

TOWN OF BELMONT
DESIGN AND SITE PLAN APPROVAL

PLANNING BOARD
DRAFT #1 – 02-24-2022

CASE NO. 21-08

APPLICANT: John Dawley, Northland Residential Corporation

PROPERTY: 115 Mill Street

DATE OF PUBLIC HEARINGS: May 18, 2021
Continued: June 1, 2021, June 15, 2021, June 22, 2021, July 6, 2021, July 20, 2021, August 3, 2021, August 17, 2021, September 9, 2021, September 21, 2021, October 5, 2021, October 19, 2021, November 2, 2021, November 16, 2021, December 7, 2021, December 21, 2021, January 4, 2022, January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022

MEMBERS SITTING: Stephen Pinkerton, Chair, Matt Lowrie, Vice-Chair, Thayer Donham, Edmund Starzec, Karl Haglund, Renee Guo (Associate)

MEMBERS VOTING: Stephen Pinkerton, Chair, Matt Lowrie, Vice-Chair, Thayer Donham, Edmund Starzec, Karl Haglund x2, Renee Guo

1. Introduction

This matter came before the Planning Board (“Board”) of the Town of Belmont (“Town”) acting as the Design and Site Plan Review Approval Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (“By-Law”) and Chapter 40A of the Massachusetts General Law (“Zoning Act”). The Applicant, John Dawley, requested Design and Site Plan Review by the Board for an application located in the McLean Zone 3 Overlay District. Section §6B of the By-Law allows developments in the McLean District Zone 3 Overlay District (MDZ3OD) by Design and Site Plan Review approved by the Planning Board. The applicant requested to construct 38 for-sale units and the restoration and renovation of the Samuel Eliot Memorial Chapel for 2 for-sale units in the Sub-District A for a total of 40 units. The applicant also proposed 112 (53 age-restricted units and 59 non age-restricted units) in Sub-District B.

2. Submissions to the Board:

2.1 April 16, 2021 Application Submissions:

- a. Application for Design and Site Plan Review, dated April 16, 2021;
- b. Existing Conditions (1 Page), dated May 27, 2016;
 - i. Sv-1 - Existing Conditions;
- c. Site Plans (22 Pages), dated April 16, 2021;
 - i. C1.00 - Legend and General Notes;
 - ii. C2.00 - Index Plan;
 - iii. C3.00 - Layout and Materials Plan;
 - iv. C3.01 - Layout and Materials Plan;
 - v. C3.02 - Layout and Materials Plan;
 - vi. C3.03 - Layout and Materials Plan;

- vii. C3.04 - Layout and Materials Plan;
- viii. C4.01 - Grading and Drainage Plan;
- ix. C4.02 - Grading and Drainage Plan;
- x. C4.03 - Grading and Drainage Plan;
- xi. C4.04 - Grading and Drainage Plan;
- xii. C5.01 - Utility Plan;
- xiii. C5.02 - Utility Plan;
- xiv. C5.03 - Utility Plan;
- xv. C5.04 - Utility Plan;
- xvi. C6.01 - Sewer and Drainage Profiles;
- xvii. C7.01 - Erosion and Sediment Control Plan;
- xviii. C8.00 - Fire Truck and Traffic Circulation Plan;
- xix. C9.01 - Site Details;
- xx. C9.02 - Site Details;
- xxi. C9.03 - Site Details;
- xxii. Sv-1 - Existing Conditions Plan of Land;
- d. Architectural Drawings & Elevations (46 Pages), dated April 16, 2021;
 - i. T0.01 - Project Cover;
 - ii. T0.02 - Drawing Index, Project Information & Key Plan;
 - iii. A1.01 - Building 1, 2, 3, 4, 5 Floor Plans;
 - iv. A1.02 - Building 6 Floor Plans;
 - v. A1.03 - Building 7 Floor Plans;
 - vi. A1.04 - Building 8, 9, 13 Floor Plans;
 - vii. A1.05 - Building 10 Floor Plans;
 - viii. A1.06 - Building 11, 12 Floor Plans;
 - ix. A1.07 - Building 14 Floor Plans;
 - x. A1.08 - Chapel Floor Plans;
 - xi. A2.01 - 2-BR Affordable Inline Unit Plans;
 - xii. A2.02 - 2-BR Inline Unit Plans;
 - xiii. A2.03 - 2-BR End Front Entry Garage Unit Plans;
 - xiv. A2.04 - 2-BR End Side Entry Garage Unit Plans;
 - xv. A2.05 - 3-BR End - A Front Entry Garage Unit Plans;
 - xvi. A2.06 - 3-BR End - A Side Entry Garage Unit Plans;
 - xvii. A2.07 - 3-BR End - B Front Entry Garage Unit Plans;
 - xviii. A2.08 - 3-BR End - B Side Entry Garage Unit Plans;
 - xix. A2.09 - 3-BR End - C Garage Under Unit Plans;
 - xx. A2.10 - 3-BR Single Unit Plans;
 - xxi. A4.01 - Building 1 Exterior Elevations;
 - xxii. A4.02 - Building 5 Exterior Elevations;
 - xxiii. A4.03 - Building 12 Exterior Elevations;
 - xxiv. A4.04 - Building 13 Exterior Elevations;
 - xxv. A4.05 - Building 13 Exterior Elevations;
 - xxvi. A4.06 - Chapel Exterior Elevations;
 - xxvii. A4.07 - Chapel Exterior Elevations;
 - xxviii. A4.08 - Enlarged Building Exterior Elevations;
 - xxix. A5.01 - Building 5 & 13 Sections;
 - xxx. T0.01 - Project Cover;
 - xxxi. T0.02 - Drawing Index, Project Information & Key Plan;
 - xxxii. A1.00 - Buildings 100 & 200 Floor Plans - Garage Plan;
 - xxxiii. A1.01 - Buildings 100 & 200 - First Floor Plans;

