



Working with the MBTA Communities Law

Medway Planning & Economic Development Board
July 11, 2023



Agenda

1. Overview: MBTA Communities Law
2. Understanding Compliance Guidelines: Basics, Opportunities, & Limitations
3. The Compliance Model
4. A Closer look at Medway
5. Questions



Overview: MBTA Communities Law



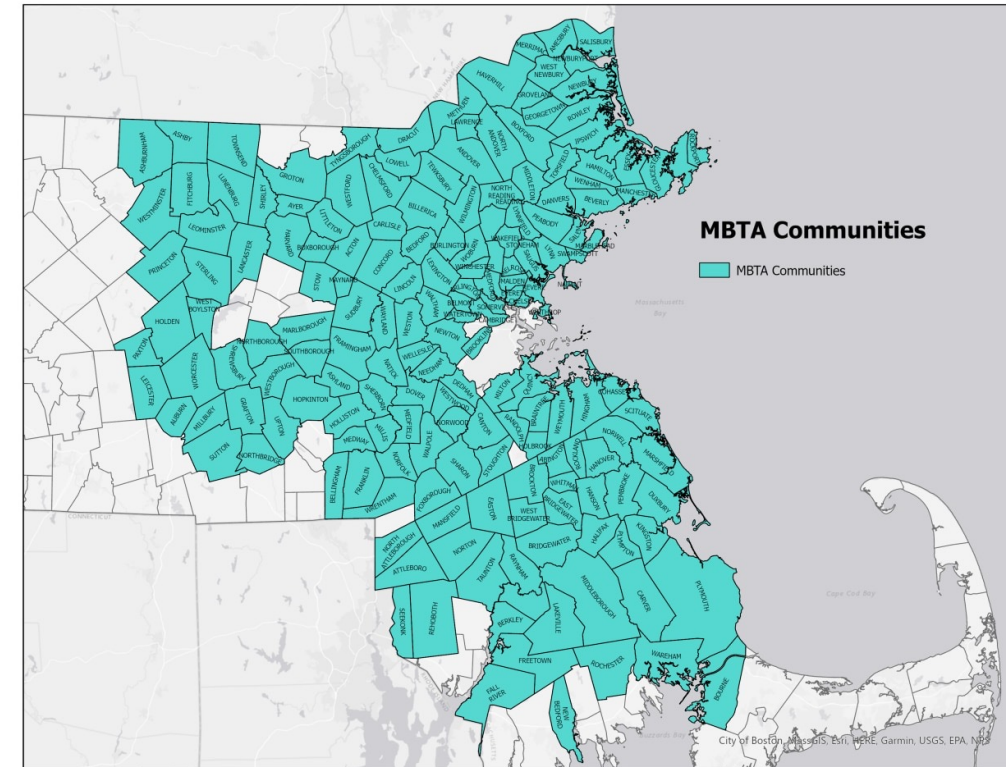
What is the “MBTA Communities Law”?

- Multifamily Zoning Requirement for MBTA Communities: G.L. c. 40A, Section 3A
- Housing Choice Initiative: State economic development bill 2021
- Requires at least one zoning district for as-of-right multifamily housing
- Failure to comply makes a community ineligible for certain state funds & other penalties



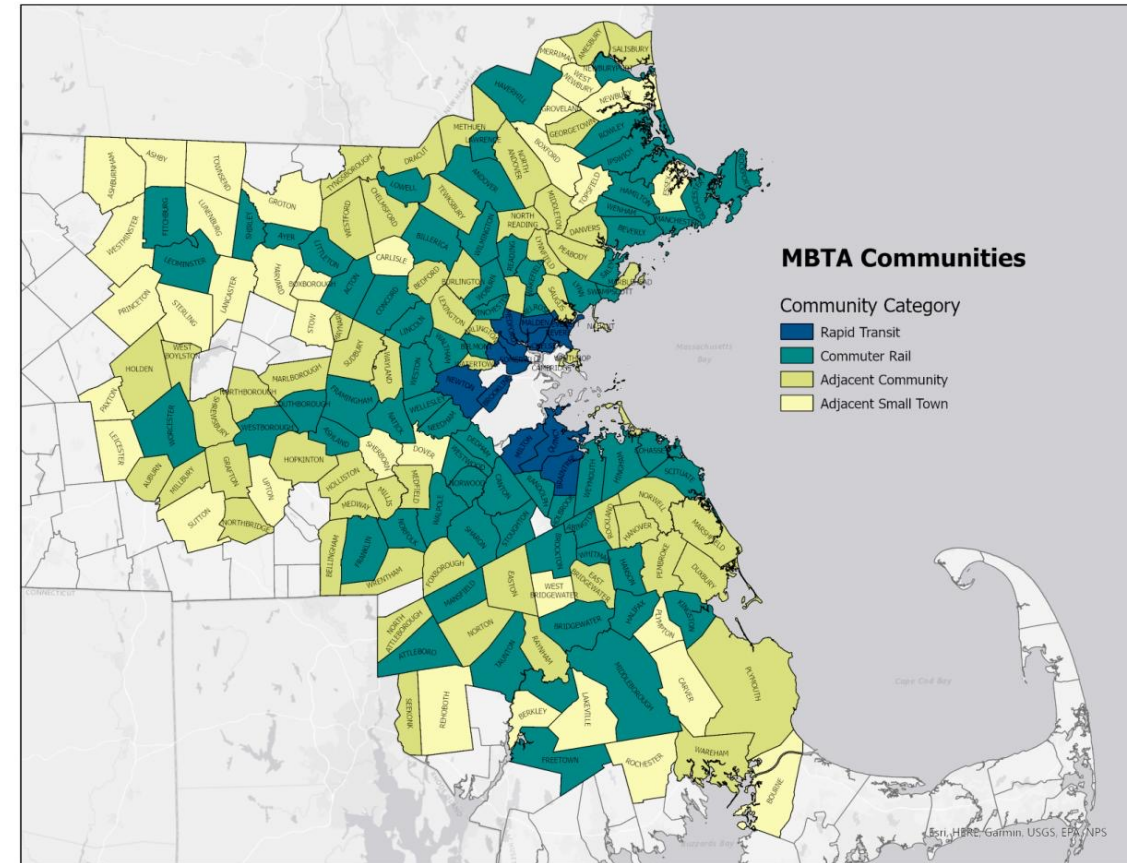
What makes an “MBTA community”?

