

MBTA Communities Zoning Requirements

Public Forum
August 15, 2023



Milton Department of Planning and Community Development



Meeting Recording

Please note that tonight's meeting will be recorded and posted on the Milton Access Television YouTube channel and Town website.



MILTON
MASSACHUSETTS



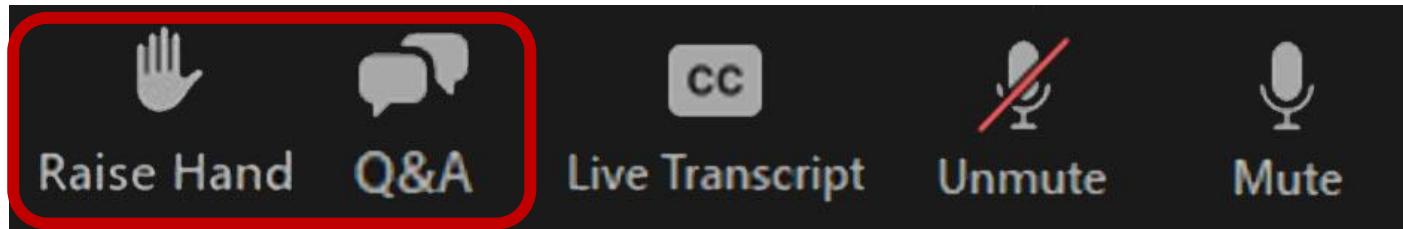
Meeting Agenda

- 1) Introduction
- 2) Recap of MBTA Communities zoning requirements
- 3) Discussion of survey results
- 4) Update on technical assistance
- 5) Follow-up on survey results, public comments
- 6) Question and Comment period
- 7) Next steps



Meeting Format

- This meeting is being held using the Zoom webinar product. Presenters and speakers are on screen, while those watching the meeting are off-screen as “attendees.”
- If you’d like to make a comment or ask a question during the Question and Comment period, there are two options:
 - use the “Q&A” button
 - Use the “Raise Hand” button
 - For attendees on the phone, you can raise your hand by pressing *9, and mute and unmute yourself by pressing *6.



Meeting Format

- Once the presentation is over and the Question and Comment period begins, the host will invite people to speak in the order they have raised their hands or have asked questions through Q&A.
- Q&A questions can be submitted throughout the presentation, and will be answered in the order submitted
- In order to give as many attendees an opportunity to speak as possible, comments will be limited to three minutes.



Zoom Poll

1. Have you been to our previous public forums?
 - Yes, I have
 - No, this is my first one

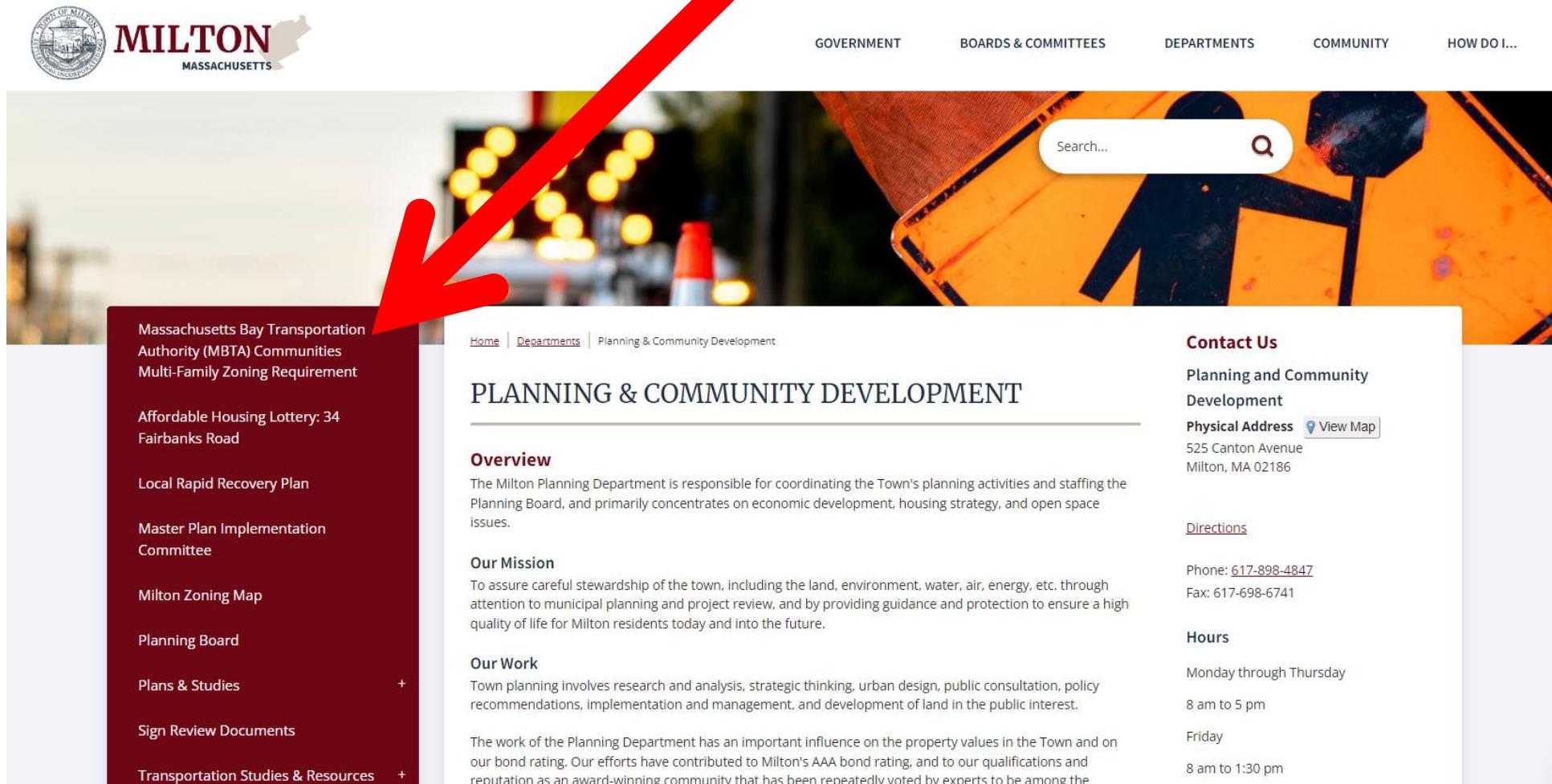
2. How often do you ride the Mattapan Trolley?
 - Daily
 - A couple of times a month
 - Rarely
 - I don't ride the trolley

