

# MBTA Communities Act Overview and Impact on Southborough

Consolidated by: Southborough Planning Board

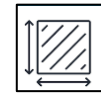
MAY 2024



# What is the MBTA Communities Act?

## State zoning law to boost multi-family housing development near transit stops

- In 2020, the Zoning Act was amended by Massachusetts Legislature to promote the production of multifamily housing within walking distance of public transportation to address the severe regional housing shortage
- The New Law: “M.G.L. c. 40A § 3A (a)(1) An MBTA Community shall have a zoning ordinance or by-law that provides for at least one district of a reasonable size in which multi-family housing is permitted as of right...”
- Commuter rail community — served by the MBTA commuter rail; **must rezone to permit a minimum number of multifamily housing units equal to 15 percent of the current housing stock.**



50 total acres: 10 acres within ½ mile of MBTA station



Walking distance to public transportation, bikeways, bus stops



Suitable for families with children (no bedroom or age restrictions)



Zoning must allow a minimum gross density of 15 units per acre

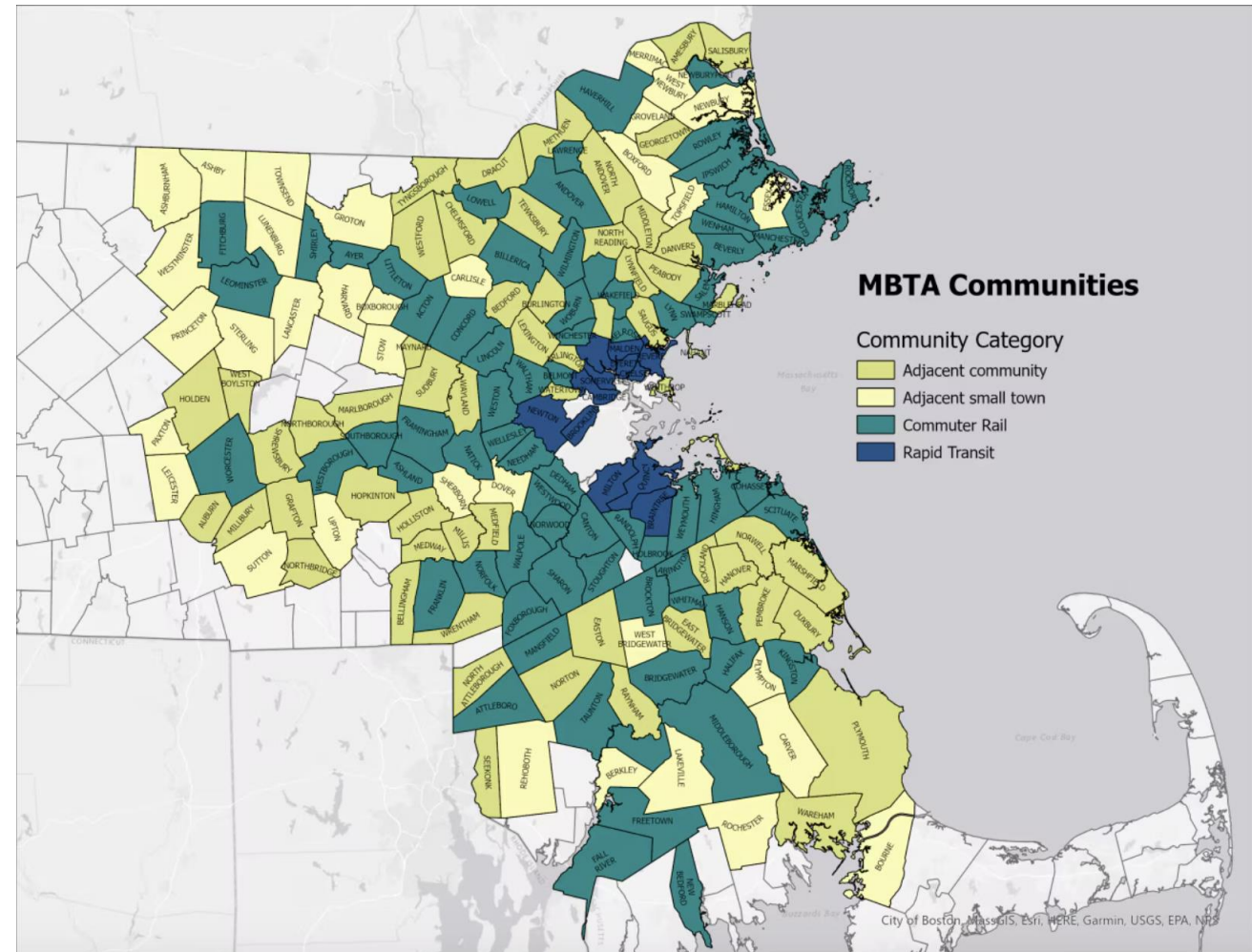


Zoning permit process cannot be discretionary

# What are the MBTA Communities?

177 communities in total; with four (4) types of communities designated

- **Rapid Transit Communities** – Fourteen (14) Greater Boston cities and towns, that initially hosted MBTA service, must submit their district compliance applications by December 31, 2023.
- **Community Rail Communities** – Fifty-one (51) communities that also host MBTA service but joined later) must submit their district compliance application by December 31, 2024.
- **Adjacent Communities** – Must submit their district compliance application by December 31, 2024
- **Adjacent Small Towns** – Must submit their district compliance application by December 31, 2025.



