

# 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 Triplex Minimum Parcel Size Threshold Tests
- b. 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

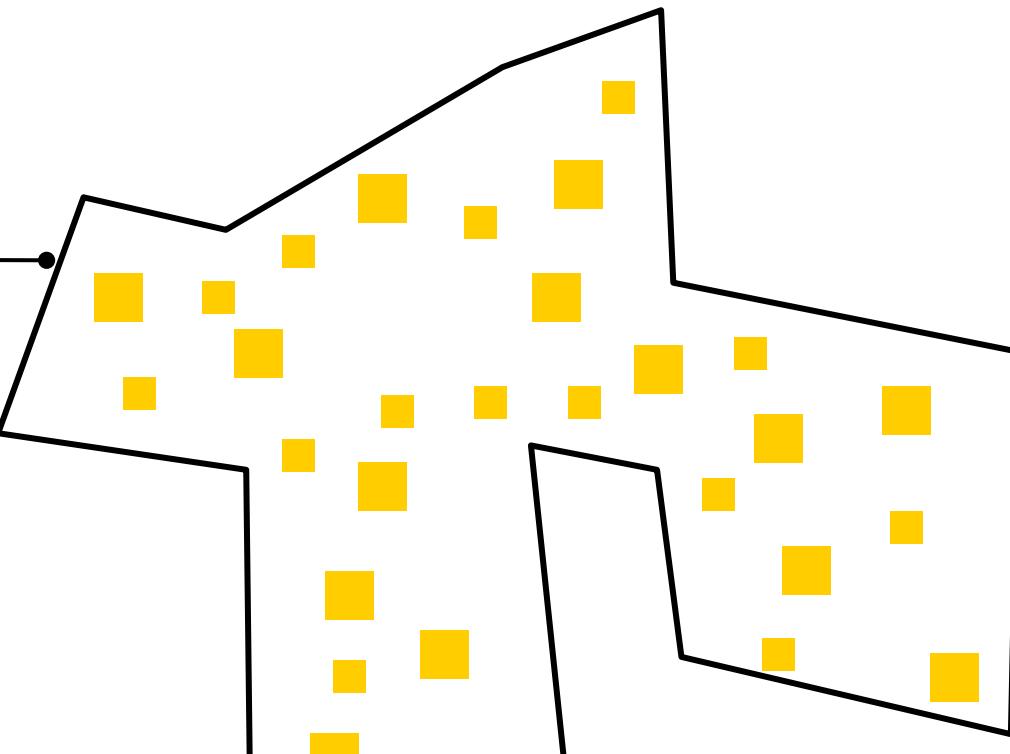
# What does this mean for Milton?

## 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*

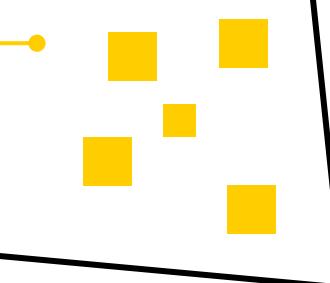


## District Density & Unit Capacity

**≥ 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](#))

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## 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.*

# Modeling Unit Capacity

**“The Model” was designed to provide a standardized way to ensure accountability for all communities in the Commonwealth that are required to comply with this law. It is not intended to be a prediction - it is intended to be a reasonable estimate.**

- How does the model calculate unit capacity?
  - Various zoning parameters (metrics) are added to a spreadsheet, which applies those metrics to each parcel included in the subdistrict to which those metrics apply.
  - The model uses 1,000sf per unit as a proxy to estimate unit count based on square footage to allow for a diversity of unit types.
- What metrics most directly control modeled unit capacity?
  - Minimum/maximum lot size
  - Building height (stories)
  - Units/acre or units/lot
  - Open space and lot coverage requirements  
(note: the model already has a default open space set-aside of 20% to approximate setbacks)
- What metrics have negligible impact on modeled unit capacity?
  - Setbacks

