



Planning Board Meeting

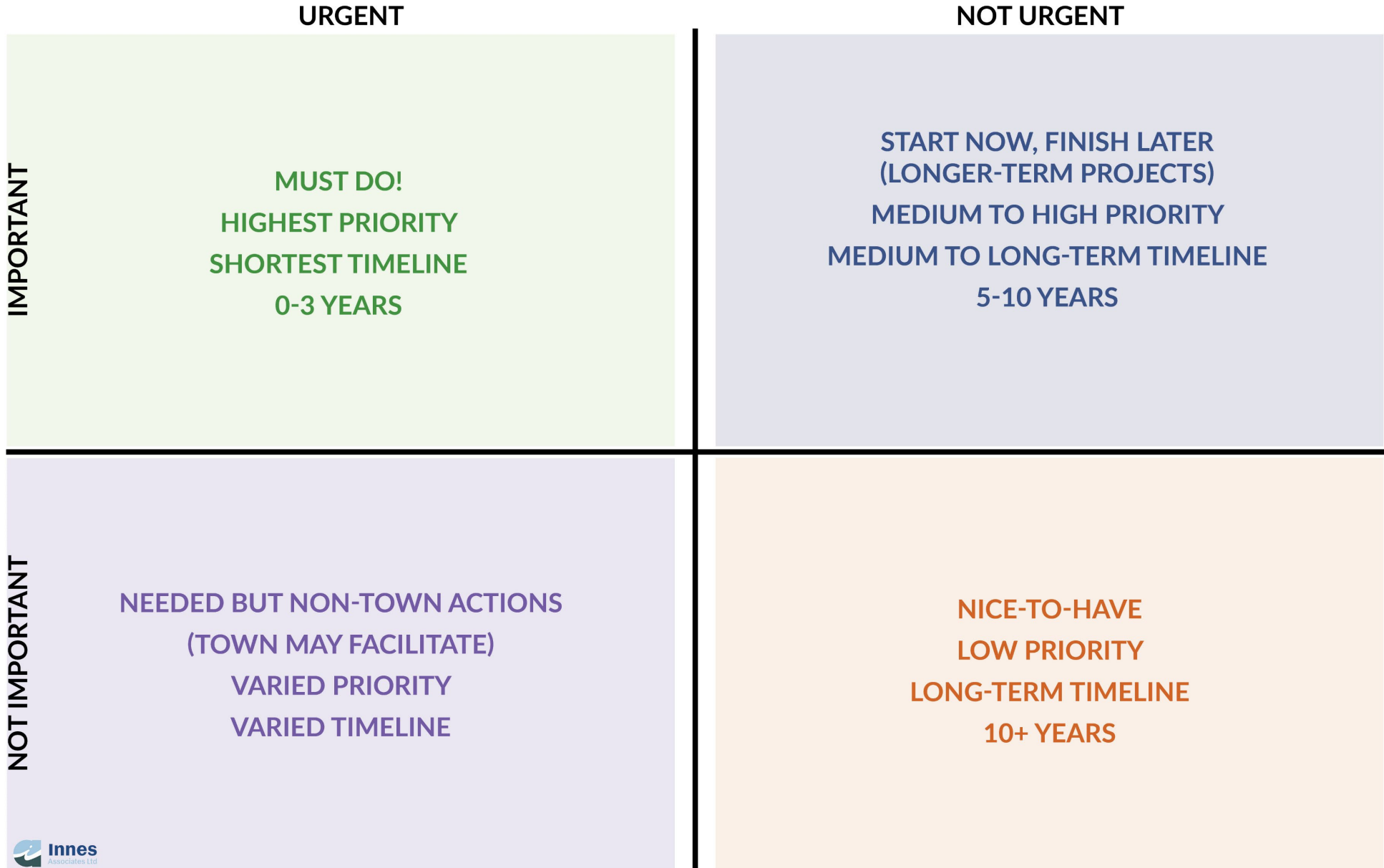
Town of Leverett
Comprehensive Plan Phase 2
April 17, 2024



Agenda

- Zoning – Related Results of the Third Workshop
- Existing Protective Overlay Districts
- Other Zoning Topics
 - Solar
 - Climate Change
 - Open Space/Natural Resources
- 40B Process

