

Economic Development Update to the Marshfield Master Plan

2/15/23 Workshop for the
Industrial/PMUD and B-2 Highway (west of Furnace Street) and the Downtown



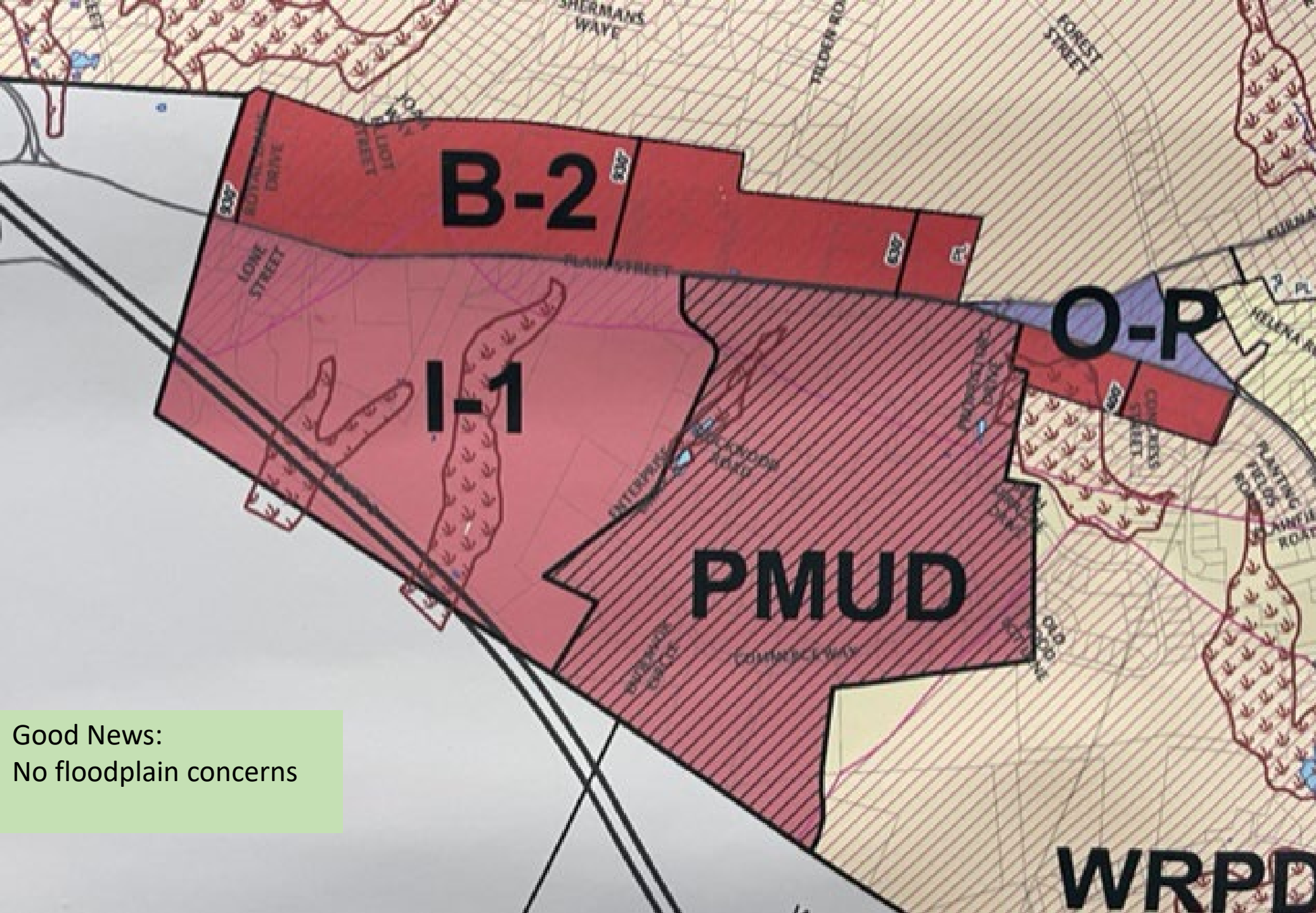
The purpose of tonight's meeting is to talk about Land Use and Zoning as part of updating the economic development section of the Master Plan for the Downtown and the Commercial/Industrial zoned area west of Furnace Street.

A big part of the discussion will also focus on the MBTA Communities change to the State Zoning Act Chapter 40A, Section 3A.

The presentation tonight has 29 slides.

It is ok to say you are in favor or against, but try and explain your concerns and possible ways of addressing your concerns.

Please be respectful of other people's opinion.



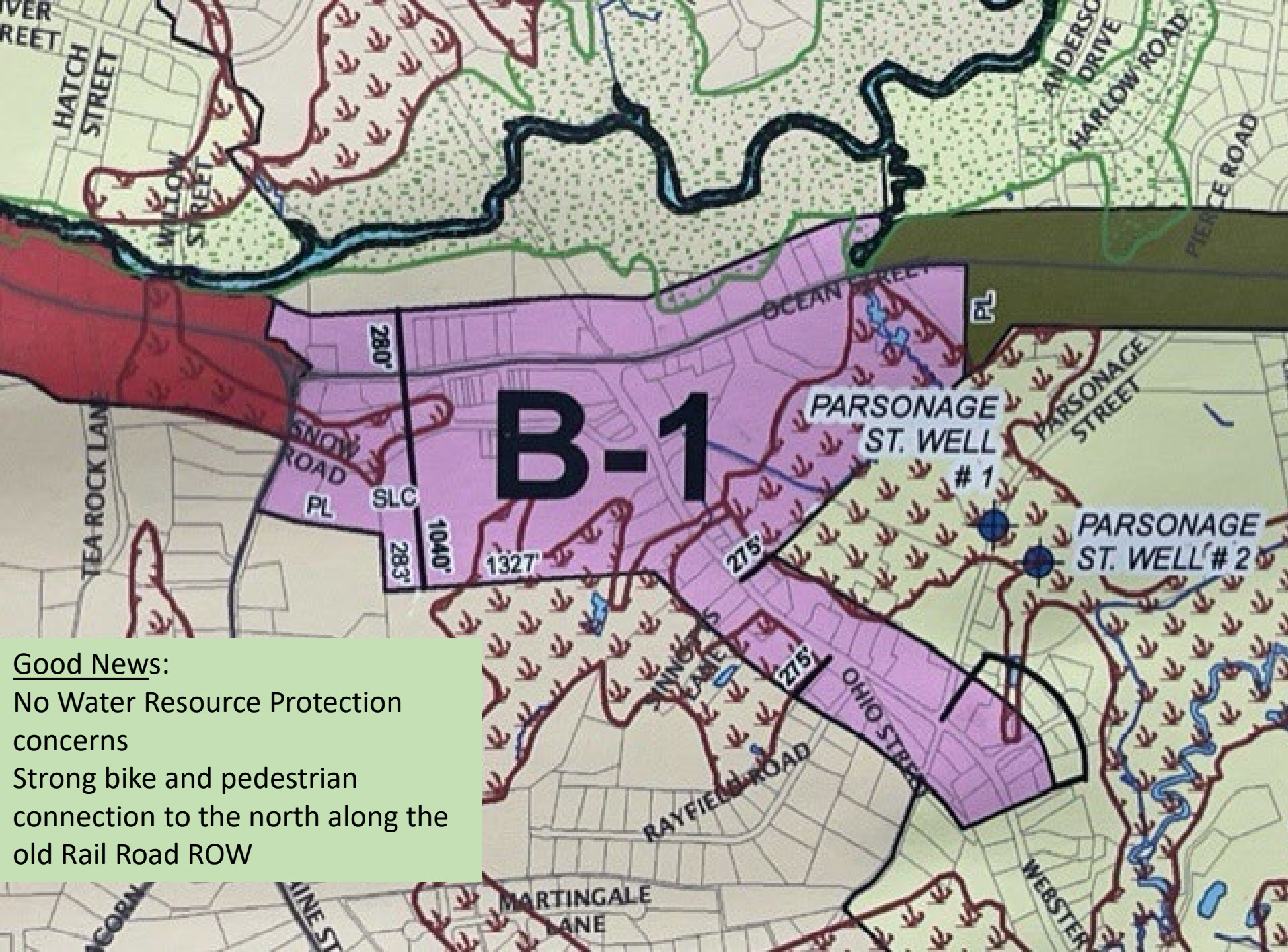
Concerns:
Water Resource
Protection District
covers most of the
frontage on Rte. 139