# Subdistricts Studied

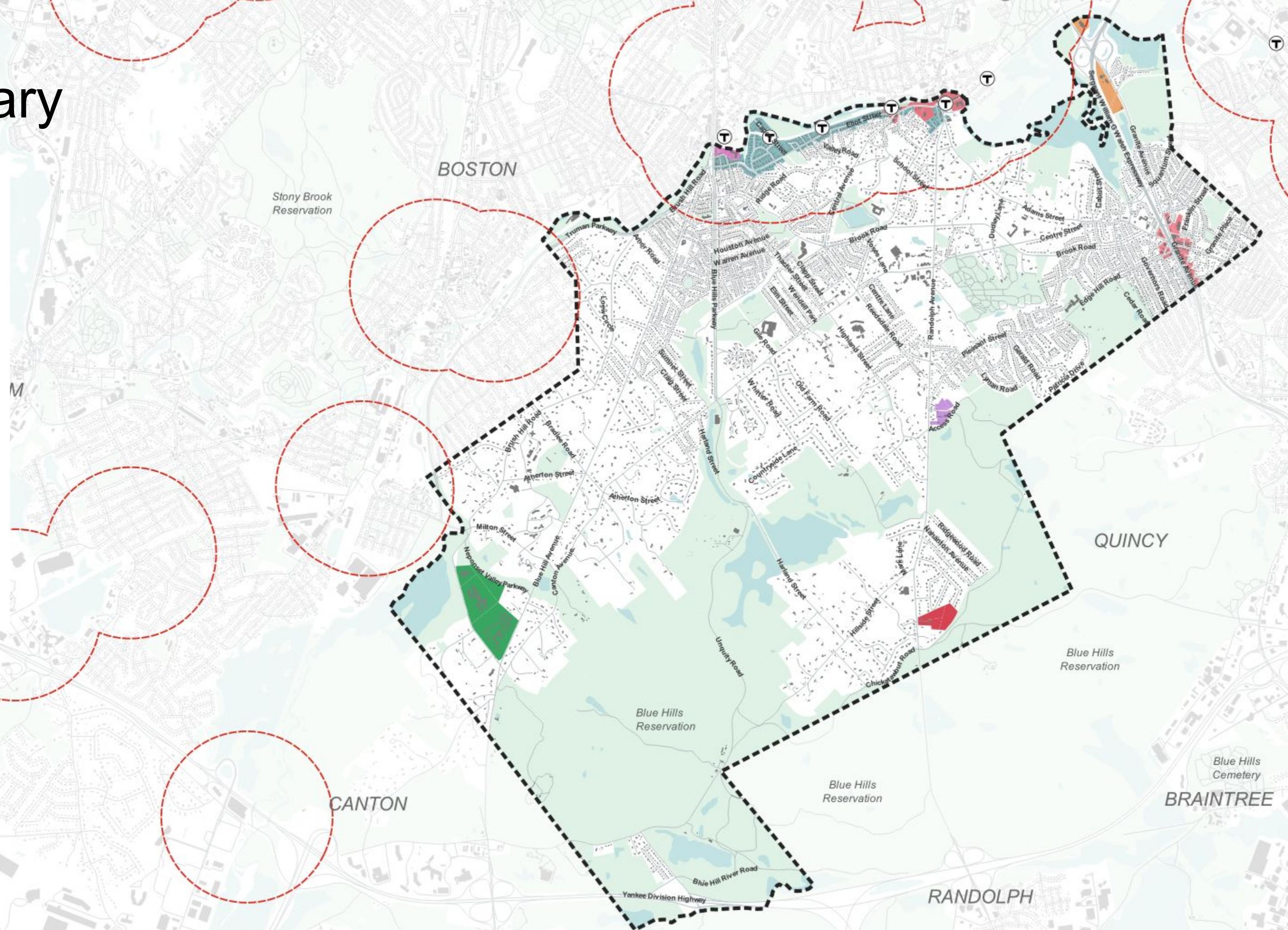
Townwide Summary

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



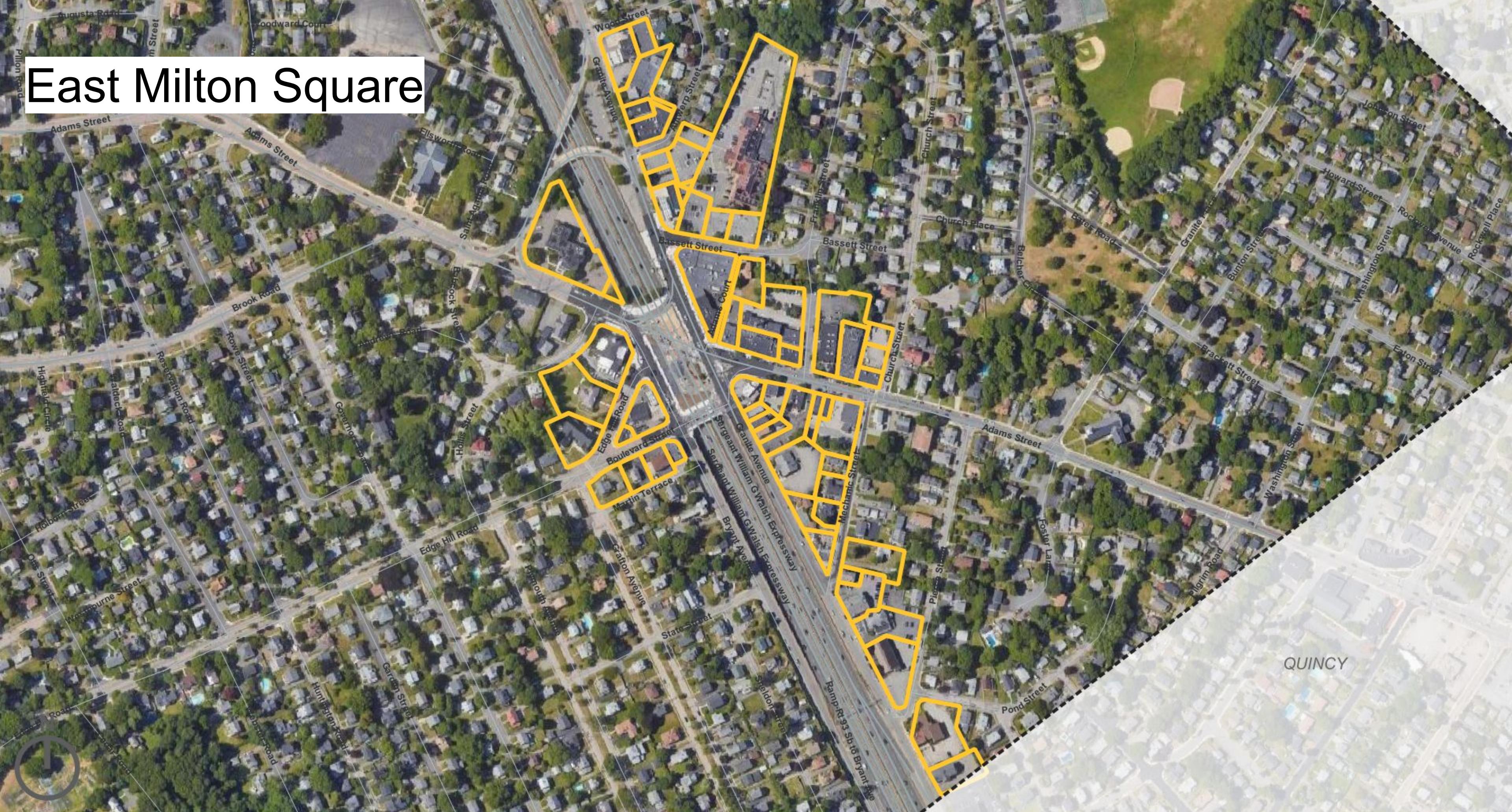
# Mattapan Station



# Transit Area Triplex



# East Milton Square



# Randolph Ave & Access Rd



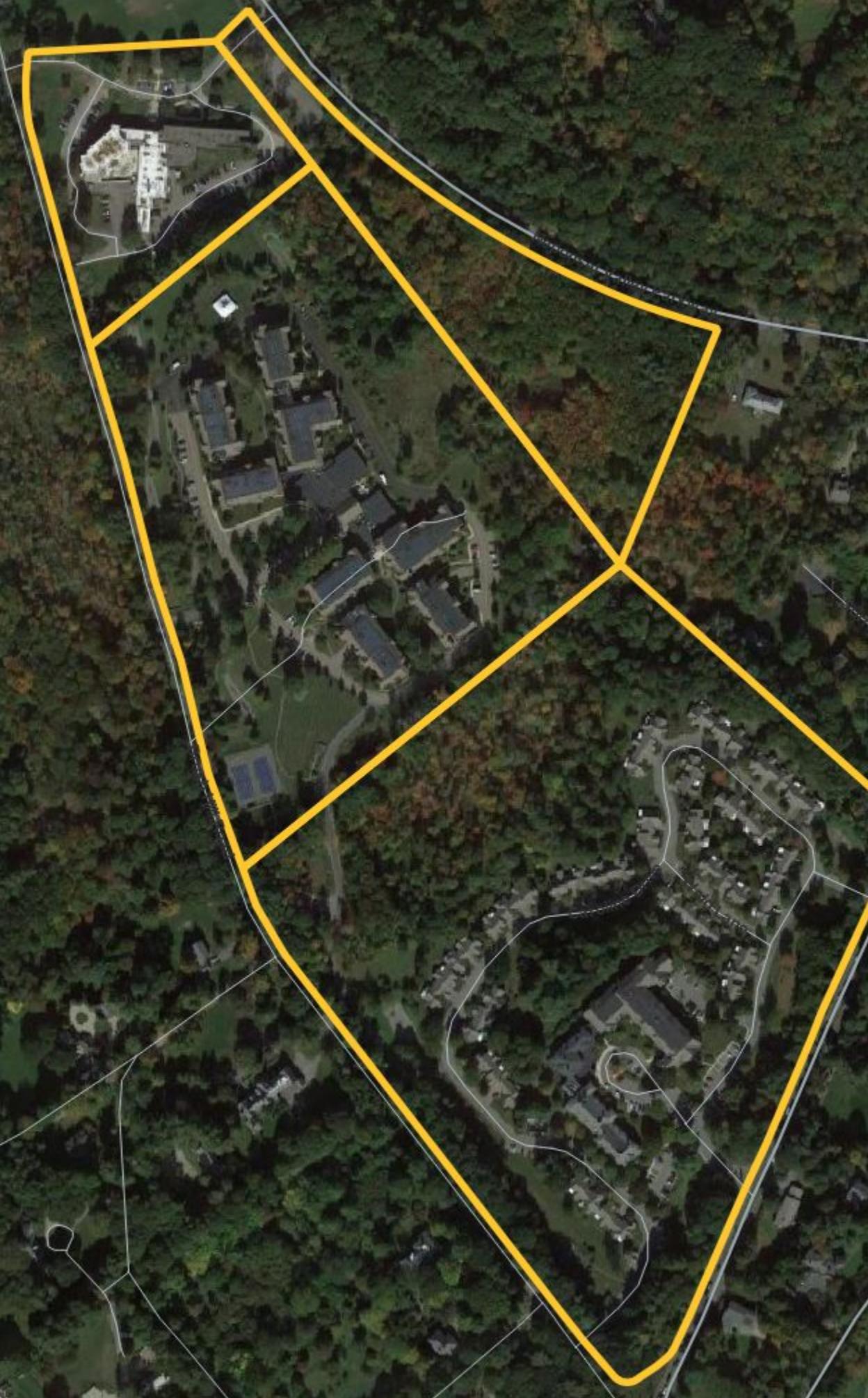
# Randolph Ave South



# Brush Hill Rd

BOSTON

CANTON



Canton Ave

# Pathways to Compliance

Option 1: Compliance with East Milton Square

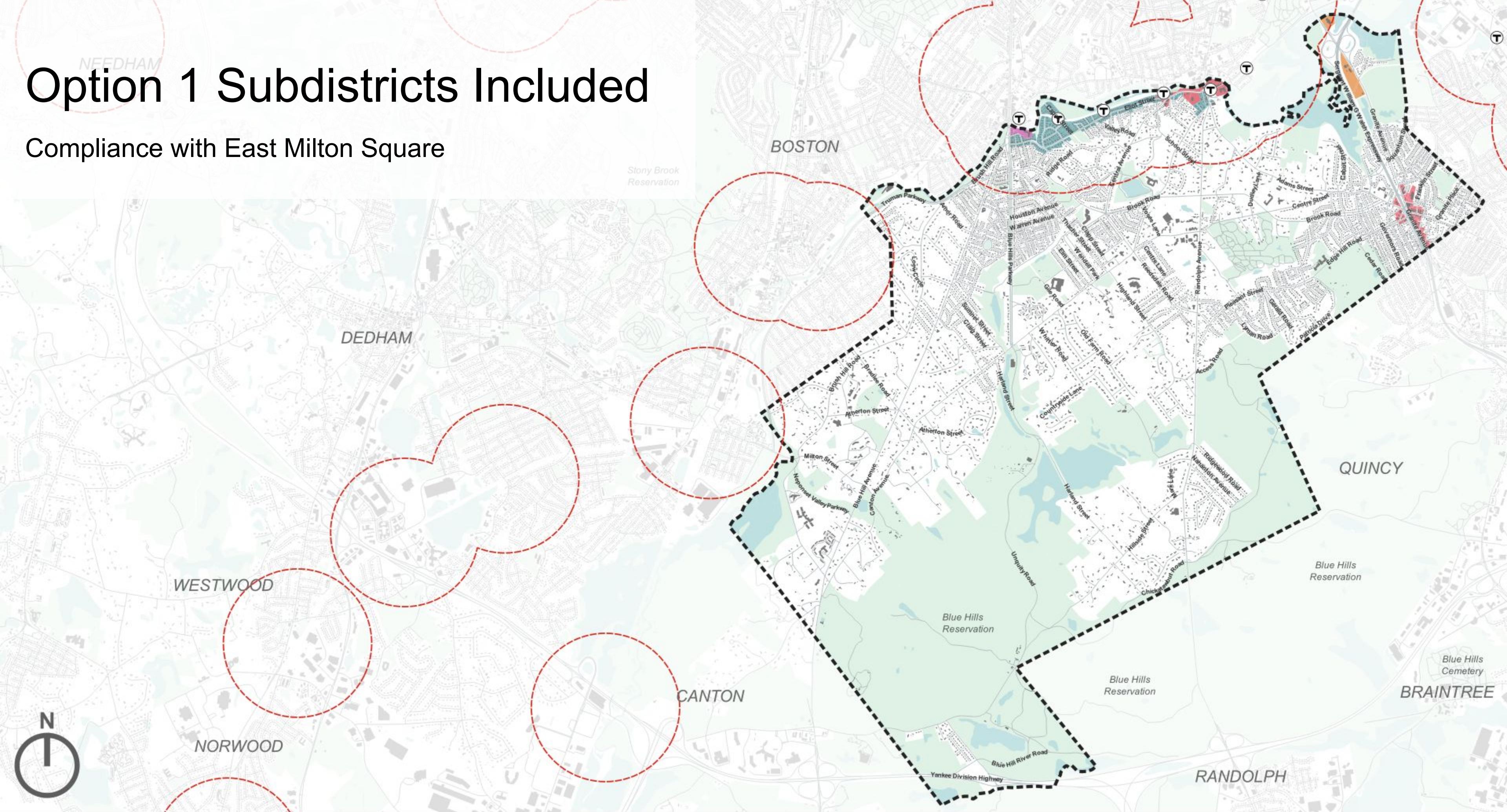
Option 2: Compliance without East Milton Square