RECOMMENDATIONS AND PRIORITIES





Third Workshop: Zoning Recommendations Tested

- **Recommendation:** Modify the zoning to allow smaller lot sizes, and/or multiple units, on existing lots (e.g. one or two duplexes on a lot).
- **Recommendation:** Modify the zoning to allow for Accessory Dwelling Units (ADUs on existing single-family lots).
- **Recommendation:** Update land use regulations to encourage climate resiliency.
- **Recommendation:** The Town should modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction.
- **Recommendation:** Create zoning to encourage senior-friendly housing so that seniors can remain in the community.
- **Recommendation:** Modify the Town zoning to permit activity for economic resiliency. This could include allowing small offices, cafés or other gathering places, medical clinics, pharmacies, and other services to operate in the town by right (without a special permit).
- **Recommendation:** Allow for the development of multi-family units in the following districts:
 - Residential/Village (RV)
 - Residence/Rural (RR)
 - Rural Outlying Residential (RO)
 - General Business (GB)
 - Commercial (COM)
 - Not Permitted

Third Workshop – Results – Summary of Rankings

Important/Urgent

Modify the zoning to allow for Accessory Dwelling Units **7**

Create zoning to encourage senior-friendly housing so that seniors can remain in the community. **6**

Modify the zoning to allow smaller lot sizes, and/or multiple units, on existing lots (e.g. one or two duplexes on a lot). **6**

Allow for the development of multi-family units in the following districts: **3**

Update land use regulations to encourage climate resiliency. **2**

Modify the Town zoning to permit activity for economic resiliency. **2**

Modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction. **1**

Modify the zoning to allow smaller lot sizes, and/or multiple units, on existing lots (e.g. one or two duplexes on a lot). **1**

Modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction. **1**

Allow for the development of multi-family units in the following districts **1**

Not Important/ Urgent

Important/Not Urgent

Update land use regulations to encourage climate resiliency. **3**

Modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction. **1**

Modify the Town zoning to allow for the development of multi-family units in the following districts: **1**

Modify the Town zoning to permit activity for economic resiliency. **1**

Not Important/Not Urgent

Third Workshop – Results – Discard Pile

Modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction.



What town-owned land?

Important but already discussed.

No town-owned land?

Assisted living? Single-level/ramps? Over 55 community?

Can't support larger development.

Modify the Town zoning to permit activity for economic resiliency.



Concern with wording.

Favorable to doctors and dentists.

Clinics at Town Hall.
No change to zoning.

Depends, unintended consequences.

Update land use regulations to encourage climate resiliency.



Not needed.

New flood plain maps will fix.

Vague.

Allow for the development of multi-family units in the following districts:



Not enough info.

Special permit rather than by right.

Too vague.

Create zoning to encourage senior-friendly housing so that seniors can remain in the community.



Yes to aging in place; no to large developments.

Third Workshop – Priorities

I Modify the zoning to allow for Accessory Dwelling Units (ADUs on existing single-family lots.

Modify the zoning to allow smaller lot sizes, and/or multiple units, on existing lots (e.g. one or two duplexes on a lot).

II Create zoning to encourage senior-friendly housing so that seniors can remain in the community.

Allow for the development of multi-family units in the following districts:

- Residential/Village (RV)
- Residence/Rural (RR)
- Rural Outlying Residential (RO)
- General Business (GB)
- Commercial (COM)
- Not Permitted

III Update land use regulations to encourage climate resiliency.

Modify the Town zoning to permit activity for economic resiliency. This could include allowing small offices, cafés or other gathering places, medical clinics, pharmacies, and other services to operate in the town by right (without a special permit).

The Town should modify the zoning to allow for senior housing, and partner with a developer to build affordable/senior housing on Town owned land, including applying for State grants to finance the construction.



Post-Workshop Feedback

- Participants were concerned about implications of zoning changes, especially on septic/water.
- Assumption that senior-friendly housing is equal to large developments.
- Desire for smaller development options.
- Not everyone who participated understood what zoning is.
- Lack of familiarity with the Hazard Mitigation Plan.



Post-Workshop Feedback

- Participants were concerned about implications of zoning changes, especially on septic/water.
- Assumption that senior-friendly housing is equal to large developments.
- Desire for smaller development options.
- Not everyone who participated understood what zoning is.
- Lack of familiarity with the Hazard Mitigation Plan.
- Accessory Dwelling Units are a clear winner – may need additional discussion about the details. The state has a model bylaw for ADUs and is considering make them as-of-right statewide.
- Consider working with the Board of Health on requirements for shared wastewater treatment systems including Title V pilot programs. This could work with decreasing lot sizes in certain parts of town to avoid increasing sprawl.