# What the Act Means to Southborough

As a commuter rail community, Southborough has a moderate level of obligation

1.69"

10 Acres within 1/2 mile of the MBTA station  
25 Acres must be contiguous  
15 Acres in minimum of 3, 5 Acre areas

750  
Units

- Rezone to permit 750\* multifamily housing units
- 20% required near transit stations

“The new policy is not a construction mandate, but a mandate for zoning allowances that **can offer expanded opportunities to build homes.** No municipality would be forced to build units on any specific timeline — or even build them at all.”

– Boston Globe

Source: [https://www.bostonglobe.com/2022/07/13/metro/is-states-multi-family-zoning-requirement-mbta-communities-good-policy/?p1=BGSearch\\_Advanced\\_Results](https://www.bostonglobe.com/2022/07/13/metro/is-states-multi-family-zoning-requirement-mbta-communities-good-policy/?p1=BGSearch_Advanced_Results)

\* This figure represents not how much new multifamily housing is likely to be built, but how many total units must be possible in the rezoned areas.

# Zoning Overlay with Local Controls

**Allows “as of right” development that must be compliant with Planning Board site Plan Oversight**

- Site Plan Review application
- Public hearing with abutter notification for projects >2000 Square feet (SF)
- Heights, setbacks, parking, lighting, and Lower Impact Development must meet local Southborough requirements
- 10% units required to be inclusionary dwellings for Southborough Housing Inventory (SHI)
- 90% units are market rate

“As of Right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval

# What Happens if Southborough Votes Down?

**Compliance with the law is mandatory; Voting “No” could come with a cost**

An MBTA community that fails to comply with this section shall not be eligible for funds from:

- The Housing Choice Initiative
- The Local Capital Projects Fund established in section 2E E E E of chapter 29; or
- The MassWorks infrastructure program established in section 63 of chapter 23A



## Potential Costs

- Lose access to certain state grants
- Potential threat of legal action from AG
- Eminent Domain

# Current Status on MBTA Bylaw Compliance

61 municipalities have approved bylaw and 12 towns have failed to pass

## Municipalities where zoning for MBTA communities has passed (61)

Abington	Haverhill	Rockland
Acton	Hingham	Rockport
Andover	Hull	Salem
Arlington	Lexington	Scituate
Auburn	Lincoln	Sharon
Bedford	Littleton	Somerville
Braintree	Lowell	Stoneham
Bridgewater	Malden	Sudbury
Brookline	Medfield	Taunton
Cambridge	Medford	Topsfield
Canton	Newbury	Tyngsborough
Chelsea	Newton	Walpole
Chelmsford	North Andover	Wareham
Concord	Northborough	Wayland
Danvers	Northbridge	Wellesley
Dedham	Norwood	Westborough
Essex	Pembroke	Westford
Everett	Plymouth	Westwood
Grafton	Quincy	Weymouth
Harvard	Revere	Whitman
		Winchester

## Municipalities where zoning for MBTA Communities has not passed (12)

1. Hanson
2. Hopkinton
3. Foxborough
4. Marblehead
5. Marshfield
6. Middleton
7. Milton
8. Norwell
9. Rowley
10. Seekonk
11. Tewksbury
12. Wakefield

# What Happens if Southborough Votes Down?

## Ask the Town of Milton – 1st Non-Compliant Rapid Transit Community

### To date, every other town has complied

- Rapid transit communities date for Town approval was March 31, 2023: 11 of 12 communities have accepted bylaw
- 177 towns are impacted by bylaw, excluding Boston

### Milton ramifications

- \$140,800 Seaport Economic Council grant revoked
- Not eligible for Community One Stop grants
- Not eligible for the 13 discretionary grant programs offered by the Executive Office of Housing and Livable Communities (EOHLC)



