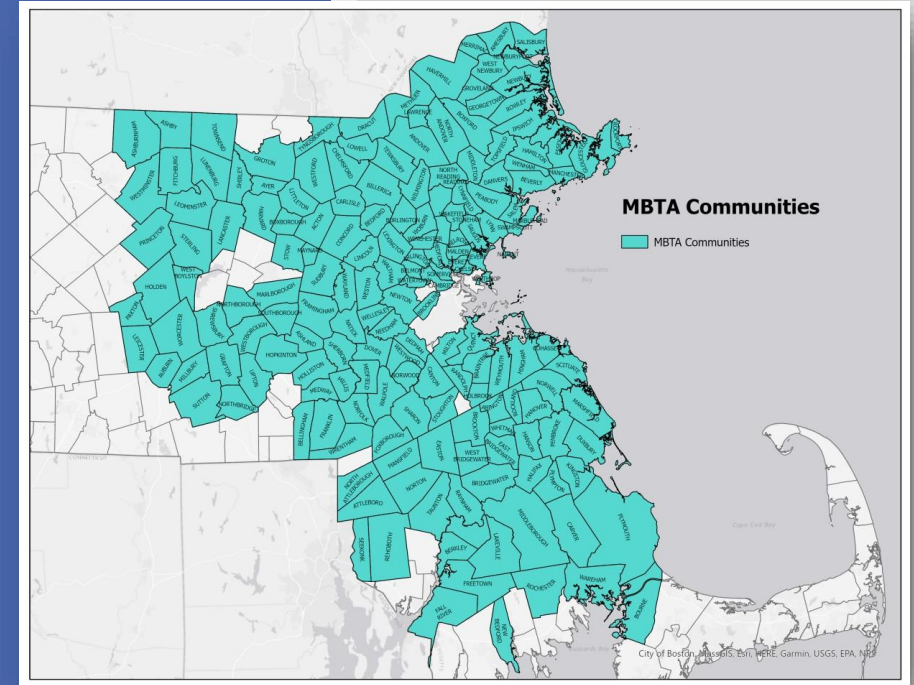


Multi-Family Zoning Requirement for Wrentham

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.

	LAND AREA	UNIT CAPACITY	UNITS PER ACRE
REQUIREMENT	50 acres	750	15

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).*

Classifications

Definitions of Classifications

- **“Rapid transit community”** means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations or MBTA Silver Line bus rapid transit stations.
 - *Milton, Newton, Malden, Cambridge*
- **“Commuter rail community”** means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.
 - *Franklin, Norfolk, Walpole, Sharon, Foxborough*
- **“Adjacent community”** means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.
 - *North Attleboro, Medfield, Millis, Medway, Bellingham, Easton, Wrentham*
- **“Adjacent small town”** means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.
 - *Sutton, Sherborn, Dover, Rehoboth, Carlisle, Paxton, Ashburnham*

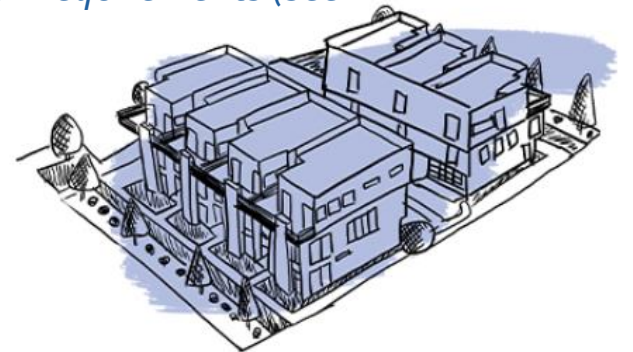
Why was Wrentham Designated?

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 locations
 - *Downtown and Wampum/495*
- Gross Density of 2 locations is 15 units/acre 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 a Regional Transit Authority (RTA) bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.



ZONING MAP OF
WRENTHAM
 MASSACHUSETTS
 NOVEMBER 4, 2019
 SCALE: 1" = 1250'

