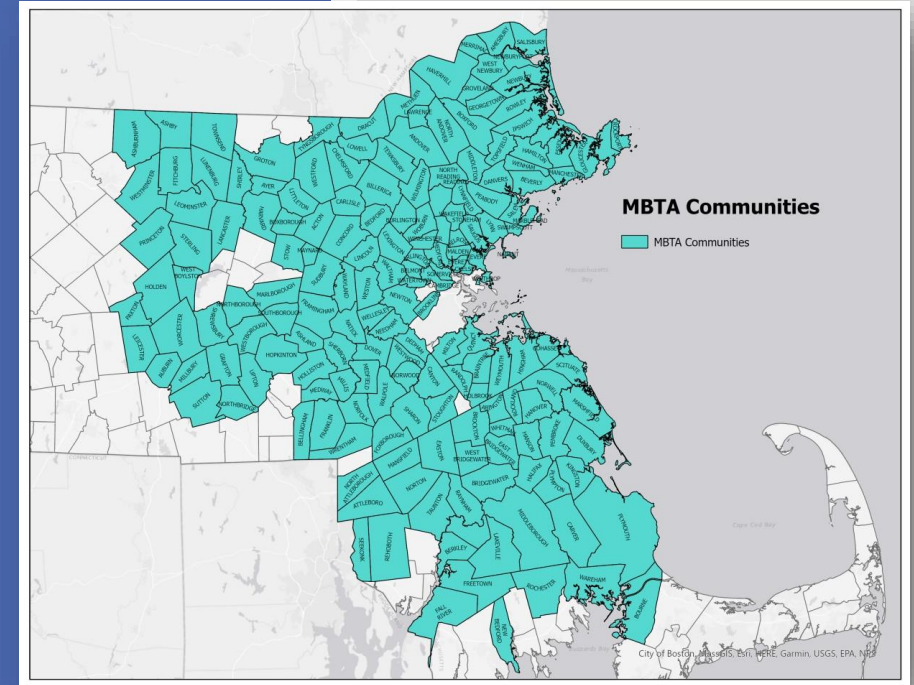


Multi-Family Zoning Requirement for Wrentham

An Introduction to the Section 3A Program –
MBTA Communities



Presentation Overview

- Introduction
- What is an MBTA Community?
 - Map of all 177 MBTA Communities
- Why was Wrentham designated?
 - Chapter 358 of the Acts of 2020, Section 18
 - Terms
- What are the requirements for compliance?
- Where is this going?
 - Proposed Locations
- What will this look like?
 - Unit Density & Gross Density
- What if Wrentham does not comply?
 - Effects of Non-Compliance
- Important Clarifications
- Next steps?



