

MBTA Communities Compliance

Mass Housing Partnership Technical Assistance
August Update | Town of Milton

Agenda

1. Background

- a. What is the MBTA Communities Act?
- b. Milton Criteria for Compliance

2. Subdistricts Considered

- a. Townwide Summary
- b. Individual Subdistricts Aerial Zoom-Ins

3. Pathways to Compliance

- a. Option 1: Compliance with East Milton Square
- b. Option 2: Compliance without East Milton Square

4. Appendix

- a. Transit Area Evolution

Background

What is the MBTA Communities Act?
Milton Criteria for Compliance

What is the MBTA Communities Act?

High-Level Overview

- Also known as “Section 3A” (Mass. General Laws c.40A §3A)
- Requires communities with MBTA rail access (or adjacent to MBTA rail access) to have at least one zoning district which permits **multi-family** development **as of right**
 - **3+ units**
 - **“development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval”**
- **No required ground floor commercial**
- **No restrictions on**
 - **Age**
 - **Number or size of bedrooms**
 - **Number of occupants**

What is the MBTA Communities Act?

The Role of Site Plan Review

Site Plan Review and Approval is allowed, within reason.

For an as-of-right project that complies with applicable dimensional regulations:

Site Plan Review can regulate:

- Vehicular access and circulation on a site,
- Architectural design of a building, and
- Screening of adjacent properties.

Site Plan Review cannot:

- **Unreasonably delay a project**
- **Impose conditions that make it infeasible or impractical to proceed with a project**

Source: <https://www.mass.gov/info-details/section-3a-guidelines>

Town Obligations Under State Law

Attorney General's Advisory and Loss of Funds

“Compliance with the MBTA Communities Zoning Law is not only mandatory, it is an essential tool for the Commonwealth to address its housing crisis along with our climate and transportation goals,” said AG Campbell.

Failure to comply with the Housing Choice Law may result in:

- Civil enforcement action or liability under Federal and State fair housing laws, as well as State antidiscrimination law
- Loss of funds from the following programs:
 - Housing Choice Initiative
 - Local Capital Project Fund
 - MassWorks Infrastructure Program
 - 13 discretionary grant programs which will consider Section 3A compliance when making grant award recommendations

Discretionary grant programs impacted:

- Community Planning Grants, EOHLG
- Massachusetts Downtown Initiative, EOED
- Urban Agenda, EOED
- Rural and Small Town Development Fund, EOED
- Brownfields Redevelopment Fund, MassDevelopment
- Site Readiness Program, MassDevelopment
- Underutilized Properties Program, MassDevelopment
- Collaborative Workspace Program, MassDevelopment
- Real Estate Services Technical Assistance, MassDevelopment
- Commonwealth Places Programs, MassDevelopment
- Land Use Planning Grants, EOEEA
- Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA
- Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