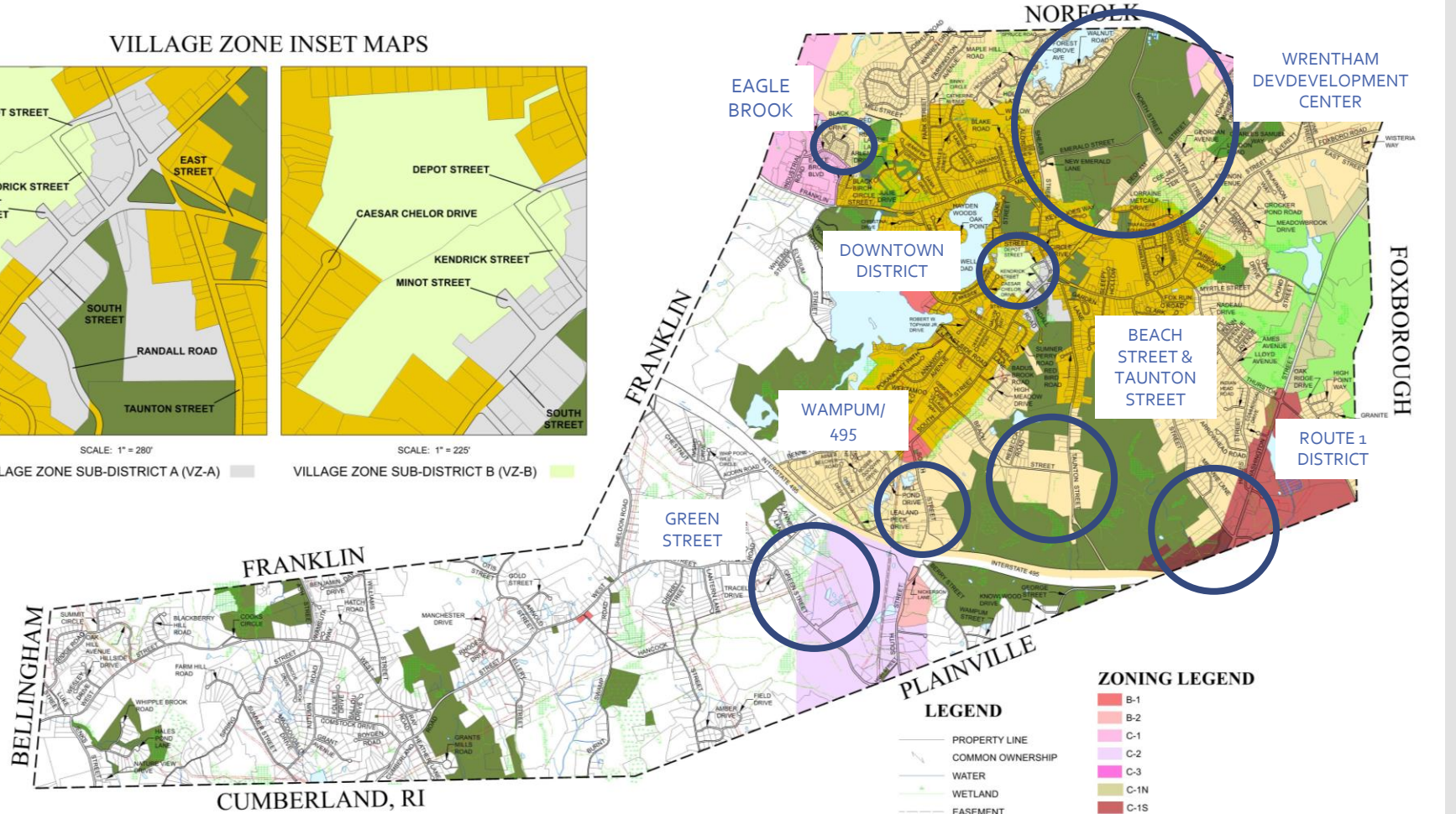


VILLAGE ZONE INSET MAPS



SCALE: 1" = 280' VILLAGE ZONE SUB-DISTRICT A (VZ-A) SCALE: 1" = 225' VILLAGE ZONE SUB-DISTRICT B (VZ-B)

What was considered when looking at areas?



ZONING LEGEND

[Red]	B-1
[Light Red]	B-2
[Pink]	C-1
[Light Green]	C-2
[Light Blue]	C-3
[Light Yellow]	C-1N
[Dark Green]	C-1S
[Green]	CONSERVATION, RECREATION, SCHOOL & PARK DISTRICT (CRSP)
[Light Green]	CONSERVATION, RECREATION, SCHOOL & PARKS - ROUTE 1 (CRSP-1)
[Yellow]	MEDICAL MARIJUANA & ADULT ENTERTAINMENT SPECIAL USE OVERLAY DISTRICT
[Orange]	R-30
[Light Orange]	R-43
[Light Yellow]	R-87
[Light Green]	VZ-A
[Light Yellow]	VZ-B

LEGEND

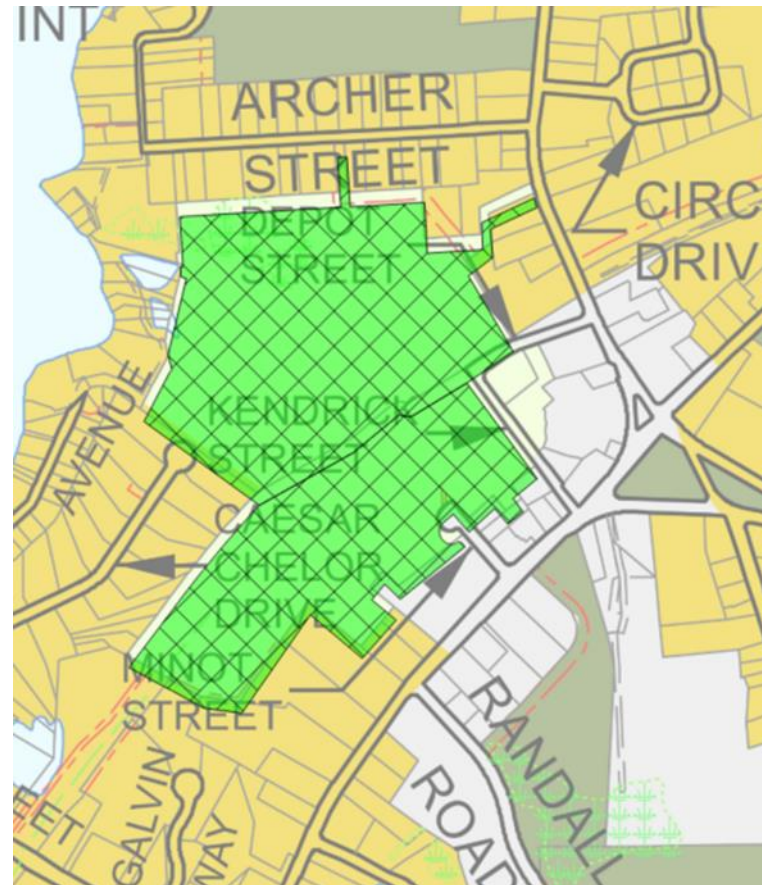
- PROPERTY LINE
- COMMON OWNERSHIP
- WATER
- WETLAND
- EASEMENT
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- PRIVATE ROAD
- RIGHT OF WAY
- TRAIL

