

Lorraine Iovanni

To:Gail Hunter;Debbie Powers;Tiffany Marletta

Cc:Greg Federspiel;Ann Harrison

Fri 1/12/2024 1:15 PM

Attn: MBTA TF, PB Members

Cc: TA, ConCom Members, CZ Committee members

(Ms. Hunter, please distribute to all MBTA Zoning TF and PB Members. Thank you.)

(Ms. Powers, please distribute to all ConCom Members and Coastal Zone Committee. Thank you.)

(Ms. Marletta...please post my email to the MBTA Zoning Town website under correspondence. Thank you.)

Good Afternoon,

Last evening's MBTA TF Meeting was inaudible at times. Please refrain from overtalk and speak into the microphones.

I did hear, however, some confusion by some TF Members and a brief clarification by the Consultant regarding definitions of "Excluded Land" and "Sensitive Land."

Here are the most recent EOHLC Guidelines:

<https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>

Definition of EXCLUDED LAND: (NO DISCRETION BY TOWN AND BACKED OUT BY MODEL)

"Excluded land" means land areas on which it is not possible or practical to construct multifamily housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

(i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.

(ii) All rivers, streams, lakes, ponds and other surface waterbodies.

(iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies

equivalent to the minimum setback required by title 5 of the state environmental code.

(iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example,

cemeteries).

(v) All public rights-of-way and private rights-of-way.

(vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.

(vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university

Definition of SENSITIVE LAND: (THE TF HAS AUTHORITY TO AVOID THIS LAND AS PART OF THE ZONING.)

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multifamily housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use."

I am highlighting these excerpts from the Guidelines because **Ch 91 filled tidal land near Harbor's Point was once again a major point of discussion for MBTA Zoning.** Please see my previous email dated Jan 10, 2024 to the TF with photos of the Jan 10, 2024 flooded areas near Masco Park, Reed Park, and even Town Hall.

Regards,

Lorraine

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20 A Pine St