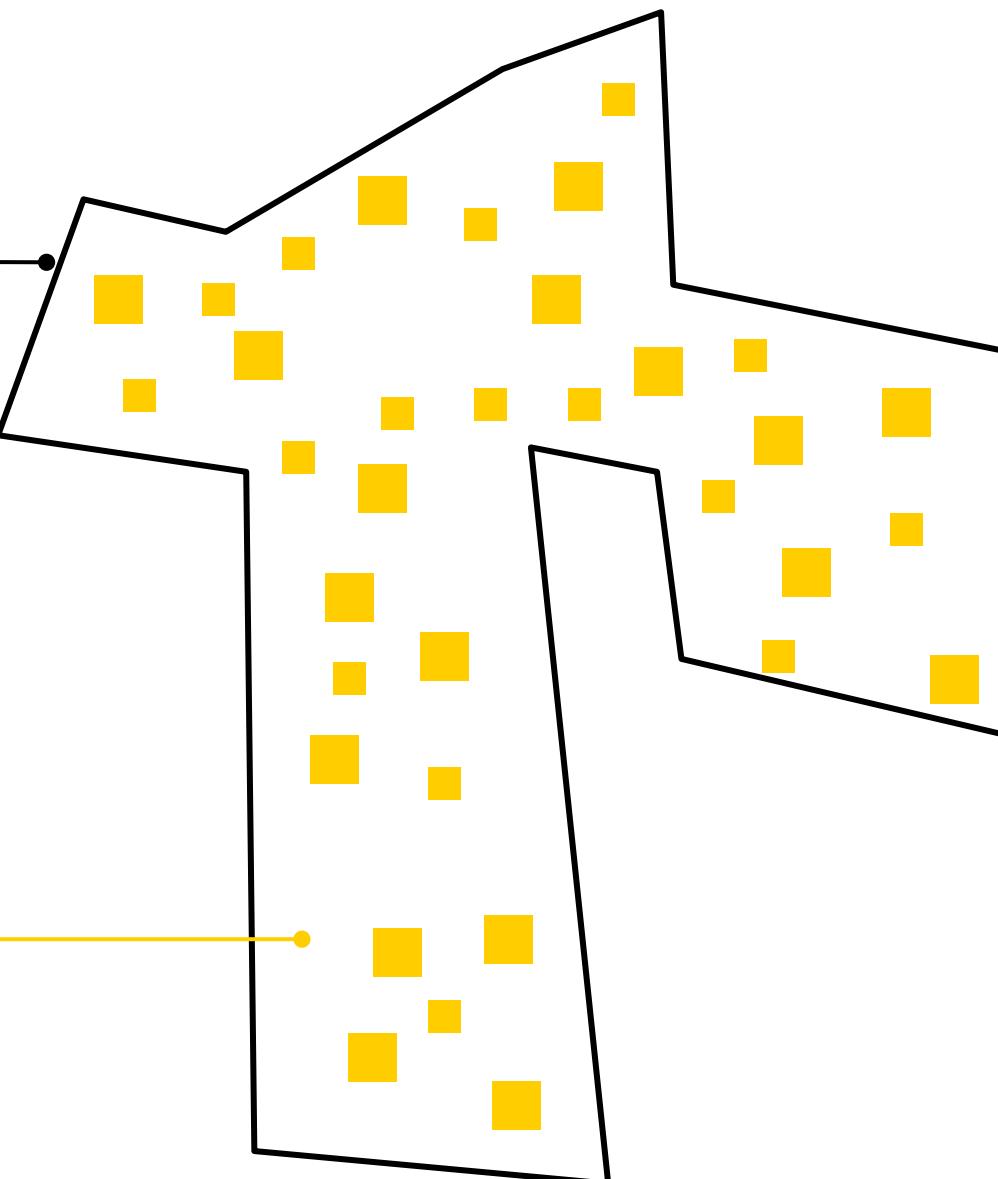
What does this mean for Milton?

District Size & Location

≥ 50 acres (can be split across multiple subdistricts)

At least 50% of district area must be:

- *in one contiguous area*
- *within ½ mile of rapid transit stations*



District Density & Unit Capacity

≥ 15 units per acre (average across all subdistricts)

At least 50% of modeled unit capacity must be:

- *within ½ mile of rapid transit stations*

For more information on Section 3A requirements, including key definitions, see:

- <https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>
- <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>
- <https://www.mass.gov/doc/advisory-concerning-enforcement-of-the-mbta-communities-zoning-law/download>

Milton Criteria for Compliance

1A. District Size, Location & Density

- Contiguity standards: one contiguous subdistrict area must contain **≥ 50%** of total district land area
- Transit-oriented standards: **≥ 50%** of the land area and modeled multifamily unit capacity included must be within a half-mile of rapid transit stations
- Minimum total district(s) area: **50 acres**
- Gross density requirement: **15 units/acre**
Some individual subdistricts may be less dense than 15 units/acre as long as all subdistricts calculated together are at least 15 units/acre.

1B. Zoning Standards

Allowable zoning parameters include (for example):

- Setbacks
- Stories & height limits
- Parking requirements
- Units per parcel
- Units per acre
- Minimum/Maximum lot size
- Required mixed-use ([with limitations](#))

For more information on Section 3A requirements, including key definitions, see:

- <https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>
- <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>
- <https://www.mass.gov/doc/advisory-concerning-enforcement-of-the-mbta-communities-zoning-law/download>

1A. District Size, Location & Density

- Contiguity standards: one contiguous subdistrict area must contain **≥ 50%** of total district land area
- Transit-oriented standards: **≥ 50%** of the land area and modeled multifamily unit capacity included must be within a half-mile of rapid transit stations
- Minimum total district(s) area: **50 acres**
- Gross density requirement: **15 units/acre**
Some individual subdistricts may be less dense than 15 units/acre as long as all subdistricts calculated together are at least 15 units/acre.