- Proximity to rapid transit or commuter rail
- The original 14 that hosted MBTA transit service
- 51 more that host MBTA service and joined the system later
- Adjacent communities
- Others that adopted a ballot question to be added to the MBTA service area (G.L. 161A, Sec. 6)



What does the law require?

- Four groups of communities, classified by service type and proximity
- Each has different requirements
- All MBTA communities required to comply



The basics

- Multifamily “as of right,” 15 units/acre
- No age restrictions or limits on unit sizes, number or size of bedrooms, or number of occupants
- Within ½ mile of a commuter rail station, subway station, ferry terminal or bus station, where possible
- District must be “of a reasonable size”
- Penalties for non-compliance
 - Ineligible for certain grant programs
 - Potential fair housing law violations



The law does not:

Require	New housing development (compliance not measured by production)
Require	Communities to pay for infrastructure needed in a 3A district
Override	The Massachusetts Wetlands Protection Act or Title V of the Massachusetts Environmental Code
Provide	Communities with options for waivers or exemptions



HLC's role:

- Develop guidelines to determine compliance, staying within the bounds of the statute
- Create a fair, reasonable way for communities to work toward compliance
 - December 2024 deadline for most communities – *so there is time to plan*
 - Technical Assistance (TA)
 - Coordinating the work of multiple organizations with a role to play – funding, TA, planning and zoning, etc.





Understanding Compliance Guidelines: Basics, Opportunities, & Limitations



Compliance Deadline

Category	Number of Communities	Deadline
Rapid transit community	12	12/31/2023
Commuter rail community	71	12/31/2024
Adjacent community	58	12/31/2024
Adjacent small town	34	12/31/2025





What makes a potential 3A district?

“District of reasonable size”

- Total minimum area (usually 50 ac.)
- Minimum gross density (15 units/ac.), based on developable land only
- Minimum unit capacity (varies by municipality)

Area & location

- The lesser of 50 acres or 1.5% of the community's developable land except in "adjacent small towns," where no minimum applies
- At least half the district must be contiguous parcels
- In most cases, a contiguous area of at least 5 acres is required



Area, location, transit station access

For communities within ½ mile of a train station:

Total developable station acres in the MBTA community	Portion of multifamily district that must be within a transit station area
0-100	0% ←
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%



How many multifamily units?

Minimum unit
requirement of
750 units

The number equals a **percentage of the municipality's existing housing stock**:

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%



Calculating Gross Density

Minimum density
requirement of 15
units/acre.

Gross Density measures the number of residential units per acre of land. The formula for compliance removes excluded land, so the calculation is based on feasible developable land.

Total Unit Capacity

=

Total Land Area – Excluded Land

Gross Density



Zoned Capacity

The guidelines measure ZONED CAPACITY

It doesn't matter if the lot is:

- Zoned capacity is:
 - A hypothetical unit yield based on district regulations.
 - The number of units that could be permitted across the district by right.
- Zoned capacity is not:
 - A mandate to construct units.
 - Concerned with existing units
 - Able to take other regulations like WPA or Title 5 into account.

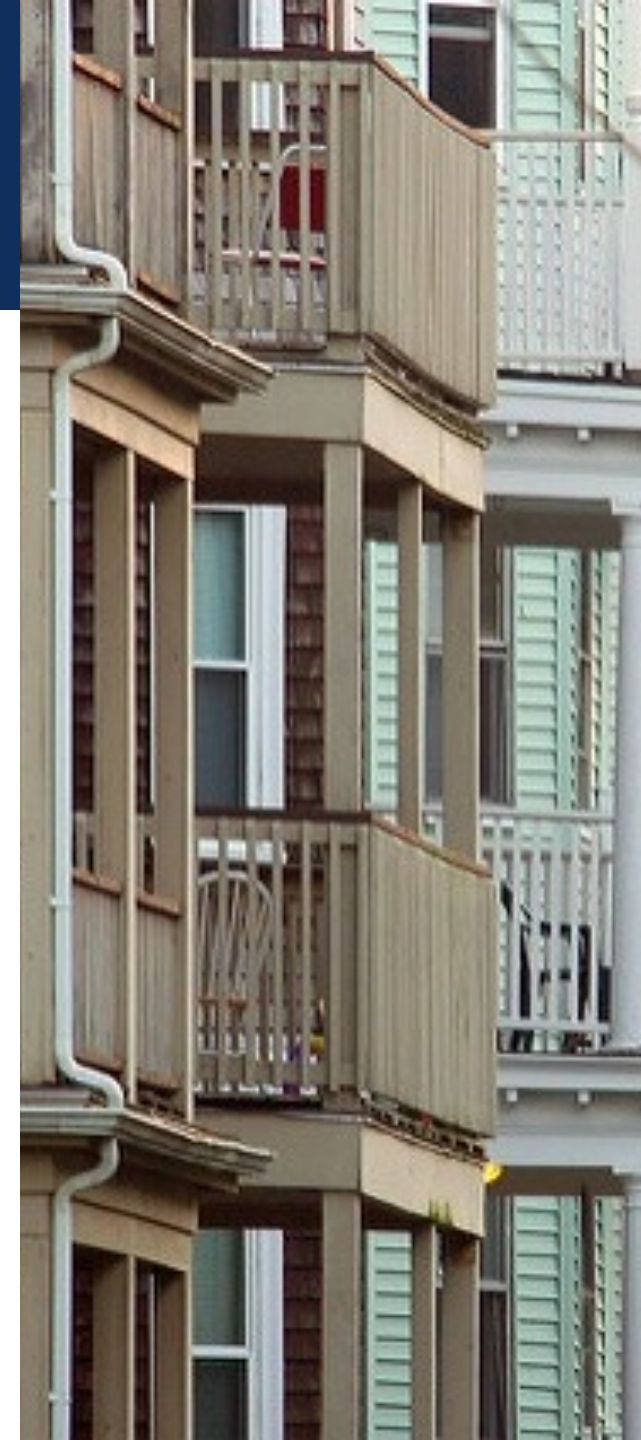


What matters is this:



Opportunities & Limitations

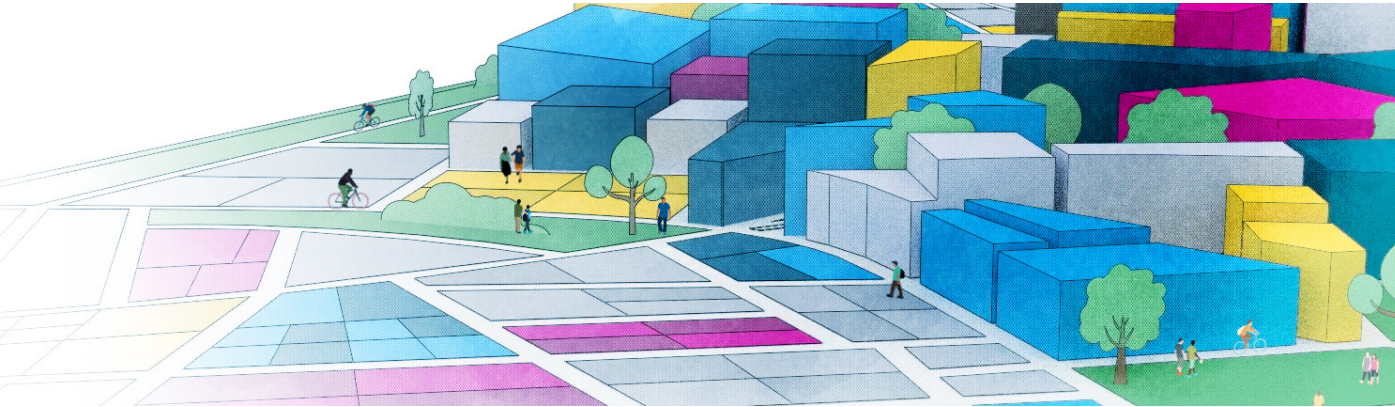
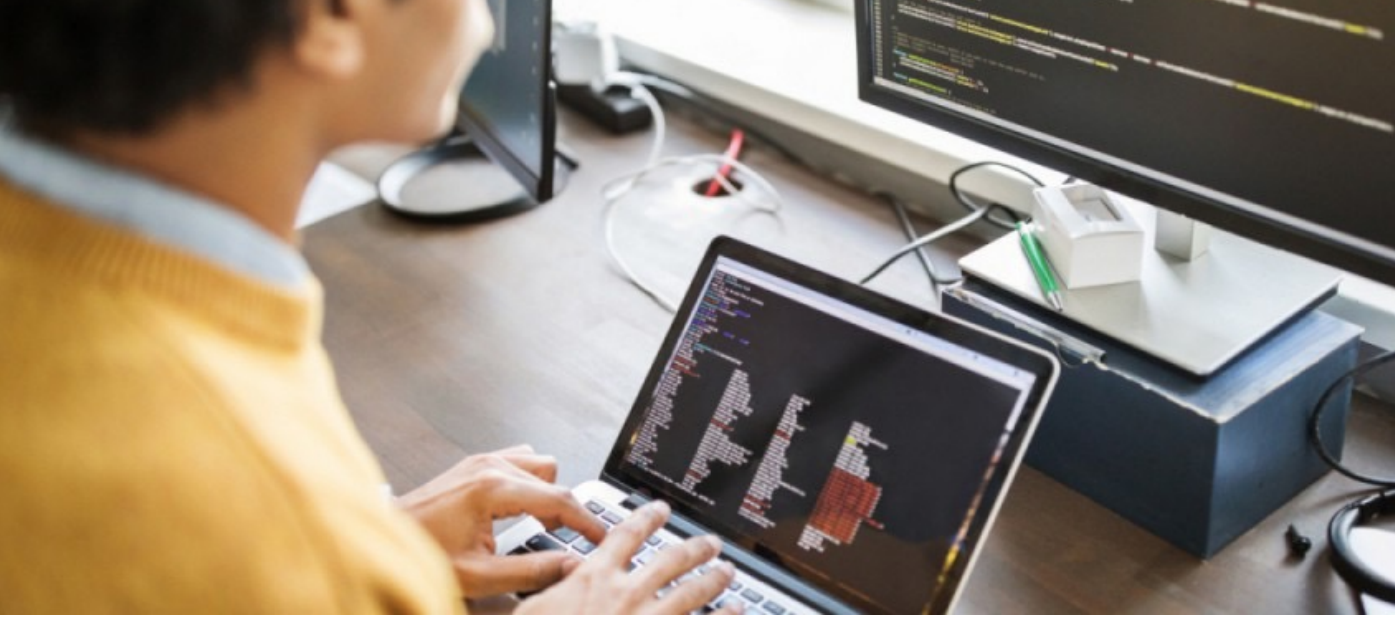
- Permitting can be subject to Site Plan Review (SPR) to regulate aspects such as:
 - Vehicular/emergency access
 - Pedestrian/Vehicular Circulation
 - Exterior architectural design
 - Screening of adjacent properties
- SPR may **not** be used to deny a project or impose conditions that make it infeasible or impractical to proceed
- Requiring mixed-use development is prohibited (e.g., ground-floor commercial space with upper-story multifamily units)



Opportunities & Limitations

- Communities may require up to 10% affordable units, or up to 20% with proof that it will not impede multifamily development (economic feasibility analysis)
- Affordable not limited to Chapter 40B income limits
- New Chapter 40R may be used with affordability capped at 20% (statutory target)





