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-01_application.pdf

Applicant has submitted a letter to the Board to request withdrawal of this application without prejudice.

There were no questions from Planning Board members.

MOTION was made by Mr. Birenbaum to withdraw this application without prejudice. SECONDED by Ms. Berberian. With all in favor, this application was withdrawn without prejudice.

b) Case No. 24-02 Waiver to Erect a Sign

30 Church Street (LBI) – Acton Management

Applicant requests a Waiver under section 5.2.2 of the By-Law to alter an existing sign at 30 Church Street located in a Local Business I (LBI) zoning district. Section 5.2.7 of the By-Law requires “non-confirming signs as a result of a change to this By-Law are subsequently enlarged, redesigned, replaced, or altered in any way including repainting in a different color, shall comply immediately with all the provisions of this By-Law....”. Applicant requests to retain existing standing sign frame structure with new sign design. Time allocated 15 minutes.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town’s website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/24-02_30_church_street.pdf

Ms. Neely Sullivan updated the Planning Board on steps taken since the time of the last meeting. Ms. Sullivan polled all of the tenants on the second and third floors of 30 Church Street. Of nine tenants, six responded to indicate that they would like to take part in the sign outside of the building. Note that one tenant is in the midst of tax season which is thought to be the reason for a lack of response. Ms. Sullivan stated that she would expect that the other three tenants would also be interested in taking part in the proposed sign and has no concern that the sign would look empty due to a lack of participation. Ms. Sullivan stated that Acton Management would cover the expense in the event that one of the tenants would not be interested in participating yet this is not her expectation.

Mr. Birenbaum inquired if the Planning Board had any questions. Ms. Berberian inquired about the layout of the business names. Ms. Sullivan stated that two business names would be included on each level of the sign due to space constraints caused by the surrounding landscaping. Ms. Berberian stated that the sign would be an improvement and would also supporting the businesses located at 30 Church Street. Ms. Sullivan inquired if the Planning Board would prescribe fonts and colors that the businesses would use. Mr. Yates and Ms. Gao shared that there are no rules around the choice of fonts and colors for business signage. Mr. Yates added that sign lighting is regulated. Ms. Sullivan stated that Acton Management would oversee and approve the choices of the businesses.

Mr. Birenbaum inquired if there were any comments first from the Planning Board and second from the public. There were none.

MOTION was made by Mr. Birenbaum to approve this application. SECONDED by Ms. Berberian. With all in favor, this application was approved.

4. The MBTA Advisory Committee provided updates to the Board.

Mr. Roy Epstein updated the Planning Board on progress made. Mr. Epstein stated that the 40R proposal would not be bundled with the 3A program. Mr. Epstein addressed the question of what compliance would look like – 1,632 units are intended yet the amount could be higher. Mr. Epstein explained that the requirements have a lot of different criteria. Half of the required units need to be within a half mile of Waverly or Belmont Center train stations. There are also contiguity requirements whereby multiple districts with a minimum number of acres will be defined for 3A zoning purposes which do not need to overlap and could be geographically separate. Mr. Epstein explained that one district must have at least half of the area needed.

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Mr. Epstein highlighted the requirement for parking. The more parking, the less space for units. Mr. Epstein said that each housing unit would need one parking space; whereas, MAPC included a half of a parking space for each housing unit. Mr. Epstein asked if this assumption would be accepted by the Planning Board.

Mr. Birenbaum inquired whether his understanding of next steps was correct which Mr. Epstein validated. MAPC will make their recommendation to the Planning Board in April and, after review and discussion, the Planning Board will make a recommendation to Town Meeting. Town Meeting will then vote on the recommendation made.

Mr. Epstein explained that some think 3A is an affordable housing program, yet it is not and that existing inclusionary housing bylaws should be applied. All zoning under 3A is by right.

Mr. Epstein said that the MAPC consultant defined three options and that he added a fourth. There was a community forum on February 15, 2024 when all four scenarios were shared. MAPC is in the process of tabulating votes which were collected and the results are expected tomorrow. Mr. Epstein said that MAPC's ultimate recommendation will be advisory to the Planning Board.

Mr. Birenbaum inquired if MAPC is working on zoning language. Mr. Epstein agreed to return to this question at the end of his presentation.

