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Attainable Housing Strategies – Work session #2

Lisa Govoni, Planner Coordinator, Countywide Planning & Policy, lisa.govoni@montgomeryplanning.org, 301-650-5624

Ben Berbert, Planner Coordinator, Countywide Planning & Policy, benjamin.berbert@montgomeryplanning.org, 301-495-4644

ZA Zubin Adrianvala, Planner Coordinator, Mid-County Planning, zubin.adrianvala@montgomeryplanning.org, 301-495-4732

TEK Todd Fawley-King, Master Planner, Research & Strategic Projects, todd.fawleyking@montgomeryplanning.org, 301-495-4545

Jason Sartori, Chief, Countywide Planning & Policy, jason.sartori@montgomeryplanning.org, 301-495-2172

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DESCRIPTION

On March 4, Montgomery County Council directed Montgomery Planning staff to review and analyze housing options in the county. In order to explore these housing options and to provide a comprehensive overview of housing options in the county, Montgomery Planning launched the Attainable Housing Strategies (AHS), an initiative aimed at evaluating and refining various proposals to spur the development of more diverse types of housing, including Missing Middle Housing in Montgomery County. This report is for the second work session with the Board where Planning staff will provide an overview of the decisions that were made at the July 8 work session, provide follow-up information as requested, and continue to review staff recommendations pertaining to AHS.

Contents

Description	1
Summary	
Attainable Housing Strategies Goals	
Definition and Scale	
Affordability	4
Priority Housing District	
Pattern Book	
Attainable Housing Optional Method	
Existing Optional Methods of Development	
Large Scale Attainable Housing	
Conclusion and Next Steps	
Attachment	
Attachment: Summary Themes from Stakeholder Comments	

SUMMARY

Through the Attainable Housing Strategies initiative, Planning staff led an evaluation process over a three-month period in which various proposals were reviewed and refined in an effort to spur the development of more diverse types of housing in Montgomery, including Missing Middle Housing. This process also provided opportunities for public feedback which has been incorporated into staff's preliminary recommendations. This report provides the findings of the analysis and presents recommendations to the Planning Board on developing tools that can encourage the creation of a more diverse range of housing typologies.

Last week's Attainable Housing work sessions focused on the following elements and decisions made by the Planning Board:

- **Definition and scale**: The Planning Board was generally supportive of the goals of the initiative but asked staff to include more direct language and include a focus on economic development. The Planning Board also asked staff to come back with a definition of attainable housing that is clearer and more focused on the intent of attainable housing.
- Thrive Growth map: The Planning Board was not supportive of connecting the AHS recommendations to the Thrive Growth map, given that it is not yet adopted. Instead the boundary of zoning blocks will be used.
- Applicable Residential Zones: The Planning Board recommended allowing, by-right, house scale:
 - o duplexes in the R-40, R-60, R-90, and R-200 zones;
 - o triplexes in the R-40, R-60, and R-90 zones; and
 - o quadplexes in the Priority Housing District.
- **Priority Housing District**: The Planning Board was supportive of the concept of using the Priority Housing District to allow quadplexes and reduced parking requirements, but asked staff to come back and show options for the boundary, including a ½ mile walkshed around Metrorail and Purple Line stations.
- **Product Type**: Per guidance from the Planning Board, staff will produce Zoning Text Amendments to transmit the County Council. The ZTAs would detail the recommendations as edits to Chapter 59.

With today's Attainable Housing Strategies work session, staff would like to discuss and seek Planning Board agreement or direction on the following:

- Updated definition of the problem and appropriate goals for the initiative.
- Updated definition of terms, including "attainable housing" and related scales of attainable housing.
- Options for the Priority Housing District, including different walkshed and distance buffers.
- Certain specific staff recommendations, including the creation of a new attainable housing optional method of development.
- The idea of using a pattern book as a means to ensure compatibility with the physical neighborhood.
- The idea to focus future master plan efforts on corridors to target areas for large scale attainable housing using existing Commercial/Residential zones.

ATTAINABLE HOUSING STRATEGIES GOALS

Per guidance from the Planning Board during the July 8th work session, the goals have been updated to include an emphasis on economic development and to include more direct language for the third goal. The Attainable Housing Strategies initiative is one in which the Planning Department responded to the County Council's request to evaluate and refine proposals and develop recommendations to allow more diverse types of housing in more parts of the county. These three main goals emerged for the AHS initiative based on our previous work, conversations with stakeholders and current planning best practices:

- Create more opportunities for homeownership for more households in more parts of the county.
- Unravel the exclusionary aspects of the county's single-family residential zones and help to diversify the county's communities by diversifying the county's housing stock.
- Increase opportunities to meet the county's diverse housing supply needs and obligations, as well as the county's economic development objectives.