# Option 1

Compliance with East Milton Square

# Option 1 Subdistricts Included

# Compliance with East Milton Square



# Option 1 Compliance Model Summary

**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.

## Compliance with East Milton Square

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	545	13.7	44	23%	contributing		
Mattapan Station	40	n/a	n/a	1	3.5	169	4.9	40.8	100%	contributing		
Milton Station*	40	n/a	n/a	1	3.5	543	18.9	31.8	100%	contributing	contributing	
East Milton Square	30	n/a	n/a	1	4	423	22.8	18.6	0%			
Transit Area Triplex	n/a	3	5,500 sf	1	3	669	74.3	9	100%	contributing		
<b>TOTAL</b>						<b>2,508</b>	134.5 acres	<b>19.2 units/acre</b>	<b>76%</b>	<b>64%</b>	<b>17%</b>	
<b>COMPLIANCE TARGET</b>						<b>2,461</b>	50 acres	<b>15 units/acre</b>	<b>50%</b>	<b>50%</b>	<b>25% (max)</b>	

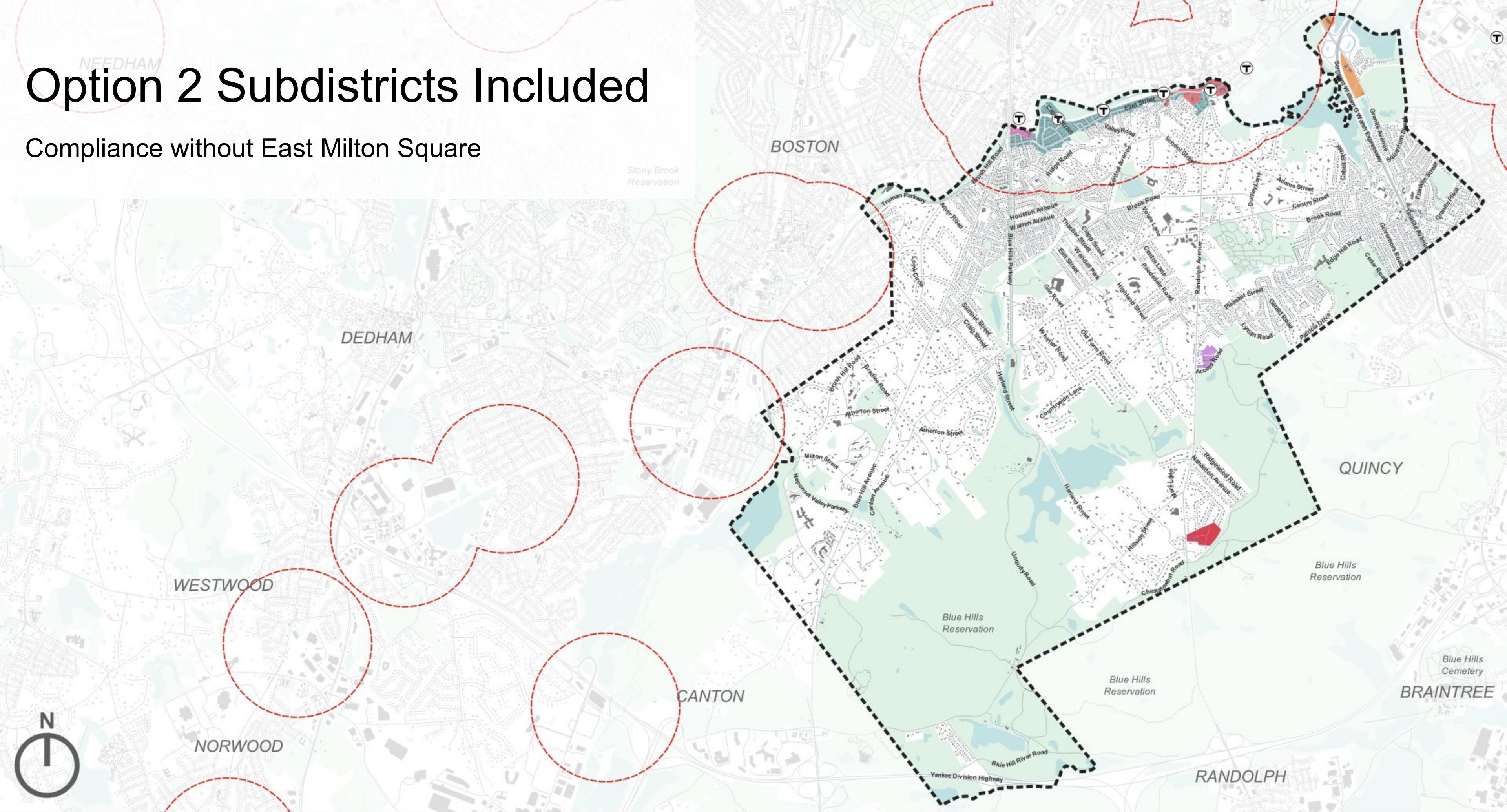
\* In this option, we are assuming the **Milton Station Subdistrict** will make use of the new mixed-use provision as described in [the most recent guidance from the State, issued on 8/17/2023](#).

# Option 2

Compliance without East Milton Square

# Option 2 Subdistricts Included

Compliance without East Milton Square



# Option 2 Compliance Model Summary

**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.

## Compliance without East Milton Square

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 (units/ac)	% Land in Transit Area	% Units in Transit Area	% Units in Mixed Use Subdistrict	
Granite Ave	35	n/a	n/a	1	5	545	13.7	44	23%	contributing	n/a	
Mattapan Station	35	n/a	n/a	1	3.5	169	4.9	40.8	100%	contributing	n/a	
Milton Station	35	n/a	n/a	1	3.5	543	18.9	31.8	100%	contributing	n/a	
Randolph Ave & Access Rd	27	n/a	n/a	1	3.5	193	7.5	27.5	0%		n/a	
Randolph Ave South	25	n/a	n/a	1	3.5	349	13.9	26.5	0%		n/a	
Transit Area Triplex	n/a	3	5,500 sf	1	3	669	74.3	9	100%	contributing	n/a	
<b>TOTAL</b>						<b>2,468</b>	133 acres	<b>19.3 units/acre</b>	<b>77%</b>	<b>61%</b>	<b>n/a</b>	
<b>COMPLIANCE TARGET</b>						<b>2,461</b>	50 acres	<b>15 units/acre</b>	<b>50%</b>	<b>50%</b>	<b>25% (max)</b>	