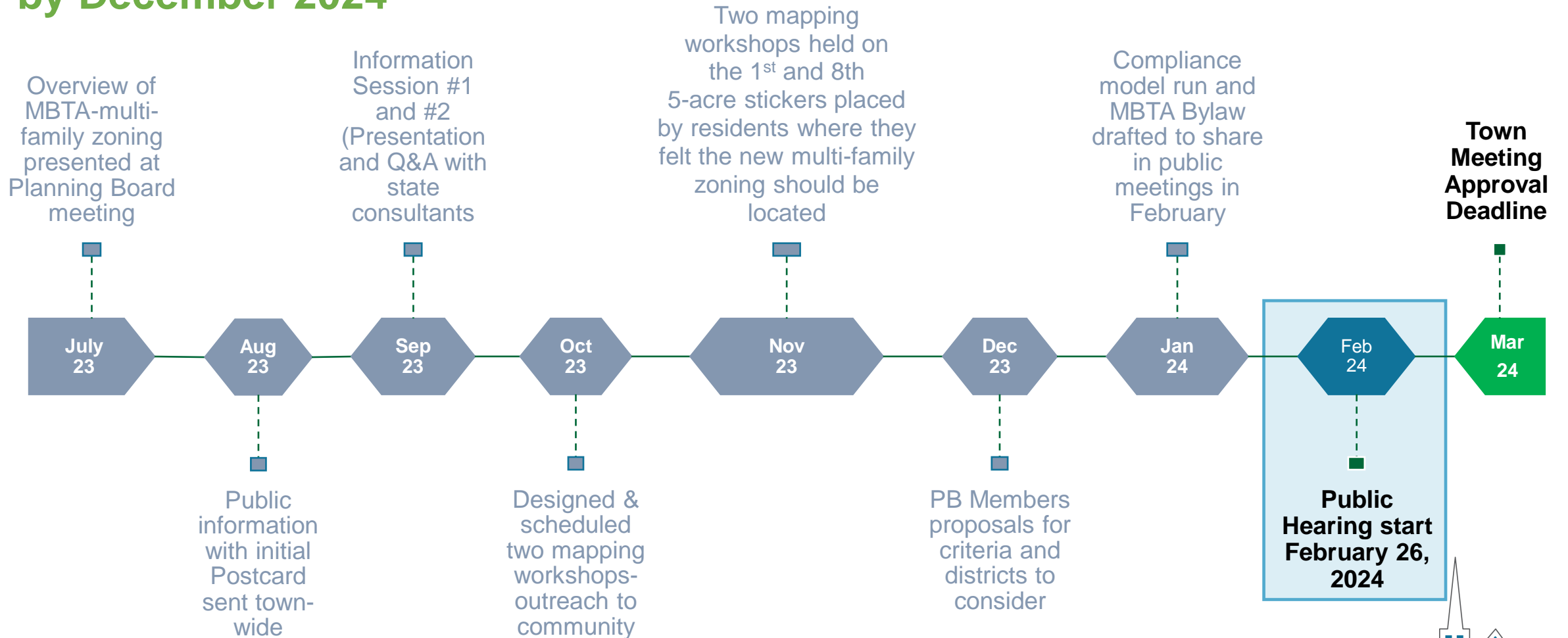
The screenshot shows a press release on the Mass.gov website. The header includes the Mass.gov logo and a search bar. The breadcrumb trail reads: Home > Governor Maura Healey and Lt. Governor Kim Driscoll. The release is attributed to Governor Maura Healey and Lt. Governor Kim Driscoll, Executive Office of Housing and Livable Communities. The main headline is "Healey-Driscoll Administration Revokes Milton Grant Due to MBTA Communities Noncompliance". Below the headline, it states "FOR IMMEDIATE RELEASE: 2/21/2024" and lists the Governor and Lt. Governor as the authors. A media contact section identifies Karissa Hand as the Press Secretary, with a phone number of 617-725-4025.





# Planning Board Process to March Town Meeting

Intensive Education and Outreach Since August 2023 to enable compliance by December 2024



# Planning Board Approach for Overlay Bylaw

## Planning Board leveraged state consultants and additional tools to identify areas for re-zoning

**Objective:** Meet zoning act requirements while limiting impact to existing residential neighborhoods

**Approach:** Used state consultants and guidelines, resident mappings, and a rubric.

### State Guidelines

#### Eligible Properties in Acreage

- Privately owned properties
- Developable public land

#### Non-Eligible Properties in Acreage

- Conservation Land
- Non-profit owned properties
- Water
- Chapter 91 protected properties

Visit Planning Board on Town website

[Home](#) > [Boards & Committees](#) > [N-Z](#) > [Planning Board](#) > [MBTA Current Information](#)

State information sessions held at safety building: 9/21 and 9/27 2023

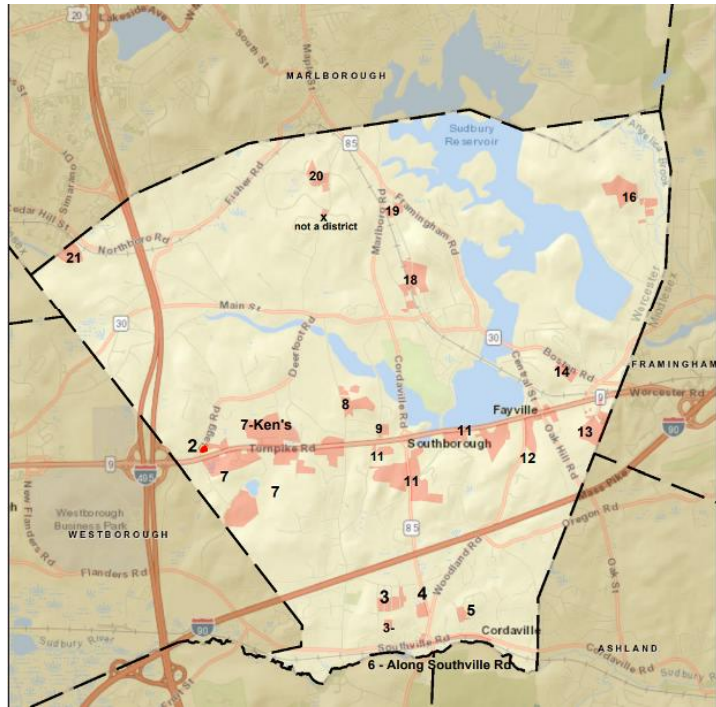
Mapping Sessions held at senior center: 11/1 and