- xxxiv. A1.02 - Buildings 100 & 200 - Second Floor Plans;
- xxxv. A1.03 - Buildings 100 & 200 - Third Floor Plans;
- xxxvi. A1.04 - Buildings 100 & 200 - Fourth Floor & Roof Plans;
- xxxvii. A1.05 - Buildings 100 & 200 Roof Plans;
- xxxviii. A2.01 - Buildings 100 & 200 Typical Enlarged Unit Plans;
- xxxix. A4.01 - Buildings 100 & 200 Exterior Elevations;
 - xl. A4.02 - Buildings 100 Exterior Elevations;
 - xli. A4.03 - Buildings 200 Exterior Elevations;
 - xl. A4.04 - Buildings 200 Exterior Elevations;
 - xl. A4.05 - Enlarged Building Exterior Elevations;
 - xliv. A4.11 - Winter & Summer Views from Waverly Square;
 - xl. A4.12 - Winter & Summer Views from Waverly Square;
 - xlvi. A5.01 - Buildings 100 & 200 Building Sections;
- e. Lighting & Landscaping Plans (18 Pages) dated April 16, 2021;
 - i. L-1.0 - Index Plan Landscape;
 - ii. L-1.1 - Street Tree, Buffer Planting & Tree Preservation Plan;
 - iii. L-1.2 - Street Tree, Buffer Planting & Tree Preservation Plan;
 - iv. L-1.3 - Street Tree, Buffer Planting & Tree Preservation Plan;
 - v. L-1.4 - Street Tree, Buffer Planting & Tree Preservation Plan;
 - vi. L-1.5 - Street Tree, Buffer Planting & Tree Preservation Plan;
 - vii. L-2.1 - Landscape Plan – Typical Bldgs 100 & 200;
 - viii. L-2.2 - Landscape Plan – Typical Twhs Bldgs #6-14;
 - ix. L-2.3 - Landscape Plan – Typical Twhs Bldgs #3-6;
 - x. L-2.4 - Landscape Plan – Typical Twhs Bldgs #1-2;
 - xi. L-2.5 - Landscape Plan – Typical – The Eliot Chapel;
 - xii. L-2.6 - Site Lighting Plan;
 - xiii. L-3.1 - Site Lighting Plan;
 - xiv. L-3.2 - Site Lighting Plan;
 - xv. L-3.3 - Site Lighting Plan;
 - xvi. L-3.4 - Site Lighting Plan;
 - xvii. L-4.1 - Site Details;
 - xviii. L-4.2 - Site Details;
 - xix. L-4.3 - Site Derails Lighting;
- f. Stormwater Report, dated April 16, 2021;
- g. Zone 3 Master Plan;
- h. McLean Overlay District Map;
- i. Approved Zoning Bylaw Section 6B Language;
- j. 1999 Memorandum of Understanding;
- k. Conservation Restrictions B-1 & B-2;
- l. Historical Preservation Agreement;
- m. Traffic Monitoring and Mitigation Agreement;
- n. Easement Agreement;
- o. Declaration or Reciprocal Easements and Agreement;
- p. Construction Management Plan;
- q. Sustainability Narrative;
- r. Views from Trapelo Road and Waverly Square.

2.2 Revised Documentation:

- a. Revised Stormwater Management Report, dated September 23, 2021;
- b. Revised Site Plan, dated September 23, 2021;

2.3 Presentations:

- a. May 18, 2021 Planning Board Presentation;
- b. May 27, 2021 Housing Trust Presentation;
- c. June 22, 2021 Planning Board Presentation;
- d. July 6, 2021 Planning Board Presentation;
- e. Revised July 6, 2021 Planning Board Presentation;
- f. July 20, 2021 Planning Board Presentation;
- g. August 3, 2021 Planning Board Presentation;
- h. September 9, 2021 Planning Board Presentation;
- i. September 21, 2021 Landscaping Presentation;
- j. September 21, 2021 Traffic Presentation;
- k. October 12, 2021 Historic District Committee Presentation;
- l. October 21, 2021 Historic District Committee Presentation;
- m. November 9, 2021 Historic District Committee Presentation;
- n. November 16, 2021 Planning Board Presentation;
- o. December 7, 2021 Planning Board Presentation;

2.4 Additional Information:

- a. May 25, 2021 Site Tour, Site Plan;
- b. Waiver Requests, dated May 28, 2021;
- c. McLean Zone 3 Site Accessibility;
- d. Requirements for the Subdistrict A Townhomes;
- e. July 20, 2021 Subdistrict A Building Sections;
- f. July 20, 2021 Subdistrict A Floor Area Unit Mix Summary Chart;
- g. July 20, 2021 Subdistrict A Enlarged Unit Floor Plans with Living Area GS;
- h. August 4, 2021 Subdistrict A Enlarged Unit Floor Plans with Living Area GS;
- i. SU-40 Truck Turns, dated September 23, 2021;
- j. The Residences at Bel Mont - Flyover Animation, submitted October 18, 2021;
- k. Proposed Bike Racks and Location, submitted December 7, 2021;
- l. Buffering Planting Plan, submitted December 7, 2021;
- m. Town's Response to Applicant's submittal re. AAB Requirements, dated December 8, 2021;
- n. Applicant's Future Scheduling Proposal, dated December 9, 2021;
- o. Applicant's Follow up on Accessibility, dated December 10, 2021;
- p. Applicant's Follow up on the Chapel Driveway Sight Lines, dated December 16, 2021;
- q. Applicant's Response to Snow Management, dated December 29, 2021;
- r. Applicant's Proposed Process with Department of Housing and Community Development, dated January 3, 2022;
- s. DHCD Response to Applicant's Proposed Process, dated January 5, 2022;
- t. Buffering Planting Plan, submitted January 10, 2022;
- u. McLean Zone 3 Snow Management Plan, submitted January 12, 2022, updated January 24, 2022, and February 8, 2022;
- v. Olmsted Drive Zone 3 Buffer @ Building #7, submitted January 26, 2022;
- w. Buffering Planting Plan, submitted January 28, 2022;
- x. Legal Documents:
 - i. Declaration of Reciprocal Easements and Agreements, January 24, 2022;
 - ii. Declaration of Trust, November 19, 2021;

- iii. Zone-3 Declaration of Easements and Covenants, November 19, 2021;
- iv. Master Deed, November 19, 2021;
 - i. Revised December 3, 2021;
- v. Construction Management Plan November 17, 2021;
 - i. Revised January 14, 2022 & January 24, 2022;

2.5 Staff/Committee Comments Received:

- a. Town of Belmont Energy Committee, dated June 27, 2021 & November 23, 2021;
- b. Town of Belmont Fire Department, dated July 21, 2021 & September 14, 2021;
- c. The Land Management Committee for Lone Tree Hill, dated August 23, 2021, January 18, 2022, and January 25, 2022;
- d. Historic District Commission Comments, dated September 10, 2021;
- e. Belmont Housing Trust, dated September 15, 2021 & November 9, 2021;
- f. Historic District Commission Design Review Agreement, dated November 30, 2021;
- g. Belmont Public School Comments, dated December 10, 2021;

2.6 Peer Review Comments Received:

- a. Davis Square Architect Peer Review Letter, dated August 3, 2021 & October 11, 2021;
 - i. Architectural Peer Review Response, dated October 14, 2021
- b. BSC Group Traffic Peer Review Letter, dated August 6, 2021;
- c. BSC Group Stormwater Peer Review Letters, dated August 6, 2021 & October 4, 2021;
 - i. BSC Group Stormwater Peer Review Response, dated October 25, 2021;
 - ii. BSC Group Stormwater Peer Review Response, dated December 20, 2021;
 - iii. BSC Group Slight Line Review Response, dated December 21, 2021;
 - iv. BSC Group Snow Management Review Response, dated January 18, 2022;
- d. Sewer Flow and I-I calculation, dated November 17, 2021;