Wetlands are more
extensive than
shown on the Zoning
Map

Topography is tough
on the southern side
of the PMUD along
Commerce Way

Traffic/curb cuts
(left hand turns)
along Rte. 139
Increase travel time

Good News:
No floodplain concerns



Concerns:

Wetlands are more extensive than shown on the Zoning Map

Floodplain area has been improved (back to AE-9 versus AE-11) with the revised 2021 LOMR but still significant portion of the eastern part of the B-1 is in the Flood Plain

A number of small lots

Traffic and Pedestrian safety (Snow Road/Webster St.)

Good News:

No Water Resource Protection concerns

Strong bike and pedestrian connection to the north along the old Rail Road ROW

Consider adding some commercial uses to the Industrial District?

Are there other industrial uses that are not in the Zoning Table of Use for the Industrial district? *(ie. self-service storage facilities which is being addressed at this Spring ATM)*

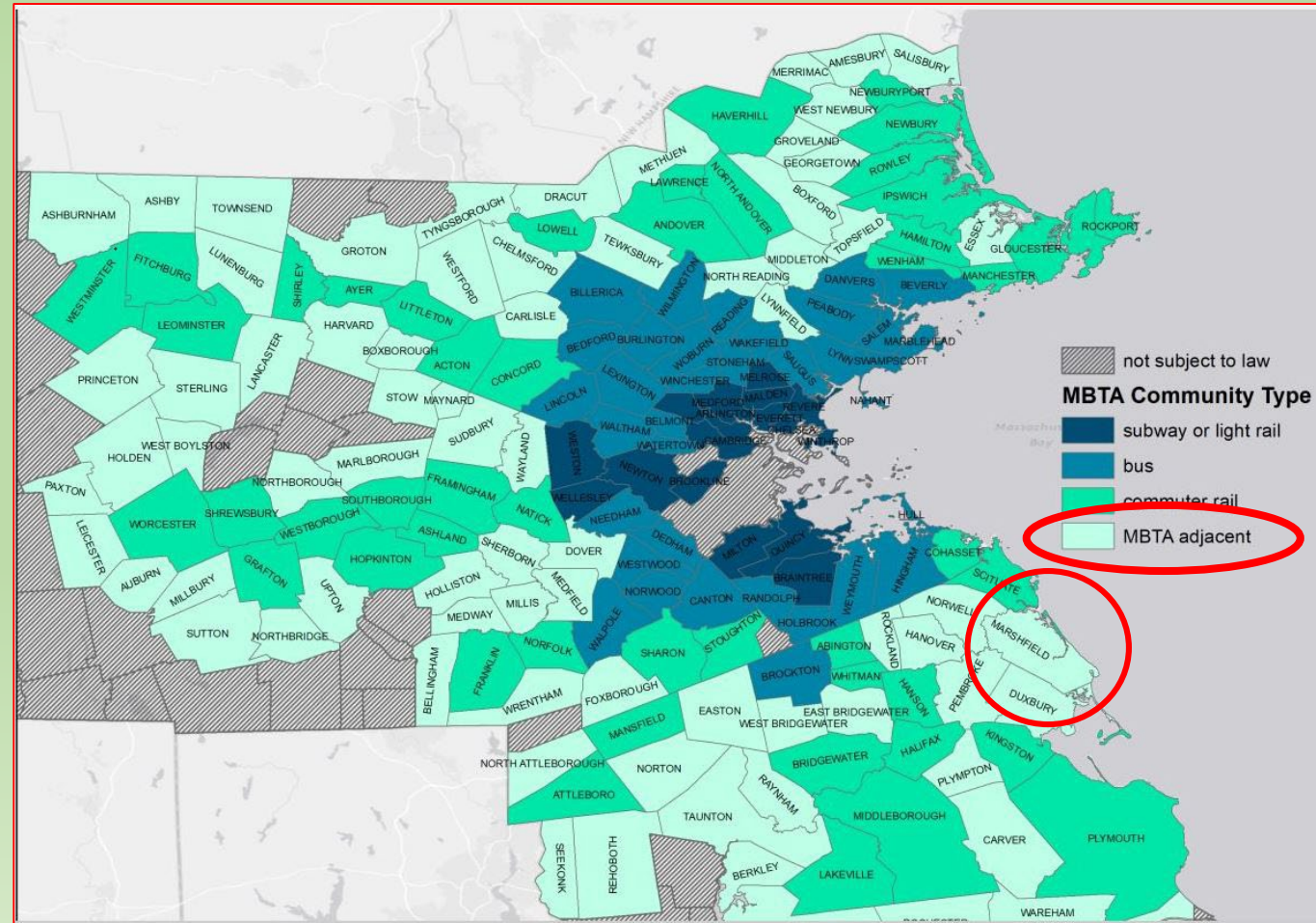
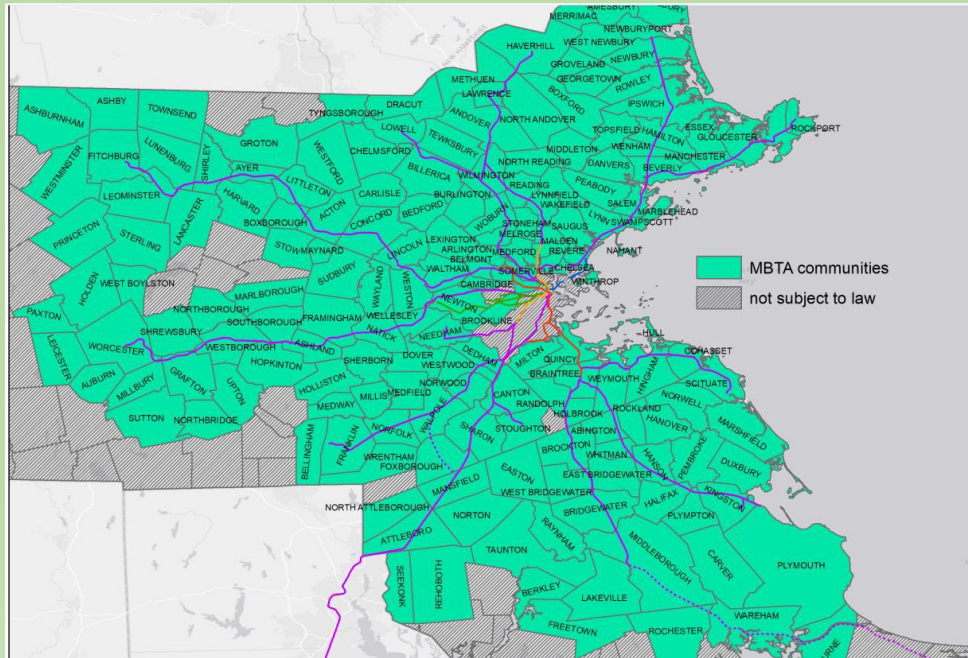
Consider making changes (such as density) to the Affordable Village area in the Planned Mixed Use Development (PMUD) district?

