

Marblehead Planning Board

Minutes of Meeting

September 12, 2023

Board met in HYBRID session at 7:00 p.m. at Abbot Hall and via ZOOM Conferencing

The following members were present constituting a quorum: Robert Schaeffner, Andrew Christensen, Barton Hyte, Marc Liebman, Edward Nilsson, and Steve Leverone Associate member. Others present - Rebecca Curran Town Planner.

The Chair called the meeting of to order.

MBTA Communities Zoning

The board welcomed Lily Linke from the Citizens Housing and Planning Association (CHAPA) who is assisting the town with community engagement on the MBTA zoning.

Ms. Linke began the power point and presented the following slides:

What is the MBTA Community Zoning? MBTA Communities refers to Section 3A of Massachusetts General Law Chapter 40A, as passed by the state legislature in 2021. The law impacts 177 communities in four categories: Rapid Transit, Commuter Rail, Adjacent Communities, and Adjacent Small Towns. The law requires that MBTA Communities must zone for “at least one district of reasonable size in which multi-family housing is permitted as of right” at a minimum of 15 units per acre.

Why was the law passed? Zoning determines how we can use land, and it is one of the most powerful tools we have to meet our goals for housing, transportation, and climate resiliency. Restrictive zoning creates excessive barriers to building more housing, which drives up costs for everyone. The median home price in Marblehead is now over \$1 million. Legalizing multifamily housing by right will create more housing opportunities for families, older adults, young couples, and our local workforce.

What does this law mean for Marblehead? Marblehead is an Adjacent Community (adjacent communities are those that are adjacent to municipalities that contain MBTA stations). This means that the district can be located anywhere within the town. Marblehead’s district must be at least 27 acres, which represents just 0.2% of our total land area. This law is not a production mandate. The town needs to be in compliance by December 31, 2024. The annual Town Meeting will need to approve changes to our zoning in order to comply, therefore any proposed zoning changes would need to be heard at the May 2024 Town Meeting. The warrant for the annual town meeting closes in late January/early February

Do we currently comply? At present, Marblehead does not comply with the requirements. While we do have a zoning district of sufficient size that allows multi-family housing, the use is allowed by special permit and not by right and it does not meet all of the requirements. An analysis by the MassHousing Partnership found that with some changes, it could comply with the state requirements. Communities that fail to comply will not be eligible for funds from 15 different discretionary grant programs, including the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program. In March 2023 the State Attorney General additionally clarified that failure to comply may result in civil enforcement action or liability under federal and state fair housing laws.

The Town Planner Rebecca Cutting took over and presented the following slides:

What does 15 units per acre look like in Marblehead? And went through three slides showing six addresses with various densities around town state st 15 units per acre or more, State Street, Front Street, Pleasant Street, Bradford Court, Marblehead Highlands, Franklin Street.

Where are we in the process?

April 2022: Held informational presentation by Town Counsel to the Select Board

Late 2022: Received early Technical Assistance from the MassHousing Partnership to test existing zoning

January 2023: Town submitted an action plan to remain in interim compliance.

Fall 2023: Public engagement process to determine MBTA zoning district.

January 2024: Place zoning changes on Town Warrant

May 2024: Vote on zoning changes at Town Meeting

Potential Community Engagement Methods

Open Public Meetings/Hearings

Educational Panels, Forums, and Webinars

Interactive Events (design charrettes, visioning sessions, tabling at community events)

Focus Groups (smaller group discussions)

Surveys

The board had several questions related to production, timing and compliance and what funding the town received that would be lost if they did not comply.

Lily Linke further explained she will send additional resources and endeavor to get more information.

The chair asked if there was anyone in the assembly that wished to comment.

Public comments Kurt James commented on the process and creating 40R districts as a way to comply and Nick Ward asked the board to articulate why they would not want to comply.

Cont. Public Hearing – Site Plan Approval - 11 Kenneth Road – Chmura

Matt Wolverton, Attorney for the applicants reiterated that at the last meeting the Board made clear that the addition be no larger than what had been approved previously in 2022. The applicant architect Craig Bosworth explained the plans have been revised and they are minor deviations from the 2022 plans and they have eliminated the garage expansion. He provided diagrams of the floor plans which illustrate existing, previously approved, and proposed footprints new gross area calculations due to the decrease in footprint and square footage area with the reduction of the garage addition. Mr. Wolverton stated they circulated the revised plans to the abutters. Since the last meeting they erected story poles, and the members had the opportunity to visit the site.

The chair asked if anyone in the assembly wished to speak.

Mr. Lopez Camacho 14 Kenneth Road of spoke in opposition.

A motion was made and seconded to approve with usual conditions 4 in favor none opposed and one abstained. Approved.

At this point in the meeting Mr. Leverone left.

45 Beacon Street – Public Hearing -Site Plan Approval - Putnam

Walter Jacobs and Eli Albanese Architects and the applicants Jon and Jennie Putnam appeared before the board to explain the proposal. The work includes the removal of an existing detached garage and the construction of a new structure. The new structure will be 1 ½ stories with a height of 23.3' compared to the existing garage height of 15.5'. The footprint of the new structure will also be 9'-6" further from Beacon Street from the existing garage footprint. The proposal includes improvements to the landscape of the property, including removing the existing asphalt driveway and adding a pea stone walkway, plantings and installing a new stormwater swale. The proposed design was approved by Old & Historic Districts Commission and during that process, several measures were taken to make sure the new accessory building compliments the architectural character of the original house. All siding and trim material, windows, and doors will be wood as approved by OHDC.

Related to the site plan approval criteria, the scale of the new building is appropriate for an accessory building and the roof lines help break up the height to show that the building is secondary to the main house. Presently, the existing asphalt driveway is broken and is impervious. There is also a sinkhole in the driveway which has been worsened by the stormwater and erosion. The proposed site work includes replacing the asphalt driveway with landscaping and a pea stone walkway and adding a stormwater swale along the existing sea wall to mitigate the drainage issue. There will be some minimal grade changes to interface with the proposed building. Mr. Jacobs stated that the project will improve circulation within the site. Compared to the existing garage doors which faced Beacon Street, the garage doors of the new building are flipped around to face the driveway of the property. This limits vehicular circulation to the driveway of Putnam's property and prevents vehicles from backing into the street at a blind corner. It also focuses pedestrian circulation to the driveway area instead of adjacent to the street.

The project does require a Special Permit from the Zoning Board of Appeals and has been scheduled for the September meeting.

The chairman asked if there was anyone in the assembly that wished to speak on the application. No one spoke in favor or opposed.

A motion was made and seconded to approve the application with the standard conditions. All in favor

MBTA follow up – the board discussed when the community engagement meeting would be scheduled and expressed the need for a board meeting prior to that as there was a lot to this and they wanted a working meeting prior to any community engagement meeting. The board asked the town planner to send out a poll to members to find a convenient day to have an in person working meeting. The board felt the meeting should be scheduled after the board has had a working meeting. Additionally, the board thought a survey would not be helpful for community engagement.

Review and approval of July 11, 2023 Meeting Minutes.

A motion to approve the July 11, 2023, minutes was made and seconded. All in favor

Adjourn

A motion was made and seconded to adjourn the meeting. All in favor.