2.7 Public Comments Received:

- a. Robert Eckert, dated May 18, 2021, June 7, 2021, June 14, 2021, June 22, 2021, June 23, 2021, July 13, 2021, July 19, 2021, July 28, 2021, July 29, 2021, August 3, 2021 August 6, 2021, August 10, 2021, August 17, 2021, August 26, 2021, September 8, 2021, September 22, 2021, October 5, 2021, October 14, 2021, October 15, 2021, October 29, 2021, November 1, 2021, November 15, 2021, November 16, 2021, December 7, 2021, December 21, 2021, January 17, 2022, January 18, 2022, January 24, 2022, February 1, 2022, February 7, 2022, and February 8, 2022;
- b. Stan Rome, dated July 3, 2021;
- c. Rodolfo Neirotti, dated July 5, 2021 and September 26, 2021;
- d. William Chen, dated July 6, 2021;
- e. Joseph Newberg, dated July 20, 2021, January 15, 2022, January 17, 2022, January 29, 2022, and January 31, 2022;
- f. Joe Hibbard, dated September 15, 2021;
- g. South Cottage Road Abutter Comments, dated September 23, 2021 and January 16, 2022;
- h. Victoria Bond, dated October 6, 2021;
- i. Sandra and Bill Chen, dated December 14, 2021 and January 14, 2022;
- j. Mark Gouker, dated December 14, 2021 and January 15, 2022;
- k. Jolanta and Robert Eckert, dated January 13, 2022;
- l. Jolanta Eckert, dated February 7, 2022;

2.8 Applicant's Responses to Comments:

- a. Applicant's Public Meeting Continuation Request, dated August 12, 2021;
- b. Applicant's Response to the Fire Comments, dated August 31, 2021;

- c. Applicant's Response to the Historic District Commission Comments, dated September 20, 2021;
- d. Response to Traffic Peer Review, dated September 21, 2021;
- e. REA Document - Applicant Response, dated September 22, 2021;
- f. Stormwater Response Comments Letter, dated September 23, 2021;
- g. Applicant's Response to Fire Comments, dated October 6, 2021;
- h. Applicant's Response to the Landscape Questions, dated October 19, 2021;
- i. Applicant's Response to the Cellars Questions, dated October 31, 2021;
- j. Applicant's Response to the Energy/Sustainability Comments, dated November 1, 2021;
- k. Applicant's Response to the Belmont Housing Trust Comments, dated November 2, 2021;
- l. Applicant's Response to the Land Management Committee Comments, dated November 11, 2021;
- m. Applicant's Response to the Architectural Peer Review Comments, dated November 13, 2021;
- n. Applicant's Response to the Sewer Flow and I-I calculation, dated November 23, 2021, updated November 30, 2021 & December 6, 2021;
- o. Applicant's Response to the HDC Design Review Agreement Comments, dated December 1, 2021;
- p. Applicant's Response to Buffering Planting Plan, submitted January 14, 2022;
- q. Applicant's Response (2) to Buffering Planting Plan, submitted January 18, 2022;
- r. Applicant Response to School Bus Comments, submitted January 19, 2022;
- s. Applicant's Response to School Bus Comments, submitted January 24, 2022;

2.9 **Continuation**

- a. Applicant's Continuation Request for the Decision Deadline, dated February 15, 2022;

2.10 **Other Town Documents:**

- a. Renee Guo Mullin Rule Certification, received July 19, 2021;
- b. Karl Haglund Mullin Rule Certification, received August 16, 2021;
- c. Matt Lowrie Mullin Rule Certification, received October 4, 2021;
- d. Stephen Pinkerton Mullin Rule Certification, received November 19, 2021;
- e. Edmund Starzec Mullin Rule Certification, received February 23, 2022.

3. **Waivers**

- a. 6B2.2 c) - Permissible dwellings shall be two apartment buildings with associated underground or surface parking. An apartment building is a multi-story, multi-family building designed or intended or used as the home or residence of three or more households, each in a separate dwelling unit, living independently of each other and which have a common right in halls, stairways, parking, and common area amenities.
 - i. The Planning Board have agreed that the approved multifamily buildings would meet the intent of requirements of the McLean Overlay Bylaw for the apartment buildings. A waiver was granted by the Planning Board in case the interpretation of the proposed buildings doesn't meet the exact definition of the "Building" in the Zoning Bylaw.
- b. 6B.3 b) - No townhouse dwelling unit shall exceed 3,600 square feet of Gross Floor Area, inclusive of basement area whether or not finished but exclusive of unfinished garage, unfinished attic area and exterior porch or deck areas. No townhouse dwelling unit shall exceed 2,400 square feet of living area, exclusive of any basement area, unfinished garage, unfinished attic area, and exterior porch or deck areas. A total Gross Floor Area of 144,000 square feet is allowed based on 40 dwelling units of new construction, excluding the dwelling units allowed under Subsection 6B.2.4.
 - i. Due to the topography of the site, the Planning Board granted a waiver as allowed under 6B.6.5 to allow some of the proposed townhomes' Gross Floor Area to be larger than 3,600 square feet with the condition that the Gross Floor Area of Subdistrict A cannot be any larger than 144,000 square feet.
- c. 6B.4.2 a) 1 & 2

1. - 20% of the dwelling units shall be affordable to income-eligible households at or below 80% of AMI, and

2. - 5% of the dwelling units shall be affordable to income-eligible households at or below 50% of AMI.

2c) - Where the calculation of Affordable Housing Units results in a fractional unit equal to or greater than one-half (.5), the fraction shall be rounded up to the next whole unit. Where the calculation of Affordable Housing Units results in a fractional unit less than one-half (.5), the fraction shall be rounded down to the next whole unit.

- i. When the zoning amendment was drafted by the Town, approved at Town Meeting, and reviewed by the state's Attorney General office, there was no issue with the fraction requirement to round up and down as described in 6B4.2 c). While permitting this proposed Site Plan, the town and the applicant were made aware by DCHC that all of the numbers should be rounded up to the next whole number. If so, the numbers of required affordable units in Subdistrict B would be 29 instead of 28.
 - ii. The Planning Board grants a waiver from 6B4.2 1 & 2 to require 19.64% of the dwelling units shall be affordable to income-eligible households at or below 80% of AMI, and 5.35% of the dwelling units shall be affordable to income-eligible households at or below 50% of AMI.
 - iii. The number of affordable units would remain at 28f when rounded up.
- d. 6B5.5 i) - Landscape buffer should be provided between Olmsted Drive as it passes through Zone 3 and the townhouses located in Zone 2 of the McLean District. Buffering should also be provided prior to construction
- i. The Planning Board understands that the applicant will not control the property until late summer. The applicant has offered to provide the Woodland II Condominium funds for them to plant the required landscape buffering at the timeline where the condominium see fit. The Planning Board granted this landscape waiver with a condition tied to it.

4. Design & Site Plan Findings

4.1 General Guidelines

- a. The applicant opted to utilize Section 6B – MDZ3OD. The proposed development is subjected to the requirements of Design and Site Plan Review in accordance with Section 6B.6.
- b. MDZ3OD consists of two Subdistricts: A and B. Subdistrict A permits the development of Age-Restricted Townhouse Dwelling Units and Subdistrict B shall permit the development of both Age – Restricted and Non-Age Restricted Multi-Family Rental Dwelling Units.
- c. The proposed development is intended to permit a mixed-use residential housing that consists of detached townhouses and multi-family dwelling units within Zone 3, the Senior Living Subdistrict of the McLean District, so as to:
 - i. Provide for the housing needs of the Town by making provisions for housing to be occupied by a variety of households who otherwise would not have such housing opportunities within the Town.
 - ii. Provide added diversity of housing types attractive to a variety of households and income eligibility.
 - iii. Provide for the development of affordable housing for income-eligible households and seniors.
 - iv. Promote low-impact, energy-efficient development.
 - v. Ensure high quality site planning, architecture, and landscape design that is consistent with the distinct visual character, historical significance, and identity of the McLean District.