One option MAPC shared is focused on Waverly Square. Another option was situated in Belmont Village near the train tracks. Other options are districts near Route 2, near Brighton Street and Concord Avenue near Bright Road. Mr. Epstein added that the compliance model spreadsheet was provided by the state agency as a tool. Mr. Yates inquired about the total number of units included in the scenario being shared on screen. Mr. Epstein said that 3,466 units were included.

Mr. Birenbaum said that the Planning Board was asking for an update on the proposed direction. Mr. Ryan stated that all four maps were sent to the Planning Board ahead of the meeting. Mr. Epstein said that the Planning Board could alter the underlying data in the compliance model, change variants and assumptions if wanted. It would not be possible to add parcels without the assistance of MAPC.

Ms. Berberian asked about mandatory mixed use areas and Mr. Epstein stated that these buildings would need to be at least three stories with commercial use on the first floor. Ms. Berberian asked which story could have commercial use and whether it could be on the uppermost floor. Mr. Epstein stated that he was not sure yet the total business use could not exceed on third of the total units. It was agreed to make this inquiry of MAPC: whether there could be a scenario where a building with more than three stories could have commercial use on the second or another upper level floor. Ms. Berberian inquired about basements and gave the example of Trink Tisch. She asked that this question also be asked of MAPC. The question of whether parking might be treated as commercial in certain cases was raised. It was agreed to also ask this question of MAPC as the question was posed to a state agency without response.

Ms. Donham highlighted mistakes found in the maps. Specifically, MAPC had agreed to remove south Pleasant Street yet it is still in the map. Note that the maps are overlays and the property owners may keep the existing zoning if they want.

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Mr. Osborn inquired as to where the 50 percent requirement was. Mr. Epstein responded that it is in the Waverly Square zone including everything to the southwest of Belmont Village. There was a discussion about contiguity wherein it was stated that if south Pleasant Street is removed, being the driver of a contiguity score of 58 percent, this map would not work. Mr. Osborn asked how the currently zoned residential, small lots would be converted and if the existing owners would need to sell to developers. Mr. Epstein stated that there is a Catholic church with a large area of land as well as a number of small parcels on Moraine Street under common ownership which the owner is interested in developing now. It has been calculated that some two-family housing lots could be converted into six to seven housing units.

Mr. Yates asked whether Mr. Epstein's fourth map created is the only viable option as other maps double the compliance figure. A map that the Town of Belmont can get behind needs to be presented to Town Meeting. There is currently a presentation issue with all commercial being used for the compliance exercise. Mr. Yates asked if any of these maps are being supported to which Mr. Epstein responded that there would be a meeting on Thursday.

Mr. Osborn asked Mr. Ryan what would happen if none of the maps were viable as time is running short. Mr. Ryan stated that we would start over, if needed. We could also modify what we have. For example, the map with 3,466 housing units could potentially be viable with reduced density. Efficiency is needed as MAPC is running out of hours on its contract. Many meetings could be held in March, if needed.

Ms. Donham stated that MAPC seems to be slow to incorporate comments and the compliance model is cumbersome. Ms. Berberian asked what the net increases are for all of the options and that this analysis is needed to understand the loss of business and effects on revenue.

Mr. Birenbaum asked if there were any questions from the Planning Board. Mr. Yates requested that the 3A Committee use Mr. Epstein's map with the variations of with and without commercial real estate. Mr. Epstein agreed yet stated that this would be difficult as MAPC will need to analyze a number of parcels. Mr. Osborn asked if each dwelling needs to have three units. Mr. Epstein clarified that there need to be a minimum of three units on a lot to meet the definition of multi-family which could be a single family and a two family structure. Mr. Osborn asked if there was a maximum such as five units. Mr. Epstein shared that one guiding principle is that the zoning average must be 16 units per acre. It was said that using Mr. Epstein's map, 1,800 housing units (1,632 for compliance and a buffer) would represent a net 1,400 increase in housing units as there are 350-400 housing units currently. Ms. Berberian remarked that that would be a large net increase compared to other communities. Mr. Epstein stated that he was not sure of other towns' circumstances. Ms. Berberian shared a concern about protecting business areas while adding housing units.