THIS IS TO CERTIFY THAT THIS IS THE ZONING MAP OF THE TOWN OF WRENTHAM, MASSACHUSETTS, REFERRED TO IN THE ZONING BY-LAW OF THE TOWN OF WRENTHAM, MASSACHUSETTS WHICH WAS ADOPTED BY THE TOWN MEETING COMMENCING NOVEMBER 4, 2019.

NOTES
 THIS MAP IS BASED ON THE TOWN OF WRENTHAM MASSACHUSETTS PROPERTY MAPS REVISIONS AND REPRINTED BY CAI TECHNOLOGIES. IT IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
 PROPERTY LINES CURRENT TO JUNE 11, 2019.
 SOURCE DATA: TOWN OF WRENTHAM, MA

Proposed Locations

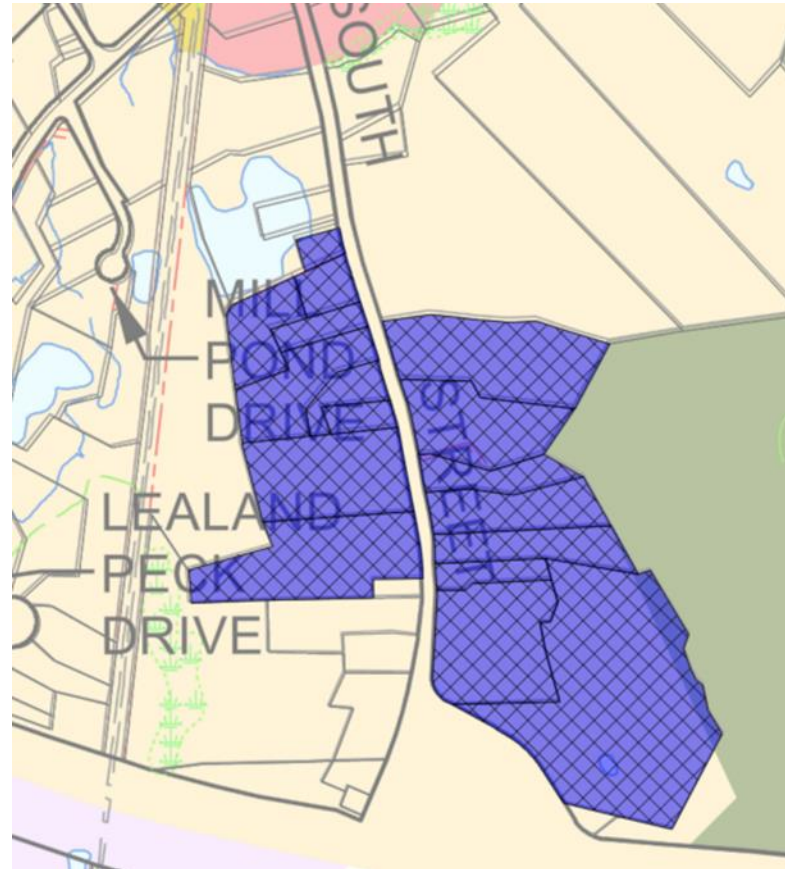
Downtown



- Location matches Adjacent Community requirement
 - *Existing downtown*
- 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