- vi. Establish development standards that ensure context-sensitive design and creative site planning in the construction of new buildings and reuse of existing buildings

4.2 **Performance & Design Standards**

Subdistrict A

- a. The proposed 38 for sale townhouse units are located in detached buildings and also in groupings of two-, three-, and four-unit buildings.
- b. The historic Samuel Eliot Memorial Chapel is located within Subdistrict A and will be retained, restored and converted into two age restricted residential units serviced by a new detached two car garage structure for one of the two units.
- c. The applicant proposed (1) - 1-bedroom, (15) - 2-bedroom, and (24) - 3-bedroom.
- d. All proposed units in Subdistrict A will be age-restricted at 55 years of age with 15% or 6 units set aside as affordable housing units as required in §6B 4.1 a).
- e. The average number of bedrooms complies with Bylaw.
- f. The total Gross Floor Area of Subdistrict A's 40 townhome units and the renovation of the existing Samuel Eliot Memorial Chapel will not exceed 144,000 square feet.
- g. The proposed height of the building will not exceed 36 feet.
- h. The proposed height of the dwellings varies between 2 and 2.5 stories.
- i. The applicant proposed 78 interior parking spaces and 11 surface parking spaces for guests for a total of 89 parking spaces.
- j. The proposed development complies with the total number of parking spaces in Subdistrict A.
- k. The Planning Board concluded that the approved multifamily buildings would meet the intent of requirements of the McLean Overlay Bylaw for the apartment buildings.

Subdistrict B

- l. The proposed 112 rental units are located in two buildings and the applicant received 2 bonus units under Section 6B2.4 for the rehabilitation and reuse of the Samuel Eliot Memorial Chapel. The number of units in Subdistrict B will not exceed 112 units.
- m. The applicant proposed (47) - 1-bedroom, (54) - 2-bedroom, and (11) – 3-bedroom apartments.
- n. Subdistrict B includes 53 units designated as age-restricted units and 59 units that are non age-restricted.
- o. The total square feet proposed development in Subdistrict B will not exceed the maximum gross square feet requirement in the Subdistrict.
- p. Both Subdistrict A & B will have access to and use of amenity spaces consisting of fitness areas, lounge spaces, outdoor courtyards, bicycle storage and roof decks located in Subdistrict B.
- q. Access, use and maintenance of the two Subdistricts will be governed by a Declaration of Easements and Covenants. Separately, Subdistrict A will be governed by a condominium Master Deed, Declaration of Trust and Bylaws. In addition, Zone 3, and all of the McLean District Zones, are governed by a Declaration of Reciprocal Easements and Agreements.
- r. The proposed height of the two buildings will not exceed 68 feet.
- s. The proposed height of the dwellings are between 3 and 4 stories.
- t. The applicant proposed 99 garage and 58 surface parking spaces
- u. The applicant proposed 56 bicycle parking spaces that will be located in the lobby of Buildings #100 & #200.
- v. Beyond the minimum number of bicycle parking spaces required, the applicant proposed to install 5 bicycle parking spaces at the front entrance of Building #200.

4.3 **Affordability Requirements**

Subdistrict A

- a. 15% (6) of the overall proposed 40 units meeting the affordable housing requirement of §6B 4.1

- b. The proposed affordable units will be (1) - 1 bedroom, (4) - 2 bedroom, and (1) - 3 bedroom.

Subdistrict B

- c. 25% (28) of the overall proposed 112 age restricted and non age restricted units meeting the affordable housing requirement of §6B 4.2.
 - i. 20% of the dwelling units twenty-two (22) shall be affordable to income-eligible households at or below 80% of AMI, and
 - ii. 5% of the dwelling units (6) shall be affordable to income-eligible households at or below 50% of AMI.
- d. The proposed affordable units will be (12) - 1-bedroom, (13) - 2-bedroom, and (3) - 3-bedroom.
- e. The affordable units shall be divided proportionally between age-restricted and non-age restricted units.
- f. The affordable units are dispensed evenly between the different bedroom's unit count. The location of the units will be determined at building permit stage and they will float between units when vacancies occur.
- g. The Project will contribute a total of 118 units – 6 for-sale townhouse units and 112 multi-family rental units - to the Town's Subsidized Housing Inventory list through the Local Initiative Program – Local Action Unit (the "LIP-LAU") initiative administered by the Department of Housing and Community Development (the "DHCD").

4.4 Buildings

- a. The buildings in Subdistrict B will be serviced by a below grade elevator accessed enclosed parking facility.

4.5 Signage

- a. Signage was proposed on the submitted site plans but the applicant did not submit any sign renderings.

4.6 Environmental Design

- a. The applicant proposed that all of the proposed buildings will be LEED Silver certified. The applicant will be required to self-certify prior to the final CO.
- b. All Buildings in both Subdistricts will be solar photovoltaic (PV) ready as defined by the National Renewable Energy Laboratory
- c. Both Subdistricts includes sustainability measures that includes all-electric heating, cooling, and ventilation systems and are evaluating the feasibility and cost-effectiveness of electric domestic hot water systems.

5. Public Hearings

The Board held a duly advertised public hearing conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19) on May 18, 2021 and it was continued to June 1, 2021, June 15, 2021 (no deliberation), June 22, 2021, July 6, 2021, July 20, 2021, August 3, 2021, August 17, 2021 (no deliberation), September 9, 2021, September 21, 2021, October 5, 2021, October 19, 2021, November 2, 2021, November 16, 2021, December 7, 2021, December 21, 2021, January 4, 2022, January 18, 2022, February 1, 2022, February 15, 2022, **March 1, 2022, March 15, 2022 and**. The Board also held a site walk on May 25, 2021 with the development team, board members, and public residents. Ms. Guo was absent at the July 6, 2021 meeting session but she reviewed the recording and certified by submitting the Mullin Rule Certification. Mr. Haglund was absent at the August 3, 2021 meeting session but he reviewed the recording and certified by submitting the Mullin Rule Certification. Mr. Lowrie was absent at the September 21, 2021 meeting session but he reviewed the recording and certified by submitting the Mullin Rule Certification. Mr. Pinkerton was absent at the November 16, 2021 meeting session but he reviewed the recording and certified by submitting

the Mullin Rule Certification. Mr. Starzec was absent for portions of the February 15, 2022 meeting session but he reviewed the recording and certified by submitting the Mullin Rule Certification. Mr. Haglund was also absent at the December 21, 2021 public hearing and he was illegible to vote on the final decision. Renee Guo was elevated as a voting member to vote in Mr. Haglund's place. The public hearing was closed at the February 1, 2022 continued public hearing with the public record being closed after Tuesday February 8, 2022 at 4pm for any additional comments from the public, excluding staff and applicant correspondence. Mr. John Dawley from Northland Residential Corporation, Alan Aukeman from Ryan Associates, Edward Bradford from The Architectural Team, and Michael Breau from The Architectural Team presented the project to the Board. Comments were received from the public at the public hearing and between continued public hearing sessions.

6. Deliberation and Decision

On ____, 2022, the Board deliberated on the Applicant's request for Design and Site Plan Approval under Sections 6B & 7.3.2 a).

