

Instructions

Start Here!

INFORMATION BOARDS

Please review the boards about the MBTA Communities Act. If you have any questions or comments on the information, please write them on a 3x3 sticky note and post them below.

MAP

Please go to the map to discuss geography and density. Where do you think the districts should be located? The Town has already tested some. How many units should be zoned for in each district?

Post Comments/Questions here!

A MBTA Communities Act

What it is, and what it is not, compliance

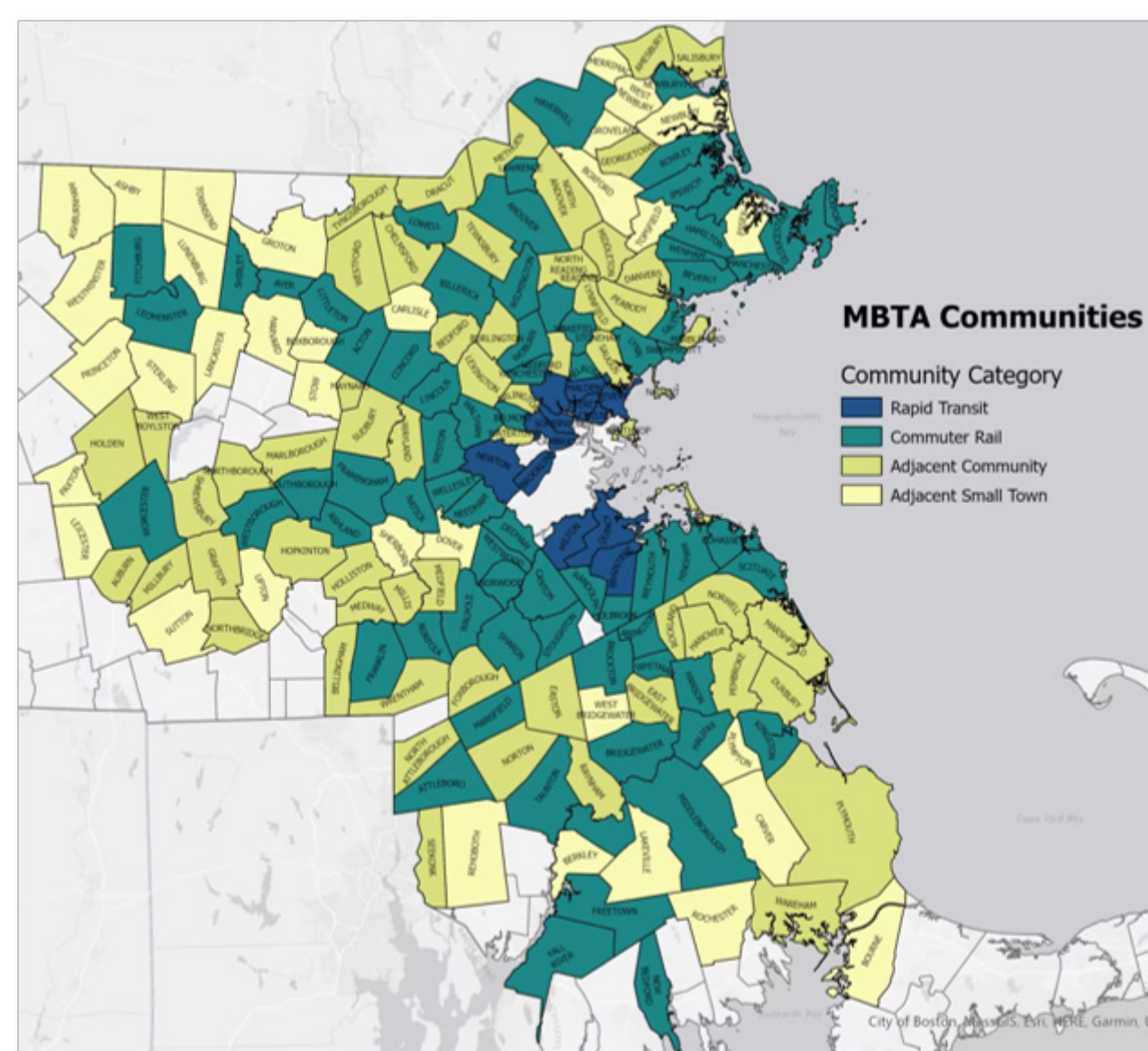
What **is** the MBTA Communities Act MGL c. 40A Section 3A?

This **law** established a requirement that each of the 177 designated MBTA Communities (MGL c. 161A Section 1) must have zoning that:

- ▶ Provides for at least 1 district of reasonable size in which **multifamily** housing is permitted **as of right**.
- ▶ Cannot have age-restrictions and **shall be suitable for families with children**.
- ▶ Must have a **minimum gross density of 15 dwelling units per acre**.
- ▶ **Part of the district must be located within 0.5 miles from a commuter rail, subway, ferry, or bus station, as applicable.**

What is the purpose behind the new law?