DEFINITION AND SCALE

The term "attainable housing" is a broad umbrella term that encapsulates both house-scale Missing Middle, as well as a larger-scale housing product that will assist in densifying Montgomery County's transit corridors. During the Planning Board work session on July 8, the Planning Board expressed a desire to craft a definition that is clearer and emphasizes diversifying residential building types and increasing housing choice.



. Figure 1 Attainable Housing Spectrum

Similarly, in public comments during the Planning Board's June 24 briefing, some expressed their confusion of the term "attainable housing." Some noted a <u>ULI report</u> that defined "attainable housing" as for-sale housing that is affordable to households with incomes between 80 and 120 percent of the area median income (AMI). Staff notes that Montgomery County's <u>Workforce Housing Program</u> generally serves households 70 percent to 120 percent AMI already. Staff would also note that market conditions vary throughout the county, and that as currently defined for this effort and for Thrive Montgomery 2050, attainable housing is geographically-sensitive market-rate housing that is generally more affordable due to its smaller size, making it difficult to have a single target AMI for the entire county.

Using the term attainable housing also presents a departure from using the term "missing middle" housing, as was used in previous planning initiatives. Missing Middle housing is a term coined by Opticos Design to describe a range of house-scale multi-unit structures that are compatible in scale with detached single-family homes. Attainable housing offers more diverse types of housing beyond house-scale missing middle housing types. Attainable housing incorporates building types described as Missing Middle but also adds a focus on households of various incomes being able to obtain housing that is suitable for their needs.

Staff has also noted and recognized that attainability is a new concept for both Montgomery Planning and the housing policy world. This concept of attainability was recently introduced in the housing chapter of Thrive Montgomery 2050, where attainability is being used in recognition that our housing needs go beyond a sole focus on affordability but also include, type of housing, location of housing, size of housing, and tenure. Attainability is the ability of households of various incomes and sizes to obtain housing that is suitable for their needs and affordable to them. Implicit in this idea of attainability is the idea that a range of housing options (type, size, tenure, cost) exists in the local market. Attainable housing includes diverse housing types beyond single-family detached units that tend to be smaller and more affordable than the typical new detached home in that neighborhood.

Staff believes using the term "attainable housing" makes sense in this context of providing more types of housing beyond house-scale "Missing Middle" housing and diversifying residential building types while increasing housing choice. While staff also understands that the term "attainable housing" is new to both Montgomery Planning and the community, staff believes that education and consistent term usage will support increased awareness and understanding of the term. Staff has already created a website with FAQ and an explainer in English and Spanish in the hopes of educating the community on the topic, and will continually work with the Communications division to develop materials to educate the community on the definition and use of the term.

Staff believes it is also important to continually and consistently educate on the intended definition and use of "attainable housing" to avoid creating unnecessary confusion on an already complex topic, and to not signal to the community that we are moving away from what we originally intended, and to not weaken any brand recognition that we have made on this topic so far.

AFFORDABILITY

During the July 8 work session, Vice Chair Fani-Gonzalez requested that staff consider and come back to the Board with options for assuring affordability.

At this time, staff has not completed their assessment, but will come to the Board in September with potential options. Staff is exploring the following options for potentially allowing an incentive for optional affordability component:

- Density bonuses
- Relief from development standards (parking, setbacks, height)
- Financial assistance from the county to subsidize rents, potentially from the Housing Initiative
 Fund

 Allowing public agencies such as Housing Opportunities Commission (HOC), other Public Housing Agencies (PHAs), or Housing focused Non-profits to exercise a Right of First Refusal on certain multiplex properties to create affordable units.

PRIORITY HOUSING DISTRICT

Staff is asking the Planning Board to endorse the recommended definition and use of Priority Housing District. As defined by staff, the Priority Housing District includes all of the Corridor-Focused Growth area that falls within a mile of a Metrorail or lightrail station, a half mile of a MARC station, or 500 feet of the centerline of a Growth Corridor identified in the Thrive Montgomery 2050 Growth Map. The Priority Housing District is where staff recommends more intensive change, including allowing house-scale quadplexes by-right and allowing the greatest parking reductions.