1B. Zoning Standards

Allowable zoning parameters include (for example):

- Setbacks
- Stories & height limits
- Parking requirements
- Units per parcel
- Units per acre
- Minimum/Maximum lot size
- Required mixed-use ([with limitations](#))

1A. District Size, Location & Density

- Contiguity standards: one contiguous subdistrict area must contain **≥ 50%** of total district land area
- Transit-oriented standards: **≥ 50%** of the land area and modeled multifamily unit capacity included must be within a half-mile of rapid transit stations
- Minimum total district(s) area: **50 acres**
- Gross density requirement: **15 units/acre**
Some individual subdistricts may be less dense than 15 units/acre as long as all subdistricts calculated together are at least 15 units/acre.

1B. Zoning Standards

Allowable zoning parameters include (for example):

- Setbacks
- Stories & height limits
- Parking requirements
- Units per parcel
- Units per acre
- Minimum/Maximum lot size
- Required mixed-use ([with limitations](#))

2. Multi-Family Unit Capacity

2,461 units

NOTE: this is a theoretical zoned capacity using the State calculation method. This is not a requirement to build a certain number of units, and has no relationship to existing units.

Subdistricts Studied

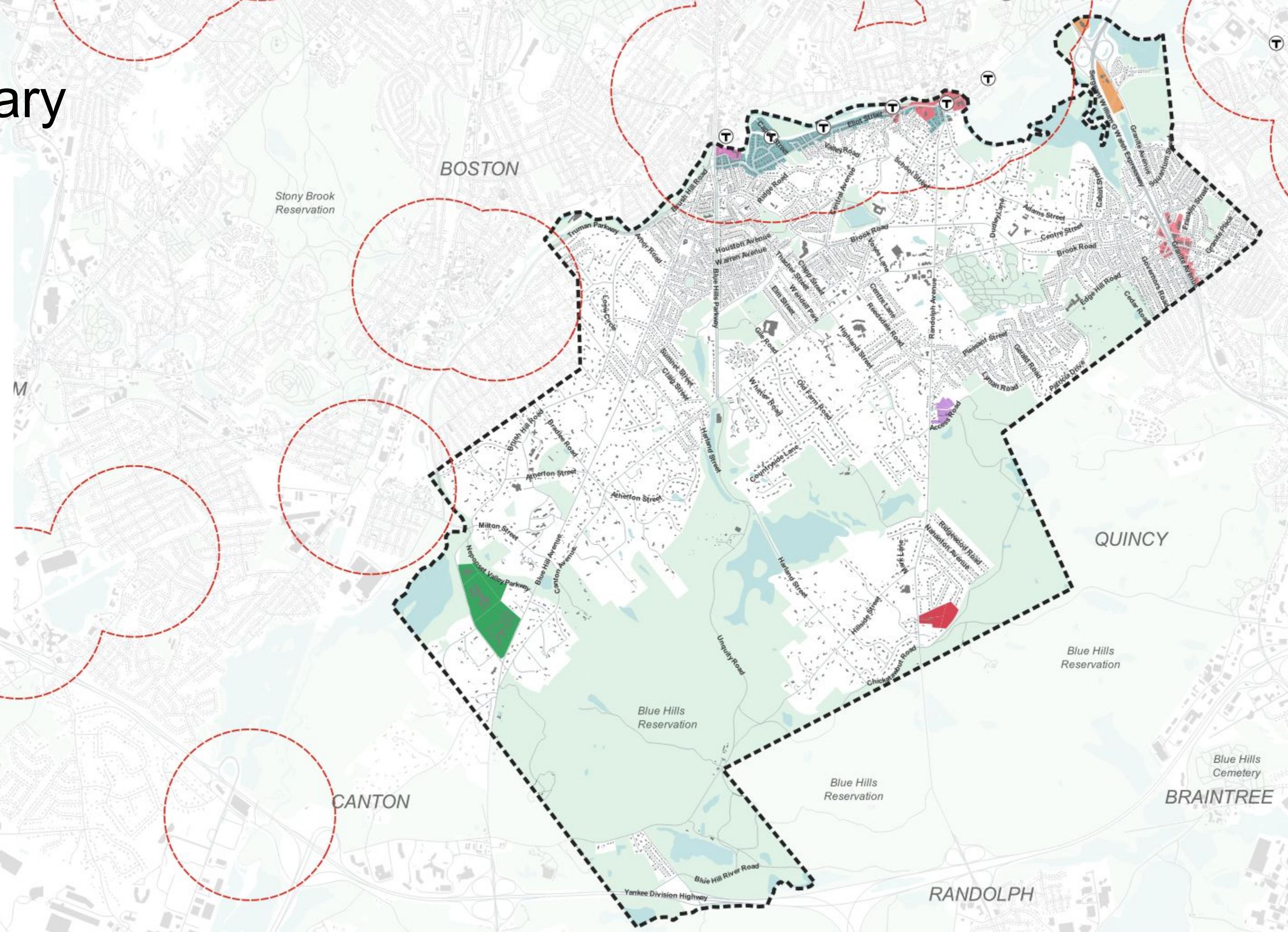
Townwide Summary

Individual Subdistricts Aerial Zoom-Ins

Townwide Summary

Milton Subdistricts Considered

- Transit Area Triplex
- Granite Ave
- Milton Station
- Mattapan Station
- East Milton Square
- Randolph Ave & Access Rd
- Randolph Ave South
- Brush Hill Rd