Are there other uses that are not in the Zoning Table of Use for the PMUD?

Consider changing the B-1 Zoning Boundary line that runs down Webster Street?

Are there other uses that are not in the Zoning Table of Use for the B-1 district?

Chapter 40A, Section 3A



- Section 18 of Chapter 358 of the Acts of 2020 added a new section (Section 3A) to Chapter 40A (State Zoning Act).

(a) An MBTA community shall have a zoning ordinance or by-law 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 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.

Section (a) Breakdown (Continued)

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right;

2. *Said district..* shall have a minimum gross density of 15 units per acre ;
3. *Said district shall..* be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
4. Housing can't have age restrictions
5. Housing has to be suitable for families with children

Sadly, there is no requirement for any of these units to be affordable or count towards Town's required 10% affordable housing under Chapter 40B. **This issue has been changed in the MBTA Guidelines to allow Communities to ask for at least 10% of the units to be affordable.**

Section (b) Discretionary Grant Funds

- a) **Housing Choice grant program** gives exclusive access to a grant program open only to Housing Choice Communities. These funds are usually for infrastructure improvements (sidewalks, paths, parks, sewer lines etc.) used to tie in new housing developments to the downtown. Some of these funds have also been used for Master and Housing Production Plans.
- b) The **Local Capital Fund** was Established in Chapter 194 of the Acts of 2012 (An Act Establishing Expanded Gaming in the Commonwealth), and collect 11 percent of any one-time gaming licensing funding paid to the Massachusetts Gaming Commission by Category 1 or Category 2 licensees. These funds are often used to assisted with creating new housing developments.
- c) The **MassWorks Infrastructure Program** is a competitive grant program that provides the largest and most flexible source of capital funds to municipalities and other eligible public entities primarily for public infrastructure projects that support and accelerate housing production, spur private development, and create jobs throughout the Commonwealth.

Section (c) Guidelines

Compliance Guidelines for the MBTA Communities. These guidelines (regulations?) add more information and more requirements on communities than the actual language passed by the House and the Senate.

In these guidelines DHCD expects the four types of communities to provide the following percent of multi-family units of the total housing stock:

Rapid Transit Communities	25%
Bus Service Communities	20%
Commuter Rail Communities	15%
Adjacent Communities	10%



DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as "Section 3A"). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law 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 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.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

2. Definitions

"Adjacent community" means an MBTA community with no transit station within its border or within 0.5 mile of its border.

Show entriesSearch:

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Mansfield	Commuter Rail	9,282	1,392	50	327	40%
Marblehead	Adjacent community	8,965	897	27	-	0%
Marlborough	Adjacent community	17,547	1,755	50	-	0%
Marshfield	Adjacent community	11,575	1,158	50	-	0%
Maynard	Adjacent community	4,741	474	21	-	0%

At 15 units per acre Marshfield would need to rezone at least 77 acres but more likely closer to 100 acres in order to provide for screen buffer and parking requirements.

Showing 81 to 85 of 175 entries

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* Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

** Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

*** Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.

**** This data table was updated on 10/21/2022 to correct a minor data error that affected the posted unit capacity and land area requirements for two municipalities (Lincoln, and Manchester-by-the-Sea).

In the fall of 2021 after multiple discussions between property owners, developers and abutters, Marshfield Town Meeting approved a number of zoning changes to expand Housing opportunities in the community. These included:

- Created an Affordable Village Overlay that allowed attached multi family housing in the PMUD (3 units per acre);
- Removed units constructed through a 40B application from counting towards the residential cap in the PMUD;
- Modified and clarified definitions for Mixed Use Development allowing for residential above Commercial in PMUD (6 units per acre);
- Allowed residential above commercial in the Downtown (10 units per acre);
- Modified the Brant Rock Village Overlay to allow for full three story mixed use buildings (13 units per acre);
- Removed the requirement 3 year waiting period on creating Accessory Apartments in new construction.

In 2022 Marshfield filed comments on the then proposed guidelines during the public comment period. Marshfield also filed the MBTA Community Information Form and held briefing at both Select Board and Planning Board meetings.

In 2023 the Planning Board has submitted a zoning article to change the Accessory Apartment from special permit to by-right .

Interim Compliance – Action Plan

An MBTA community that does not have zoning in place that complies with Section 3A must take active steps towards achieving compliance in order to remain eligible for certain annual funding rounds. The Guidelines allow communities to create and complete an online Action Plan form that outlines the municipality's process for adopting compliant zoning. When DHCD approves the Action Plan, then the community will achieve "interim compliance" and will retain eligibility for the funding sources that require compliance with Section 3A.

- To remain eligible for the calendar year 2023 round of [MassWorks](#) and [Housing Choice](#) grants, as well as the [Local Capital Projects Fund](#), an MBTA community must submit an Action Plan no later than January 31, 2023.
- No MBTA community may remain in interim compliance after its district compliance deadline has passed.
- A copy of the Action Plan form and access to the online Action Plan form are available below

[Submit an Action Plan →](#)

[Action Plan Form \(PDF\) →](#)

Marshfield did not submitted an Action Plan by the January 31, 2023 deadline because the Action Plan submittal wanted potential areas to be rezoned to be identified. Town staff and elected officials wanted to have a public discussion about identifying possible areas to study for rezoning prior to submitting an action plan.

Complying with Section 3A Guidelines

The Guidelines establish timelines for municipalities to adopt compliant zoning districts. MBTA communities that are noncompliant with Section 3A are ineligible for funding from certain funding sources provided by the Commonwealth. There are two forms of compliance, district (or “full compliance”) and interim compliance.

District Compliance

District Compliance is achieved when an MBTA community adopts a multi-family zoning district that meets all the requirements of the compliance guidelines and is certified by DHCD. The deadline to submit a compliance application to DHCD varies by community category as shown in the table below.

Community Category	Deadline
Rapid transit community	12/31/2023
Commuter rail community	12/31/2024
Adjacent community	12/31/2024
Adjacent small town	12/31/2025

District Compliance applications will be available in November 2022. MBTA communities will use an online application and submit the results of the compliance model, which is a Microsoft Excel workbook to estimate multi-family unit capacity and to demonstrate gross density of zoning districts. The Guidelines refer to this tool as the compliance model.