Planning Board Rubric sessions held in public hearings

# Planning Board Approach for Overlay Bylaw

## Planning Board rubric results

Prioritized Top 6 Areas	Weight out of 5	REQUIREMENTS
6	4.05	The MBTA communities must include:
21	3.40	10 acres within 0.5 miles of the MBTA station
14	3.30	25 contiguous acres
7	3.25	3, 5 acre lots
9	2.95	
11	2.95	



REQUIREMENTS	
The MBTA communities must include:	
10 acres within 0.5 miles of the MBTA station	
25 contiguous acres	
3, 5 acre lots	
RANKING (1-5)	DEFINITION
1	Does not meet criteria (NO)
2	
3	Neutral
4	
5	Does meet criteria (YES)

CRITERIA	Definition	WEIGHTING
Recommended for MBTA		
Non motor access to MBTA station	Safe Walking Access to MBTA (5= Yes, 1=No) Safe Biking Access to MBTA	15%
Transportation Network Road Classification	Rank 5(Major Arterial- Route 9) Rank 3(Minor Arterial - Rte 85) Rank 2 (Collector-Parkerville Road) Rank 1(Local-Flagg Road)	15%
Established Infrastructure	Water, septic/sewer and Utilities Established septic for single family= 3; Established septic/sewerage > single family=4/5	15%
Zoned Business or Industrial	Overly zoning could include multi-housing or mixed use	15%
No traffic impact to local scenic roads/streets and neighborhoods	Location will not impact car traffic on scenic roads and neighborhoods	10%
Location will not require additional parking infrastructure at MBTA station	Incentive to ride MBTA is directly correlated to ease of station to get to and parking (parking cannot increase at MBTA station currently)	10%
No impact on trees	Location and conversion to multi-family or mixed use will not impact removal of trees	10%
The parcel does not include any Open Space High Priority	Open Space prioritized through Mass Audubon; A property preserved is a 1, not preserved is a 5	10%







Supplemental criteria to apply to the area within the 1/2 mile of MBTA (Areas to 3,4,5,&6)  
# of occurrences per workshop attended ( as requested by Town Resident on 12-11-23 meeting)

NOTE: Historic properties will be eliminated from overlay. Historic is defined as 1925 properties or prior were removed from identified parcels due to the demolition bylaw indicating additional requirements for developers

Criteria	Weighting	1	2	3	4	5	6	7	8	9	11	12	13	14	16	18	19	20	21
Non motor Access to MBTA station	15%	1	1	5	<5 acres	<5 acres	5	1	1	1	1	1	1	1	1	1	<5 acres	1	1
Transportation Network Road Classification	15%	1	1	1			3	5	3	3	3	5	3	3	1	1		1	1
Established Infrastructure	15%	4	5	3			4	4	3	4	4	4	3	3	3	4		3	5
Zoned Business or Industrial	15%	5	3	1			3	3	1	3	3	3	3	5	1	3		1	5
No traffic impact to local scenic roads/streets and neighborhoods	10%	5	3	1			4	4	1	3	3	4	5	5	1	1		1	5
Location will not require additional parking infrastructure at MBTA station	10%	1	1	5			5	1	1	1	1	1	1	1	1	1		1	1
No impact on trees	10%	1	4	2			4	3	1	4	4	3	2	4	2	4		3	5
The parcel does not include any Open Space High Priority Preservation	10%	2	5	5			5	5	1	5	5	1	1	5	1	5		5	5
Calculations	100%	2.55	2.8	2.8			4.05	3.25	1.6	2.95	2.95	2.85	2.4	3.3	1.4	2.45		1.9	3.4

