

# MBTA Communities Zoning Requirements

Public Forum  
February 16, 2023



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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 and Town websites.



# Meeting Agenda

- 1) Introduction
- 2) Poll #1
- 3) Presentation on the MBTA Communities zoning requirements
- 4) Question and Comment period
- 5) More information and feedback opportunities
- 6) Poll #2
- 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, use the “Raise Hand” button at the bottom of your screen.
  - For attendees on the phone, you can raise your hand by pressing \*9, and mute and unmute yourself by pressing \*6.



# Meeting Format (continued)

- 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.
- In order to give as many attendees an opportunity to speak as possible, comments will be limited to three minutes.



# Check-In Poll

- Where do you live?
- How much do you know about the requirements of this law?
- How often do you ride the trolley?



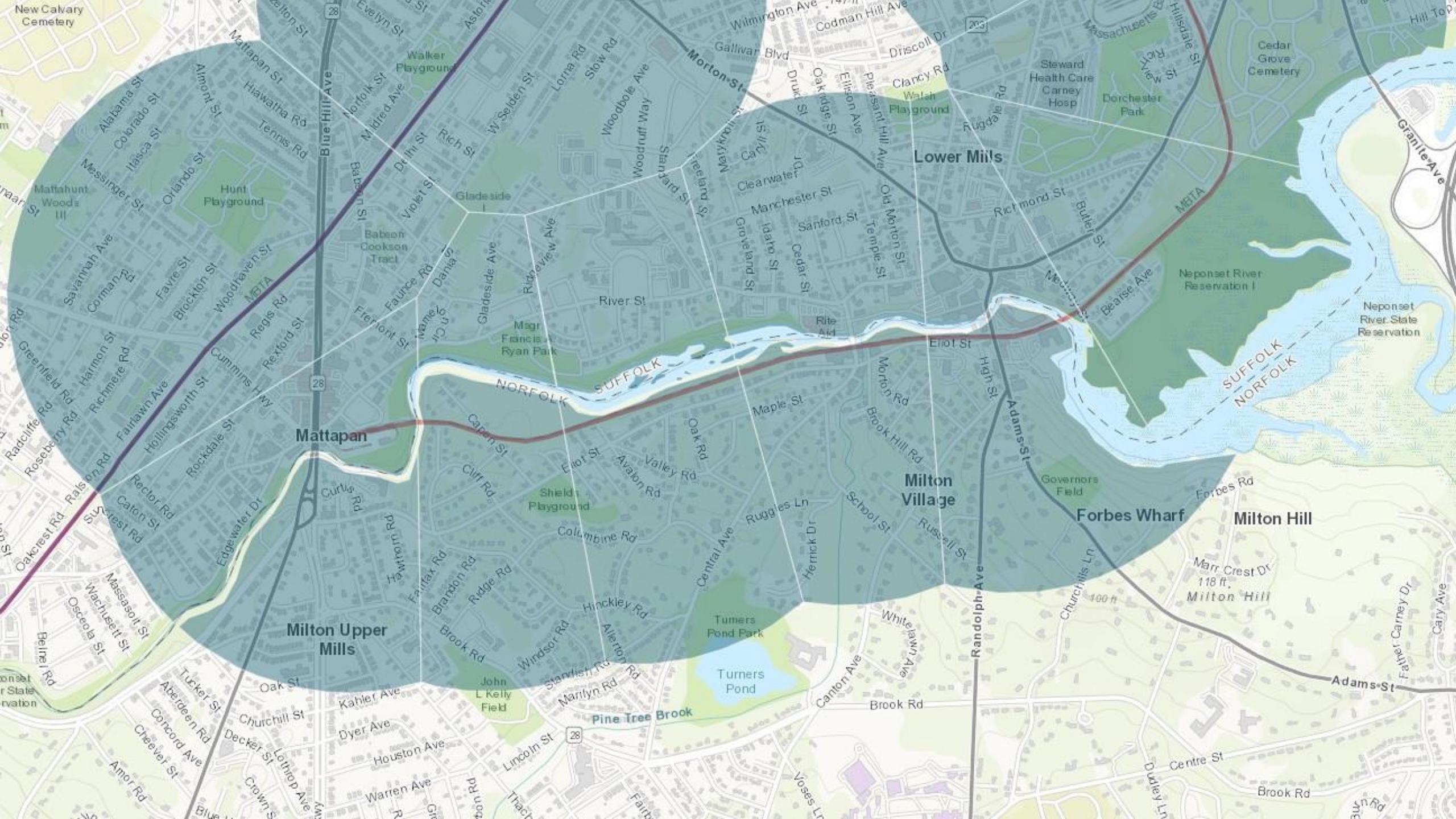
# What is the MBTA Communities law?

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.