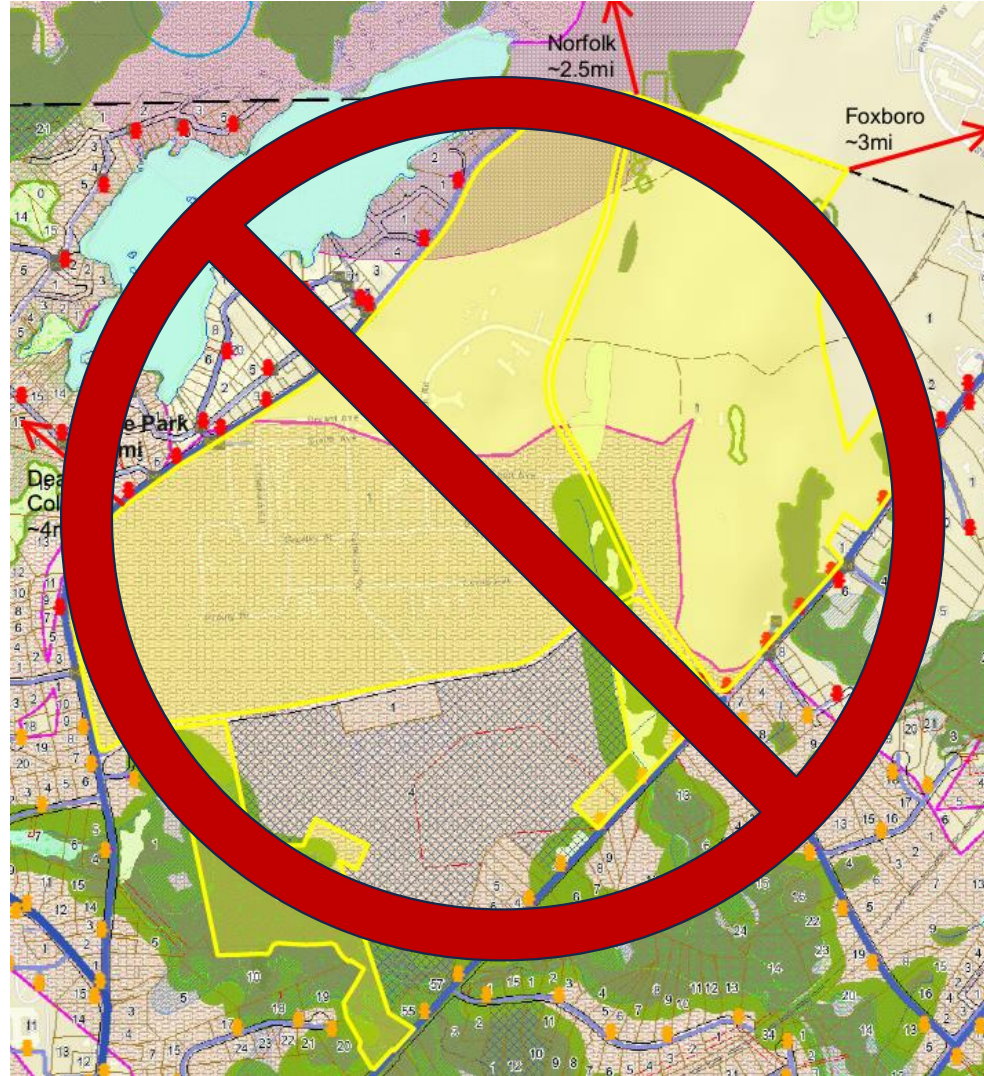
Wampum/495



- Location matches Adjacent Community requirements,
 - proximity to I-495 and easy access to nearby commuter stations
- Unit Density:
 - 15 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