Compliance Model Process

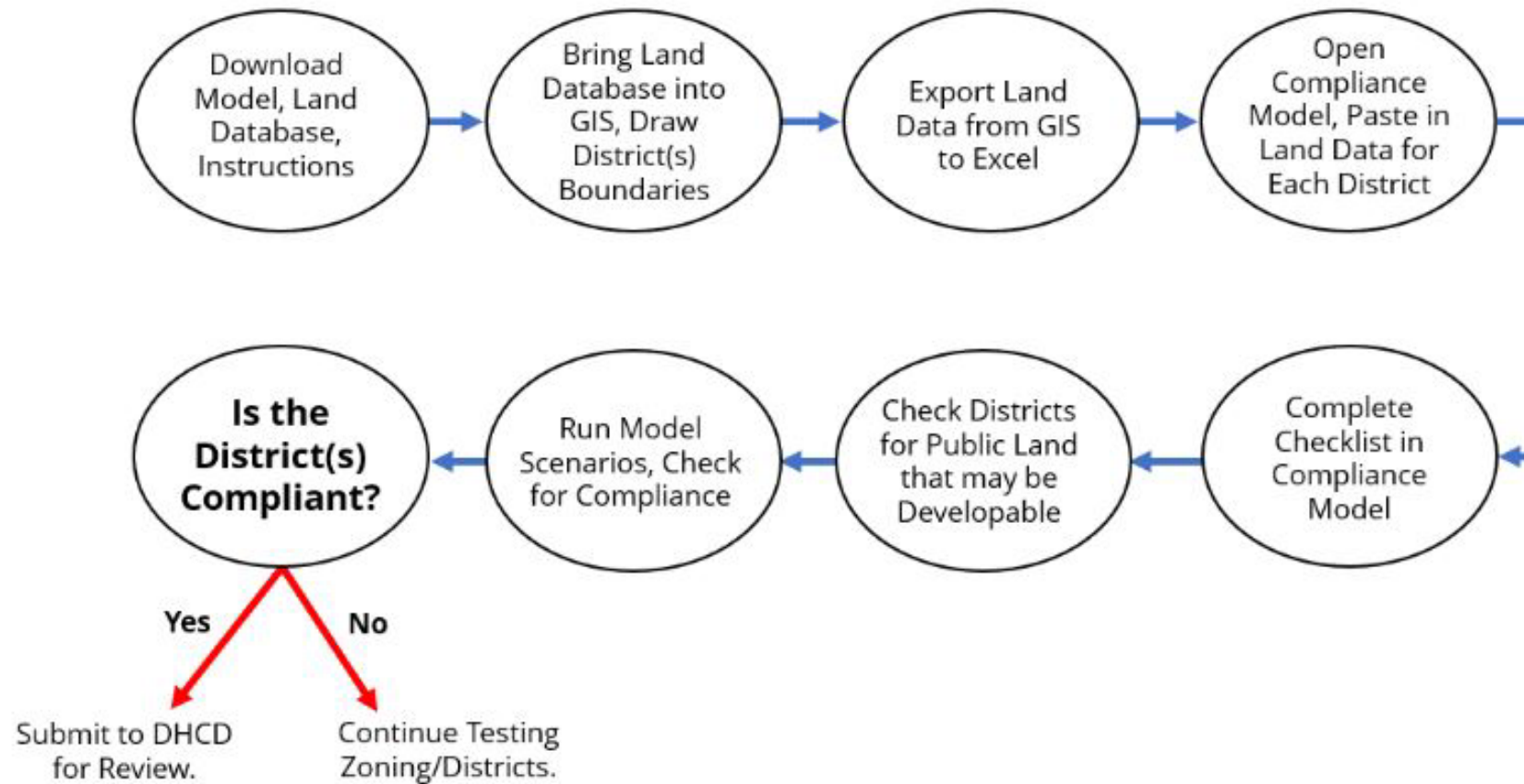


Figure 1 Compliance Model Process Outline

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants. Nothing about parks or playground and open space

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

1. All publicly-owned land, except for lots or portions of lots determined to be developable public land.
2. All rivers, streams, lakes, ponds and other surface waterbodies.
3. All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
4. Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
5. All public rights-of-way and private rights-of-way.
6. Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
7. Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Multi-family housing” means 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.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

The State guidelines are very prescriptive and provides little flexibility for communities. State requires a minimum of half the district land area must be contiguous. This would be roughly 50 acres for Marshfield.

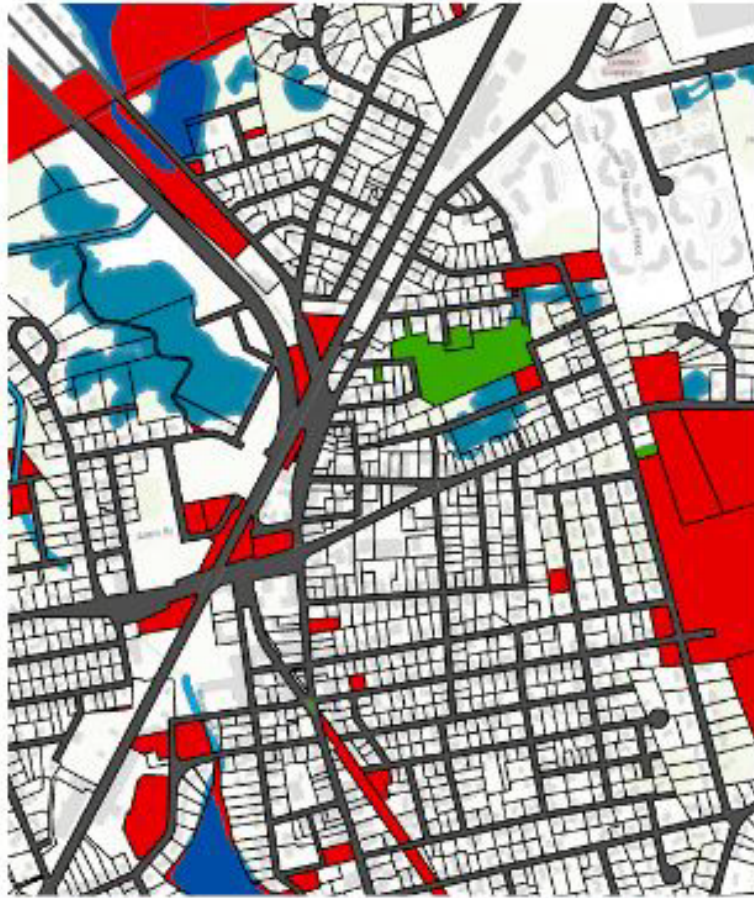


Figure 3 Map section showing excluded and sensitive land

Excluded land includes:

- 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

Sensitive land includes:

- 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



X

Do not create partial lots. Several lots on the right of the map are split by the district boundary. This district will not work properly in the model.



✓

Aim for including complete lots. This district will work properly in the model. No lot records are split by the district boundary.

Figure 4 Include only complete parcels in the district

The Town's existing Zoning map does have a number of partial lots.

The State does allow a community to include land already developed.