Staff has currently defined proximity to transit stations and to the Thrive Growth Corridors as straight lines but is considering alternatives, including using distance based on walkshed or smaller buffer distances. Per guidance from the July 8 work session, staff will present other options, including a ½ mile walkshed from Metrorail and lightrail stations.

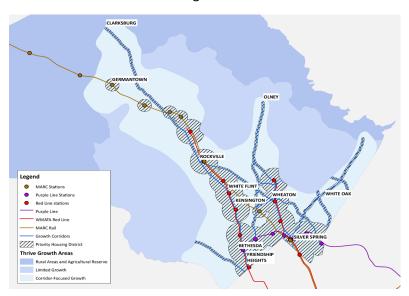


Figure 2 Priority Housing District, as recommended by staff

PATTERN BOOK

Staff is looking for agreement from the Planning Board on the general idea of using a pattern book as a tool to ensure design standards. Staff's recommendations to allow duplexes, triplexes and quadplexes by-right in certain geographies rely on new housing conforming to a pattern book.

If the Planning Board is amenable to using a pattern book as a tool to ensure design standards, staff seeks guidance on the following:

- Should the pattern book be regulatory or advisory in its nature?
- Should the pattern book's application pertain to all small scale attainable housing typologies, or only certain ones? Should it only apply to certain geographies?

Should the pattern book apply to only small scale attainable housing, or also medium and large scale?

Pattern books are used by many jurisdictions to control architecture or form-based development standards. The AHS pattern book is envisioned to be a complementary document to the development standards within the Zoning Ordinance and would serve as both an extra layer of design control and as an inspiration to property owners considering building attainable housing. The book would provide visuals showing different layouts for duplex and multiplex buildings that conform to the development standards, on a range of different lot sizes and shapes.

The exact details of the pattern book are still being worked out, but likely will identify options for the placement of exterior doors, provide parking configuration options, and require some design elements such as rooflines and consistency in façade. The intent is to provide enough detail to ensure new buildings multiple attainable housing units remain house-scale – and even resemble a single-family home – while providing enough flexibility for buildings to be personalized and varied in style. Staff does not envision or intend at this point for the pattern book to cover every possible example and plans to provide flexibility.

The pattern book is also envisioned to have Form Based Code elements that show the type of design that will guide development in ways to improve the public realm. This will also guide design decisions for communities seeking consistency between existing and future development.

An FY22 Planning Department work program item will focus on developing a pattern book. Staff recommends that this pattern book be completed, approved by the Planning Board following an opportunity for public comment, and available for use by the Department of Permitting Services before allowing any duplex, triplex or quadplex by-right.

Examples of pattern books¹:

- City of Norfolk's Traditional Neighborhoods Plan Book
- Louisiana Speaks: Pattern Book
- Chattanooga's My Chatt House

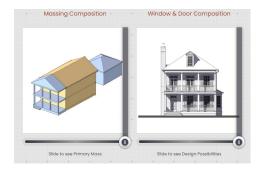


Figure 3 Massing Composition Options from Chattanooga's Pattern Book

¹ These pattern books address things beyond what is envisioned for AHS conformance, including detailed architectural elements.

ATTAINABLE HOUSING OPTIONAL METHOD

Staff is looking for feedback from the Board on the creation of, and certain attributes of, an attainable housing optional method of development.

Staff recommends creating a new optional method of development, called the Attainable Housing optional method (AHOM), to provide opportunities to assemble lots and construct medium scale attainable housing which includes:

- Some small scale attainable housing (duplexes, triplexes, quadplexes)
- Cottage courtyard housing
- Stacked flats
- Townhouses

One of the primary things that distinguish the medium scale from the large scale is the height of the buildings should be three stories or less in height.

The new optional method of development would work much the same way as the existing optional methods, MPDU and Cluster, work today. Once a minimum tract area is met, property owners have the option to use this optional method, which provides review and standards flexibility in exchange for a Site Plan and a benefit to the public and county. With the MPDU option that benefit is more than the minimum required number of MPDUs and with the Cluster option it's an increase in open space and environmental protection. The Attainable Housing option would require development to provide units that are size limited² as a means of ensuring the development is more price attainable than it may otherwise have been. Lot sizes, setbacks, coverage and building heights would be similar to those allowed by the MPDU optional method today. The details of the unit size limits and other standards will be discussed in more detail at a future work session.