# Compliance Model Output Comparison

## Compliance with and without East Milton Square

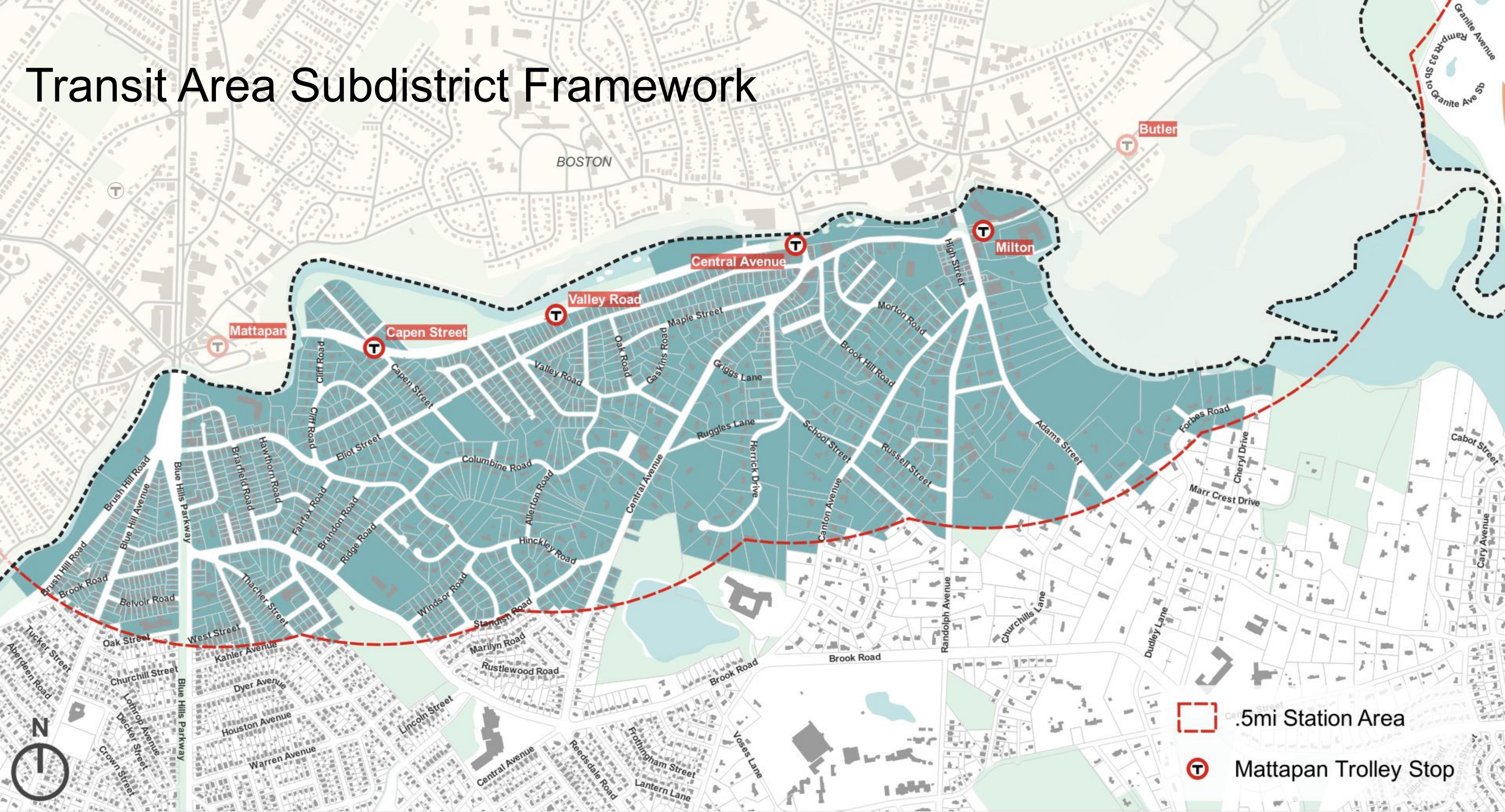
Option	Model Outputs					
	Unit Capacity	Acreage	Modeled Density	% Land in Transit Area	% Units in Transit Area	% Units in Mixed Use Subdistrict
<b>Option 1</b> <i>(With East Milton Square)</i> • Granite Ave • Mattapan Station • Milton Station* • East Milton Square • Transit Area Triplex	2,508	134.5 acres	19.2 units/acre	76%	64%	17%
<b>Option 2</b> <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
<b>COMPLIANCE TARGET</b>	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](#).