Introduction

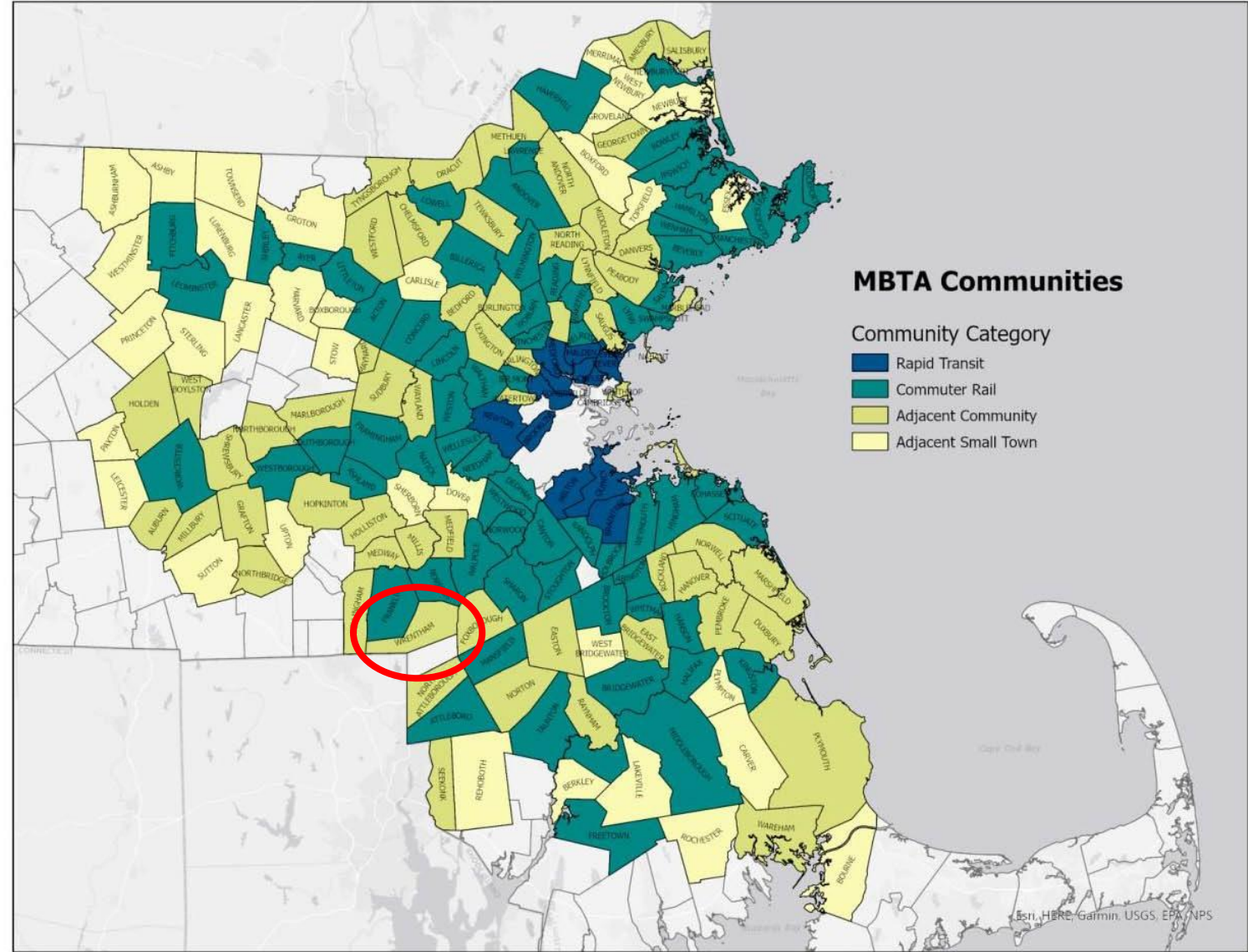
- As part of the Economic Bond Bill, passed in 2020, the Town of Wrentham, along with 177 other municipalities, was designated as an MBTA Community.
- Wrentham is required to zone 50 acres near an existing downtown or village center that allows for **multi-family housing as-of-right** without age restriction and is **suitable for families** at a **gross density** of 15 units per acre and a **unit capacity** of 750 units.
 - *This is NOT a production mandate*
 - *This is NOT related to Ch. 40B*
- Over the past year, the Town has been working with Consultants to identify areas that meet the State's Compliance Model.
- The deadline to adopt this zoning is December 31, 2024.
- If Wrentham does not comply, it will be ineligible for grants and a loss of points for other competitive grant programs. The Attorney General has also stated that failure to comply will result in civil enforcement action.

What is an MBTA Community?

- **MBTA community**, a city or town that is:
 - (i) one of the 51 cities and towns as defined in Section 1 of Chapter 161A;
 - *Includes Dover, Hamilton, Medfield, Norfolk, Walpole*
 - (ii) one of the 14 cities and towns as defined in said Section 1 of said Chapter 161A;
 - *Includes Belmont, Cambridge, Milton, Newton*
 - (iii) other served communities as defined in said Section 1 of Chapter 161A; or
 - *Includes Bellingham, Foxboro, Franklin, Grafton, Medway, Millis, Wrentham*
 - (iv) a municipality that has been added to the MBTA authority under Section 6 of Chapter 161A or in accordance with any special law relative to the area constituting the authority
- 177 Municipalities were designated as MBTA Communities with distinct classifications
 - *Wrentham is classified as an **Adjacent Community** because there are no transit stations within its borders or within 0.5 miles of its border, but several of its surrounding municipalities have an MBTA Station (Norfolk, Franklin, and now Foxboro).*