- ▶ Massachusetts has a **housing shortage**, and we need to produce more housing.
- ▶ The amount of housing that is **financially attainable** to most households is **dwindling**.
- ▶ The Commonwealth is at a disadvantage **in competing for** businesses, jobs, and talent.
- ▶ Placing housing near transit is **good** housing, economic, transportation, and climate **policy**.



How are communities grouped and when must they comply?

There are four different groupings of communities which are based on the type of MBTA service provided and/or the size of the community. These include:

- ▶ Rapid Transit Communities – December 31, 2023
- ▶ **Commuter Rail Communities – December 31, 2024**
- ▶ Adjacent Communities – December 31, 2024
- ▶ Adjacent Small Town – December 31, 2025

What the MBTA Communities Act is **NOT**.

- ▶ It is **NOT**: A mandate to build housing.
- ▶ It is **NOT**: A housing production target.
- ▶ It is **NOT**: Restricted to only addressing affordable housing needs.
- ▶ It is **NOT**: A one-size fits all tool to address all housing needs in a community.
- ▶ It is **NOT**: Viewed as optional by the Commonwealth and the Attorney General.

What are the implications if the Town does not comply?

Loss of the Town's opportunity to:

- ▶ Support economic development by locating housing near centers of economic activity.
- ▶ Address housing needs identified through other planning processes, including the current master plan process.

Loss of access to grant funds:

Per Section 3A:

- ▶ Housing Choice Initiative
- ▶ Local Capital Projects Fund
- ▶ MassWorks infrastructure program

Additional grant programs:

- ▶ Community Planning Grants, EOHLG
- ▶ Massachusetts Downtown Initiative, EOED
- ▶ Urban Agenda, EOED
- ▶ Rural and Small Town Development Fund, EOED
- ▶ Brownfields Redevelopment Fund, MassDevelopment
- ▶ Site Readiness Program, MassDevelopment

- ▶ Underutilized Properties Program, MassDevelopment
- ▶ Collaborative Workspace Program, MassDevelopment
- ▶ Real Estate Services Technical Assistance, MassDevelopment
- ▶ Commonwealth Places Programs, MassDevelopment
- ▶ Land Use Planning Grants, EOEEA
- ▶ Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA
- ▶ Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Attorney General's Advisory Guidance (March 2023)

"All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action."

B MBTA Communities Act

Common Questions

How is multifamily housing defined under Section 3A?

“Multi-family housing” is defined as a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

What about mixed-use?

Mixed-use or a combination of residential and non-residential, **can be allowed, but not mandated**.

Some zoning requires active ground-floor uses, ground-floor retail and restaurant, pedestrian-activated commercial uses, or similar requirements. Again, these can be allowed, but not mandated.

What about affordability?

Communities can set requirements for affordable housing, but **the requirements must meet certain thresholds**.

Affordable housing requirements cannot exceed 10% of the total units offered at no less than 80% of the area median income.

If a town wants to go above 10% and/or below 80%, they must complete an economic feasibility analysis to prove the requirement will not create financial hardship for new development.

What about senior housing?

Senior housing can be allowed but not mandated.

Zoning that is compliant:

- ▶ cannot mandate an age-restriction for housing.
- ▶ cannot regulate the:
 - ▶ size of units in square feet.
 - ▶ the bedroom size or mix of bedrooms.
 - ▶ the size of bedrooms in square feet.
- ▶ regulate or limit the number of occupants in a unit.

What about infrastructure (traffic, water, wastewater, stormwater), the environment (wetland buffers), and historic districts?

Applicants will **still need to meet requirements outside zoning**, including, but not limited to, the Building Code, the rules and regulations of the Board of Health and the Conservation Commission, the MS4 permit, and state regulations for surface water, wetlands, and Title V, and Local Historic Districts.

The Site Plan Review process allows the community and the applicant to discuss certain impacts, including how much traffic a project is estimated to generate and how the applicant will address the provision of water and the treatment of wastewater and stormwater.

What about architectural and site design?

The Sample Zoning includes examples of development standards and language to add advisory design guidelines.

Both can be reviewed during either an administrative review process (staff) or a Site Plan Review process (usually the Planning Board, sometimes an advisory Design Review Board).

Development standards should be specific and measurable (quantifiable). Design guidelines may focus on the design of the building or the site and are not mandatory.

Post additional questions you would like answered here!

What are Excluded Land and Sensitive Land?

The state identifies three types of land. Developable Land, which can be modeled for unit capacity, and:

Excluded Land, which **CANNOT** be modeled for unit capacity and includes the following:

- ▶ Hydrological features
- ▶ Protected/restricted open space
- ▶ Wellhead Protection Areas (Zone I only)
- ▶ Title 5 setbacks and Surface Water Protection Zone A
- ▶ Rights of way
- ▶ Most public land, except certain types
- ▶ Private land used for certain purposes such as education.