The Compliance Model





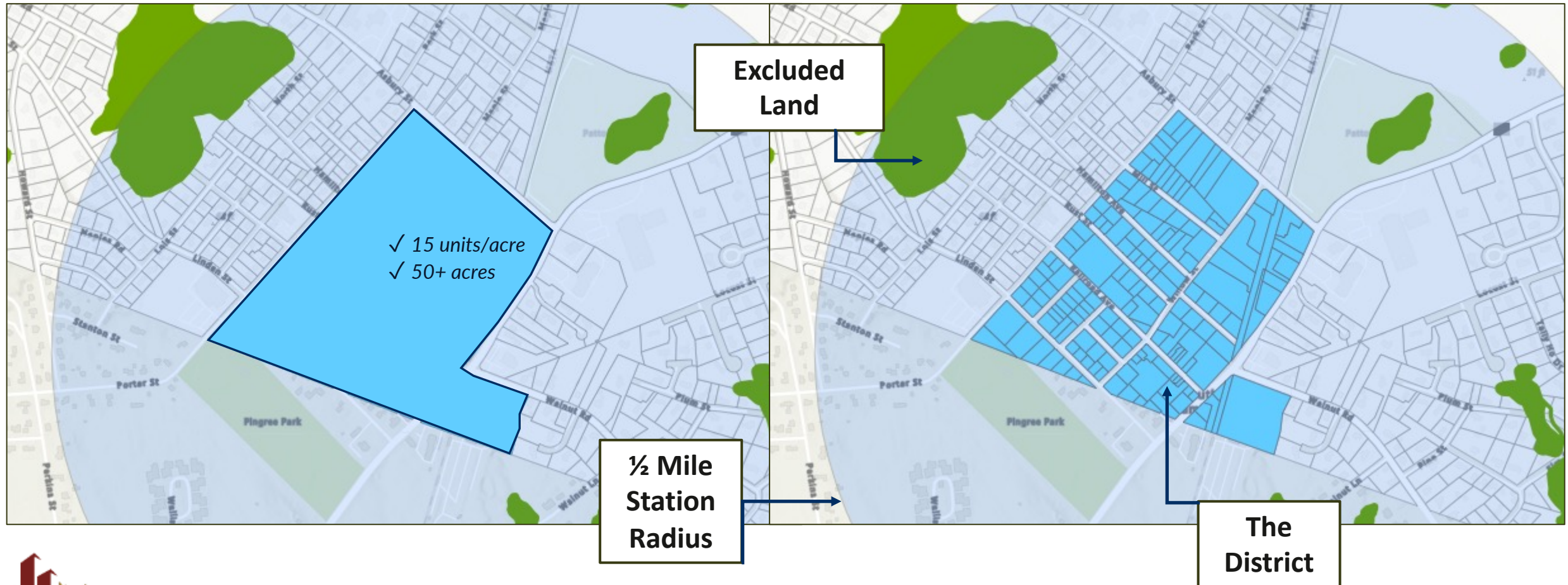
- Excel-based model
- Works with data selected and exported from MassGIS maps
- The model calculates the expected unit yield of a district, using map-generated data about the proposed district's location and basic zoning regulatory information:
 - Minimum lot size
 - Required parking
 - Required open space
 - # of units per lot



Example: Analysis

The model doesn't see this.

It sees this.