Staff is specifically not including standard detached houses as an option because the intent along these Growth Corridors is to focus on development of the recommended attainable housing typologies. To incentivize use of the AHOM, the eligible base density needs to be set higher than the underlying zone and further density bonus should be offered for projects that have an average dwelling size smaller than the maximum. The average unit size maximum is staff's recommended way of providing an attainability target. To maximize flexibility allowing some units large enough for families, the average unit size maximum would be calculated across all unit types provided in a project.

Staff recommends being able to utilize the AHOM on properties fronting corridors or that are adjacent to Thrive Centers of Activity, as well as any residential properties within existing central business districts (Bethesda, Wheaton, Friendship Heights and Silver Spring). There are many ways to define a corridor, including utilizing the Growth Corridors from Thrive, the BRT Corridors from the 2013 BRT Functional Master Plan, or simply any roadway with a classification of arterial or above. Adjacency to centers of activity identified in Thrive share the same challenges as using the growth corridors in Thrive, but the concept of incentivizing density near existing density and commercial uses is something staff supports. Centers of activity as they are proposed by Thrive have not always been clearly defined in the past making it difficult to come up with a suitable alternative. If using centers of activity is agreed to,

² By size limited, staff means limited by GFA, not by number of bedrooms.

the way adjacency is defined can be looked at in different ways including only properties that directly confront commercial/residential or employment zoned land in a center of activity, applying a buffer to the commercial/residential or employment zoned land, or applying a buffer from the center point of a center of activity. There is also the question of what size of center should be surrounded by properties that may utilize the AHOM. These new dwellings would be subject to Planning Board review through Preliminary and Site Plans.

Geographically, staff recommends the AHOM be applicable to tracts either within central business districts or directly fronting one of the BRT Corridors.

This allows the medium scale housing options to serve as a transition between the corridors and centers of activity, and the interior neighborhoods and small scale housing, and it ties the new density to transit corridors. While many of the BRT corridors may be years away from implementation, most of them have high levels of existing bus service that can be used now. Expanding this recommendation to all roadways that are arterial or higher classified starts to expand the optional method deeper into established neighborhoods and starts to distance the density from planned or established transit service.

Staff recommends also allowing the AHOM adjacent to commercial/residential or employment zones associated with a medium or large center of activity, as identified in Thrive.

Should the Planning Board agree to recommend the AHOM be eligible near centers of activity, staff will present the Planning Board with options at a future work session for determining adjacency to a center of activity, including distance from a key intersection or proximity to properties in a commercial/residential or employment zone. Each center of activity is unique in size and shape so it's important to thoroughly analyze all the options before making a decision. Focusing on the medium and large centers of activity with this initiative makes sense because these centers are larger and have more established commercial areas. The smaller centers may also be appropriate for the AHOM but that is better determined by master plans to ensure the character of the smaller centers is kept intact.

EXISTING OPTIONAL METHODS OF DEVELOPMENT

Staff recommends updating the existing MPDU and Cluster Optional Methods of Development to allow the use of triplex and quadplex buildings.

One change that staff proposes be made throughout the Zoning Ordinance is to update the development standard tables for the existing optional methods of development to include triplexes and quadplexes, and to provide appropriate development standards for those building types. In almost all existing MPDU and Cluster optional methods, duplexes and townhouses are currently allowed. Providing the option for a developer to also build triplexes or quadplexes is a logical extension of these allowed uses and may help increase the housing diversity of our new developments. This would change these optional method tables throughout the code, from the RNC zone all the way up through the commercial/residential and employment zones. Specifics on development standards can be discussed at future work sessions if the Planning Board agrees to this in concept.

LARGE SCALE ATTAINABLE HOUSING

Staff recommends focusing future master plan efforts on corridors to target areas for large scale attainable housing using existing Commercial/Residential zones. Part of staff's analysis looked at the opportunity for residentially zoned land on the Thrive Growth Corridors to support even larger scale housing (up to 4 stories and longer structures) than is available through the proposed medium scale AHOM. This scale of building is most appropriate after the full analysis undertaken during a local master plan process, which may recommend rezoning particular parcels.

CONCLUSION AND NEXT STEPS

Planning staff is planning to come back to the Planning Board in September to walk the Board through more detailed aspects of the recommendations. Planning staff will then return to the Planning Board with the final product toward the end of September and prepare transmittal soon after.