3. Which is better: waffles or pancakes?
 - Waffles are better!
 - Pancakes are better!



Resources

townofmilton.org/MiltonMBTA



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GOVERNMENT BOARDS & COMMITTEES DEPARTMENTS COMMUNITY HOW DO I...

Massachusetts Bay Transportation Authority (MBTA) Communities Multi-Family Zoning Requirement

Affordable Housing Lottery: 34 Fairbanks Road

Local Rapid Recovery Plan

Master Plan Implementation Committee

Milton Zoning Map

Planning Board

Plans & Studies +

Sign Review Documents

Transportation Studies & Resources +

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PLANNING & COMMUNITY DEVELOPMENT

Overview

The Milton Planning Department is responsible for coordinating the Town's planning activities and staffing the Planning Board, and primarily concentrates on economic development, housing strategy, and open space issues.

Our Mission

To assure careful stewardship of the town, including the land, environment, water, air, energy, etc. through attention to municipal planning and project review, and by providing guidance and protection to ensure a high quality of life for Milton residents today and into the future.

Our Work

Town planning involves research and analysis, strategic thinking, urban design, public consultation, policy recommendations, implementation and management, and development of land in the public interest.

The work of the Planning Department has an important influence on the property values in the Town and on our bond rating. Our efforts have contributed to Milton's AAA bond rating, and to our qualifications and reputation as an award-winning community that has been repeatedly voted by experts to be among the

Contact Us

Planning and Community Development

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Hours

Monday through Thursday
8 am to 5 pm

Friday
8 am to 1:30 pm

What is the MBTA Communities law?

Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing (three or more units) is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than $\frac{1}{2}$ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

Towns that do not comply with the new requirements will be ineligible for **MassWorks, Housing Choice, and Local Capital Projects** funds.



What are HLC's guidelines?

The zoning district we create must satisfy several variables:

- At least 50 acres
- Zoned capacity of at least 2,461 units
- At least 50% of the unit capacity within transit area

With the help of our technical assistance providers, we have tested several options for subdistricts with the state's Compliance Model, a software tool designed to evaluate proposed zoning districts for compliance with all the requirements of the law and the HLC guidelines.