Accordingly, upon motion duly made and seconded, **the Board voted 5-0 to approve the Applicant's request for a Design and Site Plan Review at 115 Mill Street located in a McLean District Zone 3 Overlay District with the following conditions:**

7. Conditions

7.1 General:

- a. This approval is based upon the final site plans submitted prior to the ____, 2022's Planning Board Meeting. No modifications may be made without the approval of the Board, a determination in writing by the Board that the modification is so minor that the approval by the Board is not required, or a specific decision condition.
- b. If the Applicant must revise any of the project plans to comply with any other local or state or federal approvals or permits, it shall present the revised plans to the Board or designee for a review of those changes.
- c. Prior to 1st building permit being issued, this Decision shall be recorded at the Middlesex South District Registry of Deeds or the Middlesex Registry District of the Land Court. Proof of recording shall be forwarded to the Zoning Enforcement Officer prior to the issuance of any building permit.
- d. Occupancy of the age-restriction dwelling units shall comply with the Housing for Older People (HOPA) Act, Mass General Law 151B, and any other relevant federal housing laws.
- e. The project shall be limited to the 15 buildings (40 units) in Subdistrict A and 2 apartment buildings (112 Units) in Subdistrict B and the improvements and amenities shown and labeled on the Approved Plan.
- f. The Applicant shall maintain a copy of the endorsed Approved Plan and this Decision at the site during construction.
- g. The applicant shall submit for Planning Board or designee approval a condominium trust agreement that governs the townhomes in Subdistrict A.
- h. Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable to and binding on the Applicant. The term "Applicant" shall be deemed to also include the Applicant's successors, including a condominium association should components of the project be converted to condominiums. These conditions shall be enforced by the Building Inspector, and lack of compliance with these conditions by the Applicant or its successors shall be subject to enforcement action to the maximum extent authorized by law.

- i. To ensure that it remains an integrated project, the development shall remain as a whole and no subdivision shall be allowed. This condition shall not preclude the creation of condominium forms of ownership for the development to meet any required state or federal laws.
- j. All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to the issuance of the 1st building permit.

7.2 Buildings:

- a. In Subdistrict A, all affordable units shall be tested for Radon prior to the issuance of an Certificate of Occupancy ("CO"); if radon is detected an active radon mitigation system shall be installed prior to shall be installed prior to occupancy
- b. In Subdistrict B, all of the buildings shall be tested for radon prior to the issuance of any CO; if radon is detected above an acceptable level for residential dwellings, an appropriate radon mitigation system shall be installed prior to occupancy.
- c. 5% of the units (6 total) in Subdistrict B shall comply with Group 2A accessible dwelling unit requirements. The remaining units (106 total) shall comply with Group 1 and Fair Housing requirements. Marketing plans should include language on the ability to make adaptable units fully accessible.
- d. 50% of the accessible units should be affordable so that there is an overlap of affordability and accessibility.
- e. All new buildings and the Chapel Building in Subdistrict A shall be equipped with a fire sprinkler. The multi-family buildings shall also be equipped with a Fire Alarm system and a public safety radio system. The proposed public safety radio shall be installed prior to the 1st building permit.
- a. Prior to installation, final samples of the materials and mock ups of the exterior finishes shall be reviewed and approved by the Board at a regular meeting or by their designee.

7.3 Architectural:

- a. Final architectural plans submitted for building permit shall be substantially in accordance with the approved plan and the renderings presented at the public hearing and approved hereunder.
- b. The total Gross Floor Area of Subdistrict A shall not exceed 120,030 square feet.

7.4 Construction:

- a. At least seven days prior to the start of construction, the Applicant shall provide written notice to the Zoning Enforcement Officer of the anticipated construction start date.
- b. The applicant shall hold a pre-construction site meeting 7 days before the construction begins with the parties listed in the Construction Management Plan.
- c. All construction activity on the property relating to this Decision shall be limited to the hours of: Monday – Friday: 7:30 am – 4:30 pm; Saturday 9:00 am – 3:00 pm; Sundays & Holidays as recognized by the Commonwealth of Massachusetts: no work permitted.
- d. Notwithstanding a unique circumstance, no exterior site work, blasting, mass excavation or grading shall take place on weekends, long weekend holiday periods or during the Christmas to New Year holiday period.
- e. All proposed construction signage shall describe the limit of work boundaries, parking and staging area designations, traffic routing and safety precautions. It shall be prominently posted prior to the commencement of work and maintained in English, Spanish and Portuguese.
- f. Construction fencing shall be compliance with the approved construction management plan.
- g. All utilities, including but not necessarily limited to electric, cable and telephone shall be located underground.
- h. The Applicant shall be diligent in ensuring that no construction debris or material from the site enter any of the abutting properties.

- i. The Applicant shall make every attempt to minimize any adverse or nuisance construction conditions (such as, but not limited to dust, noise, vibrations, etc.) from existing in and around the Site and affecting neighboring and abutting properties during construction. The Applicant shall at all times use all reasonable means, including where necessary temporary construction fencing or screening, to minimize inconvenience to residents in the general area.
- j. The proposed project shall be constructed in compliance with any and all applicable requirements promulgated by the Belmont Board of Health, the Belmont Light, and the Belmont Fire Department, except as waived herein.
- k. The Applicant shall comply with the State Building Code and Architectural Access Board requirements.
- l. The Applicant shall ensure safe and convenient vehicular access into and around the Site during the entire duration of the project construction. Any traffic problems that occur as a result of construction shall be mitigated as soon as reasonably practical, at the expense of the Applicant. Additional traffic enforcement or management measures may be required as reasonably necessary, or as reasonably directed by the Zoning Enforcement Officer or Building Commissioner upon consultation with the Applicant. The Board's representatives shall be permitted access to the Site, subject to conformance with applicable safety standards, to observe and inspect the Site and construction progress until such time as the Project has been completed.
- m. All construction vehicles shall be parked on the Site at all times.

7.5 Civil & Site:

- a. The Applicant shall widen the easement from 11 feet to 18 feet to allow enough access for the Fire Department Trucks. This change shall be modified in the easement document and on the site plan, prior to the 1st building permit.
- b. The Applicant shall remove any boulder obstructions and relocate the street lamp located on the right side of Olmsted Drive when entering from Pleasant Street onto the McLean property prior to the 1st building permit.
- c. The Applicant shall revise the minimum approach angle of 8 degrees for the proposed roads to meet the Belmont Fire Department's request prior to the 1st building permit.
- d. Prior to issuance of the last CO, the Applicant shall submit to the Board an "As-Built Plan" showing all drainage structures and sewer facilities as they exist on the site, including appropriate grades and elevation. The Applicant shall also submit proof that an As-Built Plan has been prepared for all utilities including water, gas, electric, and cable, acceptable to the utility company. Each plan sheet shall be signed and show the seal of a Registered Professional Engineer, or Registered Land Surveyor certifying that the project, as built, conforms with the approved plan