# ORIGINAL Proposed MBTA Overlay Bylaw For Town Vote in March 2024

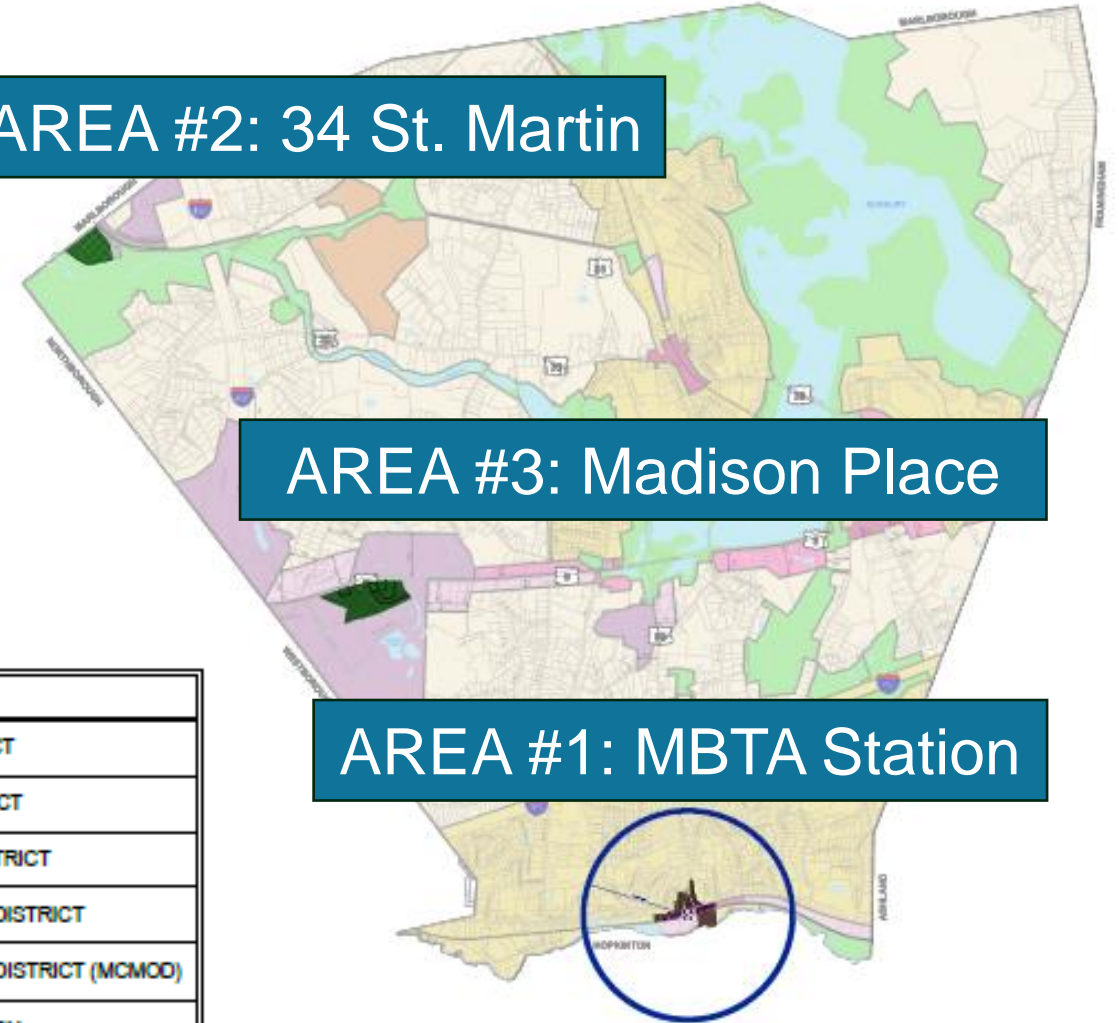
- Recommended proposal meets State Compliance Model
  - 933 total units of the required 750
  - 55.0 acres of the required 50
  - 11.3 acres within the station area of the required 10

<b>LEGEND - DISTRICTS</b>	
	AREA 6A INDUSTRIAL DISTRICT
	AREA 6B RESIDENCE B DISTRICT
	AREA 6C BUSINESS VILLAGE DISTRICT
	AREA 7/ AREA 21 INDUSTRIAL PARK DISTRICT
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD)
	MBTA COMMUTER RAIL STATION