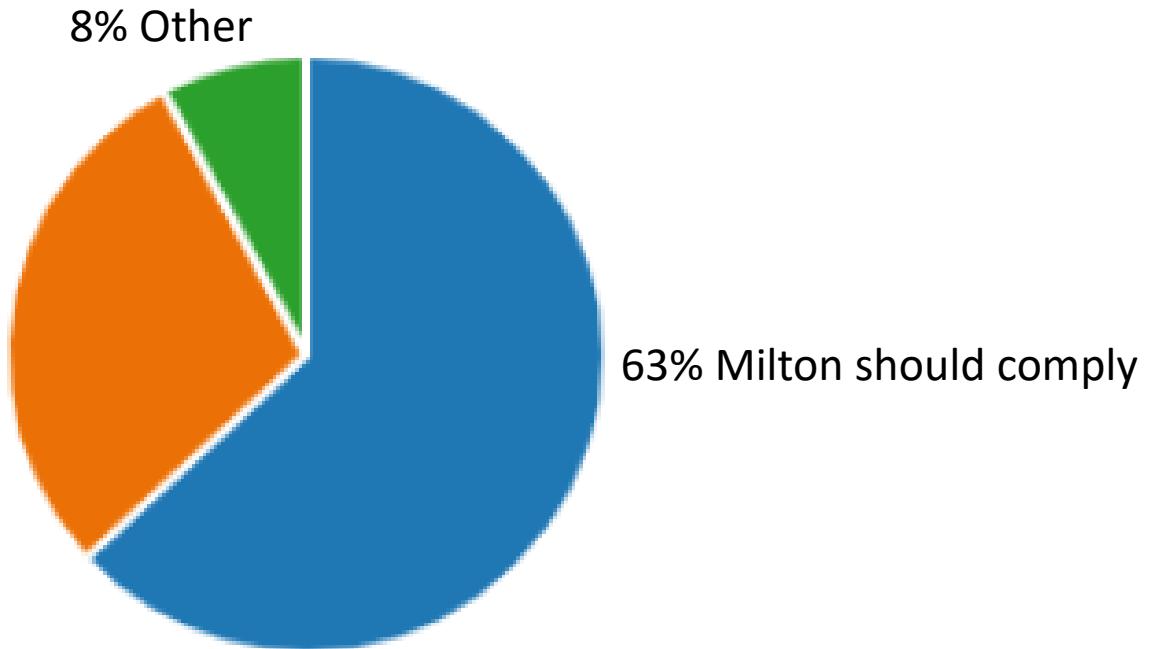


Options for Compliance

Town Meeting is the venue at which compliance will ultimately be decided.

Our job is to collaboratively prepare the best possible version of what complying with the law looks like and have that be presented to Town Meeting

29% Milton should not comply



Options for Compliance

Location

- The location and of districts within a ½ mile of transit is determined by how much Developable Area exists in that area. Milton’s Developable Area is reduced by the fact that the Mattapan Trolley hugs the Neponset River and the border with Boston; a significant fraction of the ½ mile radius is either on state property or not in Milton.
 - The DHCD guidelines allow Milton to locate as much as 50 percent of our compliant zoning districts outside of the ½ mile transit radius

Subdistricts

- The Town can create multiple subdistricts in different areas, with the following restrictions
 - At least half of the district needs to be contiguous
 - Subdistricts need to be a minimum of five acres



Options for Compliance

- Towns with existing compliant districts could potentially count that zoned capacity toward their requirements. Compliance means multi-family by right at a density of 15 units per acre with no age restrictions.
- Does Milton have any existing compliant districts?
 - No.
 - The overwhelming majority of land in Milton is zoned for a single housing unit per parcel.
 - Where townhouse and multifamily development is allowed, it is by special permit, not by right.
 - Much of our multifamily development is age restricted.



Options for Compliance

Dimensional Requirements

- Dimensional requirements like height, setbacks, and density do not need to be uniform across subdistricts, as long as the average of all the subdistricts meet the law's minimum requirements for density, reasonable size, and by-right permitting.
 - Example: One subdistrict comprising half the total district can have a density of five units per acre, and another district comprising the second half of the total district can have a density of twenty-five units per acre.

The flexibility in HLC's guidelines can help the Town craft districts that minimize change to the physical character of residential neighborhoods.



Effect of Noncompliance

- If at any point HLC 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:
 - Housing Choice Initiative
 - Local Capital Projects Fund
 - MassWorks

HLC and other states agencies may, in its discretion, **take noncompliance into consideration** when making other discretionary grant awards.





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
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ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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Advisory Concerning Enforcement of the MBTA Communities Zoning Law

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.⁸ Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.⁹ Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.¹⁰

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.



Effect of Noncompliance

It is still unknown what other consequences for noncompliance there may be, but both Governor Healey and Attorney General Campbell have indicated that housing is a priority for their offices.

Earlier this month, the Town of Holden was the first community to be subject to a lawsuit, by the group Lawyers for Civil Rights, for refusing to comply with the law



Matt Stout 
@MattPStout

@maura_healey reacts to @andrewnbrinker story on Middleborough resisting state's new multifamily housing law. "Opting out is not an option," Healey said. "We've got to do this across the state. This administration . . . is really going to lean in here."



Tim Logan
@bytimlogan

"Shall means shall." After Central Mass. town of Holden snubs ambitious new MBTA housing law, advocates file a lawsuit to force the issue...



bostonglobe.com

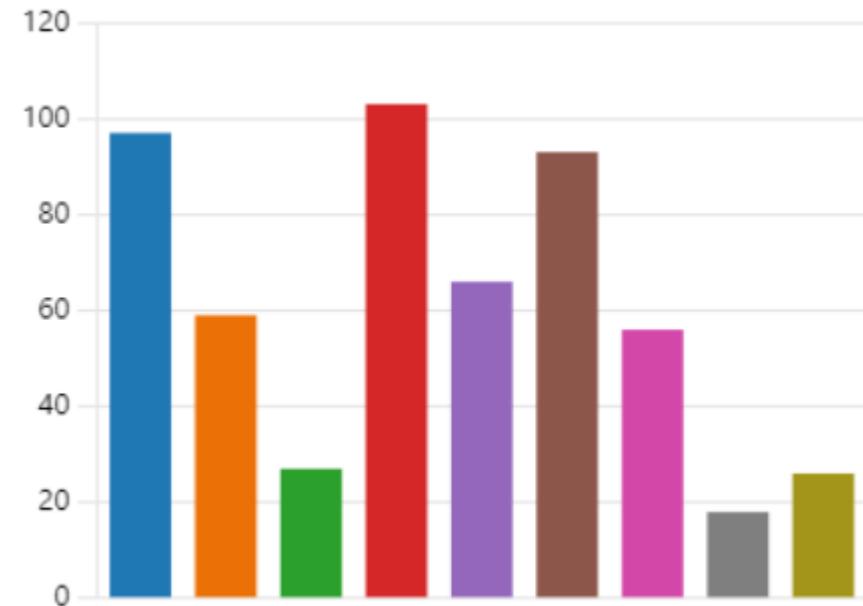
First lawsuit over new Mass. housing law targets town of Holden - The Boston Globe
A Central Massachusetts housing group filed a lawsuit that could tee up a court battle over the state's new multifamily housing law.