7.6 Maintenance & Landscaping:

- a. The applicant shall install sufficient buffering between the townhomes of Zone 2 & Zone 3 as documented in the applicant's plan submitted to the Town on January 10, 2022. The final plan shall be approved by the Planning Board or designee prior to the first CO of Subdistrict A or the applicant may provide the Woodland II Condominium \$ _____, to plant the required planting.
- b. The Applicant shall provide for the private maintenance and management of the development, including roadway maintenance and repair, maintenance of landscape elements and natural open space, maintenance and repair of stormwater management facilities and common utilities, snow storage and removal, trash removal and recycling, and non-toxic pest control measures.
- c. Prior to issuance of the last CO, the Applicant shall have fully completed the infrastructure improvements and plantings shown on the approved landscaping plan. The applicant is responsible for the survival of all new landscaping planted in connection with the project for two years from the date of the issuance of the CO for the last dwelling (unit/building) within either Subdistrict. The Building Commissioner or his designee shall inspect all landscaping two (2) years after planting. All dead,

damaged or diseased trees planted in connection with the project shall be replaced on "one to one basis of equal size and quality". Only after inspection and replacement (if necessary) shall the performance guarantee securing satisfactory completion of the landscaping be released". The performance guarantee that the applicant shall provide for the construction and completion specified elements of the project shall be \$50,000 for each Subdistrict to insure the survival of planting stock within each Subdistrict. The performance guarantee shall be submitted prior to the last CO.

- d. Snow removal will be performed as it is in any other residential or commercial area. Streets and driveways will be cleared to the curb, and sidewalks and walks will be cleared, moving any spillover accumulation further beyond the edges of travel ways. No centralized snow collection areas are required, nor are areas designated to function as such. If accumulated snow poses a safety concern it will be pushed back and/or removed from site where and when necessary.

7.7 Lone Tree Conservation Land:

- a. Prior to the last CO, the applicant shall work with the Belmont Land Management Committee on establishing a new open space trailhead adjacent to the proposed development and the Lone Tree Conservation land. Any open space trailhead markers in accordance to town's regulations.

7.8 Traffic:

- a. A Transportation Demand Management plan shall be submitted no later than six months after the issuance of the 1st building permit.
- b. Within the 30 days of 90% occupancy, weekly monitoring report will be required for up to 52 weeks to be submitted to the Community Development Department.

7.9 Parking:

- a. Parking is prohibited within the travel lanes of Olmsted Drive.

7.10 Stormwater:

- a. The Development shall comply with the Stormwater Management and Erosion Control By-Law, of the General By-Law, as adopted by the 2013 Annual Town Meeting. Prior to the issuance of a demolition permit, the Applicant must secure approval of its Stormwater Management Plan from the Office of Community Development.
- b. Prior to the 1st building permit, the applicant shall apply for Stormwater Management and Erosion Control Permit.
- c. The maintenance of the proposed swale and retention basin maintenance shall be added to the Stormwater Operation and Maintenance (O&M) Plan.
- d. The Applicant shall be responsible for the payment of \$211,848.00 to the Town of Belmont for the Inflow/Infiltration (I/I) Removal Fee. This figure represents a rate of 40 gallons per bedroom. This payment may be reduced or eliminated through repairs to the exiting McLean physical plant. Half of the mitigation shall be paid prior to the 1st building permit and the other half one year later.

7.11 Noise/Sound:

- a. In the event that blasting should be required for the project, the Applicant shall develop, agree upon and execute a mutually satisfactory safety and public notice protocol with the Building Commissioner and Fire Department prior to the first blast.
- b. The applicant shall comply with Bylaw Section 5.4.2.

7.12 Lighting:

- a. All proposed lighting shall comply with Section 5.4.3 of the Bylaw. Lighting shall be arranged and designed to minimize visibility of lights and structures from outside the MDZ3OD and minimize light spillover beyond each Subdistrict boundary.

7.13 Environmental Design:

- a. The applicant shall install electric heat pumps HVAC systems and tankless water heaters throughout the development prior to the final CO.
- b. All of the proposed buildings in both Subdistricts shall be solar photovoltaic (PV) ready, as defined by the National Renewable Energy Laboratory
- c. Solar energy systems shall be compliant with By-Law Section 4.3.8.
- d. Prior to the installation of photovoltaics panels, the applicant or future condominium owners shall consult with the Fire Department on any necessary shutoff device.
- e. Prior to the 1st CO, the adoption of a condo association bylaw affirmatively permitting solar on all Townhouses shall be established.
- f. Buildings within the MDZ3OD shall be LEED Silver certifiable, under Version 4 (or later) of the New Construction. For LEEDS status, the Applicant shall submit a LEED Checklist prior to the final CO.
- g. Appliances and lighting installations in all of the Subdistrict shall be at a minimum Energy Star rated.
- h. Electric vehicle (EV) charging connectivity and stations shall be provided in the garages of each Subdistrict.
 - i. In Subdistrict A - all required connectivity infrastructure for a parking space shall be EV-ready for one space at each residential unit. EV-ready is defined as providing capacity and space for a 50A breaker in the main house panel and outline in construction documents for charging station location. Conduit for future connectivity shall be provided from the main house panel to the Garage.
 - ii. In Subdistrict B - EV charging stations shall be provided for at least 20% of all common parking spaces. The applicant shall consult with the Fire Department on the location of them before they are installed.

7.14 Historic Preservation:

- a. The applicant shall comply with the Historic District Commission's Design Review Agreement regarding the Eliot Chapel, dated November 30, 2021.

7.15 Signage:

- b. All proposed signs shall be reviewed and approved by the Board at the later meeting upon request. All signs shall comply with Sections 5.2.4(a)(1) and 5.2.4(a)(3) of the By-Law.
- c. Any construction signage shall be approved by the Planning Board at a regular meeting or by their designee.

7.16 Condominium Arrangement:

- a. The applicant shall set up a single LLC that controls the whole property (Subdistrict A & Subdistrict B).
- b. The Subdistrict A Condominium or a new LLC shall control Subdistrict A before the 2-unit condominium for Subdistrict B is formed. The 40-unit Condominium Trust/Association will be governed by a Master Deed and Declaration of Trust, which will be owned and developed by the new LLC of Subdistrict A.
- c. The new Subdistrict B LLC shall be formed to form a 2-unit condominium with each new LLC controlling a different component of Subdistrict B.
 - i. The Subdistrict B project and its associated land area, and components shall be set up separate and distinct from Subdistrict A's Condominium. The 2-unit Condominium Trust will be comprised of the non-age-restricted Buildings 100A & 100B and other unit will be comprised of the age-restricted Building 200. Both units would have access to common amenities, infrastructure (parking) and services and be capitalized, developed and be owned, at least initially, by the same developer/owner under two

different single purpose LLCs (which will be different than the LLC which owns/develops Subdistrict A).

- d. There shall be overall three different owners; Subdistrict A, Subdistrict B-1, & Subdistrict B-2.
- e. Any Approval Not Required Plans that are required by the applicant for the discussed condominium arrangement shall be submitted to the Community Development Department for approval prior to the 1st building permit.