District Design Considerations: Excluded Land

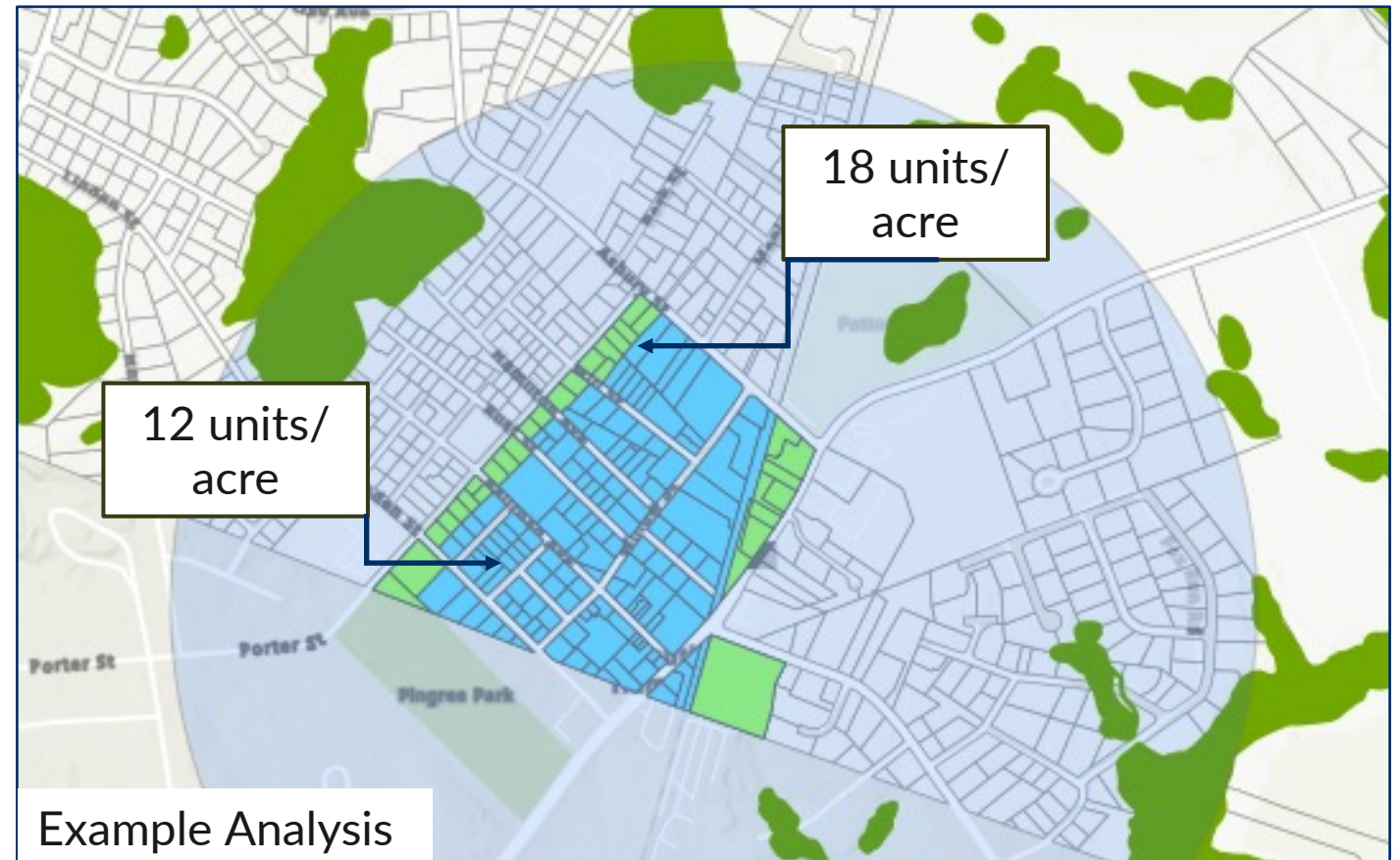


Example Analysis

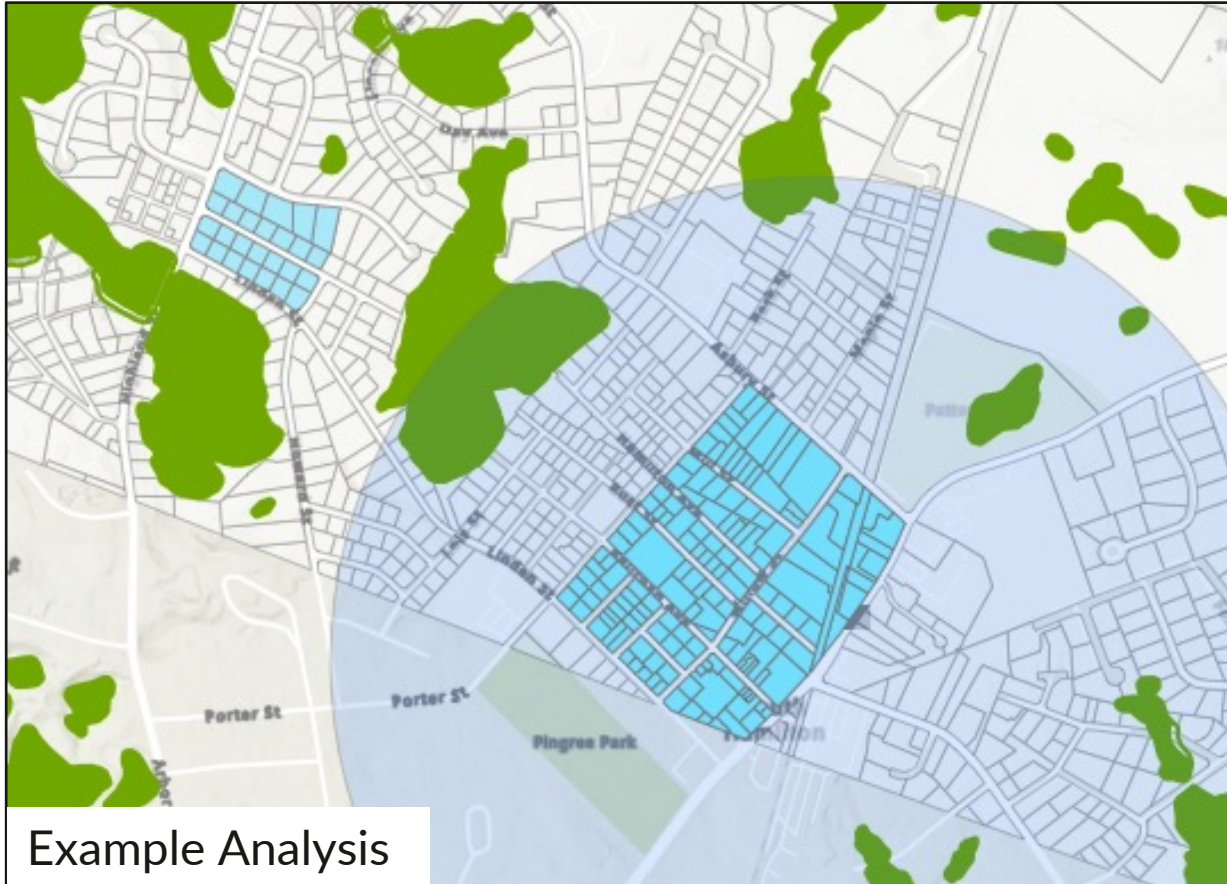


District Design Considerations: Subdistricts

Subdistricts with different dimensional regulations and densities are fine as long as the district-wide average is 15 units/acre



District Design Consideration: Non-contiguous



Non-contiguous districts

- At least half of the total district area must be contiguous
- Each part of the district must be at least 5 acres