Granite Ave



Milton Station



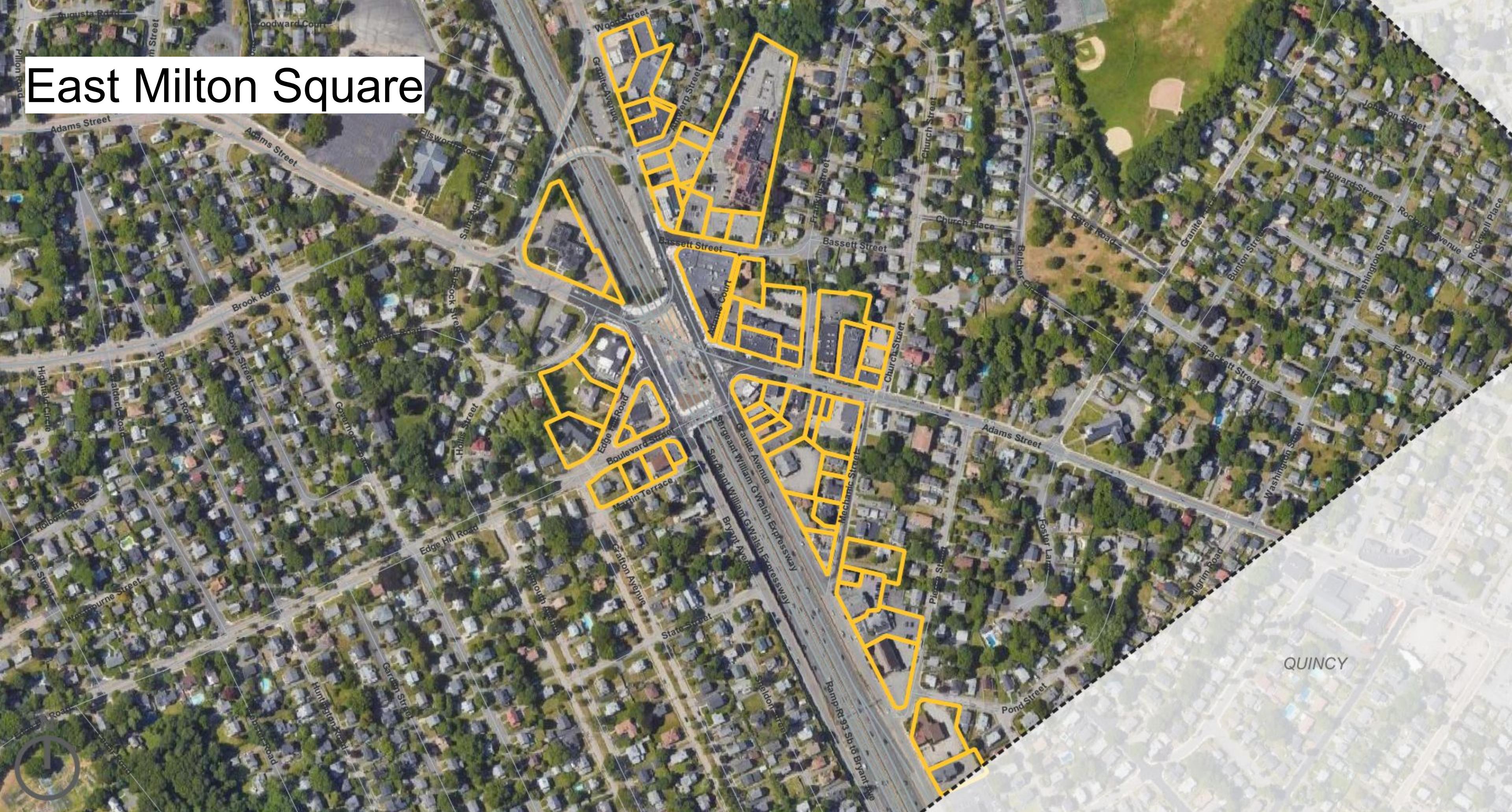
Mattapan Station



Transit Area Triplex



East Milton Square