Other Topics: Planning Board's Obligations with a Comprehensive Plan

- The Planning Board is enabled by Section 81D of Chapter 41 of the Massachusetts General Laws to make a master plan of the town or part of the town.
- Once the Planning Board adopts the plan (by majority vote), the Town should send it to the Executive Office of Housing and Livable Communities.
- The Town also needs to keep an economic development supplement on file that must be at least one page in length and contain the goals “with respect to industrial or commercial development, affordable housing, and preservation of parks and open space.”
- It is best practice to update the town’s zoning to reflect the goals in the comprehensive plan.
- Comprehensive plans can be used to support grant applications.
- There is no penalty for not completing an action identified in the comprehensive plan. The plan is supposed to be a guide to the Town in allocating of resources to meet the needs of the community.
- *Note that “comprehensive plan” is used interchangeably with “master plan.”*



Current Zoning: Protective Overlay Districts

- 4300 Aquifer Protection District
- 4400 Flood Hazard District
- 4500 Stream and Lake Protection District
- 4600 Scenic Roads Protection
- 4700 Rattlesnake Gutter Overlay District
- 4800 Flexible Development
- 4880 Residential Subdivision Development



Current Zoning: Protective Overlay Districts

- **4300 Aquifer Protection District**
 - **Applies to:** Any property within the district boundaries as shown on a map held by the Town.
 - **Restricts:** Certain uses and structures that are deemed detrimental to the aquifer.
 - **Modifications:** May reduce certain dimensional requirements through the special permit process.
 - **Requires:** Special permit from the Board of Appeals.
 - **Incentives for use:** Ability to modify the dimensional requirements provides added flexibility.

- **Problem: Restriction on lot sizes and frontage appears arbitrary. Could the goal be achieved by the Special Permit for design capacity of the on-site disposal system?**



Current Zoning: Protective Overlay Districts

- **4400 Flood Hazard District**
 - **Applies to:** All areas delineated on the Flood Insurance Rate Map.
 - **Restricts:** Uses within the floodplain.
 - **Modifications:** None.
 - **Requires:** Special permit from the Board of Appeals.
 - **Incentives for use:** None – this is a highly restrictive bylaw that significantly reduces the uses within the designated floodplains.

- **Problem: Will need to be updated to refer to new flood maps and requirements in the model Floodplain Overlay District.**



Other Topics: Protections in Zoning

- **4500 Stream and Lake Protection District**

- **Applies to:** Land within 100 feet of a Major Stream or the highwater line of a standing open body of water, or 50 feet of a Minor Stream. Major and Minor Streams are shown on a map.
- **Restricts:** Septic tanks or leachfields and dumping filling, excavation etc. within the boundary.
- **Modifications:** None.
- **Requires:** Special permit from the Board of Appeals required for a building or structure. Such building or structure may not be used for human residence.
- **Incentives for use:** None – this is a restrictive overlay.



Current Zoning: Protective Overlay Districts

- **4600 Scenic Roads Protection**
 - **Applies to:** All public ways in Leverett are Scenic Roads.
 - **Restricts:** Cutting of trees over 10" in diameter at breast height or tearing down stone walls.
 - **Modifications:** None.
 - **Requires:** Planning Board public hearing.
 - **Incentives for use:** None – this is a restrictive bylaw.



Other Topics: Protections in Zoning

- **4700 Rattlesnake Gutter Overlay District**
 - **Applies to:** All land 1,000 feet on both sides of Rattlesnake Gutter Road.
 - **Restrictions:** No structure within 500 feet of the centerline of the travelled portion of the road; no excavation or removal of vegetation within 250 feet of the centerline of the road.
 - **Modifications:** Design review required.
 - **Requires:** Site Plan Review.
 - **Incentives for use:** None – this is a restrictive overlay.



Current Zoning: Protective Overlay Districts

- **4800 Flexible Development**
 - **Applies to:** Creation of 7 or more lots from a single parcel.
 - **Allows:** Single-family (60,000 SF lot) or two-family dwelling (90,000 SF).
 - **Modifications:** may reduce yards by no more than 50% and increase lot coverage by up to 50%.
 - **Requires:** At least 35% of the total parcel area is permanently protected open space. A Conservation Restriction is required for 50% of greater of the total area unless the Protected Open Land is offered to and accepted by the Town (Conservation Commission).
 - **Incentives for use:** An increase in the number of residential lots up to 20% of the base is allowed if 10% of the lots qualify for the Subsidized Housing Inventory (SHI). In other words, if ten lots are allowed under the base, 2 additional lots are allowed if 1 lot qualifies for the SHI. Lots may have single-family or two-family dwellings. The total additional units cannot exceed 20% of the base units allowed. The base units are the number of single-family units that could be allowed under a normal subdivision.
 - **Problem: The incentive does not work as planned; the base maximum limits the number of units that could be added even though, in theory, two-families would be allowed on all lots.**



Current Zoning: Protective Overlay Districts

- **4880 Residential Subdivision Development**

- **Applies to:** Any subdivision of land into 2 or more lots.
- **Allows:** Greater flexibility in the design of subdivisions.
- **Modifications:** Appears to be a variation of 4800 Flexible Development.
- **Requires:** Two subdivision plans – conventional and flexible, economic impact analysis.
- **Incentives for use:** Flexibility in determining lot lines.