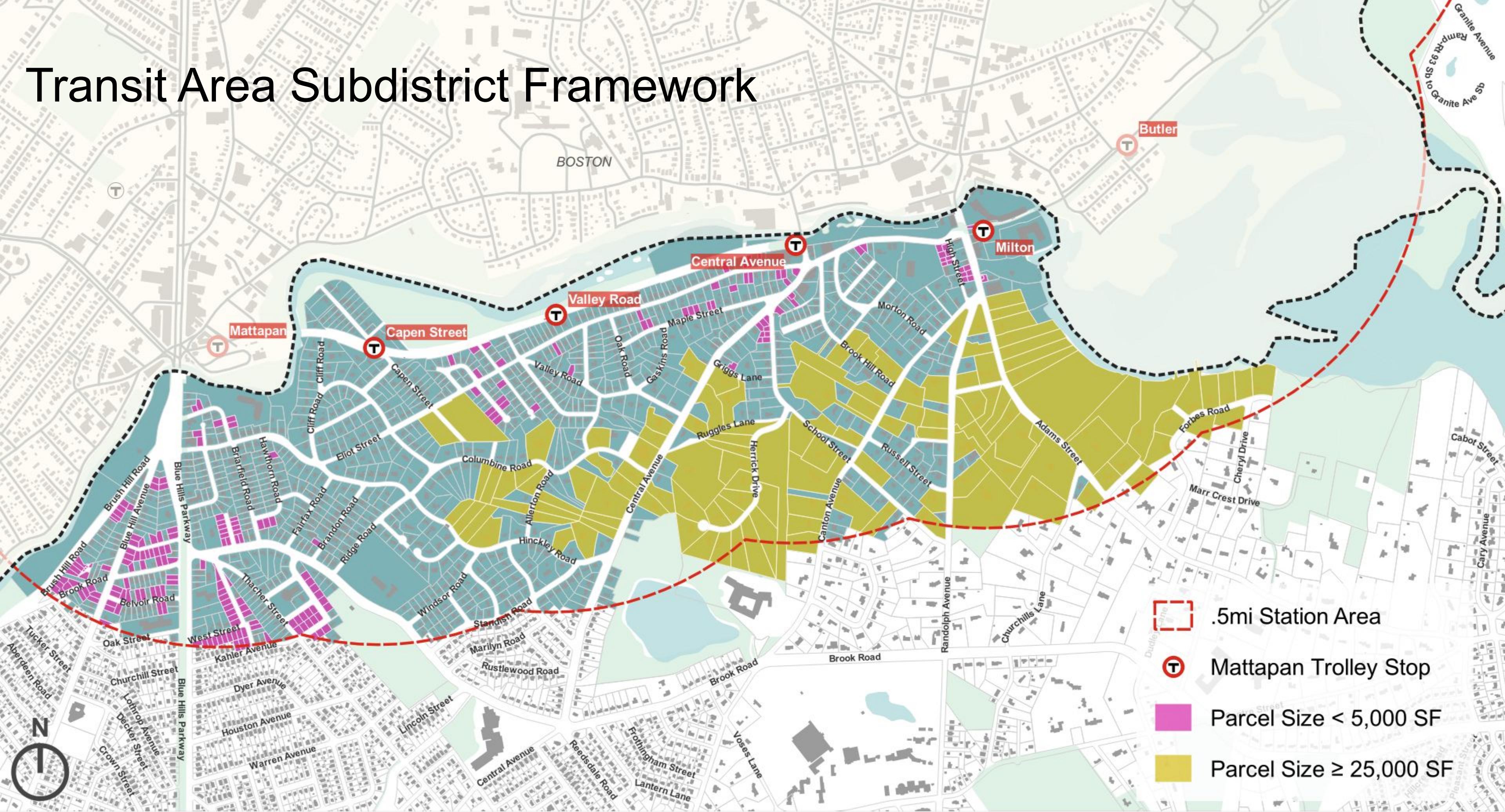
# Transit Area Evolution

Mapping Principles

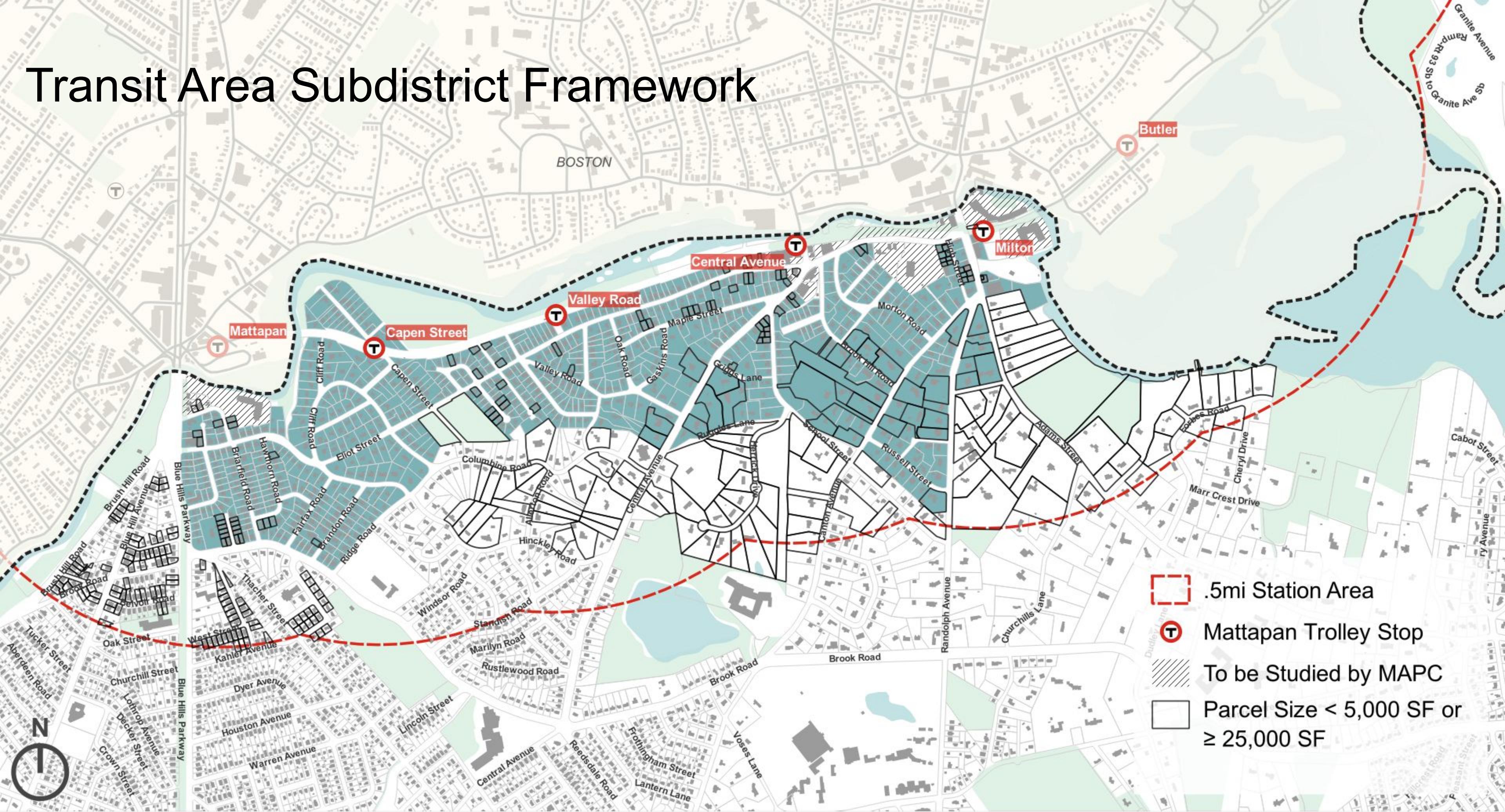
# Transit Area Subdistrict Framework



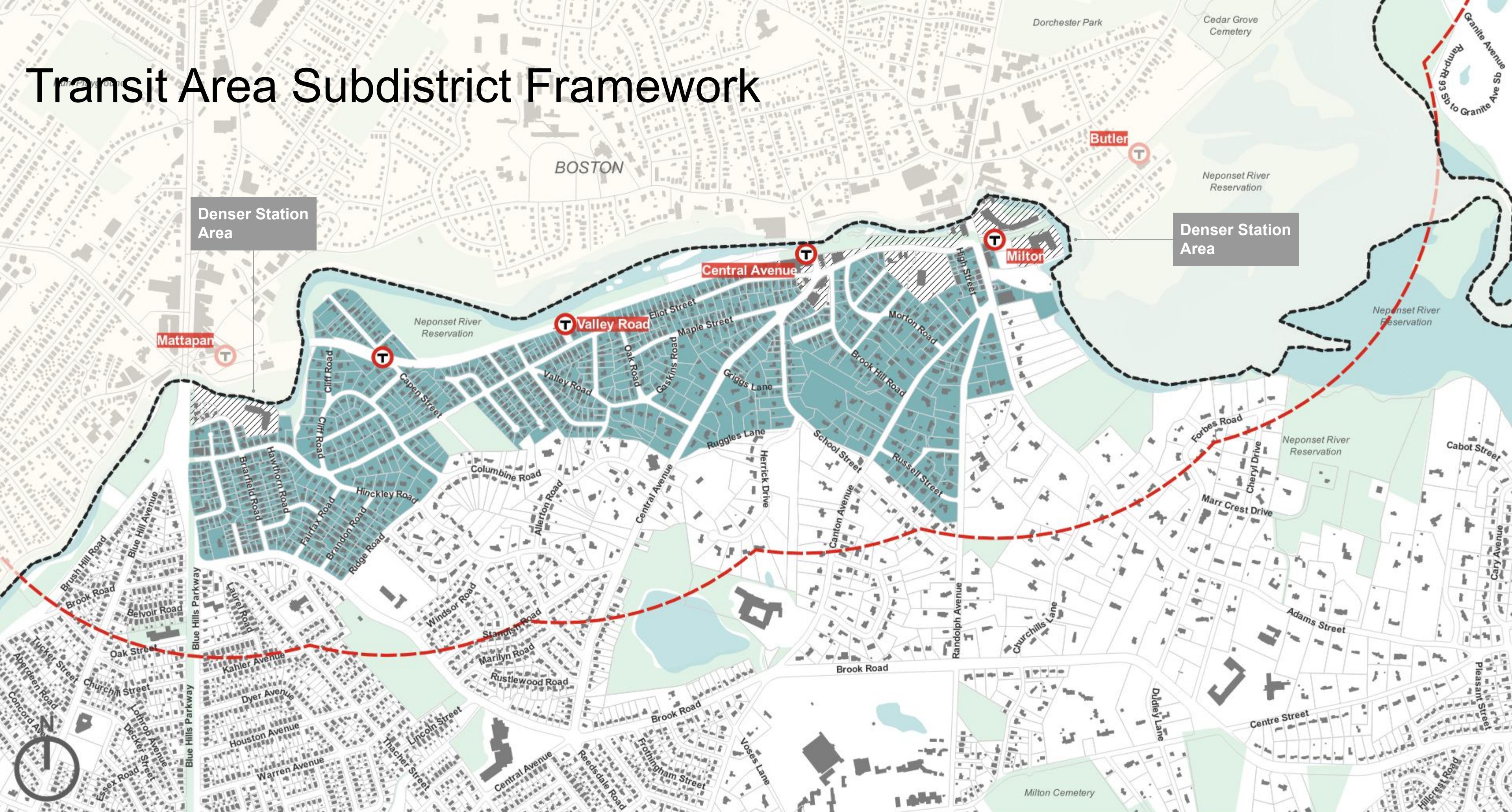
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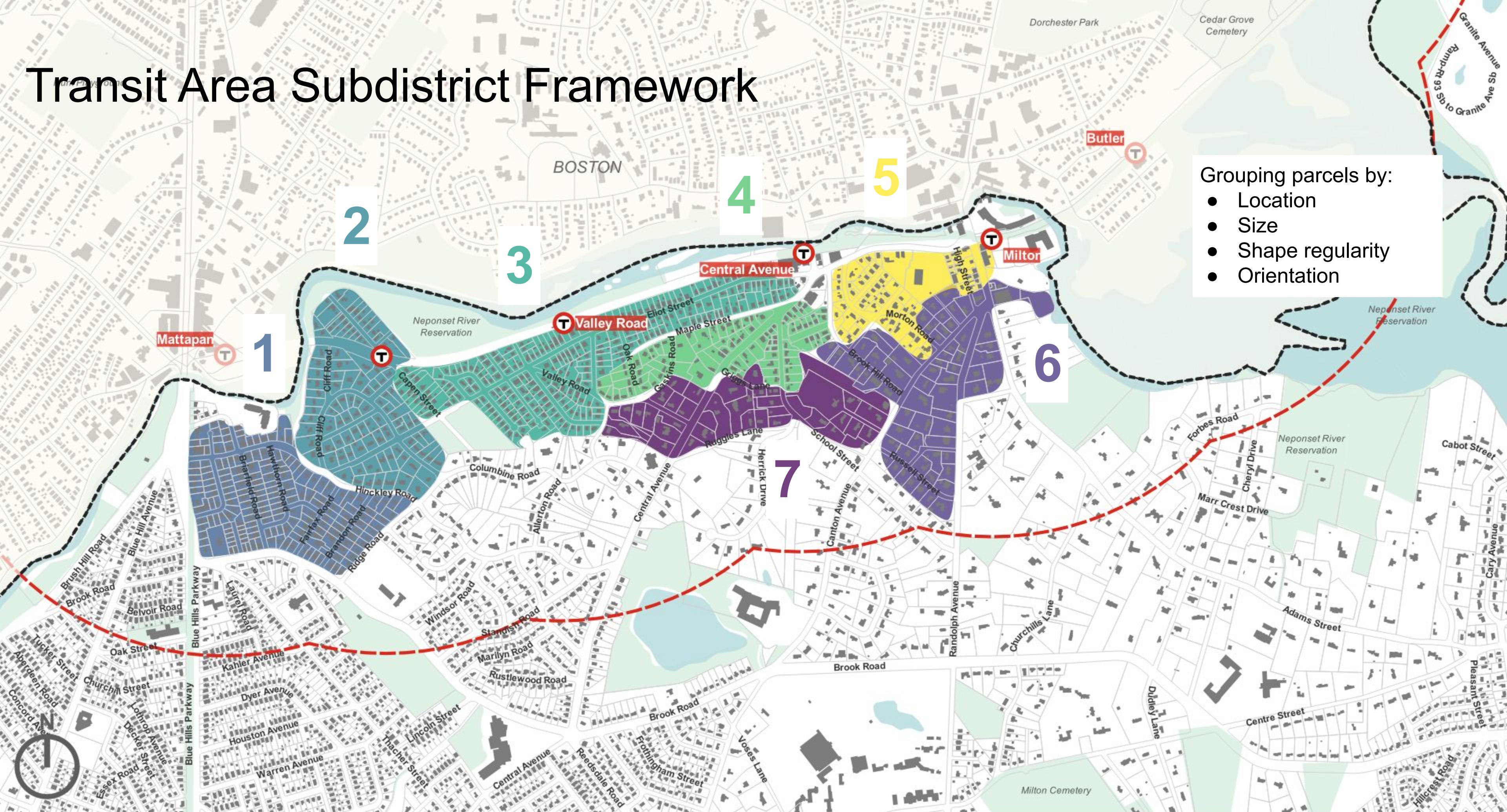
