



**TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT**

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TO: Town Meeting Members
FROM: Jay Szklut, Planning and Economic Development Manager
Jeffrey A. Wheeler, Planning Coordinator
DATE: November 16, 2009
RE: Planning Board Report to the 2009 Special Town Meeting on Zoning Articles
(Articles 8 and 9)

Pursuant to the requirements of Massachusetts General Laws, Chapter 40A, Section 5, the Planning Board hereby submits the following recommendations to the 2009 Special Town Meeting on Article 8, Central/Palfrey Squares Interim Planning Overlay District (CP-IPOD), and Article 9, Inclusionary Housing. The Board held the required public hearings for both the CP-IPOD and Inclusionary Housing amendments on October 28, 2009. Sitting for the Board were Jennifer Fallon, Chair, Sami Baghdady, Karl Haglund, Carla Moynihan, and Andres Rojas.

ARTICLE 8: Central/Palfrey Squares Interim Planning Overlay District

The Central/Palfrey Squares Interim Planning Overlay District (CP-IPOD) provides a mechanism to allow for development that promotes sound land use planning goals and objectives during the course of the Town's comprehensive planning process. While specific proposals for the Central/Palfrey area have yet to be developed as part of the Comprehensive Plan process, the plan has identified a lack of development opportunities in the Town. The CP-IPOD would temporarily change the zoning to allow for development in the district that both residents and the Planning Board believe would be an asset to the Town.

The CP-IPOD is an overlay district and does not affect developments proposed under the underlying zoning. A Special Permit issued by the Planning Board is required for any project proposed under the CP-IPOD regulations. A building height of 36 feet and 3 stories is allowed under the CP-IPOD. Currently, a maximum height of 28 feet and 2 stories is allowed in the district. Lot coverage to 55% is allowed provided that the project provides open space on the site and/or the building includes a green roof and/or front setback is increased to allow greater public sidewalk space. A floor area ratio of 2.75 is allowed provided the project includes underground parking. Residential use of the ground floor is prohibited.

The CP-IPOD expires two years from the conclusion of the 2010 Annual Town Meeting.

The Board voted unanimously (5-0) to recommend ADOPTION of this article.

ARTICLE 9: Inclusionary Housing

In the six years since its passage, the Inclusionary Housing by-law has not produced any affordable housing units. During this same time period, concerns over whether the requirement of the by-law suppress housing development have been raised. The intent of the proposed by law is to adjust the affordability requirements to reflect both economic concerns and housing needs. The proposed amendment also encourages mixed-use development by reducing the required number of affordable units for larger developments.

The required percentage of affordable housing units to be provided in new housing developments is reduced to 10 % for projects of 12 or fewer units, 12.5% for projects of 13 to 40 units, and 15% for projects with more than 40 units. Affordability requirements begin with the first new unit constructed except that single and two family homes are exempt from the by-law. Currently, affordability requirements begin with the seventh unit constructed and increase to 25% required for projects of 22 or more units.

Development of mixed use residential projects in commercial areas is encouraged by lowering the required percentage of affordable units to 12.5% for projects of more than 40 units. Rental projects are encouraged to set aside units for households at 50% of median income or less through a reduction in the number of required affordable units. Developer benefits from additional revenues resulting from increased number of market rate units.

Rental projects are required to add an additional affordable unit for required fractional units exceeding .6 units. Projects with a fractional unit below .6 may round down their affordability requirement. For sale projects are required to make a cash payment to an affordable housing trust fund in lieu of any fractional units resulting from the affordability requirements. The permitting authority has sole discretion over cash payments in lieu of affordable units insuring more certainty, control by the Town, and making clear that development of affordable housing units is a higher priority than financial contribution.

The Board voted unanimously (5-0) to recommend ADOPTION of this article.

Questions or requests for additional information concerning these articles and recommendations can be directed to the planning staff at the Office of Community Development.