AREA #2: 34 St. Martin

AREA #3: Madison Place

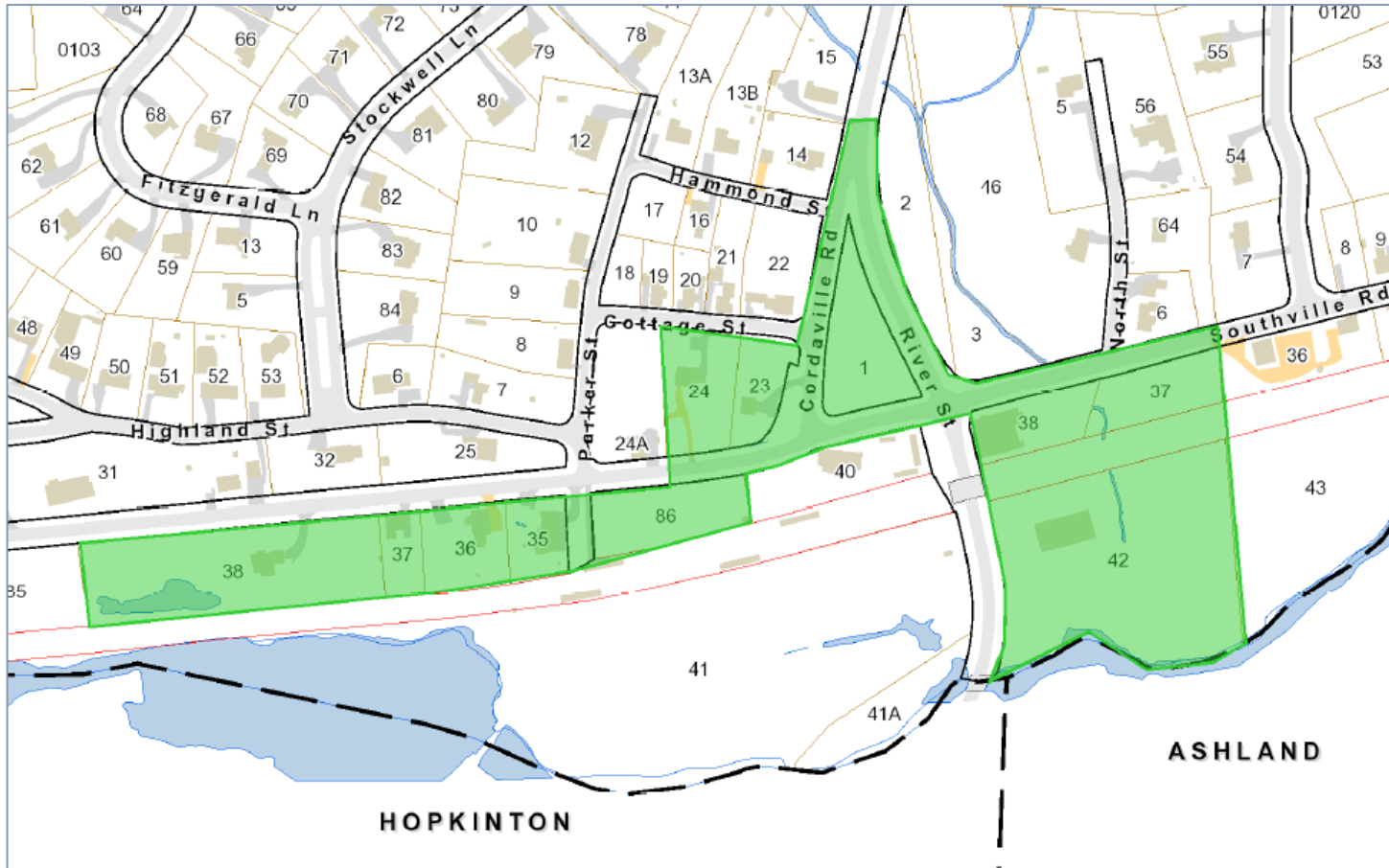
AREA #1: MBTA Station



# Area #1: MBTA Station

## Southville Road

10 Acres within ½ mile of the MBTA Station

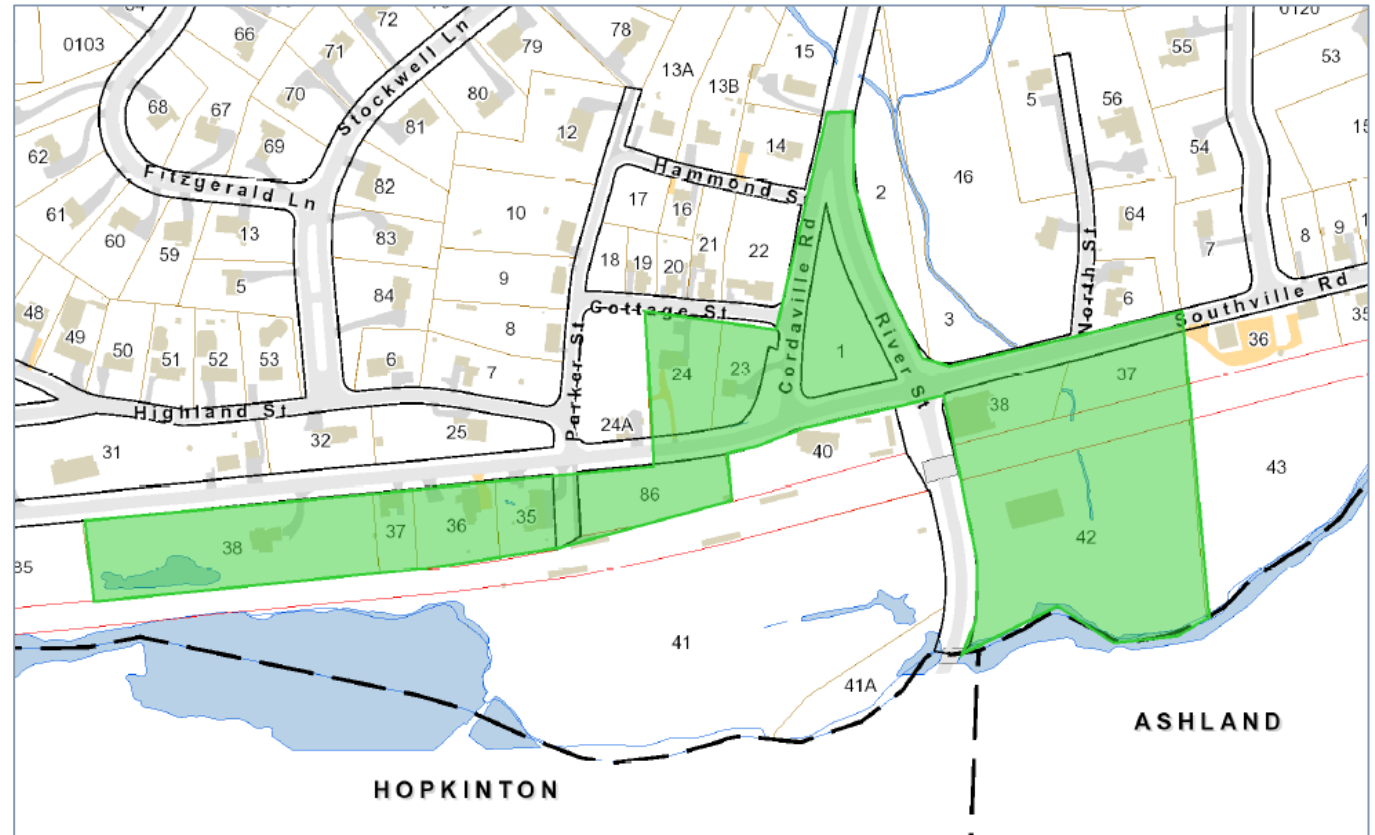


MAP/LOT	STREET	ACREAGE
4-1	Cordaville	0.74
4-3	Southville	0.55
4-2	River St	0.83
4-37	Southville	0.55
4-38	106 Southville	0.54
4-42	10 River St	3.49
3-35	114 Southville	0.32
3-86	9 Southville	0.91
3-36	116 Southville	0.46
3-37	118 Southville	0.25
3-38	122 Southville	1.79
3-24	91 Southville	0.63
3-23	279 Cordaville	0.50
	<b>Total</b>	<b>11.56</b>

