



Director of Planning & Building

# PLANNING BOARD UPDATE

February 4, 2025

## ■ ADU Bylaw and Public Hearing

The most recent draft received by the Planning Board has been modified and receive a final review by Town Counsel before I send it out to you, probably on Friday the 31<sup>st</sup>. These modifications were made with the following sources of input:

1. Town Counsel Review w/ Director on 1/30/2025
2. Review of Revised state Regulations
3. Input from Robert McGaw
4. Citizen Input
5. Planning Board discussions on 1/28/2025

I have now received a final draft from Town Counsel and I suggest that the following items are advisable for for the Planning Board to understand and possibly discuss. These items are:

1. The revised Lot Coverage and Open Space calculations
2. New definition of "Transit Adjacent Area" which is utilized in Section 6.14.
3. McGaw's suggested measurement of a Transit Area has been replaced by Town Counsel with the Transit Adjacent Area definition.
4. Tweaks to what circumstances require Design and Site Plan Review.
5. The nonconformities sections have been reworked by Town Counsel and I am coordinating with him to make them clear and concise.
6. Town Counsel suggests removing all registration and certification provisions. I have no reason to further push back on that.

Town Counsel has been strict in making sure that all provisions meet the requirements of the state law and that our By-Law is aligned with it.

## Dimensionals

As noted above, one thing to concentrate on in the meeting is the dimensionals. I will copy and paste my new analysis, by district, in the addendum to this report below. Non-conforming lots are still

irrelevant related to the non-conformity of lot size. Lot coverage and open space allowances are now standardized to 5%, but anything over the maximum will require a Special Permit.

I developed an Open Space adjustment that for within Transit Area (TA) properties, is a 1:1 reduction based on the increase in Lot Coverage. For lots outside of the TA, we removed 500.s.f. from open space calculations to account for the additional paved area that may be required of a parking space and so the percentage is slightly lower for Open Space (except for SR-C and GR, which couldn't "afford" the Open Space reduction). We also added to the table footnote language about being only applicable to ADU new development external to the principal dwelling unit.

## **A Few Other Points**

Regrettably or frankly, the By-Law must do the following:

- Allow non-conformities to establish ADUs
- Allow ADU's in LB-1, LB-2, and LB-3
- Bus stops are considered transit stations and there must be a 0.5-mile radius established around all of them for parking exclusion.
- Modular homes now include manufactured housing.
- ADUs may be established on lots that currently have multiple units, but only that one Protected Use ADU.

We need the Planning Board, in the meeting of February 4<sup>th</sup> to wrap up the By-Law language for ADUs and take a vote. The Board will have an opportunity to address amendments at a future meeting, probably February 25<sup>th</sup>.

At this point, the Board should continue the Public Hearing as follows:

1. The Chair should announce that the Public Hearing on (see Public Hearing notice for formal topic description) shall be continued and ask for a vote to waive the formal reading of the notice if that is the preference.
2. Staff can provide a brief update related to where the consideration of the By-Law stands. The Board may wish a brief presentation from staff.
3. Continue Planning Board member discussion on a section-by-section basis, as needed, or only those sections that still have questions.
4. Public Comments and Questions
5. Further Board Discussion
6. Vote to close Public Hearing.
7. Vote on whether to recommend the ADU and 3A By-Laws (Separate votes).

As a FYI, note that closing a public hearing concludes the proceedings and no further submittals or information can be accepted. Once the hearing is closed, members can only deliberate amongst themselves, and get limited clarifying information from staff; there can be no further questions or comments to or from the applicant or other participants.

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## **■ Other News and Issues**

### ***Current or Pipeline Projects***

1. Comprehensive Plan – This project now has a kickoff meeting and “immersion” day scheduled for Thursday, February 13, 2025. At this point, the Committee has now been established in part (5 of 10 slots appointed) but the full slate should be appointed by the kickoff date. A revised Charge for the Committee adds required quarterly reporting with an update on progress. This needs to be adopted by the Select Board.
2. Accessory Dwelling Units – Please see item above in this REPORT. I will have also emailed to you the latest clean draft by Friday.
3. Belmont Center (Leonard Street) Overlay District – The January 22<sup>nd</sup> Workshop was a success as were the four focus groups the following day. The project page on the Planning Board website provides more information on the survey and also one of the exercises from the Workshop. We hope to have feedback from the Workshop and these sessions for the Board in early February.

Below is a draft proposed schedule for the project that will include public meetings for your consideration on Tuesday. I also...