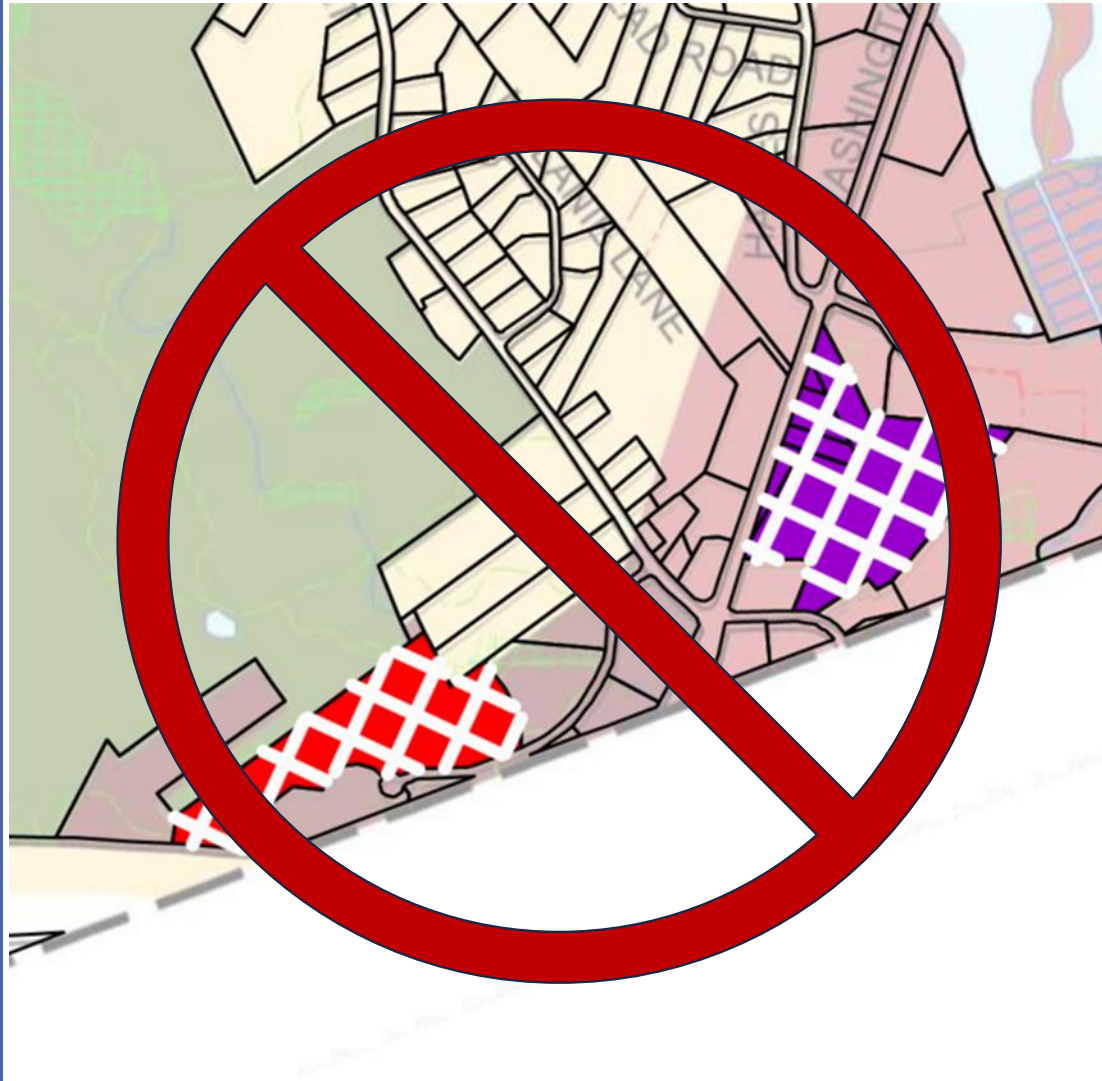
Wrentham Development Center



- 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

Route 1



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

Ruled Out Locations

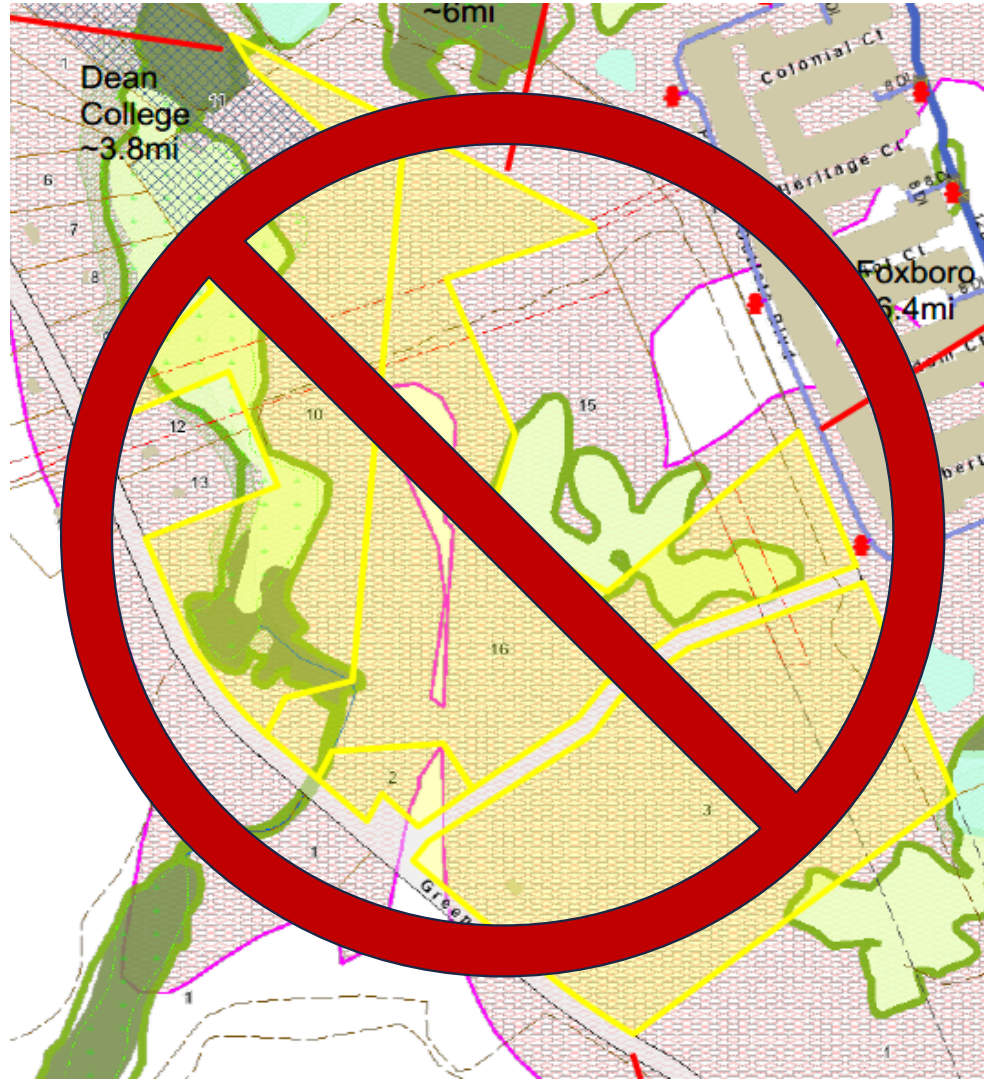
Beach Street & Taunton St
(aka 'Hagopian Bird Farm')