MBTA Communities

Map of 177 MBTA Communities and their classification



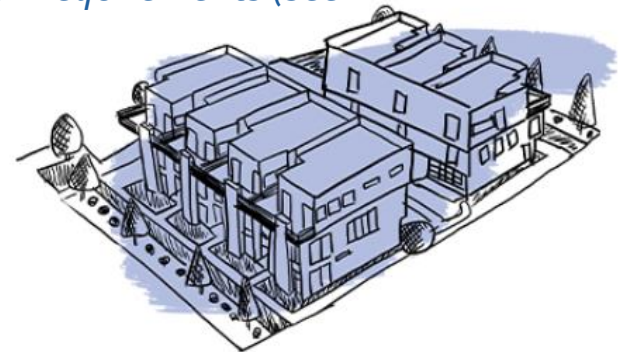
Why was Wrentham Designated?

Chapter 358 of the
Acts of 2020,
Section 18

- Chapter 358 of the Acts of 2020
 - Economic Bond Bill (House No. 5250, *An Act Enabling Partnerships for Growth*) passed Mass. Legislature in December 2020 and signed by Gov. Baker in January 2021.
- The bill included a range of housing provisions, such as:
 - Housing Choice Zoning Reforms
 - \$50M for Transit Oriented Housing Development
 - \$50M for Neighborhood Stabilization
 - \$10M for Climate-Resilient Affordable Housing Production
- Section 18 of this Bill includes changes to Mass Gen. Law Ch. 40A, (Zoning Act) Section 3A, which encourages designated **MBTA Communities** to adopt zoning districts where **multi-family housing** is permitted **as-of-right**, plus meet other requirements set forth in the statute.
- The text of Section 18 reads as follows:

Chapter 358 of the Acts of 2020, Section 18 Text

- (a)(1) An **MBTA community** shall have a zoning ordinance or bylaw that provides for at least 1 district of **reasonable size** in which **multi-family housing** is permitted **as of right**; provided, however, that such multi-family housing shall be without age restrictions and shall be **suitable for families with children**. For the purposes of this section, a district of reasonable size shall:
 - (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of Chapter 131 (Wetlands Protection Act) and Title 5 of the State Environmental Code established pursuant to Section 13 of Chapter 21A; and
 - (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable.
 - *Adjacent Communities have different location requirements (see Location slide)*



Chapter 358 of the
Acts of 2020,
Section 18
Text cont.

- (b) An **MBTA Community** that fails to comply with this section shall not be eligible for funds from:
 - (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017;
 - *Downtown Wastewater Treatment Facility Feasibility Grant*
 - (ii) the Local Capital Projects Fund established in Section 2E of Chapter 29; or
 - *10% subsidy to Housing Authorities*
 - (iii) the MassWorks infrastructure program established in Section 63 of Chapter 23A.
 - *2016 \$2.2M Route 1 Waterline extension*
 - *The State has included compliance with 3A as a consideration in many other competitive grant programs (see slide 13).*
- (c) The Dept. of Housing & Community Development (DHCD), in consultation with the MBTA and MassDOT, **shall promulgate guidelines to determine if an MBTA community is in compliance** with this Section.
 - *The Attorney General has issued a statement which clarifies, communities who choose not to comply will be subject to civil enforcement action (see Non-Compliance slide)*

Chapter 358 of the Acts of 2020, Section 18 Terms

- One district must be of “reasonable size”
 - “Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section [the Guidelines]. *Contrary to the definition, at least 25 acres must be contiguous.*
- “Multi-family housing” must be permitted “as-of-right”
 - “Multi-family housing”, 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.
 - “As of right,” a development that may proceed under a zoning ordinance or bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- “Housing suitable for families with children” means housing comprised of residential dwelling units that are not age-restricted housing and for which there are no legal restrictions on the number of bedrooms, the size of bedrooms, or the number of occupants.

What are the requirements for compliance?

