



Northern Middlesex Council of Governments

A Multi-Disciplinary Regional Planning Agency Serving:

Billerica – Chelmsford – Dracut – Dunstable – Lowell – Pepperell – Tewksbury – Tyngsborough – Westford

MEMORANDUM

To: Billerica Planning Board and Planning Staff
From: Kelly Lynema, Deputy Director, and Michael Asciola, Senior Housing and Land Use Planner, NMCOG
Date: October 25, 2024
Re: Billerica MBTA Communities Survey Technical Questions

NMCOG was asked to provide responses to technical questions regarding Billerica's MBTA Communities draft zoning language and potential subdistrict locations. To address these questions, NMCOG staff reviewed the content of the question against provisions in the MBTA Communities Law, guidance as provided by the Executive Office of Housing and Livable Communities (EOHLC), and the state's compliance model. Please see below for responses to individual questions.

1. *Is it suitable to remove "Lot Frontage" requirements from the overlay's standards?*

Billerica's current draft zoning for compliance with MBTA Communities Law was developed based on model zoning provided by EOHLC. In the model zoning, lot frontage or minimum frontage is suggested as an "optional standard", in which EOHLC notes,

"These dimensional standards are commonly used by municipalities but are not directly captured in the Compliance Model calculations... because these are dependent on the size and shape of the lot, they are difficult to model. The numbers used for these standards will affect how a lot can be developed. Municipalities should carefully consider the existing context of parcel sizes and shapes within the MCMOD boundary when setting these standards."

Establishing lot frontage as a minimum or maximum dimensional standard is not required for compliance with MBTA Communities Law, and in fact its inclusion in the zoning creates potential challenges to compliance. If the proposed 50-foot frontage requirement creates non-conforming parcels within the overlay district this requirement would be detrimental. The Town has other mechanisms with which to control for lot frontage requirements – namely, subdivision control – and as such,

NMCOG recommends that lot frontage requirements NOT be included in the proposed zoning.

2. *Can we reduce the maximum height in the Outer Mills subdistrict down to 2 ½ stories?*

Communities are permitted to establish their preferred maximum height in any subdistrict, so long as the overall gross density of all subdistricts meets a minimum gross density of 15 dwelling units per acre, and provided that the overall housing unit capacity meets the standard set by Law.

The Outer Mills district is envisioned for missing middle type developments, and may serve as a “buffer” district between the surrounding neighborhoods and the higher density development that would be allowed in the Inner Mills subdistrict. While the Town’s compliance will ultimately depend on the selected boundaries for the final subdistricts, it is anticipated that setting a maximum height of 2 ½ stories for the Outer Mills subdistrict should not present barriers to compliance, so long as the zoning allows for three or more units per building. Additionally, the higher density allowed in the Inner Mills is anticipated to compensate for any potential lost density from establishing a 2 ½ story height maximum in the Outer Mills subdistrict.

3. *Can we remove Parcel 10-39-3 from the Inner Mills and add Parcel 10-29-0 instead?*

Yes, so long as parcel 10-29-0 is added. The removal of parcel 10-39-3 from the proposed district would break continuity of the Inner Mills and Outer Mills subdistricts required for compliance with Section 3A. However, by adding parcel 10-29-0, continuity would be preserved between the two subdistricts, maintaining the required minimum of 50% contiguous district land area.

The wetland areas excluded from parcel 10-39-3 do not count towards the density denominator for the district, while the excluded lands (deed restriction) which encapsulates the entire parcel 10-29-0, do count towards the density denominator. This change will yield a loss of 136 units from the compliance calculation and decrease the overall net density slightly, as modeled, however the district would still be compliant with density requirements.

4. *Can you confirm the intention of the boundary between the Inner and Outer Mills?*

As noted in the response to question 2, the lower height maximum and density permitted in the Outer Mills district provides a buffer between the neighborhoods abutting the Town’s MBTA Communities district and the higher density that would be allowed in the Inner Mills subdistrict. Overall, these two subdistricts and the boundary between them work in tandem to allow for the development of a neighborhood with some ground floor commercial use and higher density near the railroad tracks, while

buffering the higher Inner Mills density and potential commercial uses from the abutting neighborhoods by a district with lower height and density maximums.

For example, by including parcels 10-45-0 and 10-225-1-1 (the existing lumber yard use) in the Outer Mills subdistrict, future development on those parcels would be limited to 2 ½ stories, which mirrors many of the surrounding homes in the abutting neighborhood. The allowed density on the parcel would be higher than the abutting properties, but the similar setbacks and height maximum would create a transition zone between the abutting neighborhoods and the Outer Mills. Similarly, parcel 10-63-0—the long Inner Mills parcel located on the east side of the railroad tracks—is currently a parking lot. If developed to Inner Mills dimensional allowances, the parcel could potentially include some ground floor commercial uses, which would serve both the surrounding neighborhood and commuter rail uses. The higher height and density of this parcel would be buffered from the surrounding neighborhoods by the adjacent Outer Mills subdistrict.