- 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

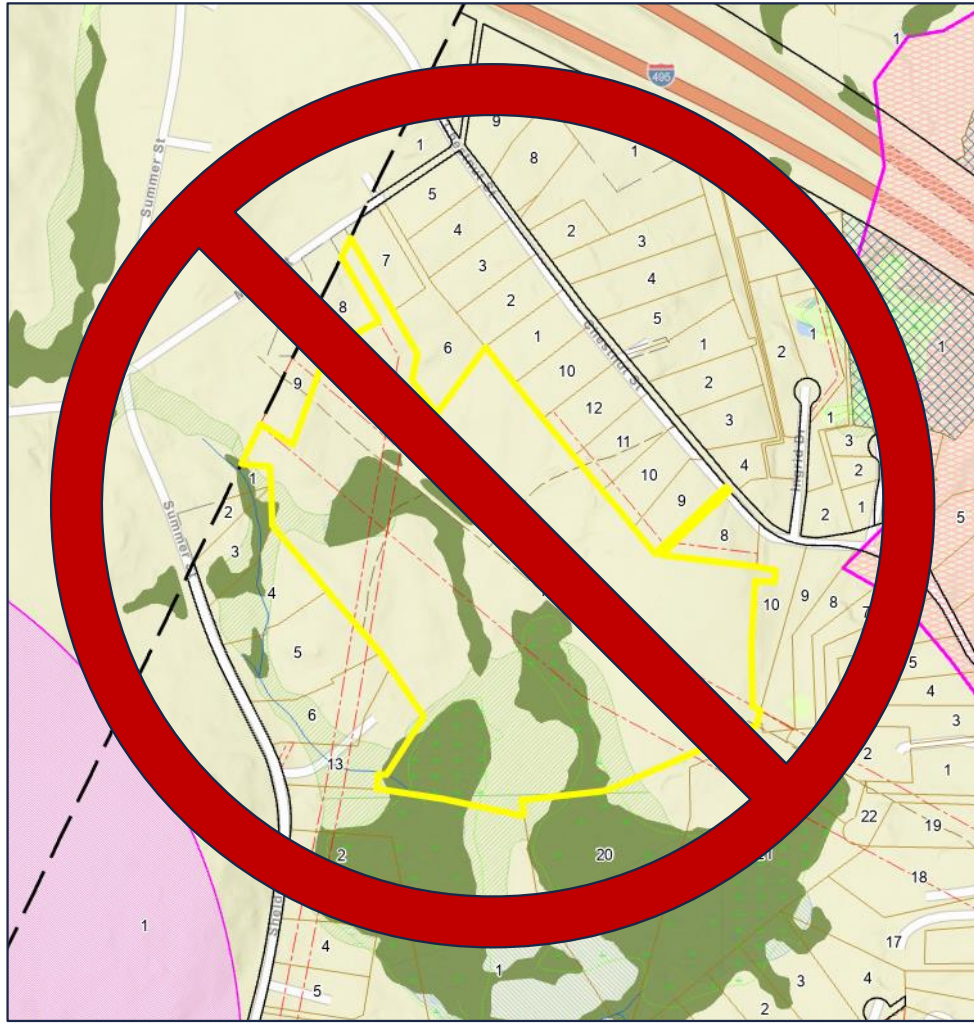
Green Street



- 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

Ruled Out Locations

Chestnut Street



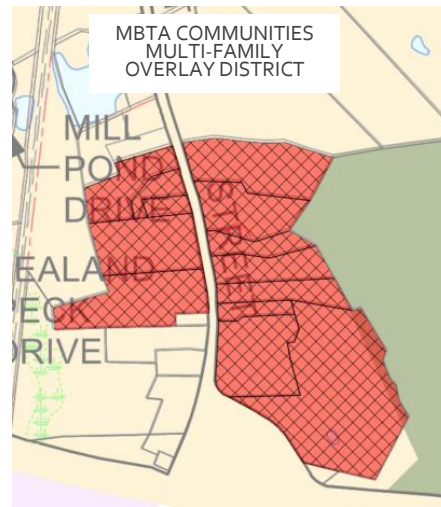
- Large portions of this parcel are natural resource areas, reducing the total developable area,
- Not consistent with existing development patterns
- Not near an existing downtown or village center

Two Final Options

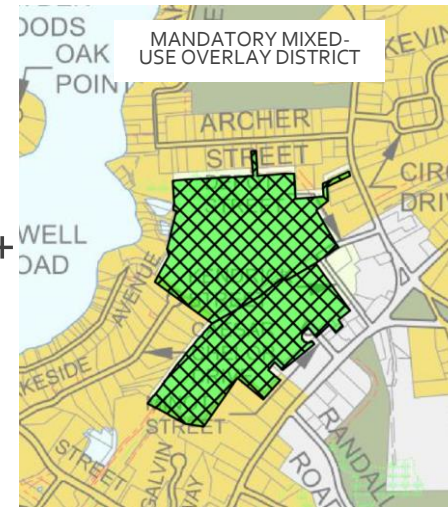
Mandatory Mixed-Use

Traditional Approach

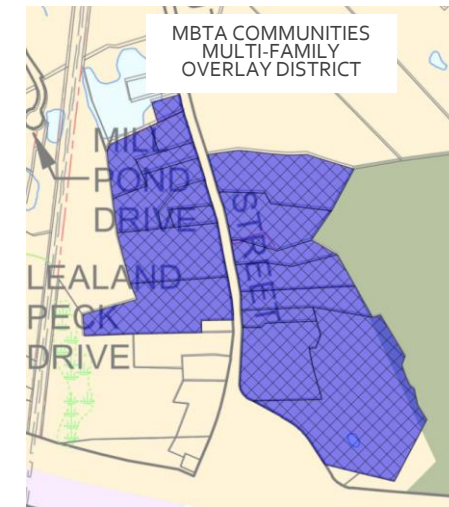
- Both options include one final MBTA overlay district in the Wampum/495 area
- Option to include a second overlay district, the Mandatory Mixed-Use district located in the proposed Downtown area
- Incorporating a Mandatory Mixed-Use Overlay will allow for up to 25% reduction in the required unit count than with the traditional approach