# Area #1: MBTA Station

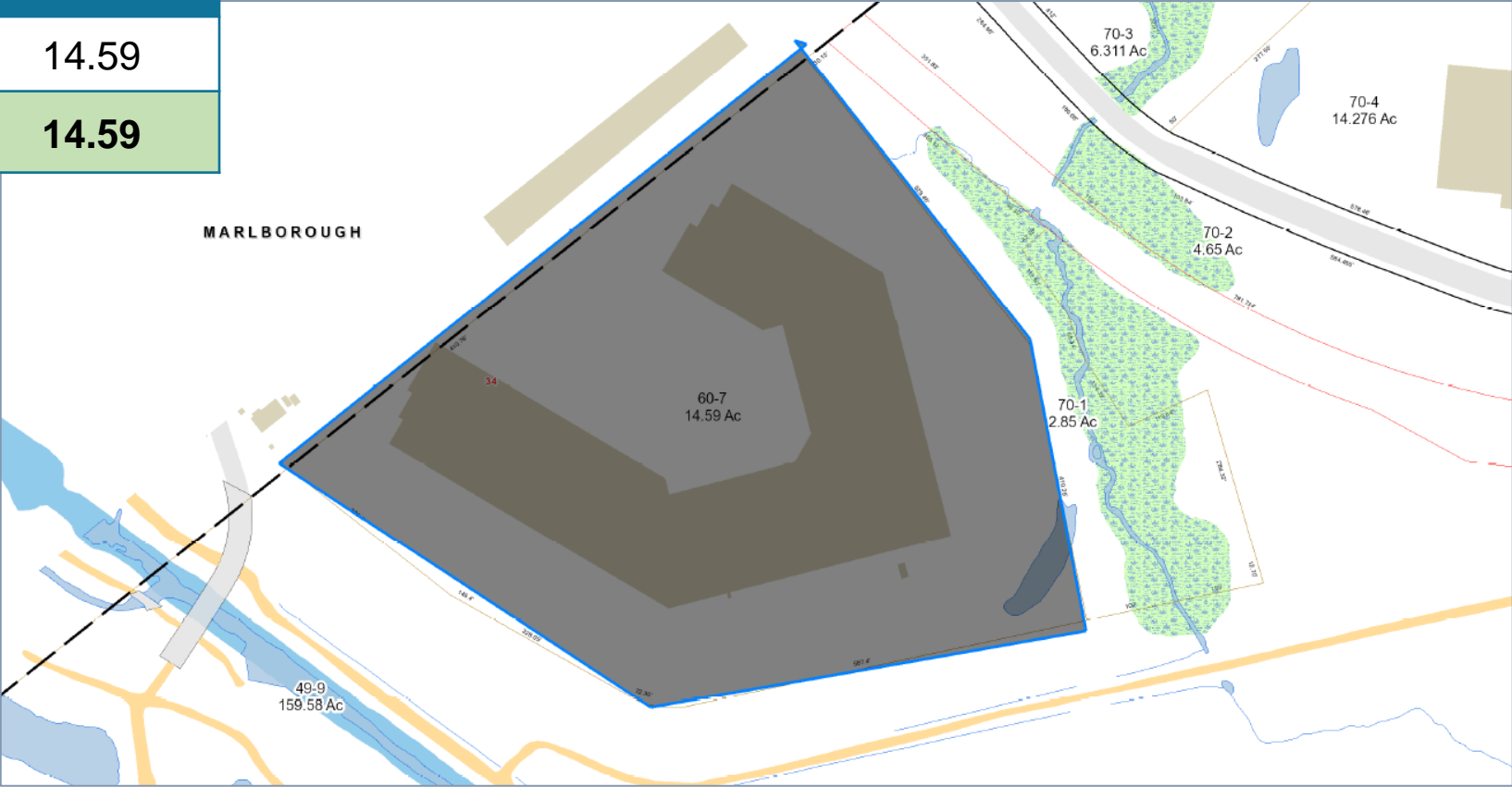
## Clarity on Area #1 – Triangle Park

- 2008 Town Meeting, Article 29 The town voted to appropriate CPA funds for the "Cordaville Triangle Park"
- Managed by Recreation Greenspace, passive recreation has walking paths and benches
- "Cordaville Triangle Park" is included to meet 10-acre eligibility by state standards, but is NOT eligible to be built on Article 97 protections