- **Problem: It is unclear whether this only applies to the RO District (4883 Procedures). See also 4899 Flexible Development. As with 4800, the allowable number of units is determined by the conventional subdivision.**



Other Topics: Solar Energy Bylaw

- **4970 Ground-Mounted Solar Electric**
 - **Applies to:** Siting of medium-scale and large-scale ground-mounted solar electric installations.
 - **Allows:** Greater flexibility in the design of subdivisions.
 - **Modifications:** Appears to be a variation of 4800 Flexible Development.
 - **Requires:** Two subdivision plans – conventional and flexible, economic impact analysis.
 - **Incentives for use:** Flexibility in determining lot lines.

- **Problem: The bylaw broadly follows the outline of the state’s model bylaw. There are some differences, including the definition of different scales (Leverett is number of panels; model bylaw is kilowatts).**



Other Topics: Zoning and Climate Change

- **2020 Draft Hazard Mitigation Plan**

- Continue to **review and update land use regulations to include climate resiliency provisions** (a list of options is provided in the Hazard Mitigation Plan).
- Review and amend existing land use regulations to **reduce the risk of landslides** (a list of options is provided in the Hazard Mitigation Plan).
- Review and update the Leverett bylaws to add **requirements that ensure adequate support and anchoring systems are used for temporary mobile homes** to reduce the risk to life and property from high winds.
- Update and amend the zoning bylaw to **include a Dam Safety Overlay district** based on the maps produced under other action items.
- Adopt a bylaw or amend existing regulations to **address new driveway openings or “curb cuts” that include grade and design standards to reduce the risk to residents from roadway icing and snow build-up.**
- Review and amend the Required Improvements section of the Town’s Subdivision Rules and Regulations to include the construction of an underground water tank(s) (10,000 gal. minimum) in new subdivisions **for fire suppression purposes.**



Other Topics: Zoning and Climate Change

- **2020 Draft Hazard Mitigation Plan**
 - Continue to **review and update land use regulations to include climate resiliency provisions.**
 - Best Management Practices for River Corridor areas (FRCOG’s River Corridor Toolkit), further restricting or limiting new development within the 100-year floodplain and River Corridor.
 - Low Impact Development (LID) stormwater practices, etc.
 - Amend the Subdivision Rules and Regulations to require temporary and permanent erosion control measures for streams and surface water bodies.
 - Update the review criteria in the Special Permit process to include topographic change, removal of cover vegetation, risk of erosion or siltation and increased stormwater runoff.



Other Topics: Zoning and Climate Change

- **2020 Draft Hazard Mitigation Plan**
 - Review and amend existing land use regulations to **reduce the risk of landslides**.
 - Direct new development to stable slopes and soils
 - Set limits on land clearing to maintain stable slopes to reduce the risk of landslides.
 - Protect existing development from potential landslides by ensuring that surface water and groundwater are properly managed.



Other Topics: Zoning and Open Space/Natural Resources

- **2019 Open Space and Recreation Plan**
 - Explore the use of [the following]:
 - Agricultural zoning.
 - Cluster zoning.
 - Wetland protection bylaws.
 - Low Impact Development (LID) bylaws.
 - Water supply protection bylaws.
 - Floodplain management regulations.



Other Topics: What is a Comprehensive Permit under Chapter 40B?

- Managed by the Zoning Board of Appeals which will hold hearings. **760 CMR 56** is the review process.
- Allows a combination of Low- or Moderate-Income Housing (no more than 80% of the Area Median Income) and Market Rate Housing.
- Units must be eligible to be on the Subsidized Housing Inventory.
- **Leverett has 2 units on the SHI for a total of 0.25%. The goal is 10%.**
- Project can be rental or ownership.
- Project can be Assisted Living Facility or Continuing Care Retirement Community.
- <https://www.mass.gov/info-details/comprehensive-permit-information>
- <https://www.mass.gov/regulations/760-CMR-5600-comprehensive-permit-low-or-moderate-income-housing>
- **Leverett does not have a Housing Production Plan.**