Mass. Gen. Law, Ch. 40A, Section 3A, Statutory Requirements:

- Zoning must allow multifamily housing as of right
- Zone must be of reasonable size
- Min. Gross Density of 15 units per acre and a unit capacity of 750 units
- No age restriction
- Suitable for families w/ children
- Located near an existing downtown/village center

Proposed Zoning Amendment for June Town Meeting:

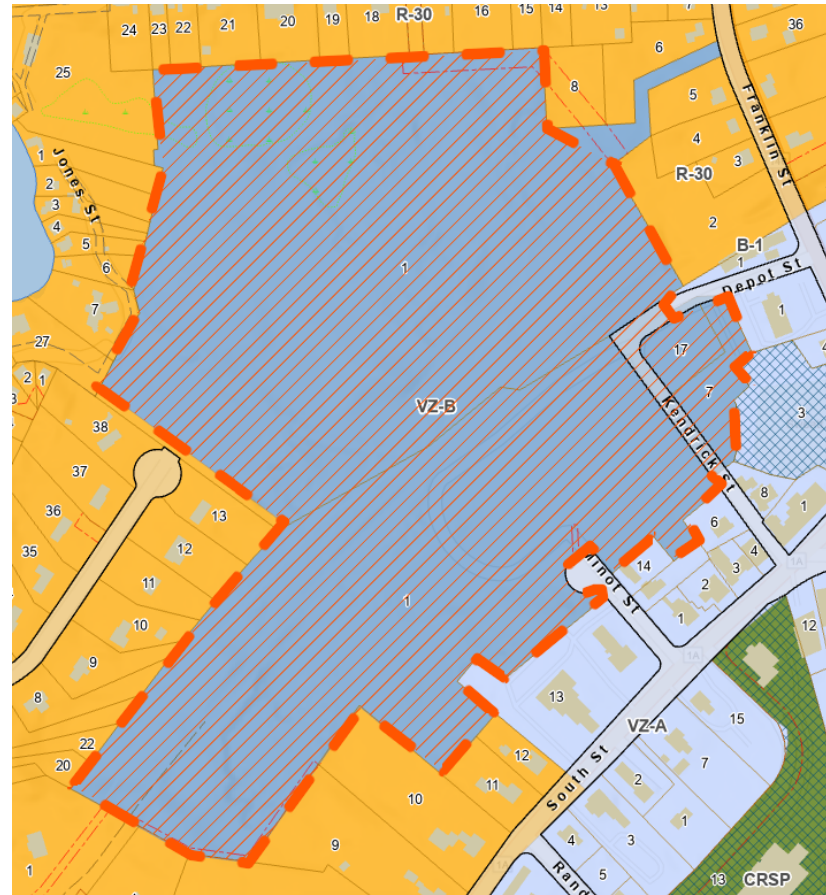
- Allows multi-family housing as of right with Site Plan Review
- Two sub-districts (127 Acres), *Downtown and Wampum/495*
- Gross Density of 2 sub-districts is 15 and a unit capacity of 750+
- No age restriction
- No maximum bedroom size or counts
- Downtown and Wampum Village Business District

Where are these zones going?

- Wrentham is classified as an “Adjacent community”. This is defined as an MBTA community with no transit station within its border or within 0.5 miles of its border.
- When an MBTA community has no land area within 0.5 miles of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development practices – for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