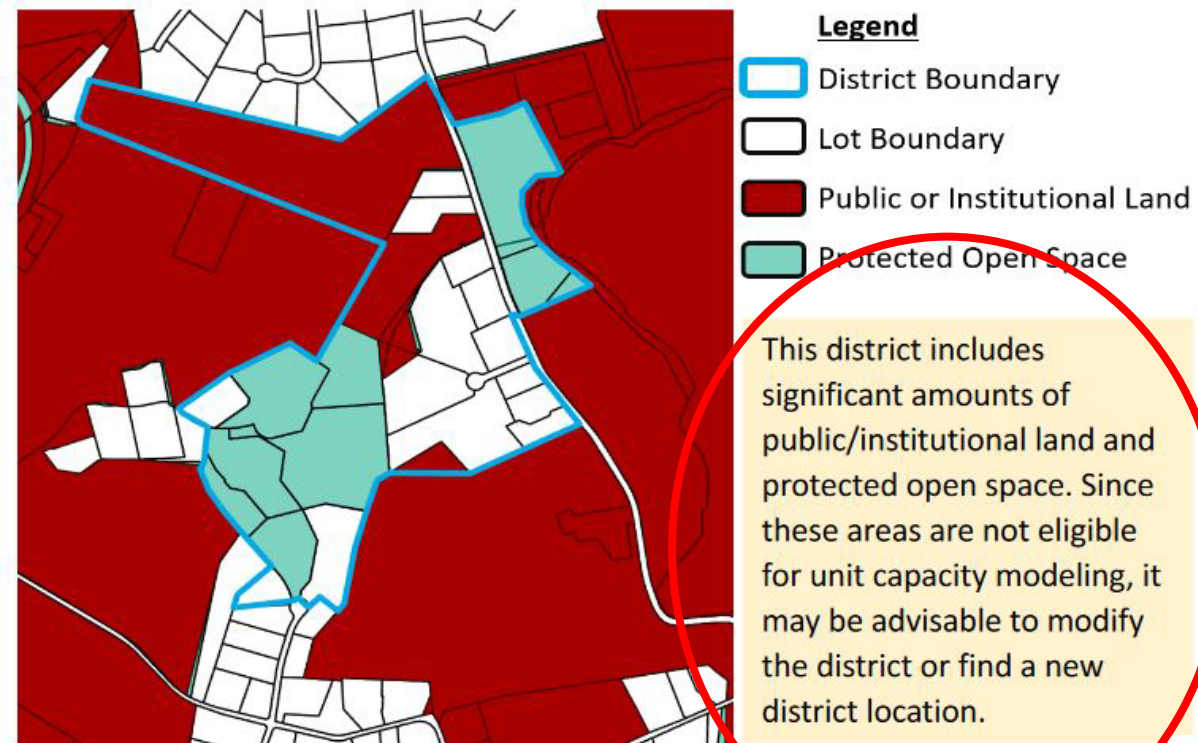


Figure 5 Example of an area with a lot of excluded land

Please note: The compliance user guide does say it may be advisable to modify the district or find a new district location.