+



OPTION 1



OPTION 2

Analysis Process

Compliance Model

- Utilizing the state-developed “Compliance Model” to check all the proposed locations
- Using a GIS mapping application to review each proposed district and download features of each parcel
- Takes into consideration excluded land for density and unit capacity
 - Publicly owned
 - Waterbodies and wetlands
 - Environmental Restrictions
 - Protected open space
 - Right-of-ways
 - Land used for educational or institutional uses
- Analyze existing zoning and input into the model
- Check area, unit capacity, and density for compliance

Comparison Table of Requirements and Modeled Results

Category	Guideline Requirements	Modeled Results
Community:	Wrentham	Wrentham
Community Category:	Adjacent community	Adjacent community
2020 Housing Units (Census PL-94):	4,620	4,620
Minimum Multi-family Unit Capacity:	750	755
Minimum Land Area:	50	54.7
Developable station area:	0.00	0.00
% Unit Capacity within Transit Station Areas:	0%	0%
% Land Area Located in Transit Station Areas:	0%	0%

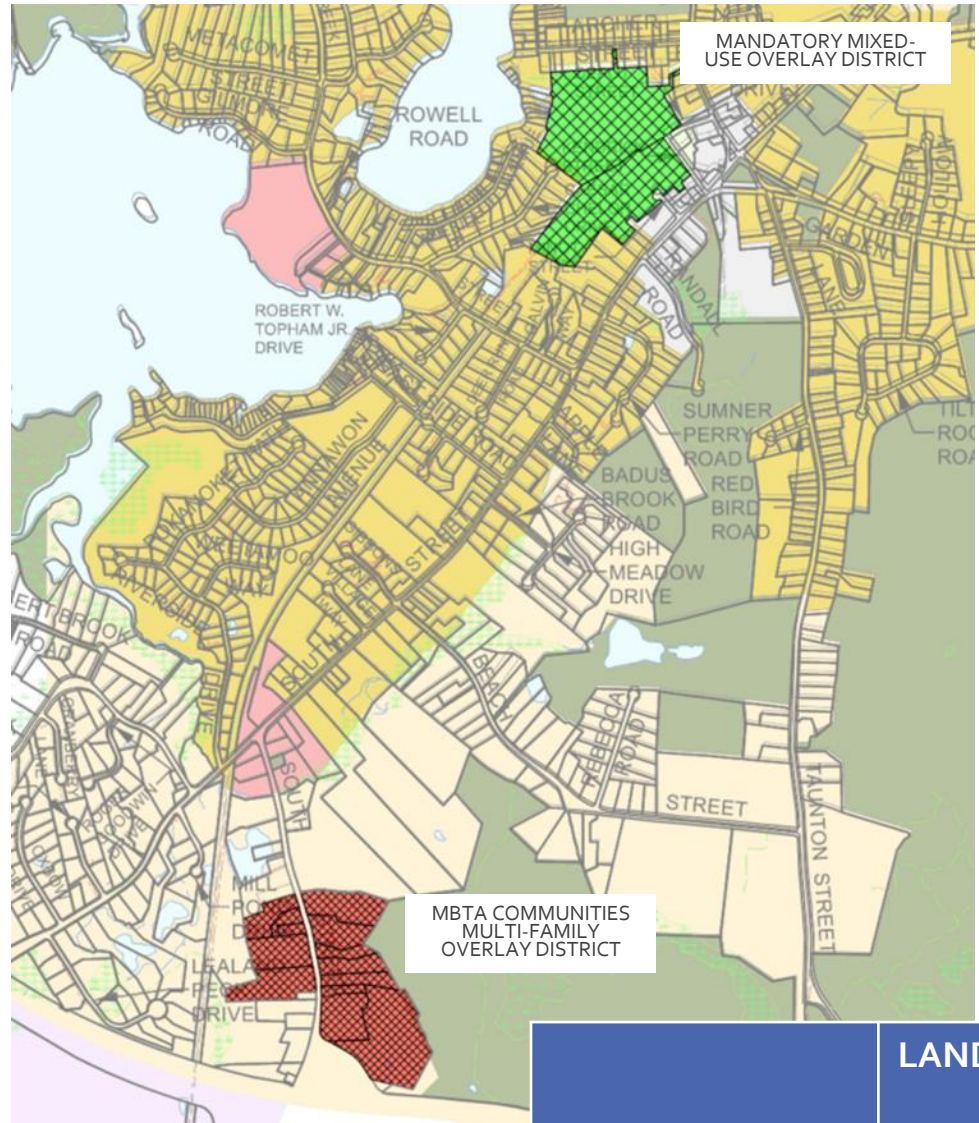
Mandatory Mixed-Use Option 1

13 total parcels

50.1 total acres

726 total unit capacity

15 unit/acre density



- Separate overlay than the MBTA Zoning
- Existing village zone
- Density of 8 units/acre
- Required ground floor commercial use
- Requirement can not be more than 33% of the total building area\