A closer look at Medway

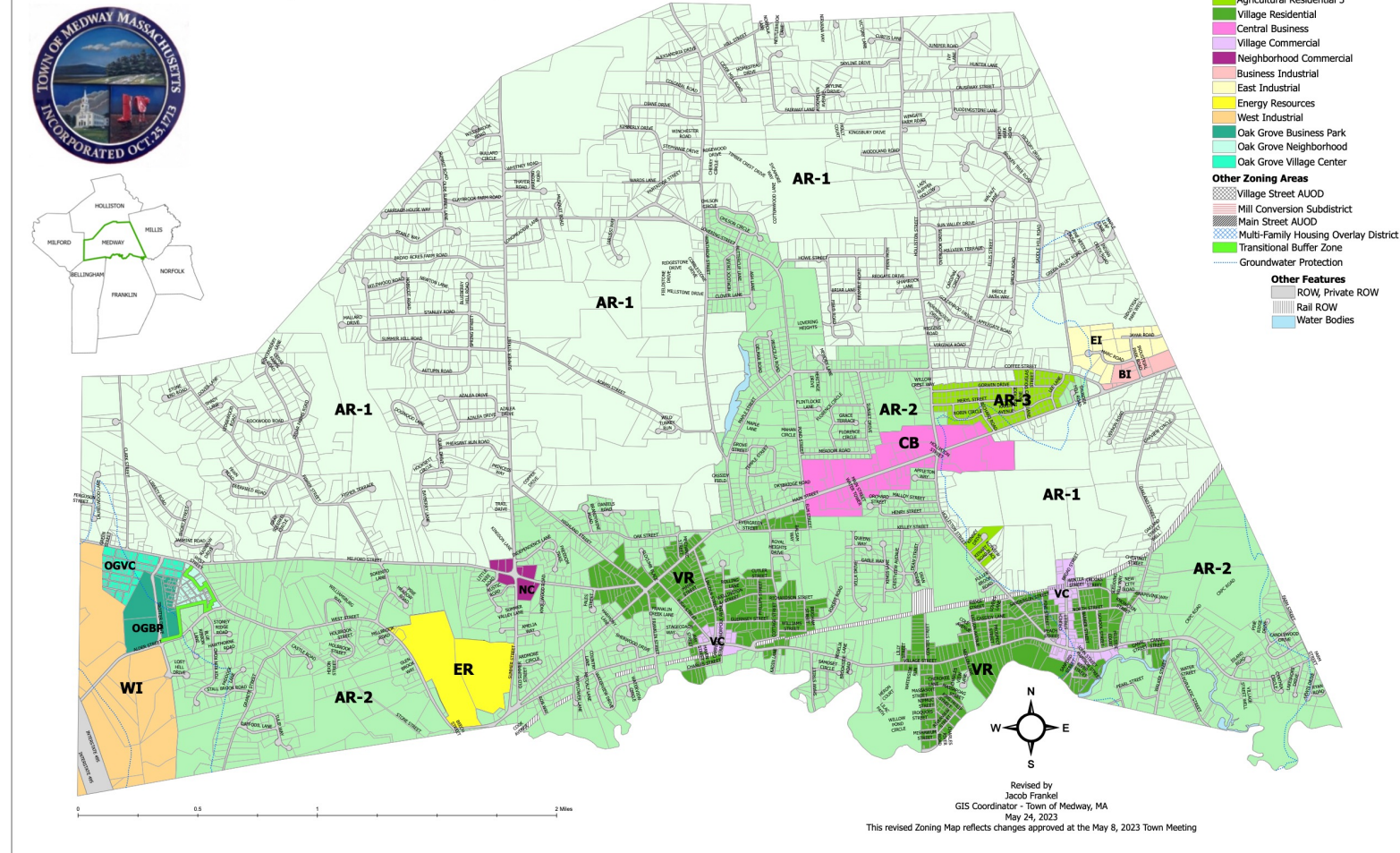
MBTA Communities Law

A Closer Look: Community Requirements

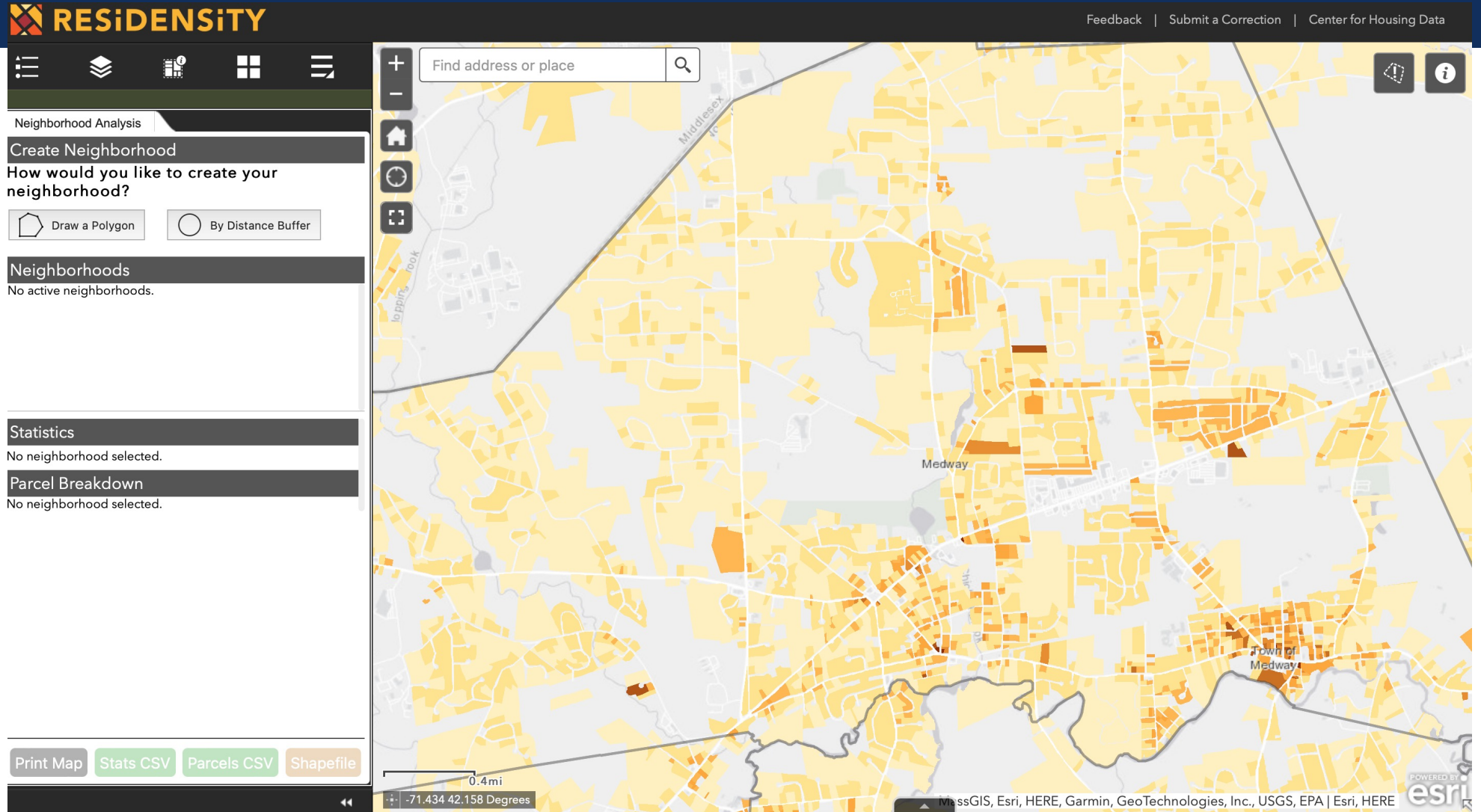
Town of Medway

- Category: Adjacent Community
- 2020 Housing Unit count: 4,826
- Minimum Unit Capacity: 750
- Min. District Size: 50 ac.
- Min. Gross Density: 15 units/ac.
- 0% of Units within station area

Town of Medway, MA Zoning Map



A Closer Look: Using *Residency* by MHP as a tool for evaluating density



A Closer Look: Where does residential density exist?