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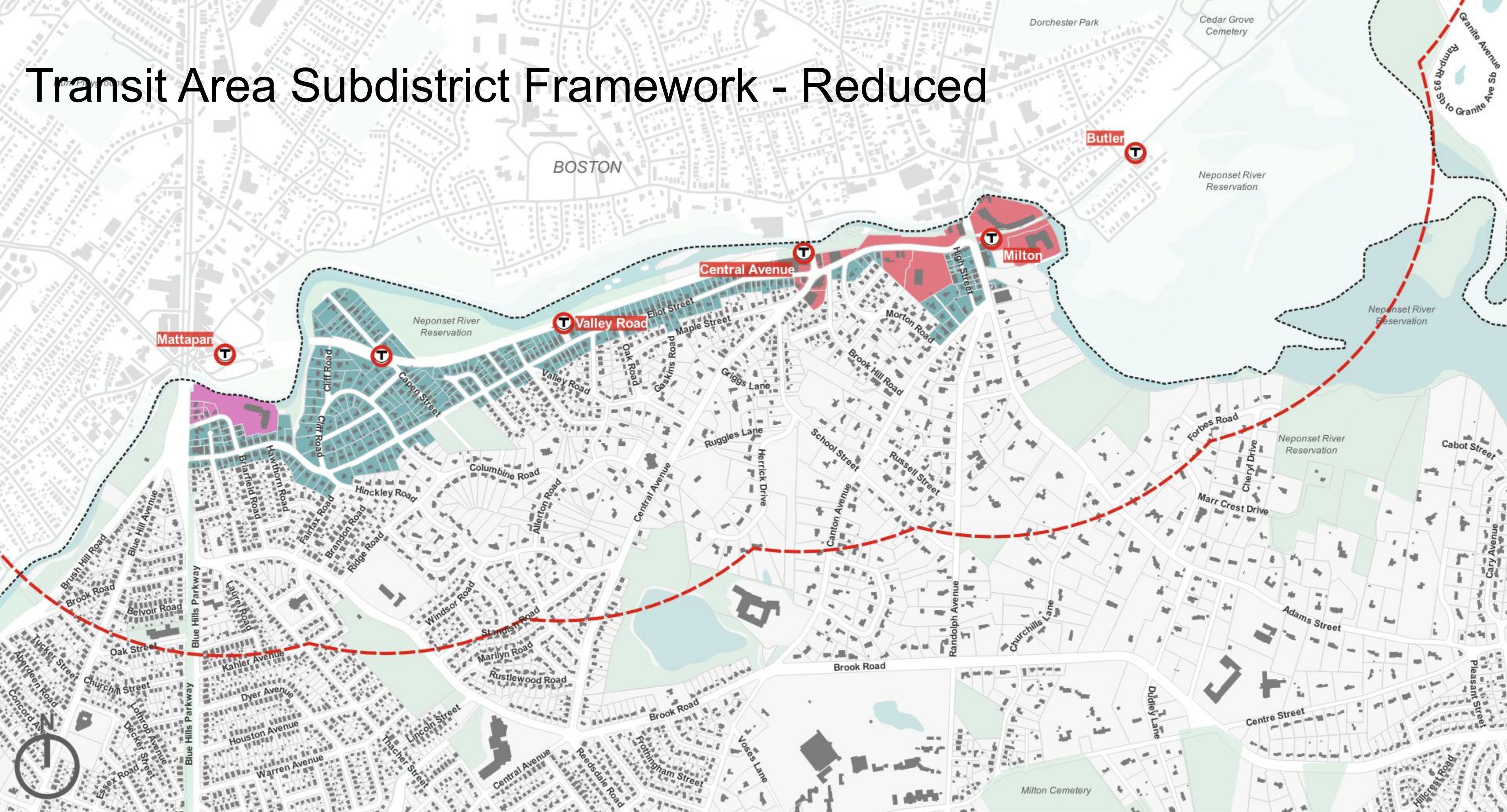
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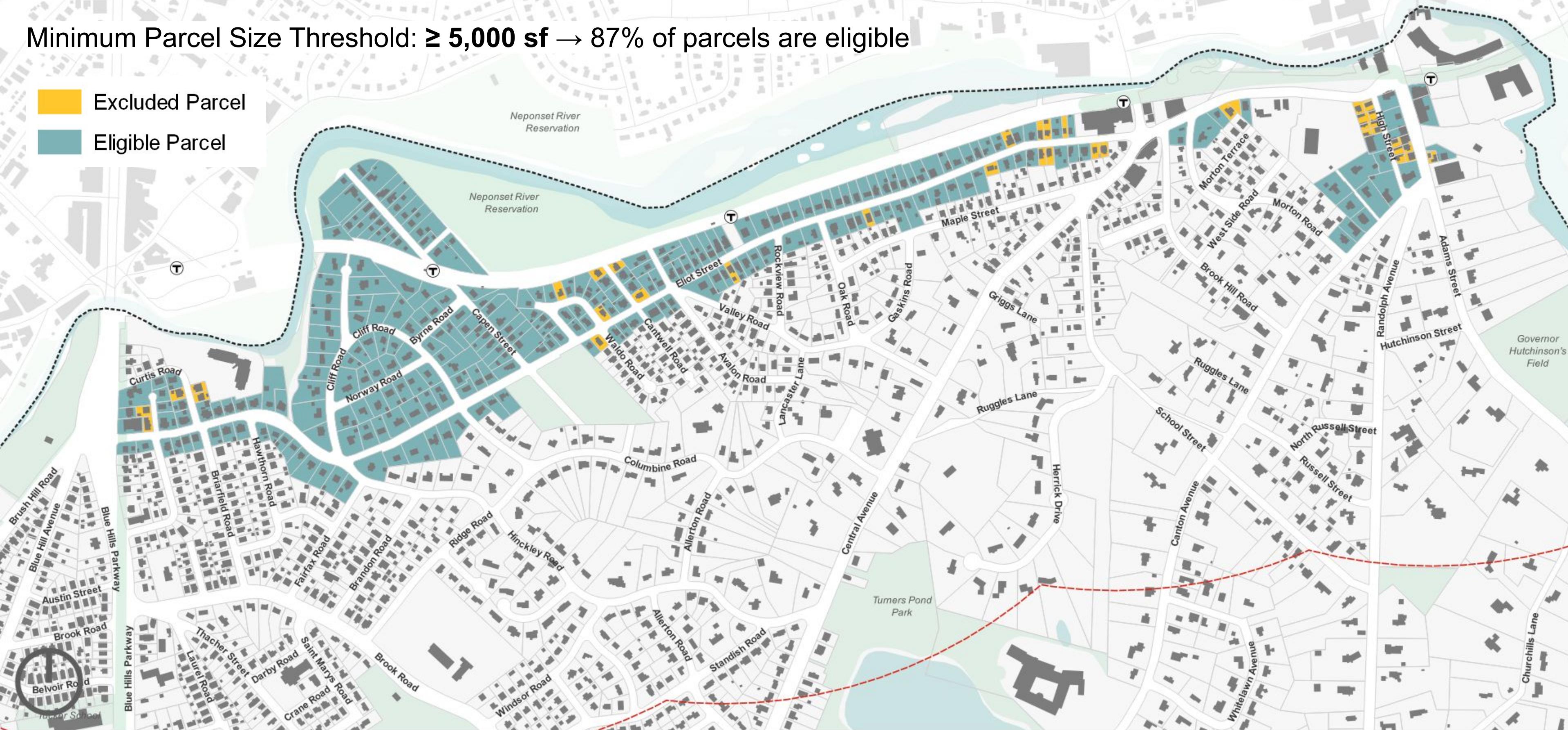
# Transit Area Subdistrict Framework - Reduced