Proposed Locations

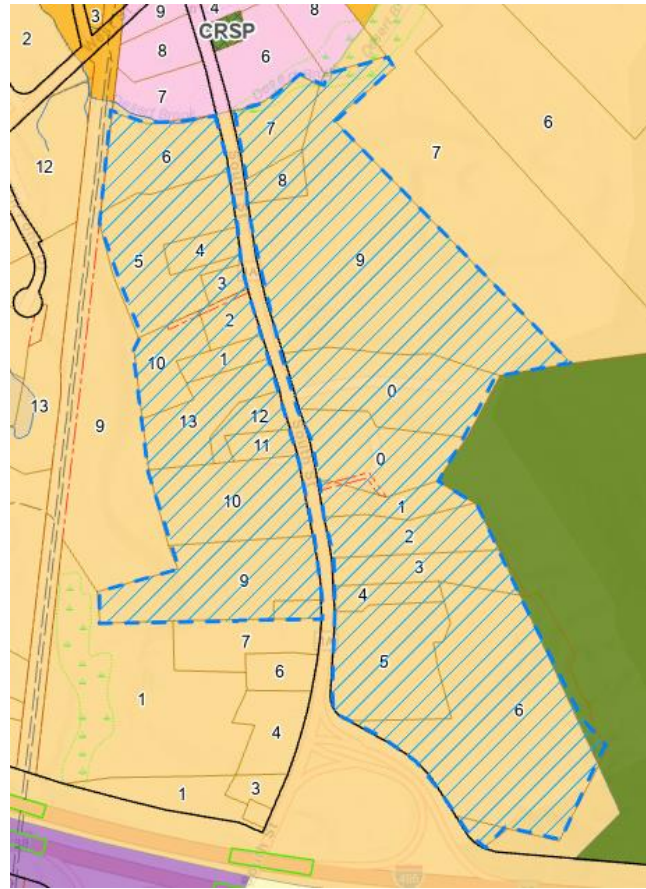
Sub-district 1 - Downtown



- Location matches Adjacent Community requirement
- Village Zone B language already matches State requirements
- Max. Unit Density:
 - 8 units/acre, 75% lot coverage
- Mandatory Mixed Use to maintain the 2018 Visioning of Village Zone B

Proposed Locations

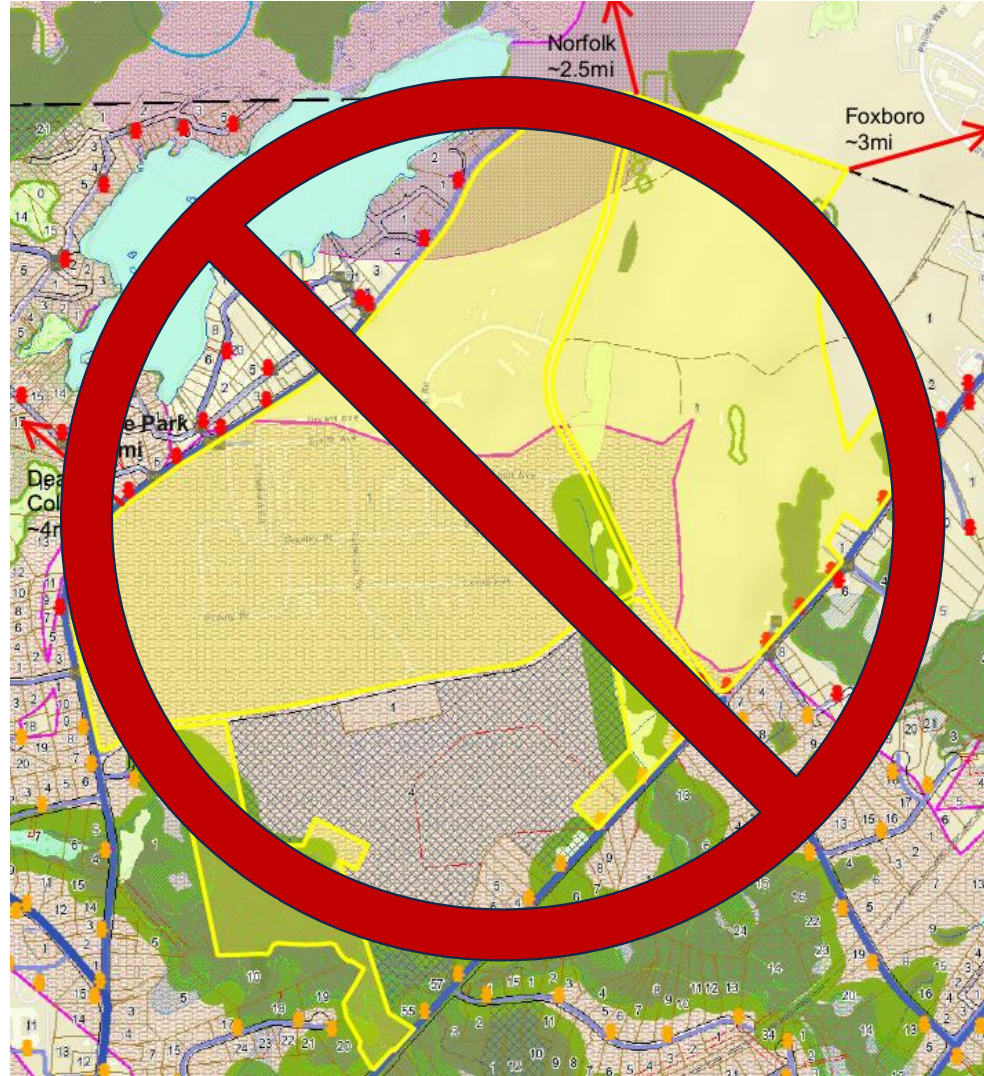
Sub-district 2 – Wampum/495



- Location matches Adjacent Community requirements, proximity to I-495 easy access to nearby commuter stations
- Unit Density:
 - 22 units/acre, 25% lot coverage
- Overlay Zone would not alter allowed uses in the underlying zoning
- Opportunity to expand walking/biking along Metacomet Greenway and Expand access to State Forest