7.17 Department of Community and Housing Development and Mass General Law Requirements:

- a. The applicant's project shall comply with the Housing for Older People (HOPA) Act and Mass General Law 151B and other relevant federal or state housing law.
- b. There shall be three (3) LIP-LAU Applications, three (3) Affirmative Fair Housing Marketing Plans, three (3) Affordable Housing Lottery Plan, 3 Affordable Housing Restrictions (Regulatory Agreement), and... for Subdistrict A, Subdistrict B non age-restricted for-rent housing units, and Subdistrict B age-restricted for-rent housing units.
- c. To satisfy DHCD's request, prior to the first CO, the applicant shall make clear that each sub-project of Subdistrict B is different from each other through different names and branding. This shall be sufficient by DCHD by written approval prior to the last CO.
- d. To be consistent with State Law, the number of affordable units shall be rounded up when the final number ends in a decimal. The applicant shall confirm if there is a difference. If so, the applicant shall present those changes to the Community Development Department for determination by the Board if the modifications require approval by the Board.
- e. To be consistent with State Law, the requirement of local preference of who qualifies shall be consistent with state law.

7.18 Affordable Units:

Subdistrict A:

- a. Three (3) of the affordable units shall receive their building permit before the 20th market rate unit receives its building permit..
- b. Building permits for all six (6) of the affordable units shall be issued prior to the last building permit being issued for the newly constructed market rate dwelling unit.
- c. Three (3) of the affordable units shall receive their CO before the 20th market rate unit receives its CO.
- d. CO for all six (6) of the affordable units shall be issued prior to the last CO being issued for the newly constructed market rate dwelling unit.
- e. The market rate development shall be age-restricted for households of 55 and older. There shall not be a prohibition against children living in the development for affordable or market rate units as long as one resident is 55 years or older.
- f. Prior to the first building permit, the applicant shall include one proposed 3 - bedroom end unit as affordable. A revised plans shall be submitted to the Community Development for final approval.
- g. Affordable units shall contain the same basic appliances as the Market Rate units. Units shall contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwaves, and laundry hook-ups suitable for standard washer and dryers.
- h. Unit finishes for affordable homes be built for durability and lower long-term replacement costs. This includes using corian or quartz rather than laminate for countertops and that all homes have age-friendly elements, such a grab bars, walk-in showers with tile and/or corian and quartz finishes. If there are second bathrooms, we recommend that it include tubs with tile finishes.
- i. The market rate units and the affordable units shall be visually comparable from the exterior as in size and appearance shown on the architectural plans.
- j. The affordable units shall have the same access and terms of use to all on-site amenities and services as other occupants in the same Subdistrict.

Subdistrict B:

- k. Fifty-three (53) units in the rental development will be age-restricted for households of 55 and older. There shall not be a prohibition against children living in the development for affordable or market rate units as long as one resident is 55 years or older. The other 59 proposed units will be non age restricted.
- l. Affordable units must contain the same basic appliances as the market rate units. Units shall contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwaves, and laundry hook-ups suitable for standard washer and dryers.
- m. The initial distribution of affordable apartments should mirror the locations of market rate units throughout the buildings so that they are indistinguishable by location.
- n. The affordable housing units shall have the same access and terms of use to all on-site amenities and services as other occupants in the same Subdistrict.

7.19 Affordable Legal Requirements:

- a. Recorded with the Middlesex County Registry of Deeds or Land Court Registry District of Middlesex County. The Affordable Housing Restriction (Regulatory Agreement), shall provide for the implementation of the requirements of Section 6B.4. All affordable housing restrictions shall include, at minimum, the following:
 - i. A description of the development, including whether the Affordable Housing Unit will be rented or owner-occupied.
 - ii. A description of the Affordable Housing Unit by address and number of bedrooms.
 - iii. A statement that the term of the affordable housing restriction shall be in perpetuity.
 - iv. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction.
 - v. Reference to a housing marketing and resident selection plan, to which the Affordable Housing Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
 - vi. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of income-eligible households compiled in accordance with the housing marketing and selection plan.
 - vii. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
 - viii. A requirement that only an income-eligible household may reside in an Affordable Housing Unit and that notice of any oral or written lease, sublease, or grant of occupancy rights of any Affordable Housing Unit to another income-eligible household shall be given to the Administering Agency.
 - ix. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency.
 - x. A provision that the restriction on an Affordable homeownership Housing Unit shall run in favor of the Administering Agency and the Town of Belmont, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an income-eligible household.
 - xi. A provision that the restriction on Affordable rental Housing Units in a rental development shall run with the rental development and shall run in favor of the Administering Agency and the Town of Belmont, in a form approved by municipal counsel, and shall limit rental and occupancy to income-eligible households.

- xii. A provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report with the Administering Agency, in a form specified by that Agency certifying compliance with the provisions of this Section 6B.4 and containing such other information as may be reasonably requested in order to ensure affordability.
 - xiii. A requirement that residents in Affordable Housing Units provide such information as the Administering Agency may reasonably request in order to ensure affordability eligibility and compliance.
 - xiv. Designation of the priority of the affordable housing restriction over mortgages and other liens, and encumbrances.
- b. The Affirmative Fair Housing Marketing Plan (hereafter referred to “AFHMP”) shall be approved by DHCD. The AFHMP shall be approved by the Board or its designee (Belmont Housing Trust) and by the monitoring agent before the issuance of a CO. The Town shall execute a letter from the Chief Executive Officer which states that the tenant selection and local preference have been approved by the Municipality and that the Municipality will perform certain aspects of the AFHMP before the issuance of a CO.

7.20 Subdistrict A Affordability Requirements:

- a. Six (6) of the units (approximately 15%) (the “Affordable Units”) shall be made available for rental by households whose aggregate income is no greater than 80% of the area median income (the “Area Median Income”) as published by the Department of Housing and Urban Development (HUD) for the Boston Metropolitan Primary Statistical Area (BMPA).
- b. For an Affordable homeownership Housing Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and homeowner's association fees, insurance, and parking, shall not exceed 30% or such other ratio or criteria established by DHCD, or its successor agency, of the maximum monthly income permissible for an income-eligible household, assuming a family size equal to the number of bedrooms in the townhouse dwelling unit plus one.
- c. Deed Restriction
 - i. All townhouse dwelling units in Subdistrict A shall be subject to an age-restriction described in a deed/deed rider, restrictive covenant, the deed of the trust, master deed or articles of incorporation, or other document approved by the Planning Board that shall be recorded in the chain of title with the Registry of Deeds or Land Court.
- d. To the maximum extent permitted by law and by DHCD, first preference for the purchase of four (4) of the Affordable Units shall be given to households that meet one or more of the preference criteria found in DHCD’s Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines, updated May 2013 (<https://www.mass.gov/doc/ma-fair-housing-marketing-and-resident-selection-plan-guidelines-1/download>).
 - i. It being understood that the Town of Belmont shall have the burden to demonstrate to the Subsidizing Agency the need for “local preference” and failure to demonstrate such a need in a timely manner shall not preclude, subject to DHCD approval, the selling of any of the units in the project.
 - ii. Purchasers whose selection is based on any of the above “Belmont Resident” preference criteria shall continually meet at least one of these criteria from the time of selection to the time of closing on the purchase of an affordable unit. Such a purchaser’s failure to meet at least one of these criteria during this time period shall be a cause for that purchaser’s disqualification and selection of a new purchaser in accordance with the procedures of the Lottery.
- e. Sale Price: The maximum sale prices for the Affordable Units shall be reviewed and approved by the DHCD at the time of the lottery for selection of buyers of the Affordable Units. Subject to the approval of DHCD, the sale price for the Affordable Units shall be set to be affordable to a household earning not more than 80% of the Area Median Income published by HUD for the Boston Metropolitan

Primary Statistical Area, adjusted for household size. The applicable household size is two (2) for persons for the 1-bedroom unit, three (3) persons for the 2-bedroom units and four (4) persons for the 3-bedroom units. Any modification or deviation from the designation of the affordable units as originally proposed and reviewed by the DHCD shall be subject to approval by DHCD.