- Asked IT about how we can create a public comments form and page on our website.
  - Continue to answer questions by the Consultant regarding a first draft Code.
4. Hotel Use By-Right – Chair Yates and member Osborn have worked with staff to develop an initial draft By-Law for this use. We will try to send along this draft for your review as soon as possible. This could be a discussion item for the Planning Board meeting of the 11th.
  5. General Business District & Brighton St. Area – The Select Board has allocated funding for a second Form-Based Code zoning project for the Brighton area. This project is expected to commence in May and be targeted to Fall (November) Special Town Meeting. Staff will also do some pre-code planning with a public survey and possibly a focus group similar to that being done for Leonard Street. However, the type of public kick-off session recommended for Leonard above should probably happen before a workshop.
  6. MBTA 3A Initial Amendments – There are a few housekeeping amendments for 3A. For February (and included in the current Public Hearing), the following is recommended:
    - Section 2 – Add the 3A overlay district to list of overlay districts
    - Section 9 – Reduce MOZ5B rear setback from 15’ to 6’ in line with underlying zoning

Each of you have been invited to access a ShareFile folder with all of the proposed amendments as pdf files. The Section 6 amendments for ADUs have been updated based on the last Planning Board meeting.

7. Planning Board Rules and Regulations – Taylor, Thayer, and I hope to be able to jump on this in ~~January~~ or February soon. If you have any suggestions in the interim, please let me know.
8. Special Permit and DSPR Review Guides – Develop summary review guides for the members of the Planning Board. This has been drafted and I have also drafted a guide for the Dover element of the process.

9. Floodplain Zoning – Just a heads up that we’re required to pass revisions to the Zoning By-Law to meet current FEMA requirements and their Model Bylaw. This will likely involve amendments to Section 2.4 and 6.6 and need to be aligned with the model. It’s unlikely that public comment or Planning Board tweaks will be needed (or even allowed) but this is an FYI that this will be brought in front of you soon. Maybe on the 11<sup>th</sup> but certainly by March.
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# Addendum 1

## ADU Dimensional Standards for Open Space and Lot Coverage

In Belmont’s latest draft zoning bylaw for ADUs, we have eliminated the sliding scale for maximum lot coverage and minimum open space and established a system adding 5% to each zoning district and an open space reduction as described above in the REPORT. The table below provides the calculations that led to developing this system. I know it’s small text and hard to read but 2.75 readers should do the trick.

<b>SR-A</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-A -ADU/TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-A - ADU/Non-TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>OS-TA</b>	<b>OS-NTA</b>
Maximum Lot Size	25,000	25,000	Maximum Lot Size	25,000	25,000	Maximum Lot Size	25,000	25,000	-5	-7
Max Lot Coverage	20%	5,000	Max Lot Coverage	25%	6,250	Max Lot Coverage	25%	6,250		
Min Open Space	50%	12,500	Min Open Space	45%	11,250	Min Open Space	43%	10,750		
Other	30%	7,500	Other	30%	7,500	Other	32%	8,000		
<b>Total</b>	<b>100%</b>	<b>25,000</b>	<b>Total</b>	<b>100%</b>	<b>25,000</b>	<b>Total</b>	<b>100%</b>	<b>25,000</b>		
<b>SR-B</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-B -ADU/TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-B - ADU/Non-TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>OS-TA</b>	<b>OS-NTA</b>
Maximum Lot Size	12,000	12,000	Maximum Lot Size	12,000	12,000	Maximum Lot Size	12,000	12,000	-5	-7
Max Lot Coverage	25%	3,000	Max Lot Coverage	30%	3,600	Max Lot Coverage	30%	3,600		
Min Open Space	50%	6,000	Min Open Space	45%	5,400	Min Open Space	43%	5,150		
Other	25%	3,000	Other	25%	3,000	Other	27%	3,250		
<b>Total</b>	<b>100%</b>	<b>12,000</b>	<b>Total</b>	<b>100%</b>	<b>12,000</b>	<b>Total</b>	<b>100%</b>	<b>12,000</b>		
<b>SR-C</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-C -ADU/TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-C - ADU/Non-TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>OS-TA</b>	<b>OS-NTA</b>
Maximum Lot Size	9,000	25,000	Maximum Lot Size	9,000	9,000	Maximum Lot Size	9,000	9,000	-5	-5
Max Lot Coverage	25%	2,250	Max Lot Coverage	30%	2,700	Max Lot Coverage	30%	2,700		
Min Open Space	50%	4,500	Min Open Space	45%	4,050	Min Open Space	39%	3,550		
Other	25%	2,250	Other	25%	2,250	Other	31%	2,750		
<b>Total</b>	<b>100%</b>	<b>9,000</b>	<b>Total</b>	<b>100%</b>	<b>9,000</b>	<b>Total</b>	<b>100%</b>	<b>9,000</b>		
<b>SR-D</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-D -ADU/TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>SR-D - ADU/Non-TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>OS-TA</b>	<b>OS-NTA</b>
Maximum Lot Size	25,000	25,000	Maximum Lot Size	25,000	25,000	Maximum Lot Size	25,000	25,000	-5	-7
Max Lot Coverage	20%	5,000	Max Lot Coverage	25%	6,250	Max Lot Coverage	25%	6,250		
Min Open Space	50%	12,500	Min Open Space	45%	11,250	Min Open Space	43%	10,750		
Other	30%	7,500	Other	30%	7,500	Other	32%	8,000		
<b>Total</b>	<b>100%</b>	<b>25,000</b>	<b>Total</b>	<b>100%</b>	<b>25,000</b>	<b>Total</b>	<b>100%</b>	<b>25,000</b>		
<b>GR</b>	<b>REQ</b>	<b>Lot Area</b>	<b>GR -ADU/TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>GR - ADU/Non-TA</b>	<b>REQ</b>	<b>Lot Area</b>	<b>OS-TA</b>	<b>OS-NTA</b>
Maximum Lot Size	5,000	5,000	Maximum Lot Size	5,000	5,000	Maximum Lot Size	5,000	5,000	-5	-5
Max Lot Coverage	30%	1,500	Max Lot Coverage	35%	1,750	Max Lot Coverage	35%	1,750		
Min Open Space	40%	2,000	Min Open Space	35%	1,750	Min Open Space	25%	1,250		
Other	30%	1,500	Other	30%	1,500	Other	40%	2,000		
<b>Total</b>	<b>100%</b>	<b>5,000</b>	<b>Total</b>	<b>100%</b>	<b>5,000</b>	<b>Total</b>	<b>100%</b>	<b>5,000</b>		