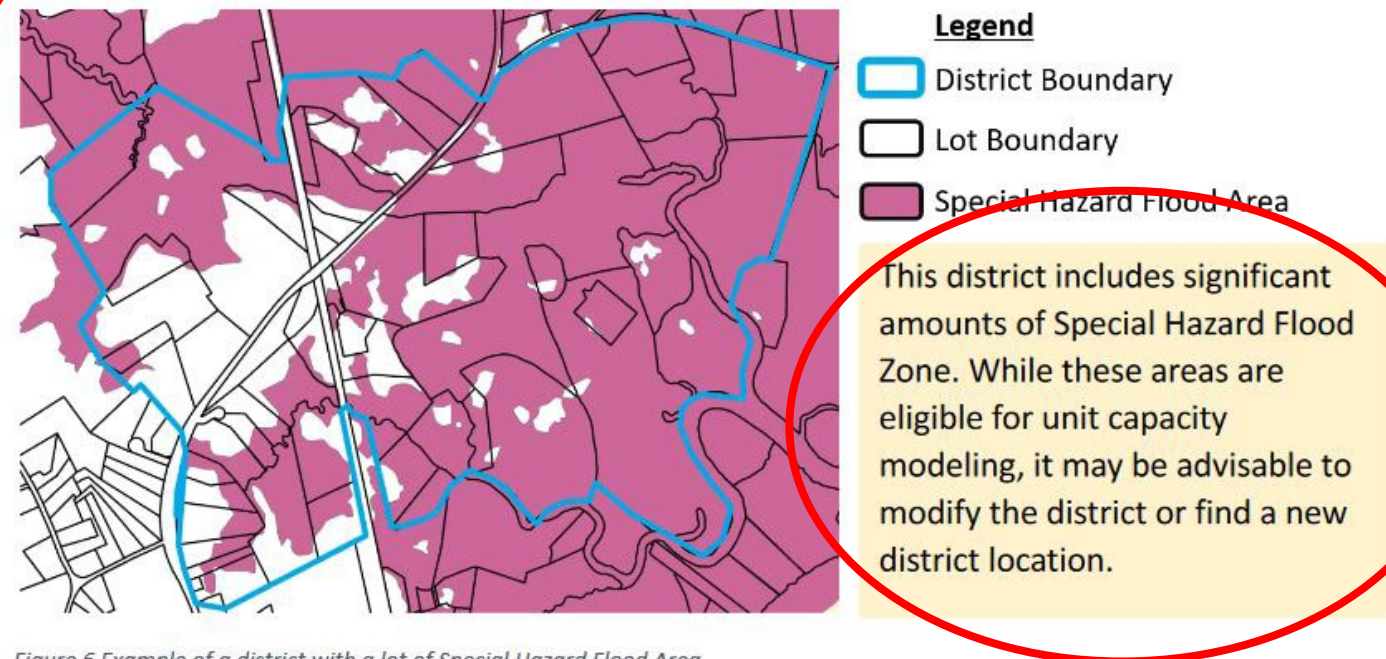


Figure 6 Example of a district with a lot of Special Hazard Flood Area

Excluded and Sensitive Areas

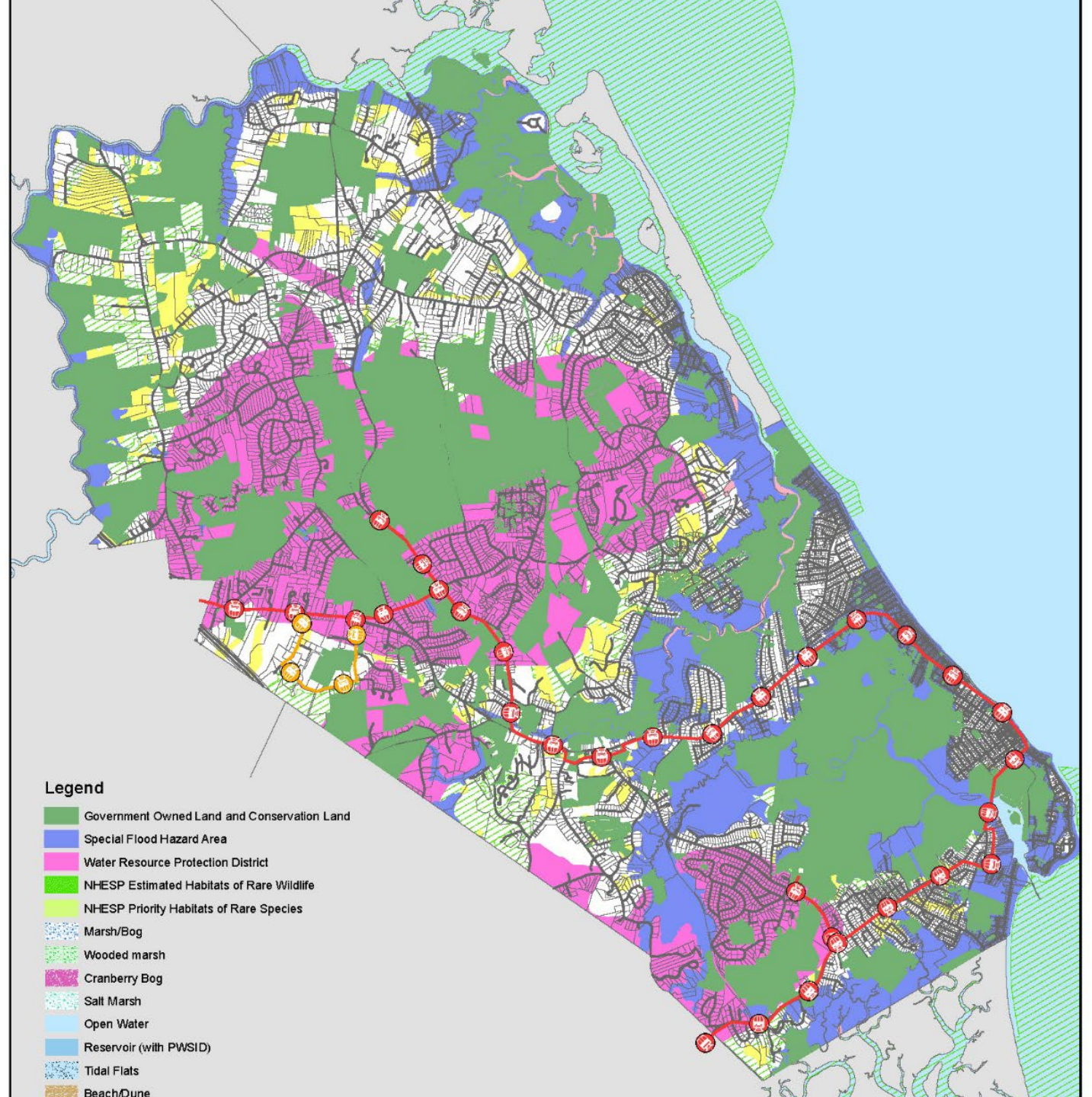
The State would like the Adjacent Communities to locate MBTA Community zones:

- within a half mile of a station
- along transit routes
- In village or downtowns
- along commercial zoned areas.

The map shows the GATRA route, we do not have a station within a mile and a half of the Town line.

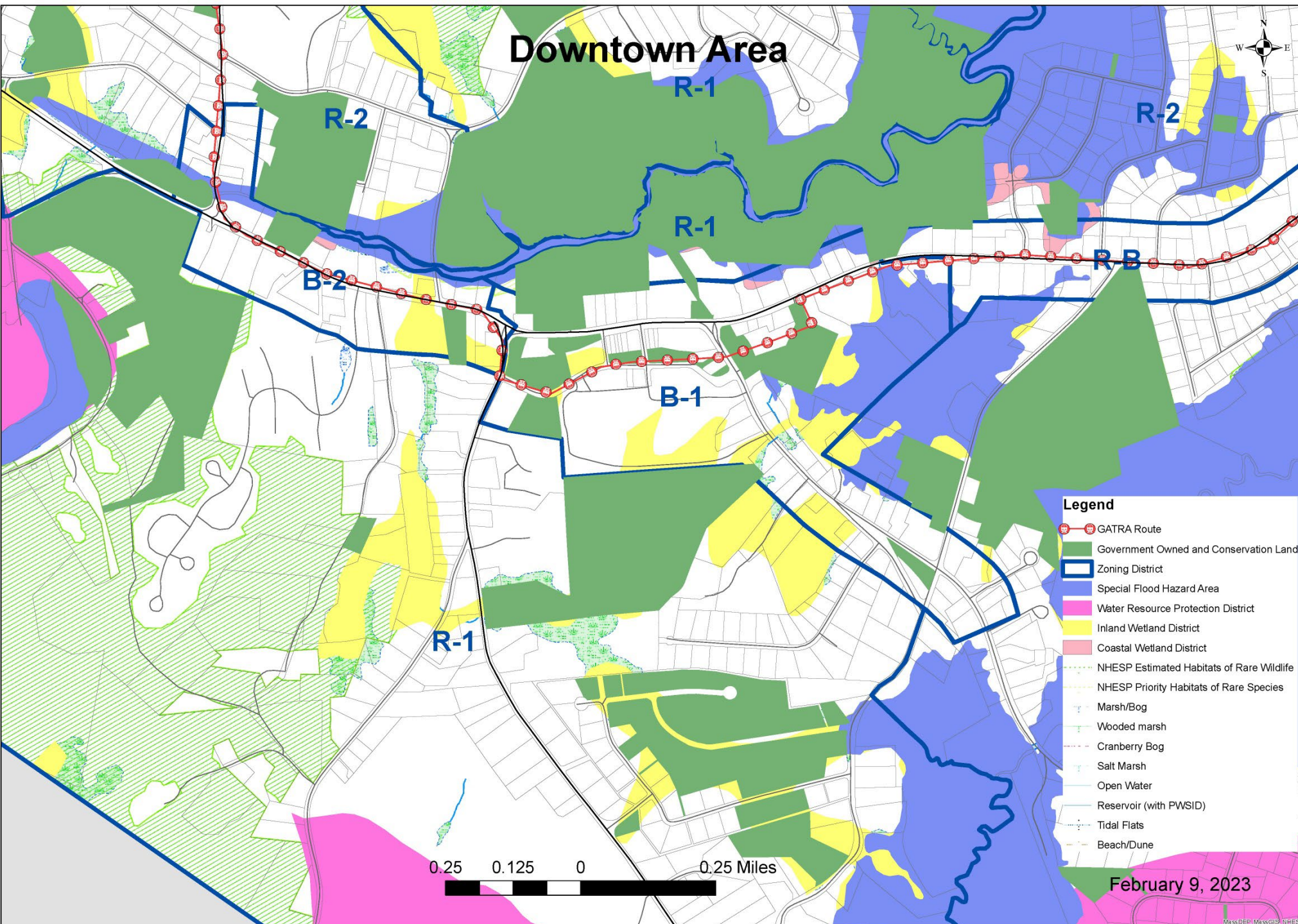
Following the Section 3A Compliance Model User Guide you can see how much of the Town is either Excluded or Sensitive areas.

There were no areas in town that met the minimum 50 Acre contiguous land requirement and a suitable (by avoiding excluded or Sensitive areas) location.