MBTA Communities Survey

- Survey has been out in the community for six months
- [Tinyurl.com/MiltonMBTAsurvey](http://tinyurl.com/MiltonMBTAsurvey)
- Available in English, Spanish, French, and Simplified Chinese
- We received almost 100 new responses since our last forum, up to 283 responses
- Please keep telling your friends and neighbors about this effort - word of mouth has been critical for our survey

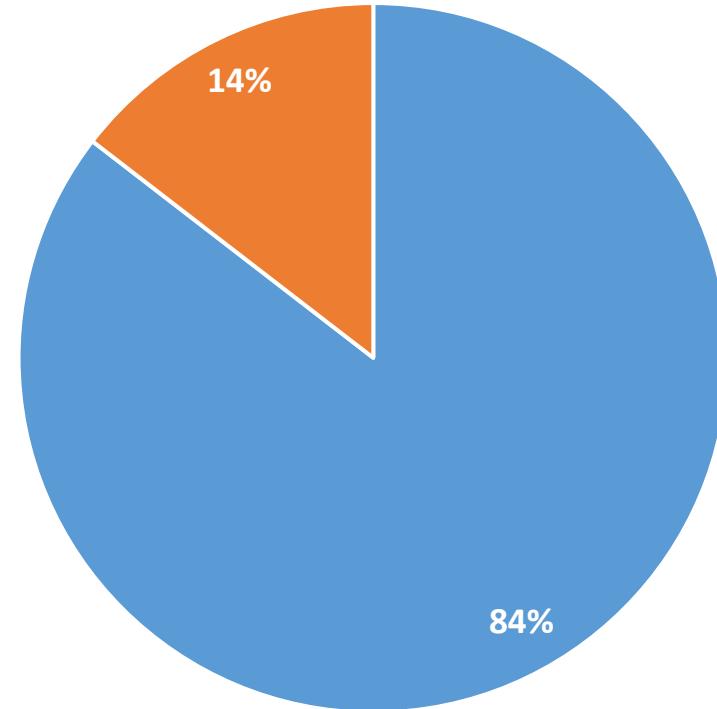
From a Public Meeting	97
The Planning Department's MBT...	59
The MA Department of Housing...	27
The Milton Times	103
Other Newspapers	66
Word of mouth	93
Social media	56
I haven't learned about them	18
Other	26



What are we learning?

Current property owners do not have much interest in redeveloping their property if it was rezoned for multifamily use

This indicates that actual development coming out of this zoning change would likely be less than the total potential



- No, I would not be interested in redeveloping my property
- Yes, I would be interested in redeveloping my property



What are we learning?

- In our May update, we asked additional questions about municipal services and community benefits
- Affordable housing, commercial space, and open space have all cycled through the top spot for prioritization, with open space currently receiving the most overall interest, but affordable housing is the number 1 priority for the most respondents



Update Since Last Forum

Granite Avenue Subdistrict Reduced

- Based on feedback from the state, the proposed Granite Avenue subdistrict has been refined to exclude a large parcel of state-owned marshland. This has implications for our ability to create a contiguous district that represents at least 50% of the total land area of our zoning district.

Refining Subdistrict Density

- The Planning Board has provided additional feedback on proposed density and other dimensional parameters for the proposed subdistricts.