Randolph Ave & Access Rd



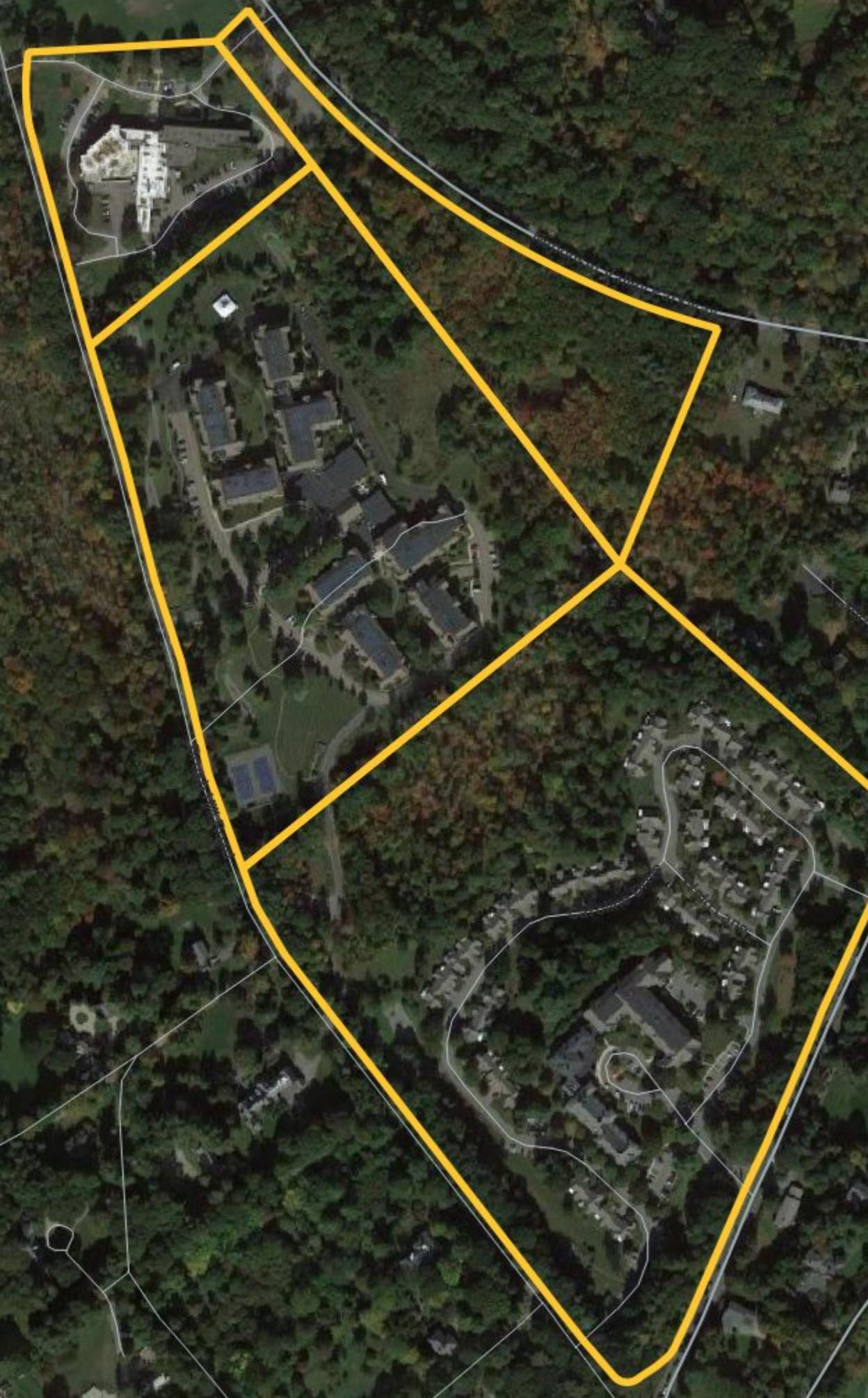
Randolph Ave South



Brush Hill Rd

BOSTON

CANTON



Pathways to Compliance