The planning staff thought process when trying to identify possible locations :

- Follow the existing GATRA Route through the Town,
- Check the village centers,
- Check Commercial and Industrial zoned areas,
- Avoid excluded lands,
- Try to avoid sensitive areas,
- Try not to overload any one areas of Town,
- Try to improve existing land uses if possible (ie: existing land uses like automotive repairs in a water resource protection district)

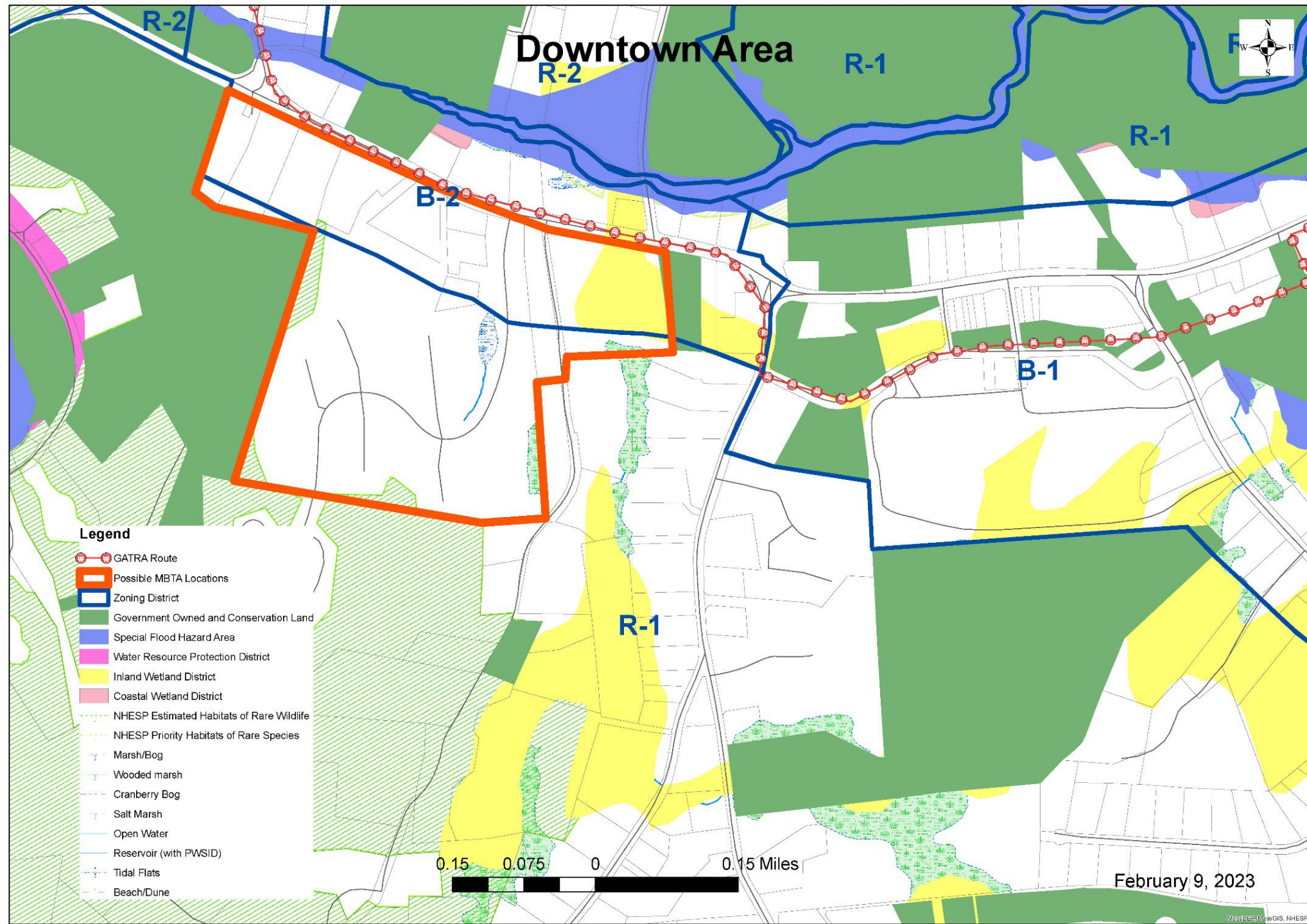


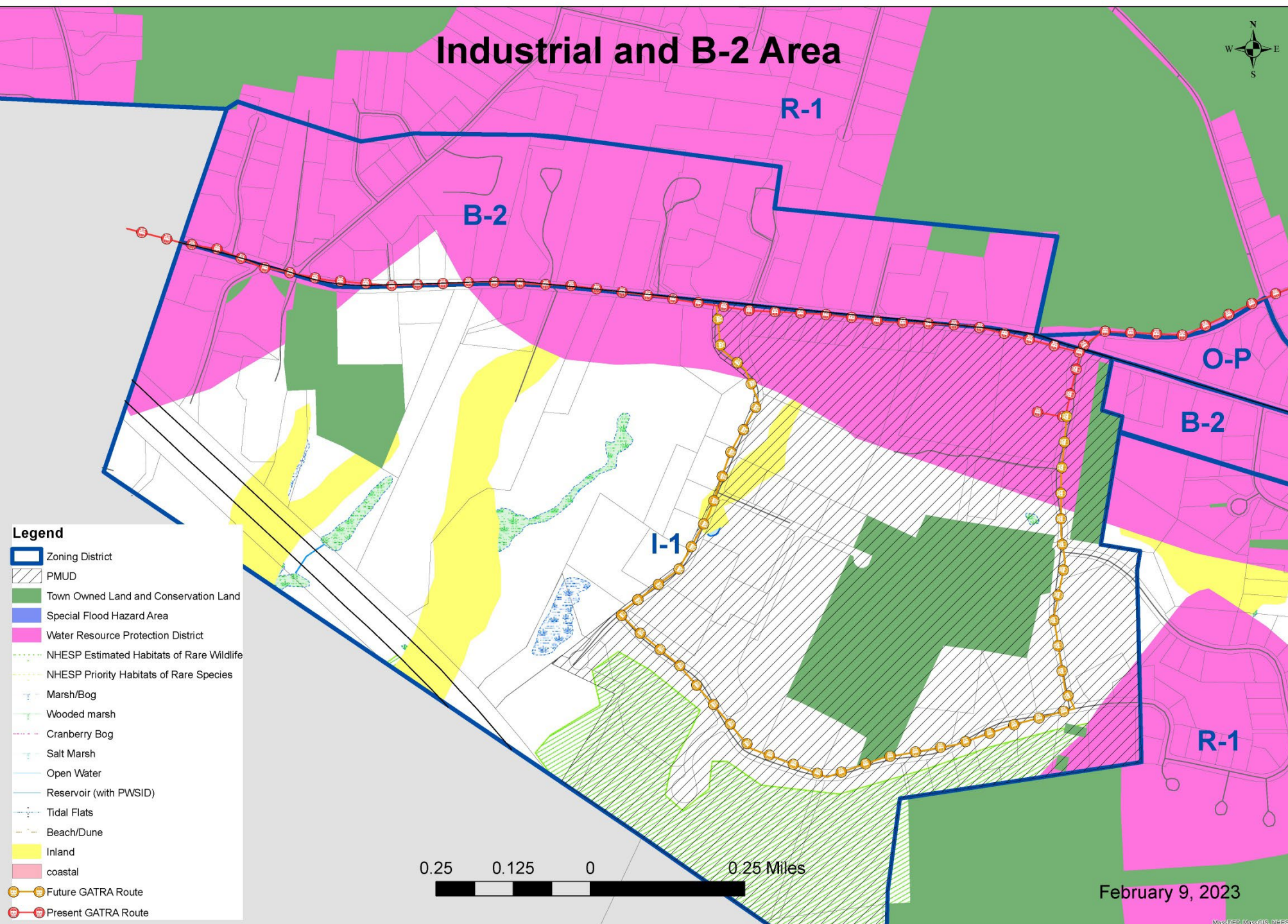
We looked again in the Downtown area

Neither the Star Market Plaza or Library Plaza has enough land area due to excluded or sensitive areas.