Update Since Last Forum

East Milton Under Consideration

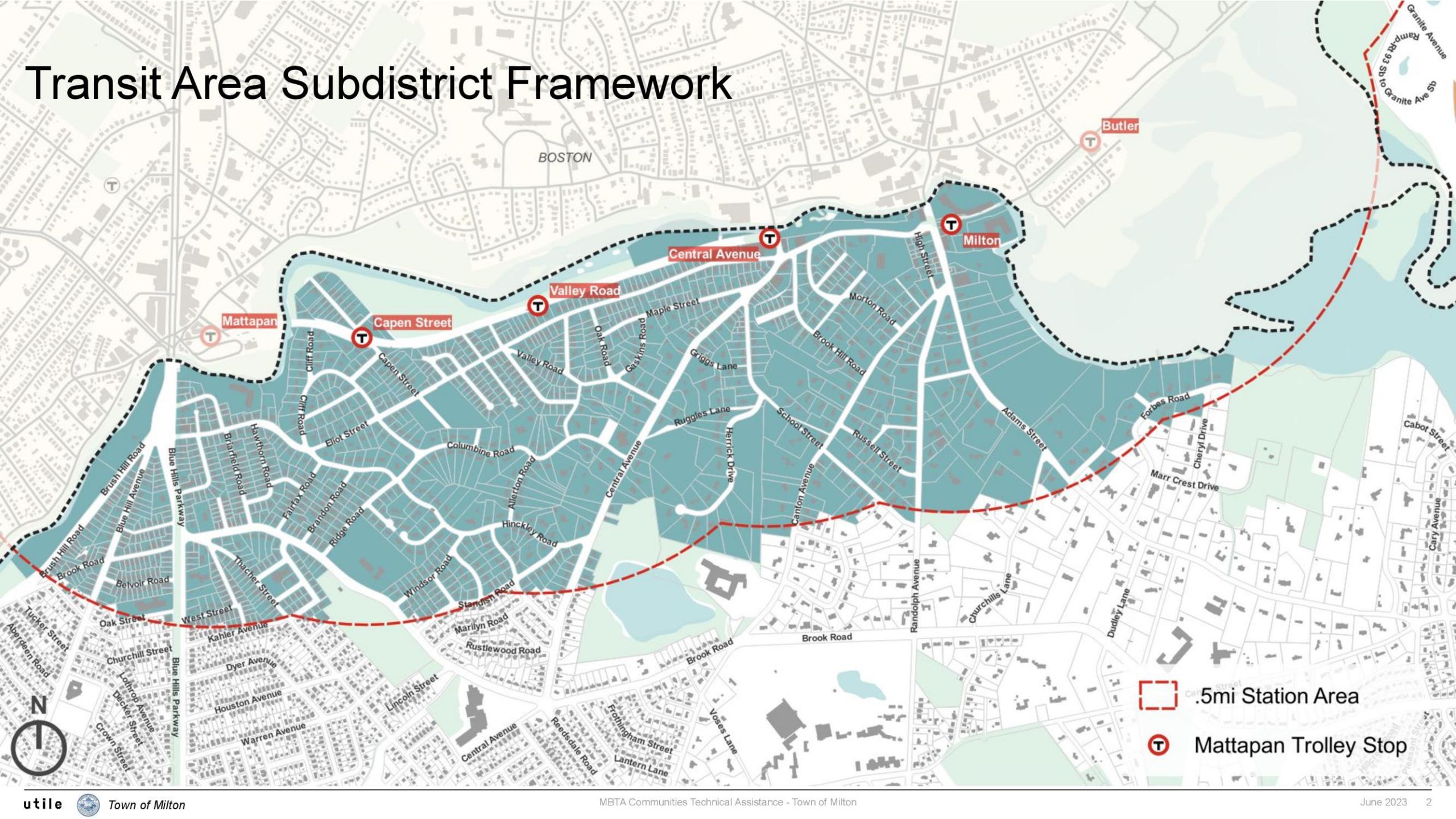
- We are evaluating whether including East Milton, which is subject to a separate mixed-use rezoning process, can help contribute to achieving our compliance targets

Additional Randolph Avenue Subdistrict

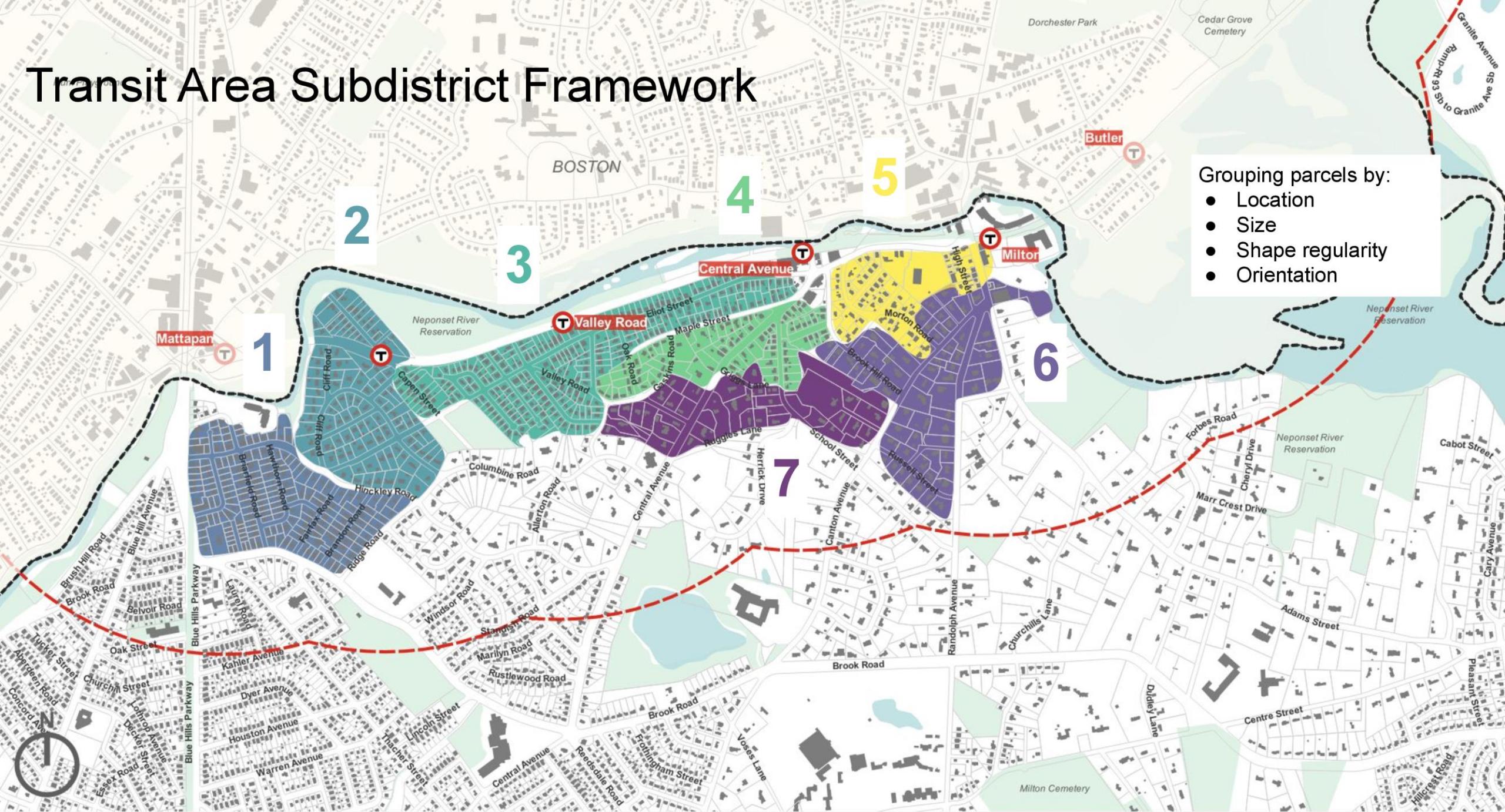
- We have asked Utile, our technical assistance provider, to test an additional Randolph Avenue subdistrict in the compliance model.