Mr. Birenbaum raised the question of zoning language. Mr. Epstein shared that zoning language has not yet been discussed and that the contract with MAPC calls for the development of zoning language. There is a budget of \$12,000 for this yet Mr. Epstein does not expect zoning language by April 1, 2024. Mr. Ryan said that MAPC is working on some language now based on state model bylaw framework yet the calibration of subdistricts may not be completed by April 1, 2024. It was thought that MAPC should be able to do a reasonable job although they are not zoning professionals as the Towns of Brookline and Newton employed in similar circumstances. Mr. Birenbaum asked of the draft language would be done within timeframe. Mr. Ryan believed this would be possible provided that the Committee focused on a scenario. Mr. Birenbaum stated that Mr. Epstein has a

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big task to relay to the Committee as time is getting tight and there is a need to reach a final recommendation.

5. Discussion for MBTA non-compliance

Mr. Birenbaum stated that it is important for the Planning Board to discuss its stance on whether achieving compliance with MBTA requirements is a shared priority. There is a need to develop a formal position. First of all, it is a matter of law. He referenced the issues in the Town of Milton. In addition, the Towns of Holden and Wrentham are non-compliant. In fact, the Attorney General filed a lawsuit against the Town of Milton. The Town of Belmont cannot support litigation expense.

Mr. Ryan stated that due diligence would be performed regarding the consultant proposals to do an Economic Impact Study and the results would be shared at a Select Board meeting in the future. Allocation of funds through ARPA would be considered. Mr. Ryan plans to interview the candidate firms and perform reference checks. Mr. Epstein asked how much of the study would be tailored to 3A. Mr. Birenbaum stated that the law does not care about the financial impact of compliance.

Mr. Birenbaum asked to hear the individual thoughts of each Planning Board member.

Mr. Yates completely supports reaching compliance. In addition, he stated that the State has leverage over the Town of Belmont.

Mr. Ryan shared that there are three grant programs (One Stop for Growth, Massworks, and a housing program) which the State of Massachusetts could withhold in the event of noncompliance. Chapter 90 funds might also be withheld. Litigation from the Attorney General would result which would be more detrimental than compliance.

Mr. Birenbaum stated that the Town of Belmont receives about \$1.7M in grants. The question was raised of how much in grants the Town of Belmont has received since 2021. It was said that the Town of Belmont is not eligible for the Housing Choice program. Massworks would be significant as it provides work for infrastructure-related matters such as sewers, roadwork, etc. Mr. Ryan agreed to research the amount of funds received since 2021.

Ms. Berberian stated that there was a citizen's petition in Milton. Mr. Birenbaum stated that litigation is not the way to go.

Ms. Donham stated that noncompliance is not an option. The Town of Belmont has responsibility to work on housing production. This is an opportunity for more housing units, more options for the community.

Ms. Guo agrees with Ms. Donham that noncompliance is not an option. She stated that the Town of Belmont is becoming more urban. This is an opportunity to take on capacity in a strategic way.

Mr. Osborn inquired how MAPC has been to work with and whether they favor the state or advocate striving for minimum compliance or more. Mr. Epstein stated that the Town of Belmont is the client of MAPC. The Town of Belmont must specify goals and MAPC does the compliance modeling work.

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Mr. Epstein stated that compliance should be achieved. There is a way to derive benefits from 3A compliance with a minimum number of units. The ultimate decision of the Planning Board will need to be preapproved by the EOHLIC before being presented to Town Meeting. There is a 90-day window for EOHLIC to review. Everything needs to be ready by June. It would be OK for the plan to fail provided that the deficiencies could be remedied. The true deadline is December 31, 2024 and emergency Town Meetings are an option. There was a discussion about the potential to ask EOHLIC for an extension until early 2025.

Mr. Birenbaum raised the point that it would be beneficial to have informative sessions and reach out to Town Meeting sessions in order to build collaboration as a part of the process. A formal vote will take place on March 12. Mr. Birenbaum advocates compliance. All Planning Board members want compliance with minimized impact on the Town of Belmont and its commercial activity. It was said to treat this compliance requirement as an opportunity.

6. Discussion of financial impact study expectations related to 3A.

Mr. Birenbaum stated that the Planning Board was working on the assumption of compliance. The impact on schools, fire stations, police stations, etc. will need to be understood. It will be important to develop the commercial tax base.

Mr. Ryan stated that the original impetus for a market analysis and fiscal impact analysis was the Town of Belmont's budget deficit. As a part of the fiscal impact project, budgets will be reviewed and department heads will be interviewed. The level of growth desired needs to be determined so the rest of planning can follow. Mr. Ryan stated that a similar fiscal impact study was done for the Town of Milton and RKG did that study. Mr. Ryan will make this report available to those interested in reading it.