Option 1: Compliance with East Milton Square

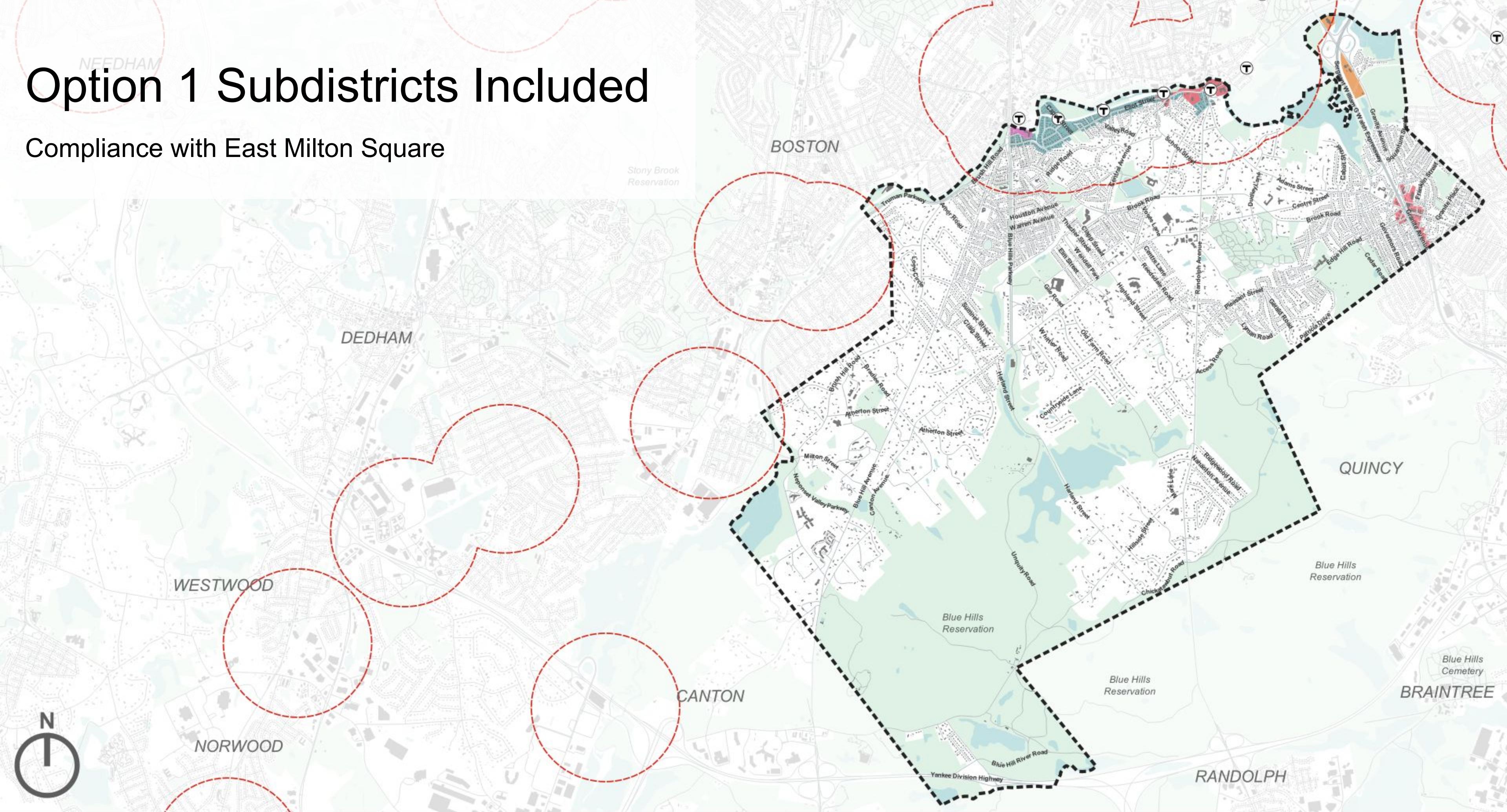
Option 2: Compliance without East Milton Square