# Transit Area Triplex Subdistrict

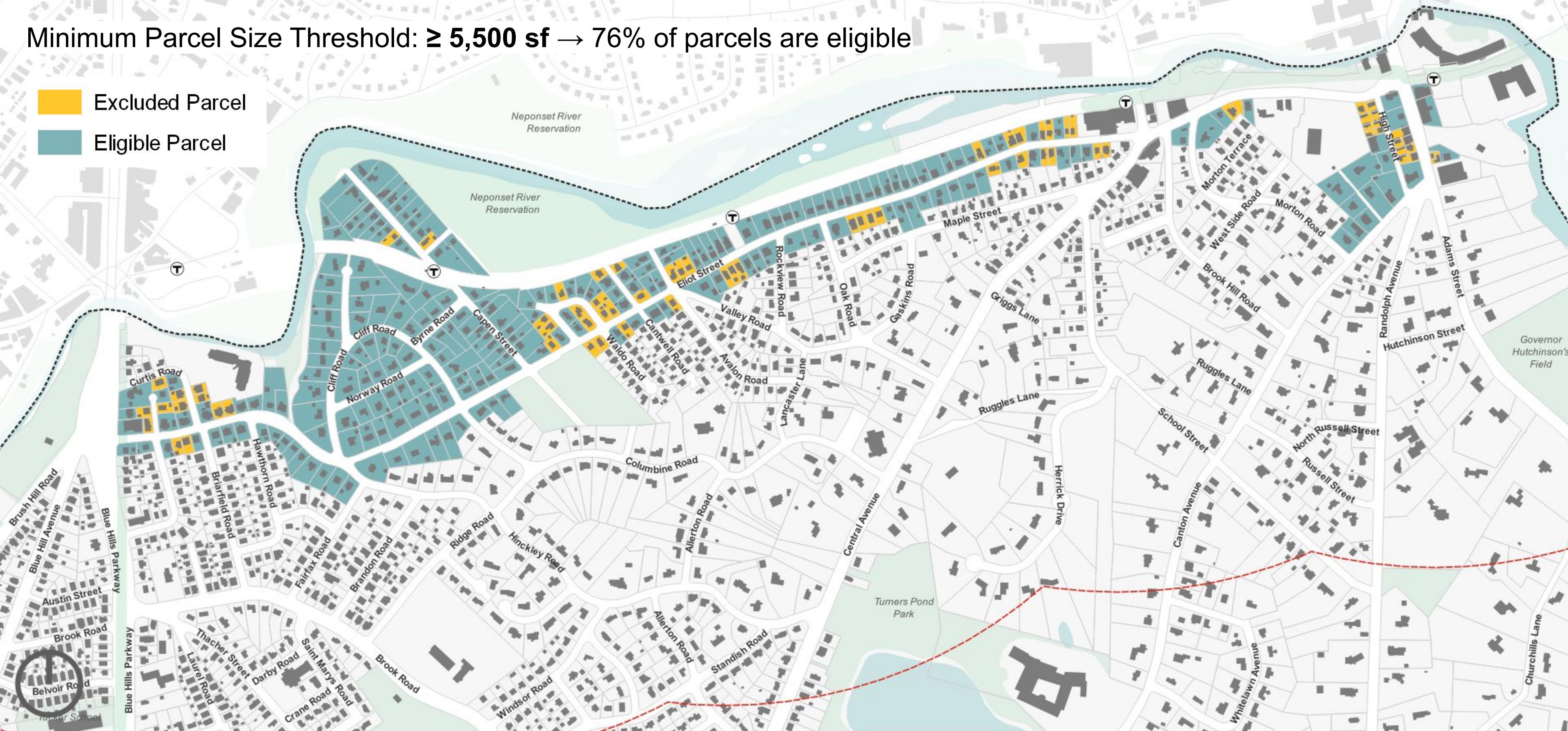
Minimum Parcel Size Threshold:  $\geq 5,000 \text{ sf}$   $\rightarrow$  87% of parcels are eligible

- Excluded Parcel
- Eligible Parcel



Transit Area Triplex Subdistrict

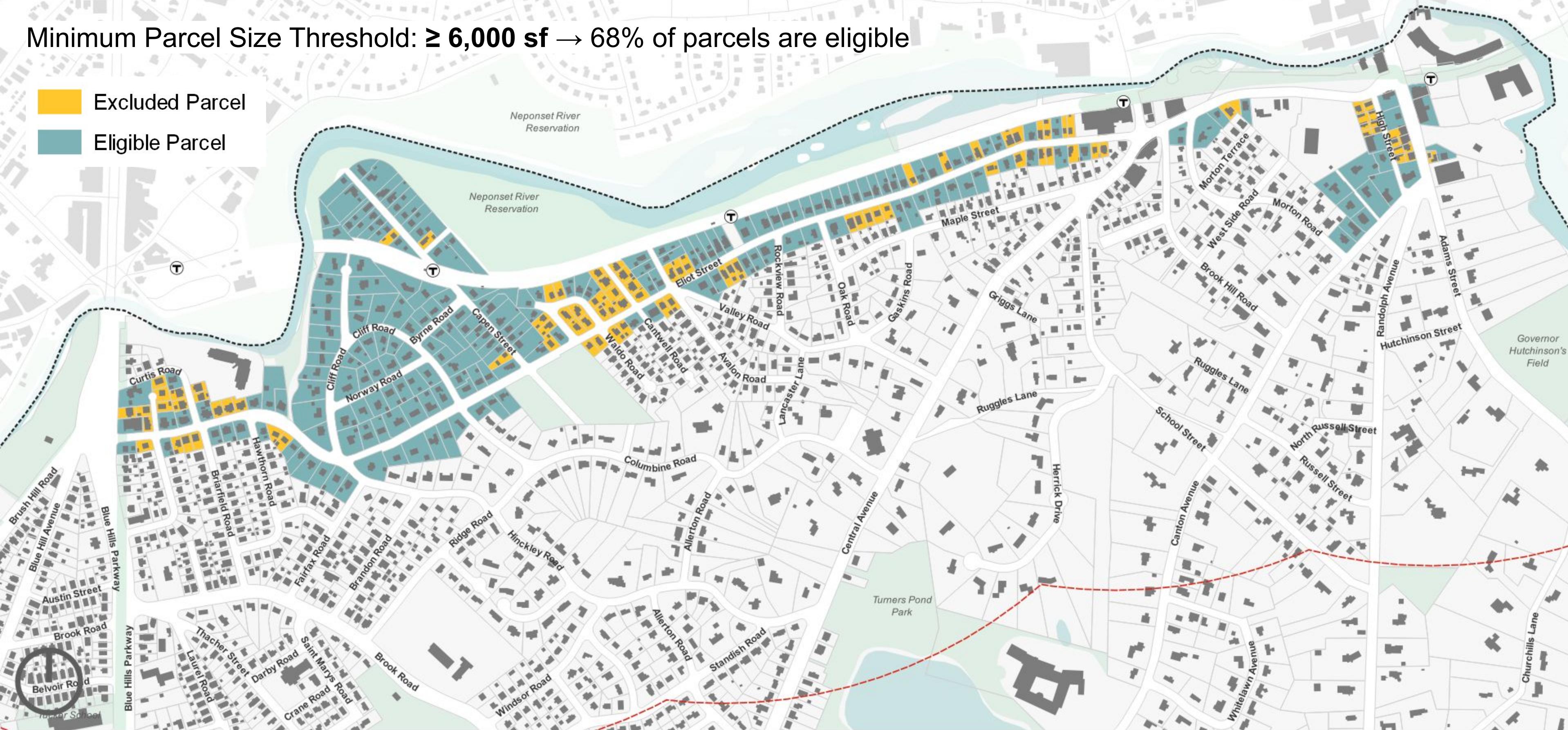
Minimum Parcel Size Threshold: **≥ 5,500 sf** → 76% of parcels are eligible



# Transit Area Triplex Subdistrict

Minimum Parcel Size Threshold:  $\geq 6,000 \text{ sf}$  → 68% of parcels are eligible

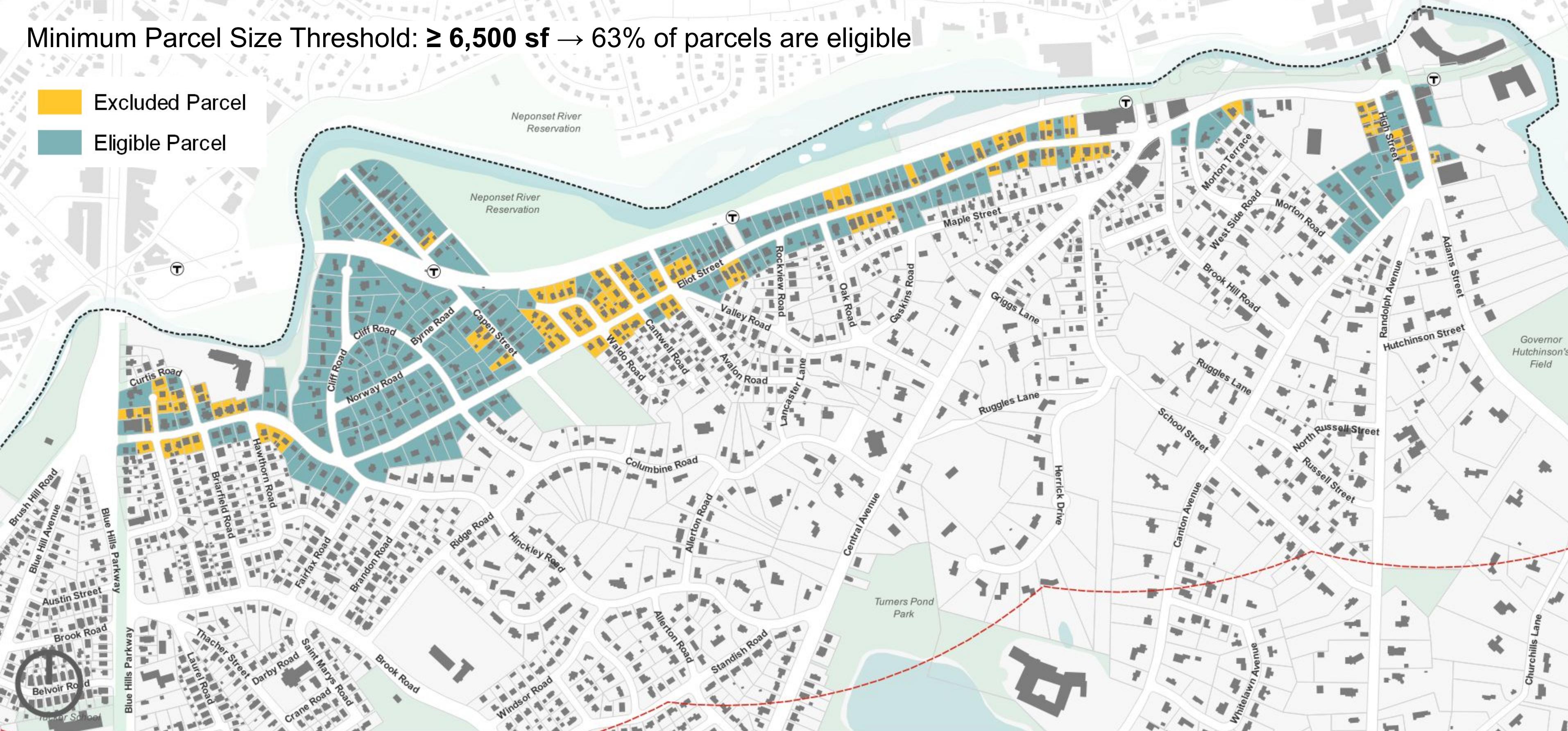
- Excluded Parcel
- Eligible Parcel



# Transit Area Triplex Subdistrict

Minimum Parcel Size Threshold:  $\geq 6,500 \text{ sf}$   $\rightarrow$  63% of parcels are eligible