ATTACHMENT

Summary Themes from Stakeholder Comments

Attachment: Summary Themes from Stakeholder Comments

While many people have expressed support for the AHS initiative and recommendations, several key themes have emerged that highlight the community's concerns related to the project. Some of these concerns require further collaborative efforts with other agencies and development partners to address in future action. Below is a summary table of the concerns raised by community members, and staff's responses:

Concern	Staff Response
Demands on infrastructure (schools, water and sewer, stormwater, environmental impact, etc.)	Impacts of schools for the house-scaled products will be de minimis. However, these and the larger scale products recommended along corridors are all subject to existing impact taxes and any applicable Utilization Premium Payments to mitigate impacts on crowded schools. Demands on other infrastructure can be addressed through the 2024 Growth and Infrastructure Policy, where staff is contemplating a focus on water and sewer.
Compatibility concerns	Staff recommendations would allow the creation of duplexes, triplexes and quadplexes by-right only if they follow the contents of a Planning Board-approved pattern book, which gives guidance on building massing, placement, height, door placement, parking, and other building features. Furthermore, staff recommends establishing zoning development standards (setbacks, height, lot size, etc.) for structures with these new housing types that are consistent with the existing standards for single-family detached homes.
Architectural covenants	Legislative options may be limited, but staff plans to assess the extent to which architectural covenants and deed restrictions apply through Montgomery Planning's new Redlining and Segregation Mapping project.
Geographic context – variation in sales price	Staff acknowledges that relative attainability and sales price vary by neighborhood, but this is part of the distinction between attainability and affordability. Allowing more housing options will make neighborhoods more attainable to more households than they are today.

Concern	Staff Response
Actual attainability of these units	Staff has also heard concerns, especially in response to the Silver Spring Downtown and Adjacent Communities market study, that these units are not going to actually be attainable. Due to the high cost of land and high cost of construction new attainable housing may be more expensive than existing single-family detached units. However, it would be far smaller per unit and much less expensive than the new custom homes built throughout the county. If no action is taken, over time the currently attainable properties in the existing housing stock will be slowly transformed by-right under the existing zoning code and development standards into larger custom homes that are less affordable than existing and new attainable housing.
	Staff believes there are good reasons to undertake this project beyond the price point of the units. At the root of the AHS initiative is an effort to make the county's communities more equitable and more inclusive by countering the historical exclusionary aspects of zoning.
Parking Concerns	Staff believes that it is important to create policies today that promote the desired future of tomorrow. As envisioned in Thrive, the county's future is expected to be more multimodal and connected. Staff used guidance from Thrive, which prioritized decreased motor vehicle parking per unit of development and adoption of policies that reflect the economic and environmental costs of driving alone. Staff believes that reduced parking minimums are appropriate for walkable communities with access to points of interest and multiple modes of transportation. Creating housing with reduced parking in these areas will attract households with less of a reliance on personal automobiles.
Recommendations not bold enough	While a lot of concerns voiced were focused on mitigating impacts of the recommendations, many did voice their concern that the recommendations are not bold enough. Many felt that given the exclusionary aspects of single-family zoning, staff recommendations should more aggressively address the exclusionary history of single-family zoning (e.g., by applying the recommendations everywhere). Staff believes that its recommendations are among the boldest being pursued in jurisdictions across the country. Furthermore, staff believes that additional bolder changes can and should be pursued through the master plan process, using tools like upzoning and rezoning to increase density and housing diversity.