# Addendum 2

## Timeline for Annual Town Meeting

Please see below a first pass at a timeline for zoning amendments for Annual Town Meeting in May. Please note several key things to consider:

1. Deadline for final zoning language is April 25<sup>th</sup> and this falls prior to the close of the Planning Board Public Hearing which is proposed for May 6<sup>th</sup>.
  2. May 6<sup>th</sup> for a close was chosen because it pushes us out as far as possible giving time for the Consultants and the Board to finalize language and do outreach.
  3. I could try to push the Public Hearing back a couple weeks but this squeezes the Hearing into a tighter time frame.
  4. I have targeted the May 19<sup>th</sup> ATM session for beginning the Belmont Zoning consideration, allowing for two sessions.
  5. While I have reservations about this timeline and the Select Board Chair has offered to consider a STM in June, I'd hold off on that decision until February 24<sup>th</sup> when the first draft of a deliverable comes in from the Consultant. At that time we can see if we feel that the product is close to what we would find acceptable and if so, we could try to proceed. If it looks like there will still be significant changes necessary to the first draft, at that point I would pivot to a June STM.
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**Timeline Proposal for Belmont Center Zoning for Annual Town Meeting May 2025**

Task	Date	✓	Note(s)
<b>Planning Board Meeting</b>	<b>4-Feb-25</b>		
<b>Planning Board Meeting</b>	<b>11-Feb-25</b>		
Public Informational Meeting	12-Feb-25		
Receive Initial Feedback from Consultant	24-Feb-25		
<b>Planning Board Meeting</b>	<b>25-Feb-25</b>		
Public Listening Session	27-Feb-25		Content TBD
ATM Planning Session	3-Mar-25		First Planning Session
Provide Comments to Consultant	10-Mar-25		
<b>Planning Board Meeting</b>	<b>11-Mar-25</b>		
Legal Ad Submitted to Newspaper of Record	24-Mar-25		Begin Public Hearing Process Timeline
<b>Planning Board Meeting</b>	<b>25-Mar-25</b>		
Public Listening Session	26-Mar-25		Content TBD
Consultant Provides Revised Code	31-Mar-25		
First Notice in Newspaper of Record	31-Mar-25		Not less than 14 days before Public Hearing (not counting 14th day)
Posting of Notice in Town Hall & External Notices	31-Mar-25		Not less than 14 days before the date of Public Hearing
Submit Revised Code to Town Counsel	1-Apr-25		
<b>Planning Board Meeting</b>	<b>1-Apr-25</b>		
Town Confirmation Code is Public Ready	3-Apr-25		
Second Notice in Newspaper of Record	7-Apr-25		One week after first notice
Public Open House w/ Consultant	10-Apr-25		
<b>Planning Board Meeting (OPEN PUBLIC HEARING)</b>	<b>15-Apr-25</b>		
Deadline for Citizen Petitions for November Town Meeting	TBD		
<b>Deadline for Final Zoning Language</b>	<b>25-Apr-25</b>		
<b>Planning Board Meeting</b>	<b>29-Apr-25</b>		Cover any ATM Zoning Amendments
Town Meeting	5-May-25		
<b>Planning Board Meeting (CLOSE PUBLIC HEARING)</b>	<b>6-May-25</b>		Close and Vote on Zoning and Amendments
Planning Board Report Submitted	7-May-25		
Final Language for Warrant Articles	7-May-25		To be determined
Town Meeting	7-May-25		
Town Meeting	12-May-25		
Town Meeting	14-May-25		
Town Meeting	19-May-25		Center Zoning on Agenda
Town Meeting	21-May-25		
Effective Date	Date of TM Action		Subject to posting by Clerk and AG approval