Ruled Out Locations

Wrentham Development Center



- Publicly owned land is defined as “Excluded Area” under the Guidelines
- Needs prior approval from the State and be included in the Housing Production Plan
 - *Wrentham’s Housing Production Plan (fka Affordable Housing Plan) expired in 2010*

Ruled Out Locations

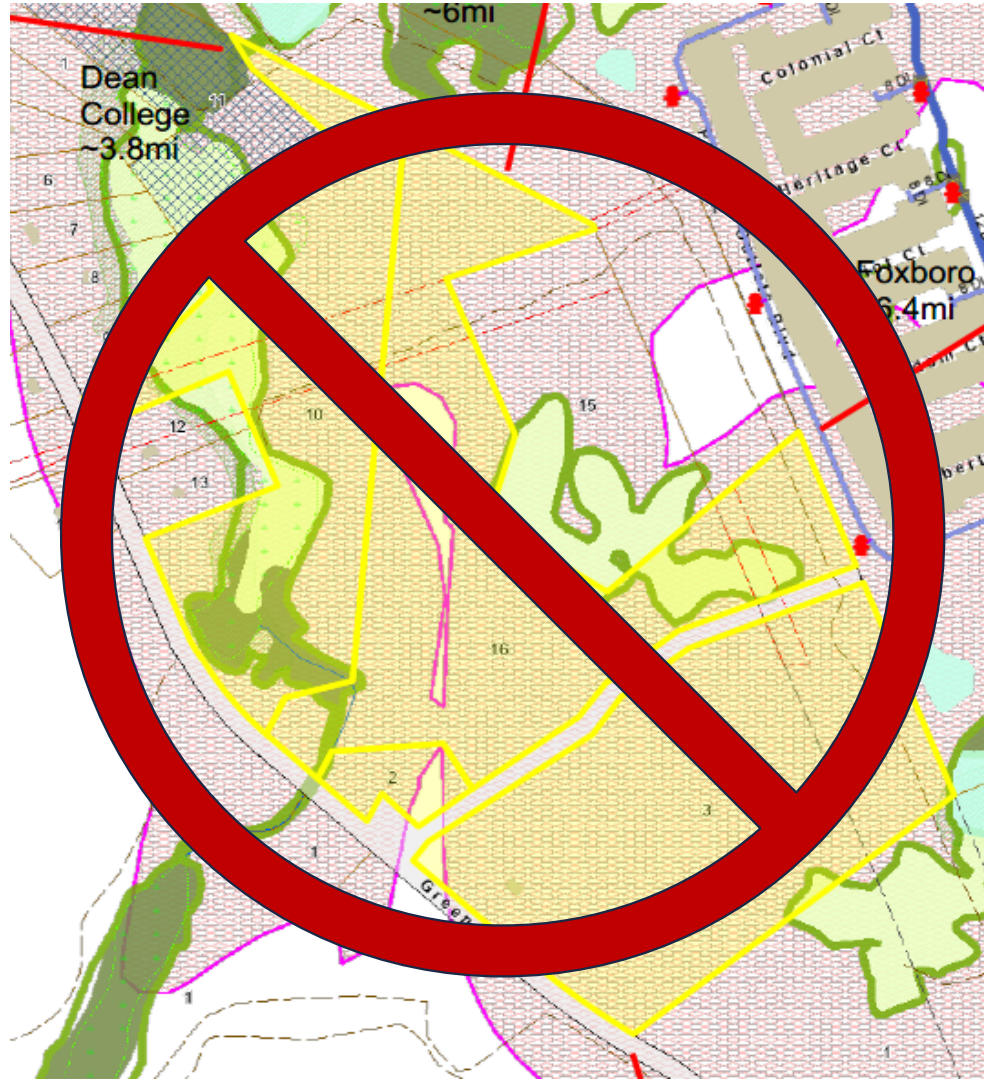
Beach Street & Taunton St
(aka 'Hagopian Bird Farm')



- Large portions of this area are natural resource areas, reducing the total developable area,
- Not consistent with existing development patterns
- Not near an existing downtown or village center

Ruled Out Locations

Green Street



- Commercially Zoned,
 - Split Tax Rate; residential use in commercial zone is not ideal
- Not consistent with existing development patterns,
 - Existing Commercial & Industrial Uses
- Not near an existing downtown or village center
- Not good for families with children,

What will this look like?