- Excluded Parcel
- Eligible Parcel



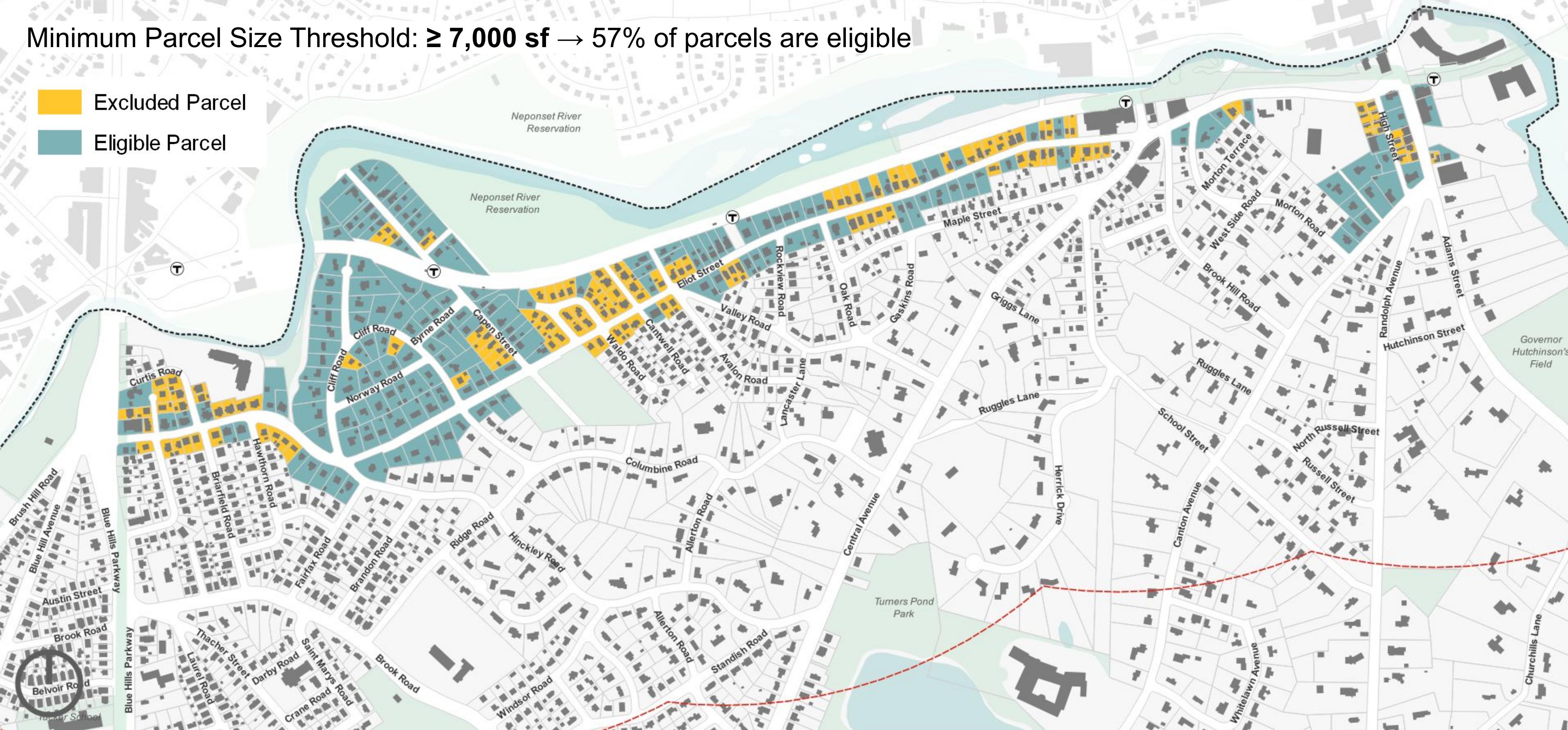
# Transit Area Triplex

Minimum Parcel Size Threshold Testing

# Transit Area Triplex Subdistrict

Minimum Parcel Size Threshold:  $\geq 7,000$  sf  $\rightarrow$  57% of parcels are eligible

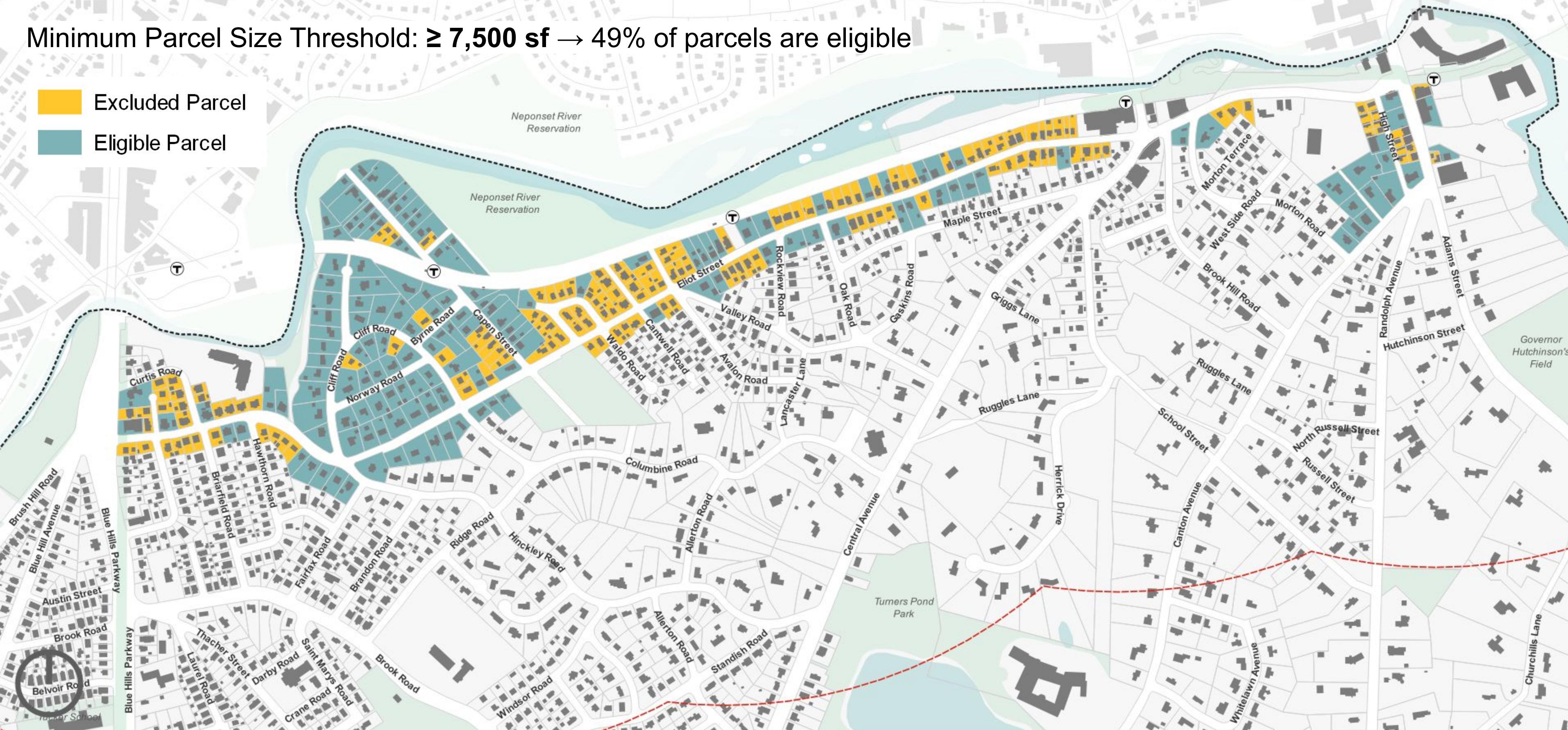
- Excluded Parcel
- Eligible Parcel



# Transit Area Triplex Subdistrict

Minimum Parcel Size Threshold:  $\geq 7,500$  sf  $\rightarrow$  49% of parcels are eligible

- Excluded Parcel
- Eligible Parcel



# Thank You!