Option 1

Compliance with East Milton Square

Option 1 Subdistricts Included

Compliance with East Milton Square



Option 1 Compliance Model Summary

Compliance with East Milton Square

NOTE: Red text indicates a parameter we are fine-tuning to reach a more ideal balance of density and design outcomes while retaining overall compliance. East Milton Square and Milton Station Subdistricts have undergone minor revisions since these numbers were run.

Subdistrict	Model Inputs					Model Outputs						
	Max. units/acre	Max. unit/lot	Min. Lot Size	Min. Parking Spaces per Unit	Max. Bldg Height (stories)	Unit Capacity	Acreage	Modeled Density	% Land in Transit Area	% Units in Transit Area	% Units in Mixed Use Subdistrict	
Granite Ave	40	n/a	n/a	1	5							
Mattapan Station	40	n/a	n/a	1	3.5							
Milton Station*	40	n/a	n/a	1	3.5				to be added			
East Milton Square	30	n/a	n/a	1	4							
Transit Area Triplex	n/a	3	5,500 sf	1	3							
TOTAL						2,508	134.5 acres	19.2 units/acre	76%	64%	17%	
COMPLIANCE TARGET						2,461	50 acres	15 units/acre	50%	50%	25% (max)	

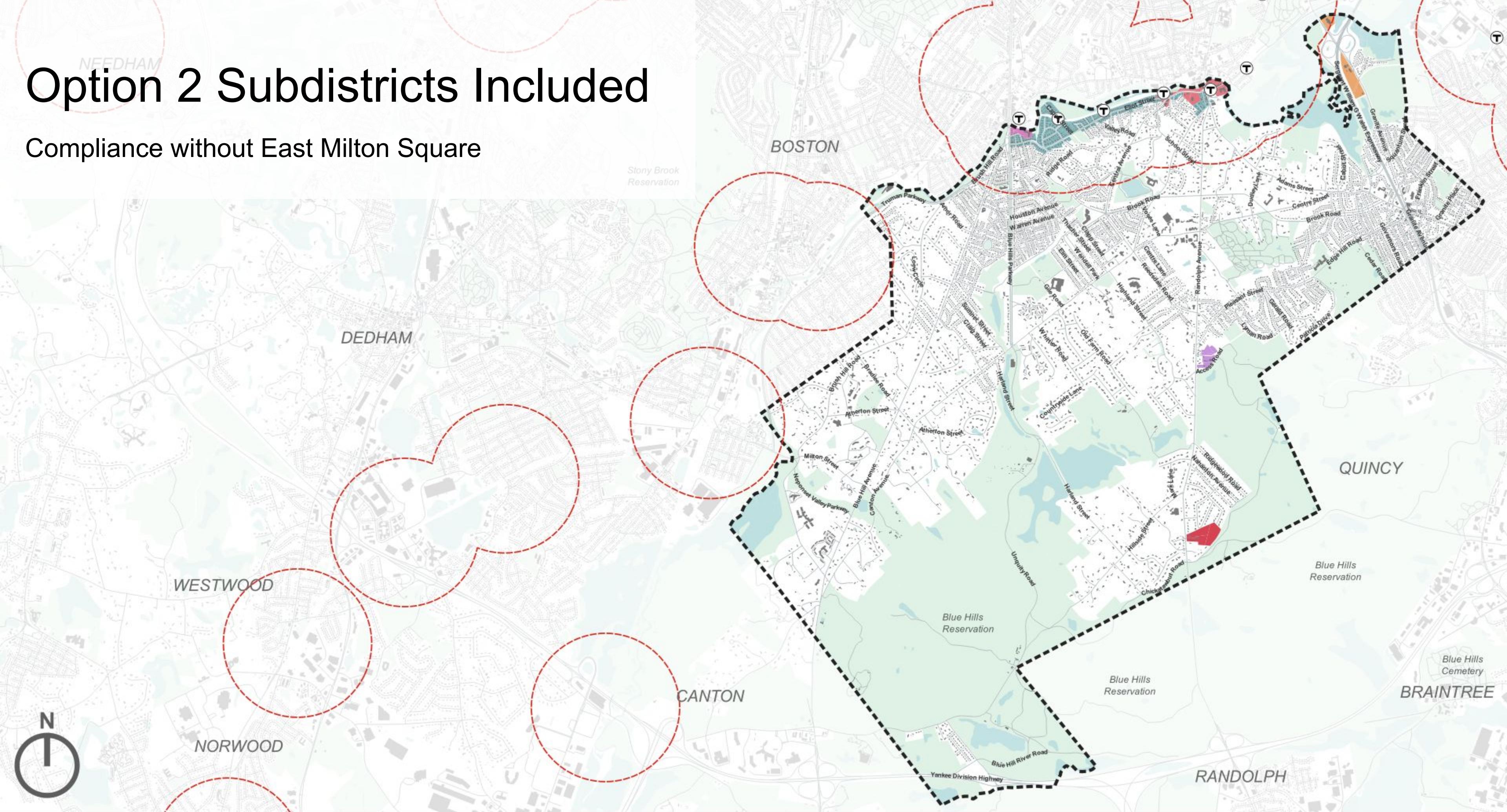
* In this option, we are assuming the **Milton Station Subdistrict** will make use of the new mixed-use provision as described in [the most recent guidance from the State, issued on 8/17/2023](#).