The best we could come up with was 43 acres on the south side of Routes 139 and 3A from Walgreens to Taylor Lumber.

The 43 acres does not meet the Minimum contiguous area requirement.



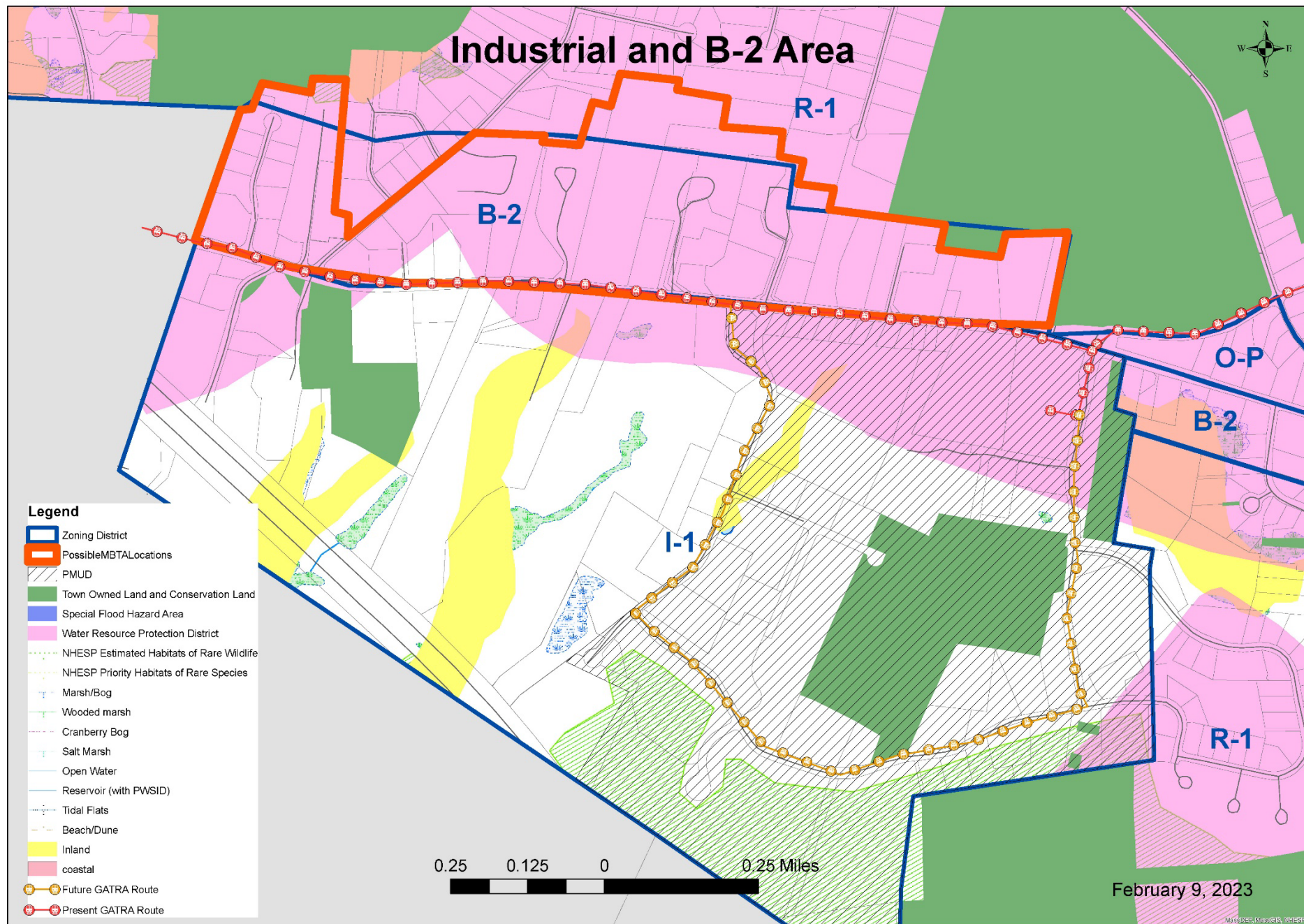


On the south side of Rte. 139 it would take several large lots but the largest of the lots have several streams one of which is a Cold Water Brook (Huldah Brook)

If we took the B-2 zone on the north side of Rte. 139 use the property lines and exclude the residential subdivision (Elliot Street and Joan Way) we could assemble roughly 105 acres.

However, almost of this zone is in the Water Resource Protection District (WRPD) for two Union Street wells and four Furnace Brook wells.

The majority of the area identified is currently either 1969-71 era multi family housing units (*approximately 700 units*) or commercial. 3 or the 4 auto repair/service business are in the WRPD.



The Planning Staff to date has not been able to come up with a district that meets the MBTA Community Guidelines, avoids excluded and sensitive lands and avoids damaging existing neighborhoods.

The State (DHCD) at the end of November released its GIS and Compliance Model process. As shown on the Compliance Model Process flow chart, if No *“Continue Testing Zoning/Districts”*.

The planning staff will continue to work on this issue.

There needs to be discussion with the residents and the various boards, commissions and committee what action the Town should take regarding this State Zoning change and its guidelines and where the Town should consider locating a MBTA Communities district or districts.

Thoughts on MBTA Communities Guidelines

Make the guidelines less prescriptive, saying in presentations “we are not telling you have to build 1,158 units, just you have to zone for it” does not make this top down approach sell any easier at the local level.

Adjacent communities should not have the same contiguous requirement as communities with stations.

Recommended minimum area is fine at 5 acres, let the adjacent communities figure out what works, placing a large amount of high density units in one area is not a good idea. An approach that allows smaller size developments spread though out the community may work better for all parties.

Develop standards that would produce “True Housing Suitable for Family Housing” (playground/open space/dog walks/connectivity to transit etc.)

Having a goal of 10% or 15% of a communities housing stock to be multi-family is fine but allow communities that have units already existing to be able to count towards that goal.

Remove the mandatory By-Right guideline. Allow communities to use the special permit process allows the community to address site specific concerns. Applicants, residents and DHCD can review decisions and appeal if the process was done incorrectly or a party disagrees with a decision. By-right zone again is difficult to write because you need to have all specific requirements for all possible issues up front.