Sensitive Land, which **CAN** be modeled for unit capacity and includes the following:

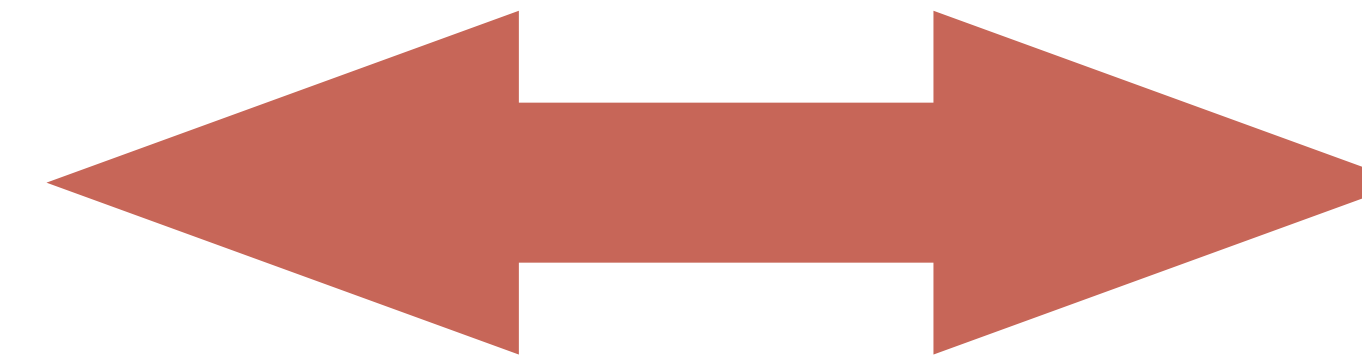
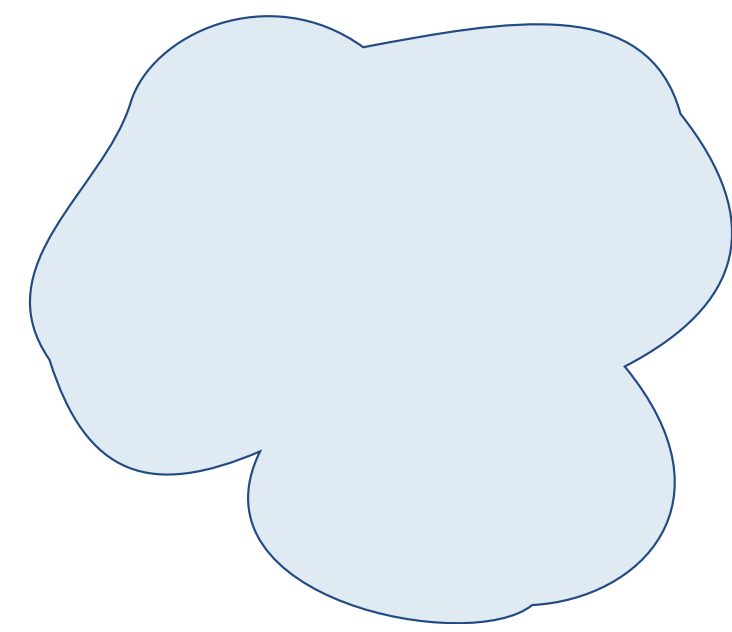
- ▶ Wellhead Protection Areas (Zone II and Interim Wellhead Protection Areas)
- ▶ Special Flood Hazard Areas (A or V flood zones)
- ▶ Active Farmland
- ▶ Priority Habitats of Rare Species
- ▶ Surface Water Protection Zones B & C

C MBTA Communities Act

Compliance Requirements

What are the compliance tests we need to complete?

There are three primary compliance tests every MBTA Community will need to complete.



Land Area

Definition: The area of land that the Town has designated as its zoning district.

Components to Consider

- ▶ Location
- ▶ Size
- ▶ Transit Adjacency
- ▶ Excluded Land

Unit Capacity

Definition: The number of dwelling units could be produced in a specific land area according to the requirements of the applicable zoning.

Components to Consider

- ▶ Unit Count
- ▶ Density
- ▶ Transit Adjacency

Zoning

Definition: What someone can or cannot do with a piece of land.

Components to Consider

- ▶ Uses
- ▶ Lot Size
- ▶ Dimensions
- ▶ Parking
- ▶ Open Space
- ▶ Density Restrictions

What are Winchester's **minimum land area** requirements?

Metric	Winchester's Requirement
Minimum Land Area	37 acres
Developable Station Area	446 acres
% to be located in the station area	50% of total district area
Minimum Contiguous District Size	18.5 acres or 50% of the total district area

What are Winchester's **minimum unit capacity** requirements?

Metric	Winchester's Requirement
Minimum Unit Capacity	1,220 units
% to be located in the station area	50% of total unit capacity
Minimum Density Requirement	15 dwelling units/acre

What are Winchester's **zoning** requirements?

Creating zoning that is compliant with the MBTA Communities Act is the purpose of this process!