- f. Monitoring Service Agreement: The applicant shall provide the qualifications of the monitoring agent for the board's review and approval. The chosen monitoring agent shall be paid by the applicant.
- g. Selection of Buyers for Affordable Units: The Applicant shall obtain DHCD and Town of Belmont approval of the AFHMP for the sale of the Affordable Units prior to putting the Affordable Units on the market. Buyers shall be selected through a fair lottery process (the "Lottery").
- h. Within a pool of potential buyers, preference shall be given to households requiring the total number of bedrooms in the Unit with at least one occupant per bedroom and no more than two occupants per bedroom.
- i. The selection of purchasers for the affordable units, including the administration of the AFHMP, shall be administered by a consultant retained and funded by the Applicant. The AFHMP shall be implemented pursuant to a lottery plan developed by the lottery consultant and approved by the DHCD. The Applicant shall fund the expenses of the Lottery.
- j. Income eligibility shall be governed by the rules and regulations of DHCD, or in default, the rules and standards employed by HUD in the selection of income-eligible households for publicly subsidized housing. The prime objective is that the units must count on the Belmont Subsidized Housing Inventory.
- k. The provisions of this section are intended to complement and not to override or supersede any rules, regulations, or requirements of DHCD, the Massachusetts Commission Against Discrimination, or any authority with jurisdiction and like purpose, to provide low and/or moderate-income housing.
- l. In the event that the aforesaid paragraphs for the selection of buyers for the requirements set forth by the Town of Belmont in its approval of the buyer selection plan, DHCD requirements shall prevail.

7.21 Subdistrict B Affordability Requirements

- a. Affordable Units: twenty-two (22) of the units (approximately 19.64%) (the "Affordable Units") shall be made available for rental by households whose aggregate income is no greater than 80% of the area median income (the "Area Median Income") and six (6) of the units (approximately 5.35%) (the "Affordable Units") shall be made available for rental by households whose aggregate income is no greater than 50% of the area median income (the "Area Median Income") as published by the Department of Housing and Urban Development (HUD) for the Boston Metropolitan Primary Statistical Area (BMPSA).
- b. The applicable household size is two (2) for persons for the 1-bedroom unit, three (3) persons for the 2-bedroom units and four (4) persons for the 3-bedroom units.
- c. The affordable units shall be divided proportionally between age-restricted and non-age restricted units.
 - i. 11 Age Restricted Units @ 80% Annual Median Income
 - ii. 3 Age Restricted Units @ 50% Annual Median Income
 - iii. 11 Non-Age Restricted Units @ 80% Annual Median Income
 - iv. 3 Non-Age Restricted Units @ 50% Annual Median Income
- d. The monthly rent payment for an Affordable rental Housing Unit, including utilities and parking, shall not exceed 30% or such other ratio or criteria established by DHCD, or its successor agency, of the maximum monthly income permissible for an income-eligible household, with price determined assuming a family size equal to the number of bedrooms in the unit plus one unless other affordable program rent limits approved by DHCD shall apply.
- e. 70% of the Units, fifteen (15) and four (4) in the initial lease-up of the Project shall be first offered, pursuant to the Applicants Affirmative Fair Housing Marketing Plan acceptable to DHCD, to households that meet one or more of the following preference criteria found in DHCD's Affirmative

Fair Housing Marketing and Resident Selection Plan Guidelines, updated May 2013

(<https://www.mass.gov/doc/ma-fair-housing-marketing-and-resident-selection-plan-guidelines-1/download>).

- i. It being understood that the Town of Belmont shall have the burden to demonstrate to the Subsidizing Agency the need for “local preference” and failure to demonstrate such a need in a timely manner shall not preclude, subject to DHCD approval, the rental of any of the units in the project.
 - ii. Renters whose selection is based on any of the local preference criteria shall continually meet at least one of these criteria from the time of selection at the time of the lease commencement. Such a renter’s failure to meet at least one of these criteria during this time period shall be a cause for that renter’s disqualification and selection of a new renter in accordance with the procedures contained in the AFHMP.
- f. Rental Price: The Affordable Units shall be rented to qualified households at prices deemed affordable utilizing cost assumptions subject to condition **7.21 b) above**. Applicable household sizes shall be determined in accordance with DHCD regulations. The maximum rental prices for the Affordable Units shall be reviewed and approved by the Monitoring Agent in accordance with applicable DHCD regulations.
- g. Monitoring Service Agreement: The applicant shall provide the qualifications of the monitoring agent for the board’s review and approval.
 - i. The Monitoring Service Agreement must be reviewing and approved by the board or their designee.
 - ii. Prior to issuance of the first CO, a Monitoring Service Agreement will be entered into between the applicant, the Town of Belmont and a private monitoring agency.
 - iii. The monitoring agent shall submit an annual independent compliance audit to the Board as long as the residential component of the Development remains rental housing. The audit shall insure compliance with Section 6.10.
 - iv. If for any reason the designated monitoring agency shall fail or refuse to administer the affordable units or shall cease to exist, the Applicant shall notify the Board and within 60 days the Board and the Applicant shall agree upon a suitable replacement monitoring agent.
- h. Selection of tenants for Affordable Units: The Applicant shall present to DHCD and the Town a AFMP that will confirm DHCD’s approval of the tenant selection plan for the rental of the Affordable Units prior to conducting the tenant selection process for the Affordable Units. Tenants shall be selected through a fair lottery process (the “Lottery”), administered by the Applicant or a consultant retained and funded by the Applicant, in accordance with the Regulations.
- i. The selection of renters for the Affordable Units, including the administration of the Lottery, shall be administered by the Applicant or a consultant retained and funded by the Applicant. The Lottery shall be implemented pursuant to a Lottery Plan developed by the Applicant or the Lottery consultant, as applicable, and approved by the DHCD. The Town of Belmont or its designee, as permitted by the DHCD, shall oversee the Lottery. The Applicant shall fund the expenses of the Lottery.
- j. Income eligibility shall be governed by the rules and regulations of DHCD, or in default, the rules and standards employed by HUD in the selection of income-eligible households for publicly subsidized housing. The prime objective is that the units must count on the Belmont Subsidized Housing Inventory.
- k. The provisions of this section are intended to complement and not to override or supersede any rules, regulations, or requirements of DHCD, the Massachusetts Commission Against Discrimination, or any authority with jurisdiction and like purpose, to provide low and/or moderate-income housing.
- l. In the event that the aforesaid paragraphs for the selection of renters for the units are inconsistent with DHCD requirements, including any requirements set forth by the Town of Belmont in its approval of the buyer selection plan, DHCD requirements shall prevail.

Town of Belmont, Planning Board

Stephen Pinkerton, Chair

Matt Lowrie, Vice-Chair

Thayer Donham

Edmund Starzec

Renee Guo

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.