Examples and definitions of Unit Capacity and Gross Density

- Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of Chapter 131, and Title 5 of the State Environmental Code established pursuant to Section 13 of Chapter 21A.
- Each multi-family zoning district must satisfy both the unit capacity and the gross density requirement.



Unit Capacity

What is Unit Capacity?

- Unit Capacity (UC) means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district
- UC for Adjacent Communities must be at least equal to 10% of the 2020 housing stock
 - *Wrentham's is 750*
- UC of each lot is measured as if that lot was undeveloped
- UC is evaluated through the State's Compliance Model, which takes into account the underlying zoning



Gross Density

What is Gross Density?

- Units-per-acre density measurement that includes land occupied by public roads and any recreational, civic, commercial, and other nonresidential uses
- Law requires districts to allow a minimum gross density of 15 units per acre
- Net density is one lot/one development site measurement; Gross density is district-wide measurement
- Guidelines allow for multiple districts with different densities, to be compliant. gross density across all have to equal 15 units/acre
 - *Sub-district 1 = 8 units/AC*
 - *Sub-district 2 = 22 units/AC*

Net density measures how many units a particular site allows. The density of each parcel would be measured individually:



Gross density measures how many units a particular district allows. The density of the district would be measured inclusive of rights of ways:



Densities & Building Typology

15 Units Per Acre

The Avalon at Sudbury

Site Information

- 15 Units/acre
- Total: 250
- Acres: 17
- Zoning/Permitting: 40B
- Year Built: 2019

Part of a larger development along a commercial corridor adjacent to a mix of uses; assisted living, protected agricultural

Mix of unit types and building typologies, walkable



Densities & Building Typology

15 Units Per Acre

The Parc at Medfield

Site Information

- 15 Units/acre
- Total: 92
- Acres: 6
- Zoning/Permitting: 40B
- Year Built: 2015

Redevelopment of a former commercial/industrial site

3 stories and screened from abutting single-family and commercial uses



Densities & Building Typology

20 Units Per Acre

Grant Place, Natick

Site Information

- 20 Units/acre
- Total: 24
- Acres: 1.2
- Zoning/Permitting: 40B
- Year Built: 2010

Adaptive Re-Use project retained two original 19th century homes along the street

Screened from abutting single-family and commercial uses 19th-century



Downtown Proposed Project


Proposed Development Plan - Unapproved

Site Information

- 8 Units/acre
- Total: 372
- Acres: 47
- Zoning/Permitting: Village Zone Concept Plan
- Planning Stages

Compact residential, mixed-use, extension of grid patterns, proposal is what existing zoning allows

CDP WRENTHAM

1" = 200'-0" 

CONTEXT PLAN

03/14/23



What if we do not comply?

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs:

- the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017;
 - *Downtown Wastewater Treatment Facility Feasibility Grant*
- the Local Capital Projects Fund established in Section 2E of Chapter 29; or
 - *10% subsidy to Housing Authorities*
- the MassWorks infrastructure program established in Section 63 of Chapter 23A.
 - *2016 \$2.2M Route 1 Waterline extension*
- The State has included compliance with 3A as a consideration in many other competitive grant programs.

The Attorney General has issued a statement which clarifies, that communities who choose not to comply will be subject to civil enforcement action.

Excerpt From AG Advisory

MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law¹¹ and federal Fair Housing Act¹² prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.¹³ An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

¹² 42 U.S.C. § 3601 et seq.

¹³ *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to “persons who...interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4...persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or rental of any dwelling or land covered by M.G.L. c. 151B, § 4...[and] persons who aid or abet in doing any illegal acts...”); 804 C.M.R. § 2.01(5)(f) (“Examples of unlawful housing practices include...to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.”).