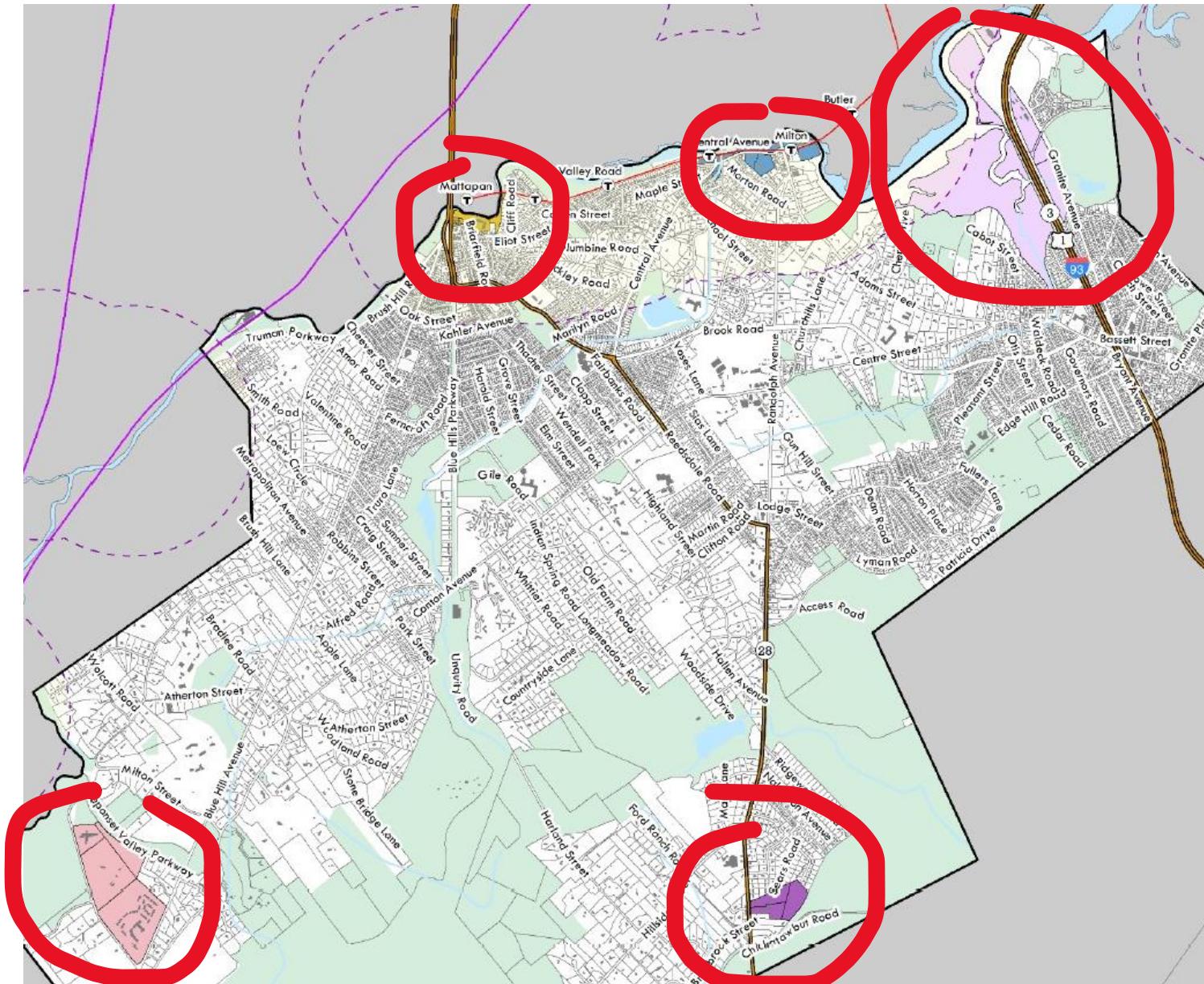


Transit Area Subdistrict Framework

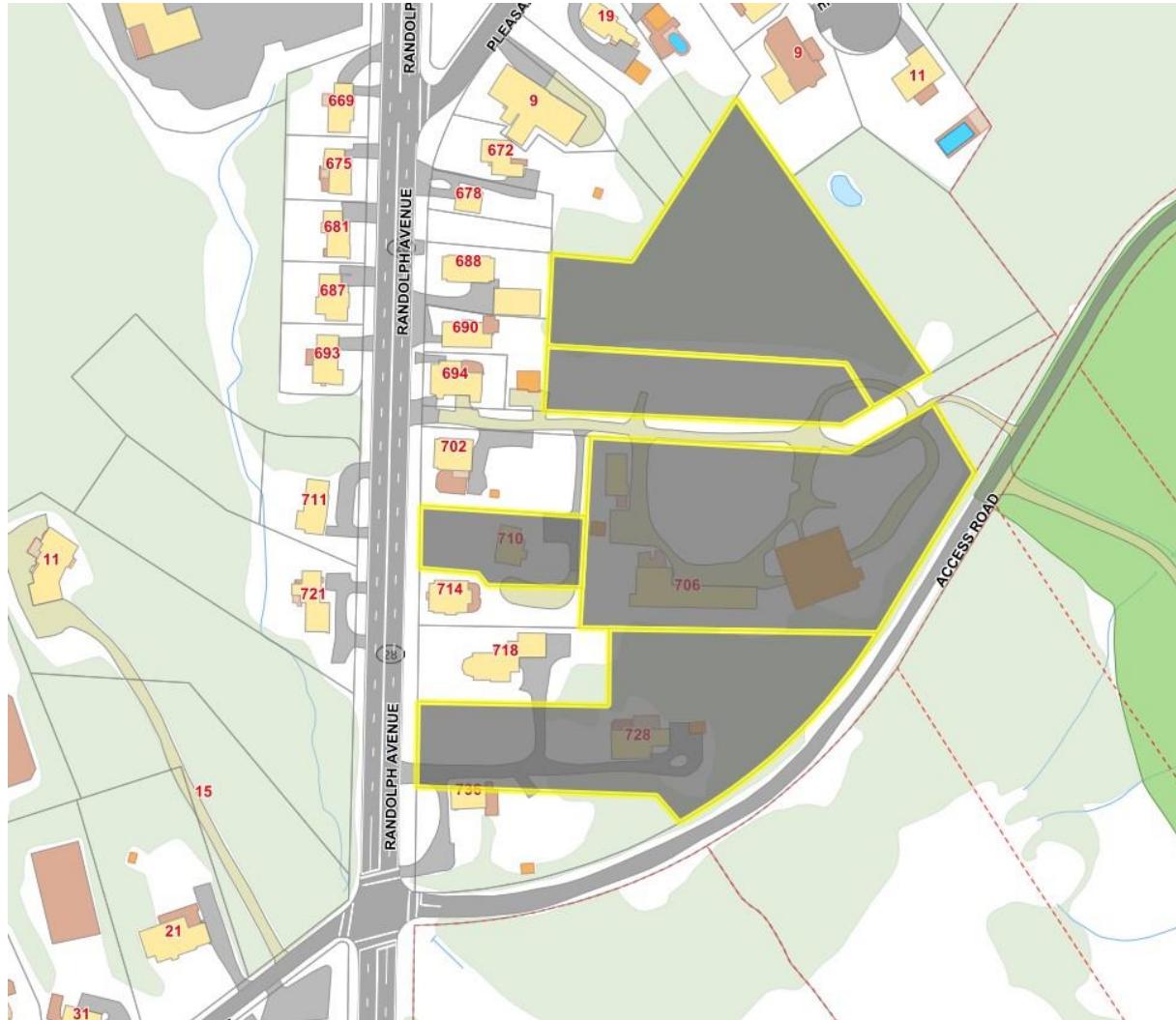


Transit Area Subdistrict Framework





New Randolph Subdistrict



A new proposed subdistrict that includes the 728 Randolph Avenue 40B site and the land zoned for Assisted Living Residential Development

Initial zoning parameters:

- 25 units per acre
- 1.5 acre minimum lot size
- 3.5 story height limit

Subdistrict Options

All Subdistricts Option

- Large Parcel subdistricts, plus Transit Area subdistricts
- Unit capacity figures have been adjusted since initial tests, but may need further modification