	LAND AREA	UNIT CAPACITY	NET UNITS PER ACRE
REQUIREMENT	50 acres	562	15
PROPOSED	50.1 acres	726	17.2

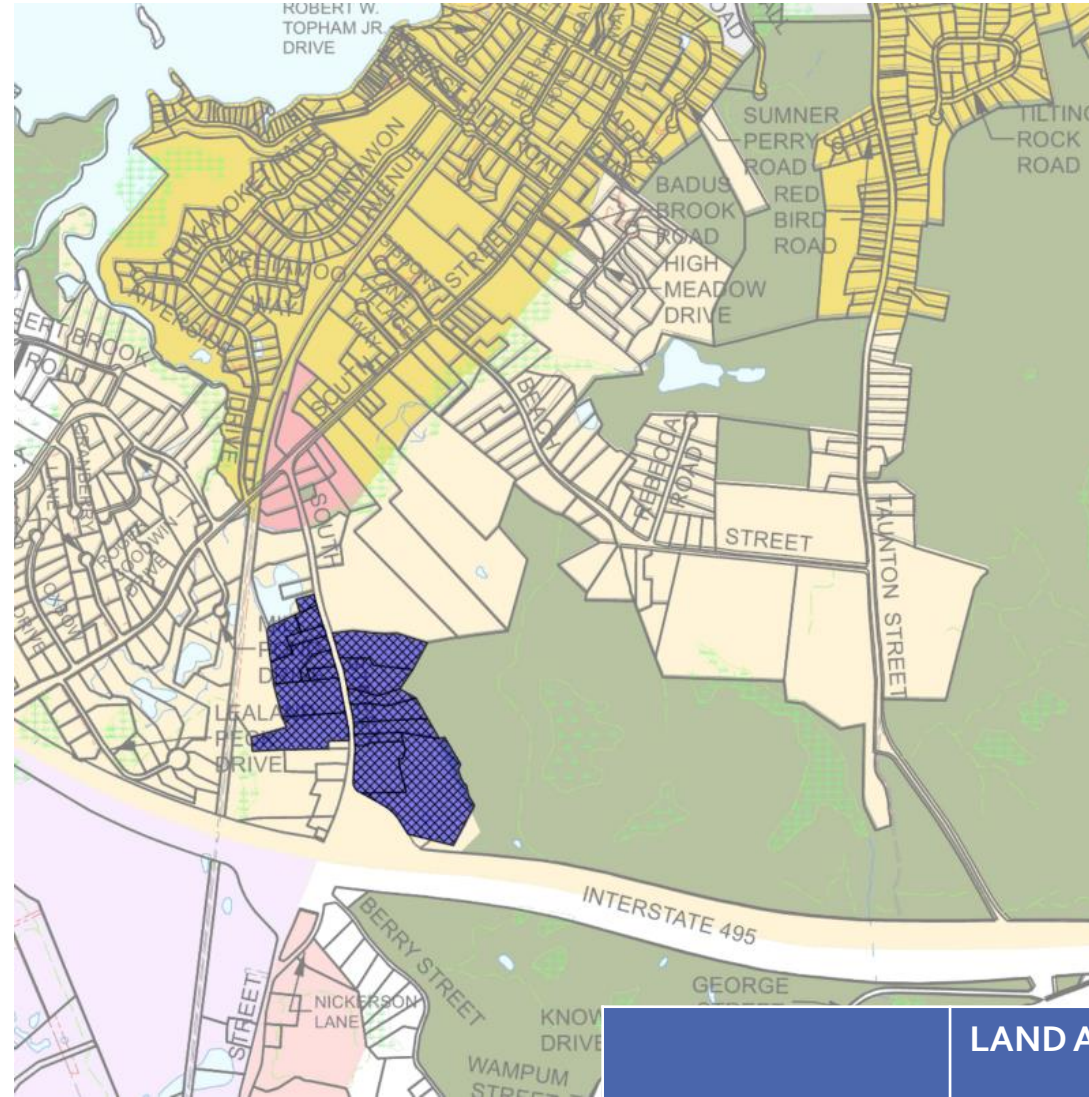
Traditional Approach

18 total parcels

54.7 total acres

755 total unit capacity

15 unit/acre density



	LAND AREA	UNIT CAPACITY	NET UNITS PER ACRE
REQUIREMENT	50 acres	750	15
PROPOSED	54.7 acres	755	16.1

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



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](#)

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](#)
- [AG to Ramp Up Housing Law Enforcement | Boston Globe](#)

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

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

Resources

- [MBTA Communities Zoning, Mass.gov](#)
- [MBTA Guidelines, Mass.gov](#)
- [MBTA Compliance Model, Mass.gov](#)
- [Commonwealth's Sustainable Development Principles, Mass.gov](#)
- [MBTA Communities Act – District Suitability Analysis Tool, MAPC](#)
- [Exploring Housing at Different Densities, MAPC](#)
- [Housing Toolbox – MBTA Zoning Technical Assistance, MHP](#)
- [Mass. Housing Partnership Webinar Series, MHP](#)

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
 - Next meeting is February 21, 2024
 - Sign up for notifications here: https://bit.ly/PlanningBoard_Newsletter
 - 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 to:
 - State Attorney General for review/approval, and
 - DHCD for Determination of Compliance