Mr. Yates said that a study would need to have its assumptions reviewed. Mr. Yates raised the question of what the goal would be in terms of fiscal impact. Mr. Ryan expressed that a net positive result would be sought – a level that would approach break-even point. Mr. Ryan said he was willing to build this into the scope.

Mr. Epstein discussed how 3A for The Bradford had specifically mandated that units are suitable for families. The average apartment size was 1,000-1,100 square feet with 2-3 Bedrooms. The number of children was higher than average. The Town of Belmont's detail to be added to make the study informative. June, 2024.

7. The Board discussed potential upcoming zoning changes to be proposed to Town Meeting in Spring of 2024.

Mr. Birenbaum stated that there would be no public comments at this time. A public session is planned soon.

Mr. Ryan stated that Residential zoning needs some cleanup. He said that Parking is still being worked on. Hotel is still being worked on by Town Council. There are defensibility issues with the word 'boutique'. Mr. Ryan is targeting the time of the next meeting for resolution of open areas and committed to providing language ahead of time.

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Mr. Ryan and Mr. Yogurtian walked through all of the edits made to Sections 1 and 4 which were shared with the Planning Board ahead of the meeting (please reference to the detailed edits at these documents for these details). The following points and comments were made.

Ms. Osborn asked if domestic employees would be treated as a part of the family. Mr. Yogurtian shared that domestic employees are a part of the original definition of family.

Mr. Osborn asked that a cross-reference to zoning bylaws 4.2.2 be included for clarification.

Mr. Ryan stated that there are plans to create a Guidebook for ease of understanding.

Mr. Birenbaum asked if the warrant article due March 12, 2024 would include revisions. Mr. Ryan responded yes.

Mr. Yogurtian believes that diagrams and pictures are helpful. He offered to create drawings to serve as clarification for Town Meeting and the public, as needed. Mr. Birenbaum asked of this would be sent ahead of Town Meeting so that questions could be entertained ahead of time which Mr. Ryan stated that he is open to this.

It was said that a digital version would be viable in order to economize on paper copies.

8. Update on Cases, Planning Board Projects and Committee Reports.

There were none. The Planning Board checked to see if Susan Lewis was available to comment yet there was no response.

9. Case No. 23-21 Belmont Public Library (336 Concord Ave.)

Applicant requests to reduce number of parking spaces by 2 per Conservation Commission's request.

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website: https://www.belmont-ma.gov/sites/g/files/vyhlf6831/f/uploads/library_parking_space_reduction_feb_21_2024.pdf

Ms. Berberian stated that there were two items at hand: the need to determine of the modification is minor and whether to approve it tonight.

Tom Gatzunis presented. He stated that there had been a meeting with the Conservation Commission last night. At hand is a change in parking which results in net gain of two parking spaces. The original plan included a net gain of four parking spaces. Two spaces with the parking lot had to be removed due to the requirements of the Conservation Commission which wants to protect the wetlands surrounding the lot. Ms. Berberian sought clarification that everything else remains the same which was affirmed.

Mr. Yates asked how much time was lost. Mr. Gatzunis expressed that no time was really lost as design revisions were worked on at the same time. The demolition package is ready and demolitions will start Monday of next week. The project is on schedule overall. Bids are being received now with the intent to contract and move forward. Mr. Yates inquired what

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delays cost the library. Mr. Gatzunis indicated that any delay is subject to escalation costs which range between six to eight percent annually.

Mr. Osborn asked if there would be an Electric Vehicle charging station. Ms. Berberian stated that this is out of scope. The main question is whether the loss of two parking spaces is considered major or minor. She stated that it is minor given that the plans overall result in a net gain of two parking spaces. Mr. Ryan agreed to work on the wording if all agree that the modification is minor.

MOTION to classify the proposed modification as minor was made by Ms. Berberian and SECONDED by Mr. Yates passing with all in favor.

MOTION to approve the modification as submitted by made by Ms. Berberian and SECONDED by Mr. Yates passing with all in favor. Note that Mr. Birenbaum abstained from this vote.

- 10. MOTION was made by Mr. Birenbaum to adjourn the meeting at 9:23pm. SECONDED by Mr. Yates. With all in favor, the meeting was then promptly adjourned.**

The Planning Board's next scheduled meeting will be held on Tuesday, March 12, 2024.