Option 2

Compliance without East Milton Square

Option 2 Subdistricts Included

Compliance without East Milton Square



Option 2 Compliance Model Summary

Compliance without East Milton Square

NOTE: Red text indicates a parameter we are fine-tuning to reach a more ideal balance of density and design outcomes while retaining overall compliance. East Milton Square and Milton Station Subdistricts have undergone minor revisions since these numbers were run.

Subdistrict	Model Inputs					Model Outputs						
	Max. units/acre	Max. unit/lot	Min. Lot Size	Min. Parking Spaces per Unit	Max. Bldg Height (stories)	Unit Capacity	Acreage	Modeled Density	% Land in Transit Area	% Units in Transit Area	% Units in Mixed Use Subdistrict	
Granite Ave	35	n/a	n/a	1	5	545						
Mattapan Station	35	n/a	n/a	1	3.5	169						
Milton Station	35	n/a	n/a	1	3.5	543						
Randolph Ave & Access Rd	27	n/a	n/a	1	3.5	193						
Randolph Ave South	25	n/a	n/a	1	3.5	349						
Transit Area Triplex	n/a	3	5,500 sf	1	3	669						
TOTAL						2,468	133 acres	19.3 units/acre	77%	61%	n/a	
COMPLIANCE TARGET						2,461	50 acres	15 units/acre	50%	50%	25% (max)	

to be added

Compliance Model Output Comparison

NOTE: East Milton Square and Milton Station Subdistricts have undergone minor revisions since these numbers were run.

Compliance with and without East Milton Square

Option	Model Outputs					
	Unit Capacity	Acreage	Modeled Density	% Land in Transit Area	% Units in Transit Area	% Units in Mixed Use Subdistrict
Option 1 <i>(With East Milton Square)</i> • Granite Ave • Mattapan Station • Milton Station* • East Milton Square • Transit Area Triplex	2,508	134.5 acres	19.2 units/acre	76%	64%	17%
Option 2 <i>(Without East Milton Square)</i> • Granite Ave • Mattapan Station • Milton Station • Randolph Ave & Access Rd • Randolph Ave South • Transit Area Triplex	2,468	133 acres	19.3 units/acre	77%	61%	n/a
COMPLIANCE TARGET	2,461	50 acres	15 units/acre	50%	50%	25% (max)

* In this option, we are assuming the **Milton Station Subdistrict** will make use of the new mixed-use provision as described in [the most recent guidance from the State, issued on 8/17/2023](#).

Thank You!

