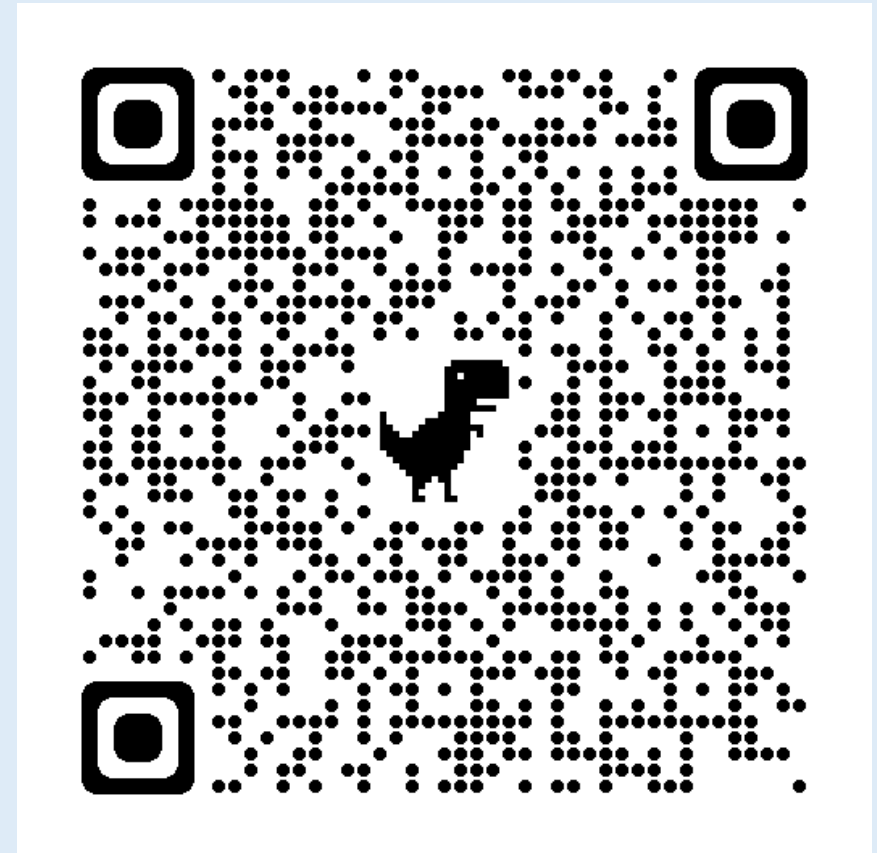


# Possible Zoning Articles for April Town Meeting

December 20, 2023

Topics for this Evening:

- Draft MBTA Communities Zoning Change
- Draft Accessory Apartments



- 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

Originally, 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

Originally, there were 3 discretionary grants tied to the MBTA Communities Zoning change.

- a) Housing Choice grant program
- b) The Local Capital Fund
- c) The MassWorks Infrastructure Program

**On August 17, 2023 the State (EOHLC) revised the MBTA Communities Guidelines to include the following 13 discretionary grants:**

- a) Community Planning Grants, EOHLC,
- b) Mass Downtown Initiative, EOED,
- c) Urban Agenda, EOED,
- d) Rural and Small Town Development Fund, EOED,
- e) Brownfields Redevelopment Fund, MassDevelopment,
- f) Site Readiness Program, MassDevelopment,
- g) Underutilized Properties Program, MassDevelopment,
- h) Collaborative Workspace Program, MassDevelopment,
- i) Real Estate Services Technical Assistance, MassDevelopment,
- j) Commonwealth Places Programs, MassDevelopment,
- k) Land Use Planning Grants, EOEEA,
- l) Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA,
- m) Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

# Section (c) Guidelines

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

In these guidelines EOHLC 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.