[Link to AG Advisory](#)

Effects of Non-Compliance

Failure to comply will result in a loss of eligibility for certain funding programs and a loss of points for other competitive grant programs

Municipal Vulnerability Preparedness Planning and Project Grants

Mass Works infrastructure program

Local Capital Projects Fund

Housing Choice Initiative

Community Planning Grants

Massachusetts Downtown Initiative

Urban Agenda

Rural and Small-Town Development Fund

Brownfields Redevelopment Fund

Site Readiness Program

Underutilized Properties Program

Collaborative Workspace Program

Real Estate Services Technical Assistance

Commonwealth Places Programs

Land Use Planning Grants

Local Acquisitions for Natural Diversity Grants

 Programs named in law

Articles Related to Non- Compliance

- [Gov. Healy warns cities and towns against disregarding MBTA Communities ACT | WBUR News](#)
- [AG Campbell Issues Advisory on Requirements of MBTA Communities Zoning Law | PR Office of AG](#)
- [Mass. adds new penalties for towns not following MBTA Communities zoning law | MassLive](#)
- [Greater Boston communities debate multifamily zoning around MBTA as end-of-year deadline approaches | Radio Boston](#)

Important Clarifications

- Section 3A and the Compliance Guidelines do **NOT**:
 - Require that multi-family housing be built
 - *Compliance is based on zoning that meets standards*
 - Compel communities to design, nor pay for new infrastructure to accommodate future multi-family development in an MBTA District
 - Mean that districts have to have uniform density
 - *Sub-districts can have areas of higher and lower density as long as the entire district area averages 15 units/acre*
 - Supersede Mass Wetlands Protection Act, nor Title 5 of the Mass Environmental Code (septic)
 - Allow municipalities to get a waiver of exemption from the requirements

Important Clarifications

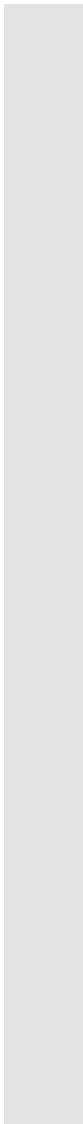
- MBTA Zoning will remove zoning barriers, but MBTA districts may not see development for years. As with most zoning, it “sets the table” for future actions
- Many cities and towns are rolling up their sleeves to work on district compliance
 - Over 100 municipalities are using technical assistance
- Press coverage may leave the public with the impression that negative reactions are more widespread
- The capacity analysis conducted by the local government does not mean that production of all the units will follow

Next Steps?

- Review the Draft Zoning Bylaw:
 - Link to [Zoning Amendment webpage](#)
- Submit your comments to planning@wrentham.gov
- Planning Board Public Hearing opens Feb. 07, 2024
 - Zoom Meeting Info:
<https://us02web.zoom.us/j/88238103746?pwd=aExoTVc4eXRwWm5ZdUVpYoZKYUpvUT09>
 - Changes may be made based on comments and further review at this and future meetings
- Planning Board submits Recommendations to Town Meeting
- Article is placed on Warrant for the June Town Meeting,
- Once the Article passes, the bylaw is submitted
 - State Attorney General for review/approval, and
 - DHCD for Determination of Compliance

Resources

- [MBTA Communities Zoning, Mass.gov](#)
- [MBTA Guidelines, Mass.gov](#)
- [MBTA Compliance Model, Mass.gov](#)
- [Exploring Housing at Different Densities](#)
- [Housing Toolbox – MBTA Zoning Technical Assistance](#)
 - Frequently Asked Questions
- [Mass. Housing Partnership Webinar Series](#)



Overview of Changes from Draft Guidelines

CHANGES TO REASONABLE SIZE CRITERIA

- The guidelines establish “circuit breakers” that prevent multi-family unit capacity from exceeding 25% of a community’s existing housing stock of the minimum land from exceeding 1.5% of its total developable land area.

MULTIFAMILY UNIT CAPACITY

- To help communities calculate multifamily unit capacity, DHCD built a compliance model tool that will provide a GIS land map for each municipality & and calculate a district’s multi-family unit capacity & and gross density based on inputs provided by each community

MISC.

- Final guidelines also include refinements and adjustments in other key areas, such as affordability, local site plan review, and other technical matters, including updated definitions