- Sanford Mill
(14 Sanford St, Medway)
 - 15.9 units/acre (69 units, 4.34 acres)



- Glen Brook Way (Glen Brook Way, Medway)
 - 25.15 units/acre (56 units, 2.15 acres)



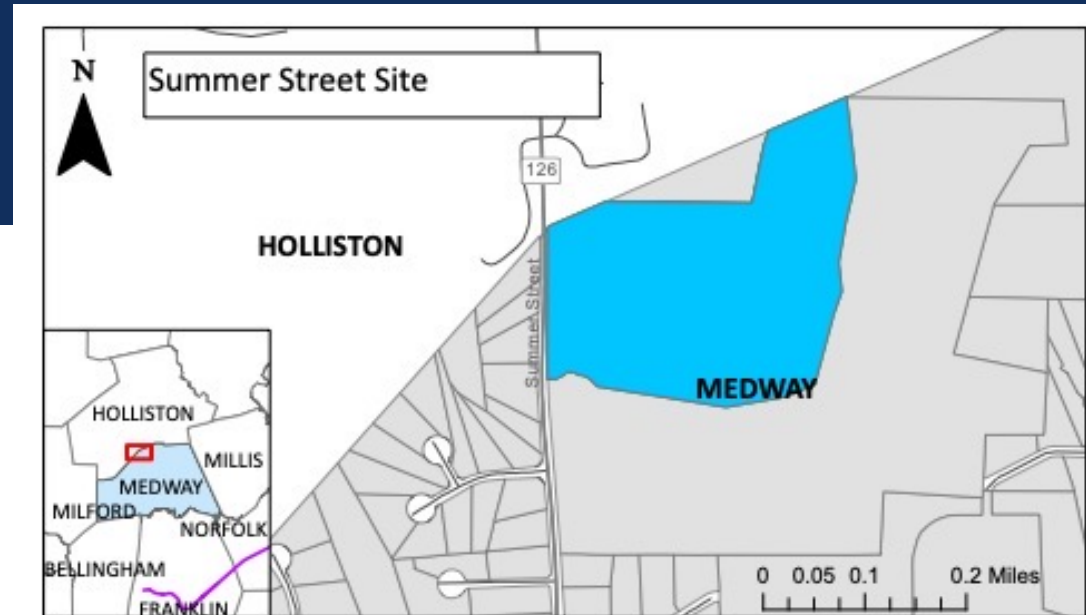
A Closer Look: Sites for Model Testing

Summary of Modeled District Scenarios

	Summer St. Site	Main St. Site	Total
Model Results			
Area (acres)	38.5	26.8	65.3
Upland/Developable Acres*	25.9	19.4	45.4
Unit Yield	437	313	750
Gross Density (units/acre)	16.9	16.1	16.5

Selected Dimensional Regulations

Min. lot size (sq. ft.)	22,500
Max. building height (stories)	3
Max. lot coverage	40%
Parking spaces per unit	1.5
Min. Open Space	50%



Additional Site

Glen Brook Way	
Model Results	
Area (acres)	7.3
Upland/Developable Acres*	7.0
Unit Yield	264
Gross Density (units/acre)	37.8
Selected Dimensional Regulations	
Min. lot size (sq. ft.)	22,500
Max. building height (stories)	3
Max. lot coverage	40%
Parking spaces per unit	1.5
Min. Open Space	20%
<i>*According to 3A Guidelines</i>	