# Excluded and Sensitive Areas

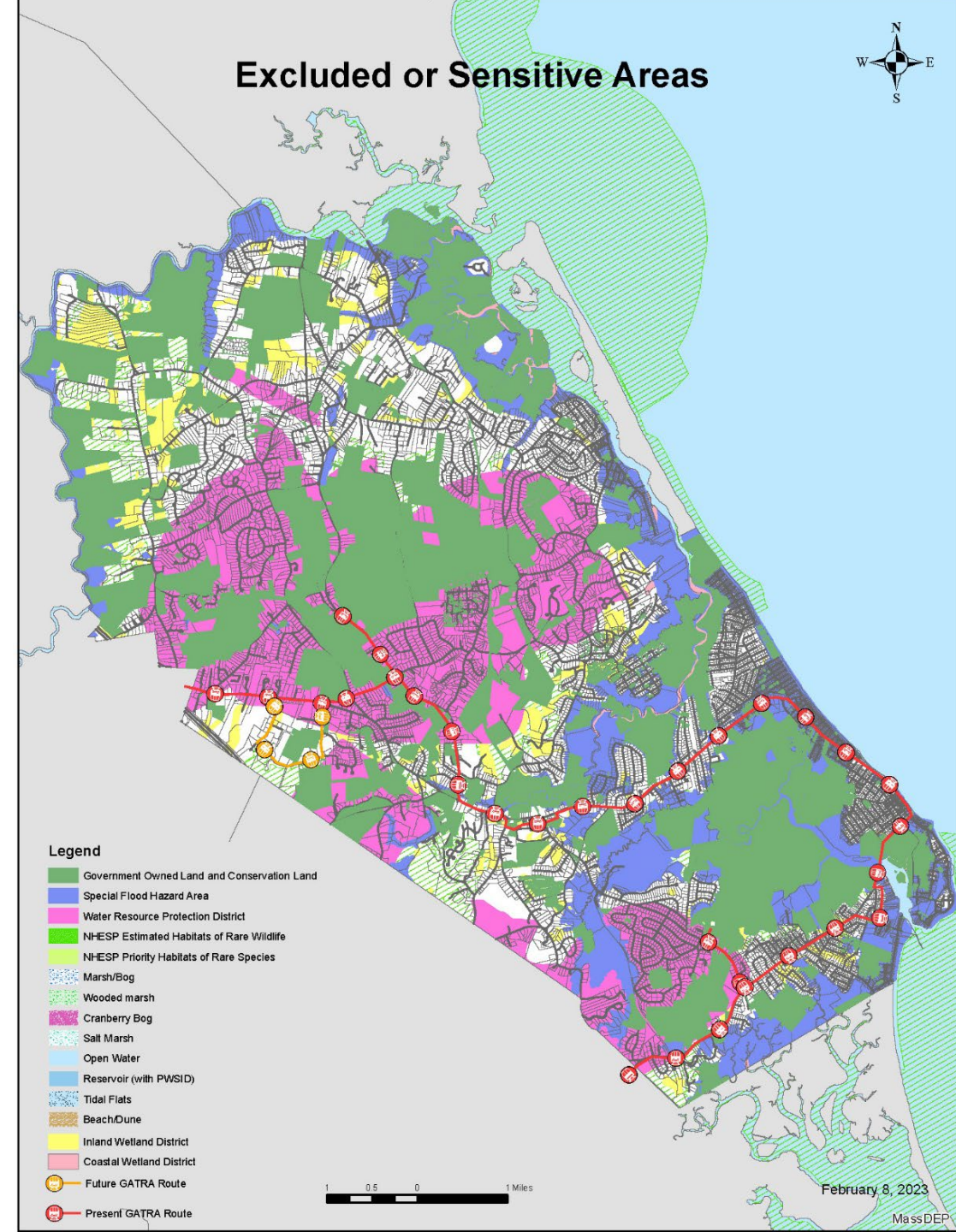
The State would like the Adjacent Communities to locate MBTA Community zones:

- within a half mile of a station
- along transit routes
- walking distance to stores and services
- 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 contiguous land requirement and a suitable by **avoiding both Excluded and Sensitive areas** and including the points above) location.