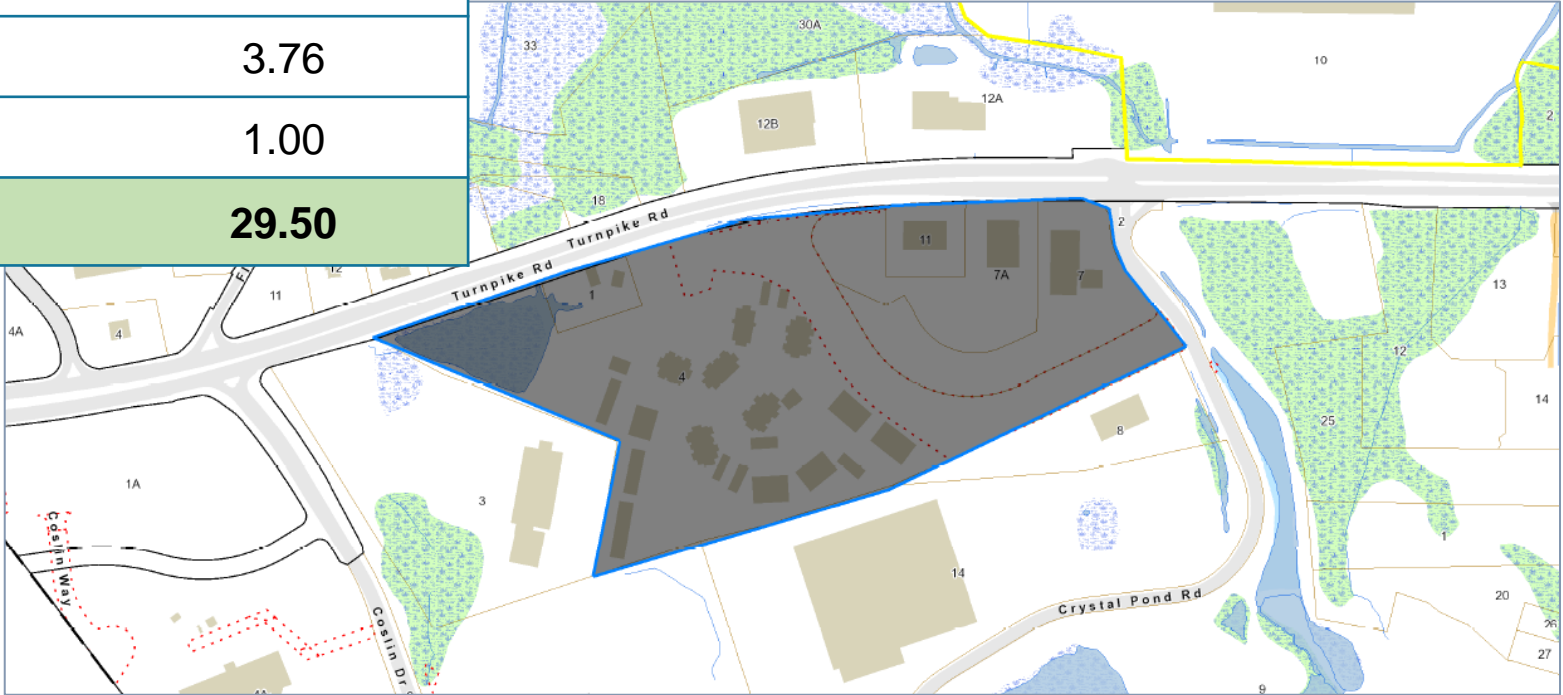
# Area #2: 34 St. Martin Street

MAP/LOT	STREET	ACREAGE
60-7	34 St. Martin	14.59
	<b>Total</b>	<b>14.59</b>



# Area #3: Turnpike Road at Madison Place

MAP/LOT	STREET	ACREAGE
25-1	334 Turnpike	0.86
25-4	1200 Madison Place	19.07
26-7	300 Turnpike	4.81
26-7A	302 Turnpike	3.76
26-11	304 Turnpike	1.00
<b>Total</b>		<b>29.50</b>





# What Happened with the Original Bylaw?

## The compliance model was wrong in Area #1; PB withdraws bylaw

- In late February/early March, the Planning Board received confirmation from consultants that Area #1 does not meet state requirements
  - 10 acres and 150 potential units
- The Planning Board Withdrew the Bylaw from Town Meeting Warrant
- The Planning Board contacted the EOHLC and formally requested:
  - Leniency on the proposed area given the historic designation by the state of MA, water/conservation restrictions, and non-conforming lots within ½ acre of the station
  - Shifting the measurement of ½ acre to the east
  - Request to delay requirement for compliance to 12/31/2025 from 12/31/2024

# What is Next?

## Parallel path progressing a bylaw for 12/31/24 and seek state leniency

- Continue to develop a revised submission for Area #1-
  - Public discussions and a new mapping session planned for June 3<sup>rd</sup> at the Senior Center
- Continue to lobby the state to seek leniency on the Southborough Area #1 requirements for compliance

# Still Need Help

## Contact your Planner's Officer and Planning Board

- Karina Quinn, Town Planner:

[Tquinn@southboroughma.com](mailto:Tquinn@southboroughma.com)

- Colleen Stansfield, Business administrator

[cstansfield@southboroughma.com](mailto:cstansfield@southboroughma.com)

- Marnie Hoolahan, Planning Board Member

[Mhoolahan@southboroughma.com](mailto:Mhoolahan@southboroughma.com)