Regulatory Questions to Address

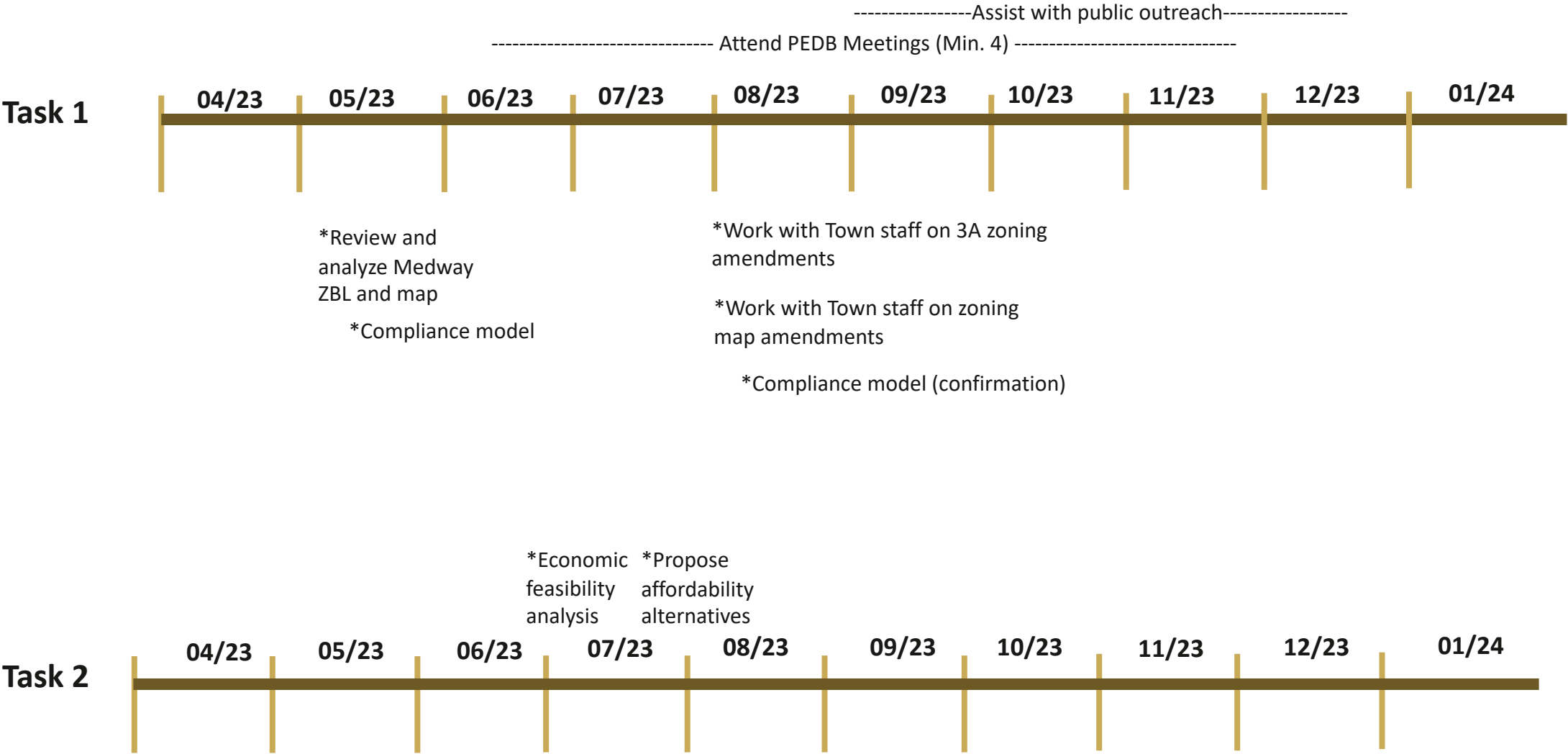
Dimensional Regs

- Parking spaces per unit
- Total lot coverage

“Non-Model” Regs

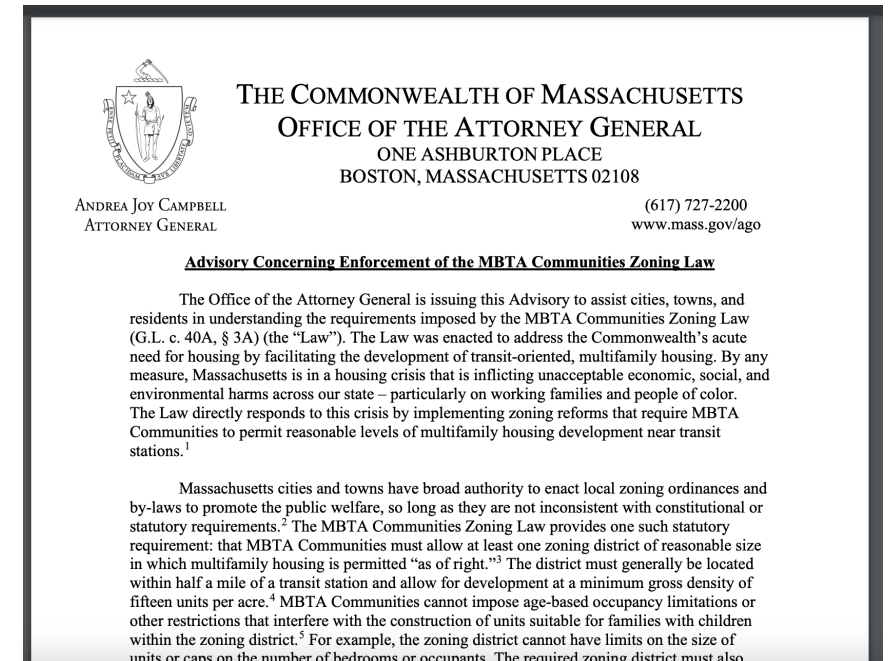
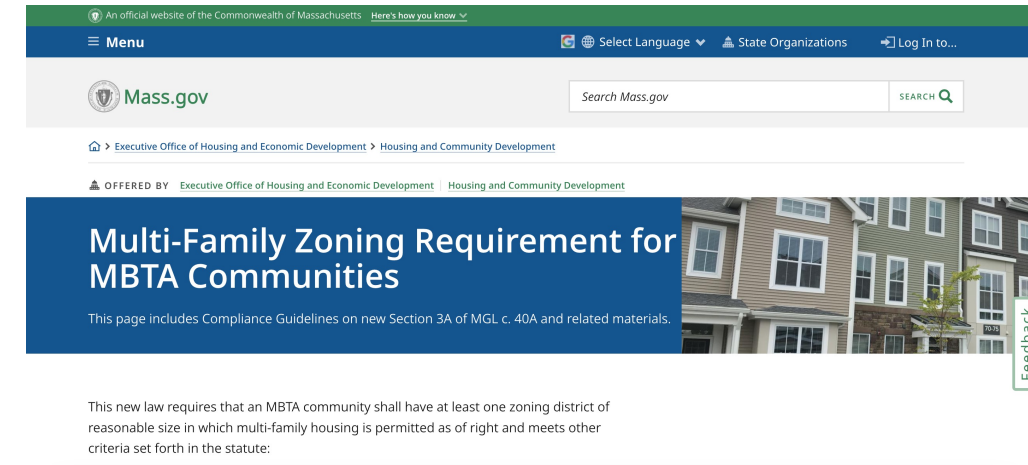
- Design review
- Affordability requirements
 - What % of units, at what level?

Medway 3A Zoning Compliance; Project Schedule



MBTA Communities Law: More Information

- <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>
- Massachusetts Office of the Attorney General March 15, 2023, Advisory:
<https://www.mass.gov/doc/advisory-concerning-enforcement-of-the-mbta-communities-zoning-law>



Questions?



Excluded Land vs. Sensitive Land

Excluded Land

Areas not considered buildable. Most of these are "excluded" from gross density calculations.

- Water Resources: Wetlands & Water bodies
- Publicly owned land, except developable
- Rights-of-way
- Title 5 wetland setbacks
- 100-year floodplain
- Protected land, e.g., conservation land
- Institutional land, e.g., hospitals, universities, prisons, public utilities

Sensitive Land

Areas that may be difficult to develop but are not categorically excluded from buildable area.

- Wetland buffer zones
- Priority habitat areas
- Soils and slopes
- Areas prone to flooding (outside of 100-year floodplain)