Concern	Staff Response
Tight timeline for the project	There is also still plenty of effort still to come and ultimately, staff anticipates the Council adopting a ZTA near the end of the calendar year. This would mean that the entire process from the time Councilmember Jawando introduced ZTA 20-07 to the time of ZTA adoption would be more than 12 months. That is not an insignificant amount of time dedicated to tackling this issue. All of this effort also comes on the heels of years of studies and other efforts pointing us in this direction.
	Should the Council decide to take action on a new ZTA to implement the Attainable Housing Strategies recommendations, the Planning Board and County Council would each hold a formal public hearing to receive testimony. There will also be work sessions before any changes are implemented.
Tackling the effort during the pandemic	If anything, the pandemic has exacerbated the need for the county to take action on housing issues. There is a growing demand for homeownership in this suburban county, that is being met with a severe lack of supply. This is driving up the cost of housing on both the ownership and rental sides everywhere across the county. Those not fortunate enough to currently own property in the county are finding it less and less likely that they will ever be able to do so. The county can't wait to take action on this, and the waning pandemic is certainly no reason to ignore the county's housing woes.
Alignment of AHS to Thrive Montgomery 2050	There have been multiple inquiries about how the Attainable Housing Strategy relates to Thrive Montgomery and that there seems to be misalignment with the goals set out in Thrive and the push for Attainable Housing through a Thrive lens. Further, there seems to be concern in the fact that Thrive has not yet been adopted by Council, but that there have already been blocks sectioned off for rezoning through the AHS. AHS will not be taken up by the County Council until Thrive is adopted. If necessary, appropriate changes will be made to the AHS recommendations to align with changes made by the County Council to Thrive.
ZTA seen as a way to circumvent Master Plan and Sector Plan process	The ZTA is often referred to as a "one size fits all" and "blanket approach" to change zoning without having to go through the normal Master Plan and/or Sector Plan process. This is perceived to be a less comprehensive and detailed process, and will result in actions taken (such as zoning changes) that are not well thought out, that haven't had enough community involvement, and that will favor developers' agenda rather than the residents living there.
	Staff believes that the AHS process is comprehensive – and builds upon years of work regarding missing middle, and now attainable housing.

Concern	Staff Response
Gentrification and displacement	There were many concerns raised that the cost of the attainable housing units is too expensive and will result in gentrification. The rationale behind this concern is that because the new build of structures like townhouses, duplexes and triplexes are initially more expensive, they will push out existing residents and incentivize developers to exercise the by-right option in neighborhoods that are organically affordable, which will price out some of the older stock of housing.
	The recommendations from AHS will not force anyone to sell their house. AHS simply expand the options available to property owners who might already be inclined to sell their property to a developer or to redevelop it themselves. Currently, properties that are ripe for redevelopment can only be replaced with new single-family detached homes, which are much larger and more expensive than existing homes and the proposed attainable housing type units. Under existing rules, these replacement single-family homes do more to exclude households from residential neighborhoods than any of the proposed new housing types ever will. The existing by-right replacement home process is transforming more and more neighborhoods and AHS aims to make a competitive alternative to that existing process.
Confusion between affordable housing and attainable housing	There has been confusion expressed around the language of attainable housing and how this relates to affordable housing. Many mentioned that earlier versions of the housing element in Thrive Montgomery 2050 were framed using "affordable housing" language and that this has changed to "attainable housing," which many feel will not be affordable to low-wage or middle-wage earners. Often, many made the point that they support the development of affordable housing but not the development of attainable housing.
	Staff disagrees with the assertion. The language in Thrive has always been around both affordable and attainable housing. There is a recognition in Thrive that both more income-restricted housing and market-rate housing are needed. Furthermore, Montgomery County neighborhoods need more housing affordable to a range of incomes, not just those on the lowest and highest ends.
Inclusion of R-200 Zone	Staff's recommendations would allow small scale attainable housing in the R-200 zone. Some people have argued that the R-200 zone should be excluded, given that the zone is mostly includes larger lots located upcounty and outside the Corridor-Focused Growth Area. Staff understands these concerns and can discuss potential options with the Board.
Buffer Distances	Several people believe that the buffer distances used to create the Priority Housing District are arbitrary and random – and either smaller buffers or pedestrian network walksheds should be used as a more realistic option. Staff will present buffer size and type options for the Board in their presentation.

Concern	Staff Response
Single-family neighborhoods within our CBDs	Several of the residents of the Sacks neighborhood in Bethesda expressed a desire for their neighborhood to be allowed to take advantage of the Attainable Housing Optional Method (AHOM). Below, in the AHOM discussion, staff laid out an option for the Planning Board to consider allowing the inclusion of the Sacks neighborhood by allowing properties within a Central Business District.
Naval Support Activity (NSA) Bethesda	Naval Support Activity (NSA) Bethesda considers increased residential density near their installation fence line an encroachment issue that can impact the ability to meet mission requirements. The installation is surrounded by properties zoned R-60 and R-90, and an NSA representative has indicated that an increase in residential density along the installation fence line can lead to changes in installation activity that can degrade the ability to meet mission requirements. The Planning Board may wish to exempt properties along the installation fence line if they wish.