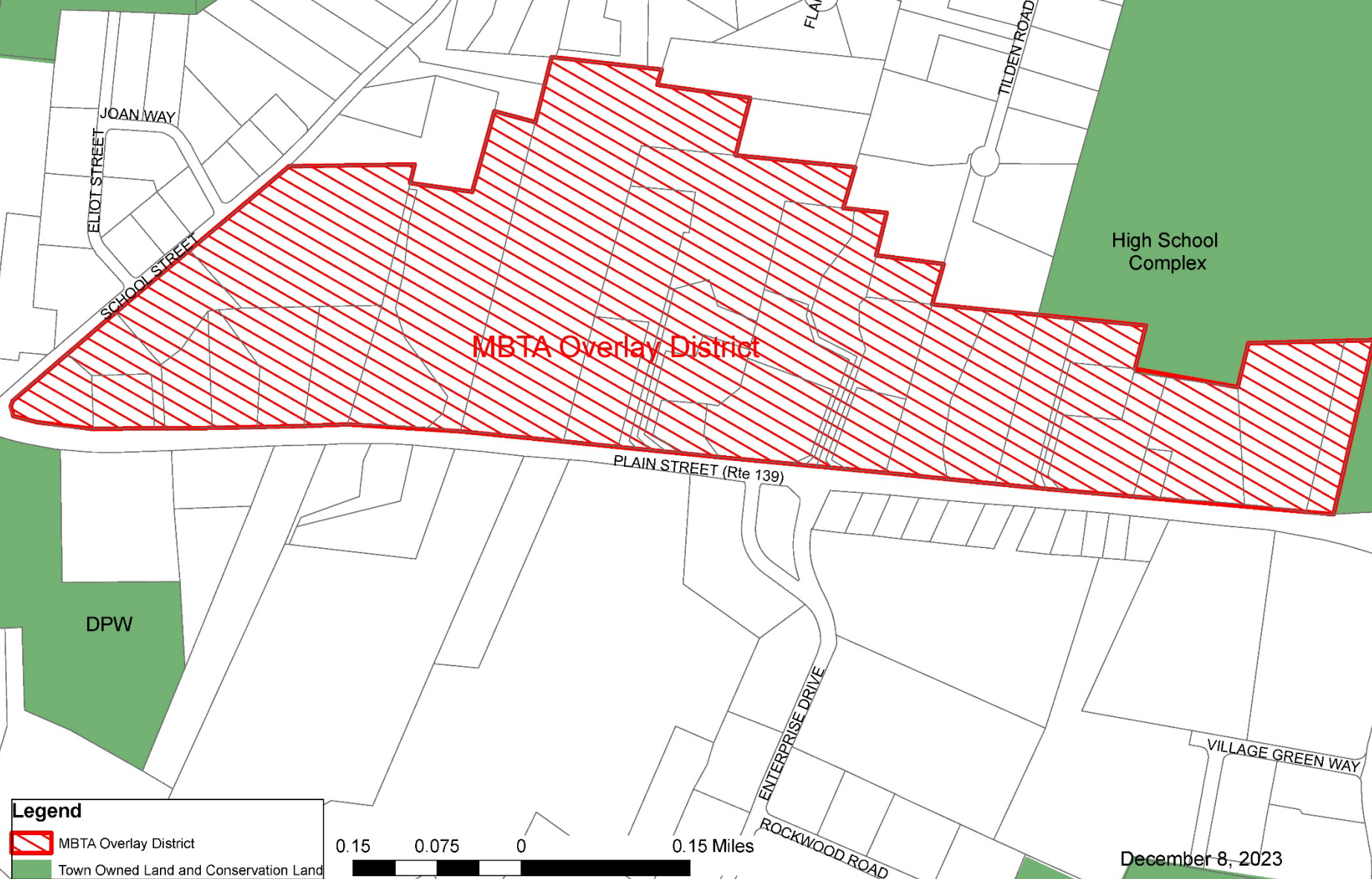


**The planning staff used the following process when trying to identify possible locations :**

- Follow the existing GATRA Route through the Town,
- Areas within walking distance to stores and services,
- Check the village centers,
- Check Commercial and Industrial zoned areas (MAPC recently recommended against using anymore Industrial zoned areas for housing)
- Avoid excluded lands,
- Try to avoid sensitive areas,
- Try not to overload any one area of Town,
- Try to improve existing land uses if possible (ie: existing land uses like automotive repairs in a water resource protection district)



# MBTA Communities Multi-Family Overlay District (MCMOD)



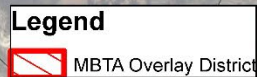
After additional review and discussion the planning staff narrowed it down the area on the north side of Route 139 from roughly School Street east to the High/Middle School to prepare the MBTA Communities zoning articles.



# MBTA Communities Multi-Family Overlay District (MCMOD)



MBTA Overlay District



December 8, 2023

- This area outlined in red has no excluded land areas but is a sensitive area due to it being located within the Zone II for Furnace and Union Street Wells.
- A development will need to install a package treatment plant as part of the development.
- This area is 84 acres in size and exceeds the land area requirement and could exceed the required number of units by roughly 90.



## **MBTA Communities Status Update:**

EOHLC expects Marshfield to have passed and submitted the zoning changes to them before 12/31/24.

The Planning Board will hold the Public Hearing on the zoning package by early March 2024.

**Annual Town Meeting will decided if the Town passes a MBTA Communities Zoning change.**

Part of the State's changes to the State Zoning Act was to change pro-housing zoning amendments from 2/3 to simple majority votes. All other zoning changes still require a 2/3 vote.

# Accessory Apartment Bylaw changes

- Adding a Definition of an Accessory Apartment
- Changing Accessory Apartments within a Single Family home from a Special Permit to By Right with Site Plan Review
- Allowing Accessory Apartments in an Accessory Building by Special Permit
- Allowing Accessory Apartments for Preexisting non-conforming lots that meet minimum lot size and conform with setback By Right with Site Plan Review
- Allowing 2 bedrooms in the Accessory Apartments
- Site Plan Review for Accessory Apartments within Single Family homes reviewed by Planning Board as an agenda item during a regular meeting.

Link to Draft Zoning Articles