District	Unit Capacity	Density Denominator	DU/AC	District Acreage
Granite Ave	701	12.4	56.53	13.7
Eliot	385	16.3	23.62	18.1
Curtis	198	4.1	48.29	4.9
Randolph	280	13.2	21.21	13.9
Brush Hill	663	61.8	10.73	66.2
East Milton	336	22.8	14.74	22.8
Transit Area 1-5	406	165	2.46	165.8
Transit Area 6-7	214	55.8	3.84	56.5
	3183	351.4	9.06	361.9

This option achieves compliance on unit capacity and overall size metrics, but is significantly lacking in overall density (target = 15 DU/AC)



Subdistrict Options

Large Parcels + East Milton option

- East Milton geography is roughly consistent with the business district
- Density in East Milton set at less than 1/3 of recently approved 440 Granite project

District	Unit Capacity	Density Denominator	DU/AC	District Acreage
Granite Ave	701	12.4	56.53	13.7
Eliot	385	16.3	23.62	18.1
Curtis	198	4.1	48.29	4.9
Randolph	280	13.2	21.21	13.9
Brush Hill	663	61.8	10.73	66.2
East Milton	336	22.8	14.74	22.8
	2563	130.6	19.62	139.6

This option achieves compliance on unit capacity, overall density, and overall size, but does not include a subdistrict representing 50% of the size of the overall district and does not put half of our unit capacity within a half mile of transit.



Subdistrict Options

Original Large Parcels option

- This option includes only the large parcels that we originally tested.

District	Unit Capacity	Density Denominator	DU/AC	District Acreage
Granite Ave	701	12.4	56.53	13.7
Eliot	385	16.3	23.62	18.1
Curtis	198	4.1	48.29	4.9
Randolph	280	13.2	21.21	13.9
Brush Hill	663	61.8	10.73	66.2
	2227	107.8	20.66	116.8

This option achieves compliance on overall density and overall district size but falls just short on unit capacity and does not put half of our unit capacity within a half mile of transit.



What Does It All Mean?

Recall that the statute and the HLC guidelines impose a number of thresholds that a compliant zoning districts must meet.

- Overall density of 15 dwelling units per acre
- Overall district size of at least 50 acres
- Unit capacity of at least 2,461 units
- At least 50% of the unit capacity within $\frac{1}{2}$ mile of transit
- At least one subdistrict representing 50% of the overall area of the entire zoning district



What Does It All Mean?

Recall that the statute and the HLC guidelines impose a number of thresholds that a compliant zoning districts must meet.

- Overall density of 15 dwelling units per acre
- Overall district size of at least 50 acres
- Unit capacity of at least 2,461 units
- **At least 50% of the unit capacity within $\frac{1}{2}$ mile of transit**
- At least one subdistrict representing 50% of the overall area of the entire zoning district

Getting half of our unit capacity within $\frac{1}{2}$ mile of transit is nearly impossible without zoning some portion of the Transit Area



What Does It All Mean?

Some combination of the following tactics will be necessary:

- Reducing overall size of Transit Area (possibly eliminating 1, 6, and 7)
- Adjusting dimensional parameters in the Transit Area (returning to 5,000 sf minimum lot size, other possible changes)
- Remove Brush Hill Road subdistrict (density is a drag on the overall figure)
- Slightly adjust unit capacity of other subdistricts



District	Unit Capacity	Density Denominator	DU/AC	District Acreage
Granite Ave	701	12.4	56.53	13.7
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	3183	351.4	9.06	361.9



Next Steps

We will continue to work with our planning consultant, Utile, to develop a final set of subdistrict options for consideration.

Our fiscal impact analysis consultant, RKG Associates, will appear at next week's Planning Board meeting (August 24).

We are working with Town Counsel and seeking outside consultant assistance to amend the state's Model Bylaw to suit Milton's needs.

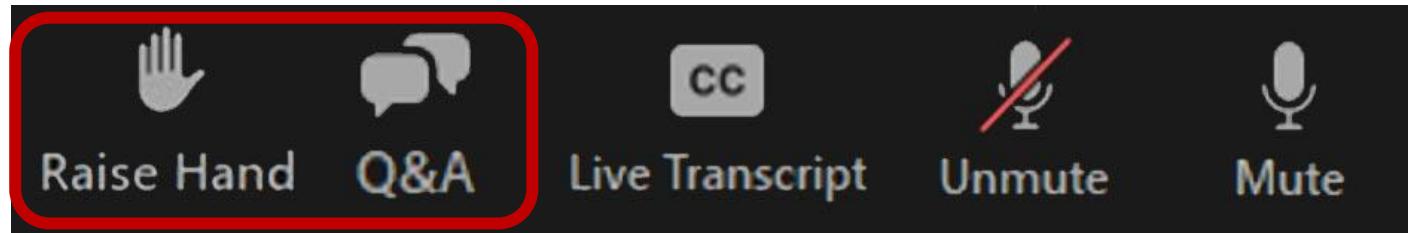
A mailer will be going out to residents with information on the law and our efforts.

MBTA Communities is the subject of monthly public forums and is a standing item on the Planning Board agenda.



Question and Comment

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A black and white aerial photograph of a residential neighborhood. The area is densely packed with houses, mostly single-family homes with lawns. There are several streets and a few larger buildings, possibly schools or community centers. The terrain is relatively flat with some minor hills or ridges visible in the background.

Thank you!