# Why was this law passed?

From the Commonwealth's MBTA Communities website:

*Massachusetts is in a housing crisis.*

- *Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.*
- *Rising costs have dramatically increased financial pressures on low- and middle-income families, forcing them to sacrifice other priorities in order to pay housing costs. High housing costs are a primary driver of homelessness.*
- *These high costs are a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high costs of living.*



# How does this help the housing crisis?

From the Commonwealth's MBTA Communities website:

*The lack of zoning for multi-family housing is a barrier for new housing development in Massachusetts. By allowing multifamily housing near transit, we can create new housing in walkable neighborhoods closer to transit. This is not just good housing policy, it is good climate and transportation policy, too. The result of transit-oriented development is:*

- *More housing closer to the places that we go every day, such as local shops, jobs, schools, restaurants, parks, etc.*
- *Better access to work, services, and other destinations by increasing mobility and utilization of public transit*
- *Reduced reliance on single occupancy vehicles, which helps in our larger effort to confront the climate crisis*



# Options for Compliance

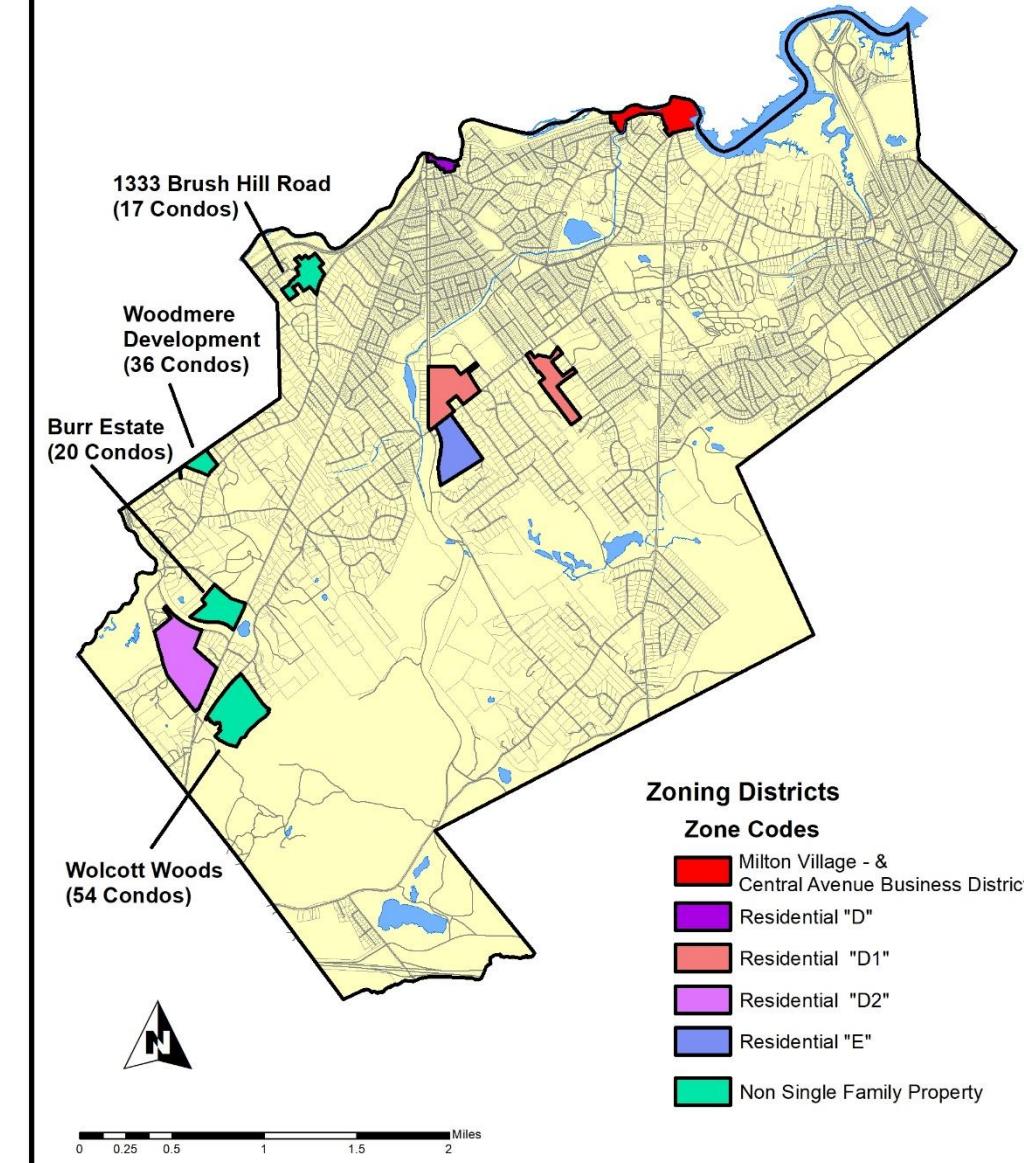
- Towns with existing compliant districts could potentially count that zoned capacity toward their requirements. Compliance means multi-family by right at a density of 15 units per acre with no age restrictions.
- Does Milton have any existing compliant districts?
  - No.
  - The overwhelming majority 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

- Towns are allowed to count units in existing zoning districts toward their total only if they would be allowed by-right.
  - Milton's zoning is predominantly single family
    - AA zone: 80,000 sf minimum lot
    - A zone: 40,000 sf minimum lot
    - B zone: 20,000 sf minimum lot
    - C zone: 7,500 sf minimum lot
  - Any development denser than a single-family house requires a special permit

## MULTI-FAMILY ZONES MILTON, MASSACHUSETTS



# Options for Compliance

The DHCD guidelines for compliance give towns flexibility in where zoning districts can go, how large they are, and what their dimensional requirements are.



# 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

## 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 DHCD's guidelines can help the Town craft districts that minimize change to the physical character of residential neighborhoods.



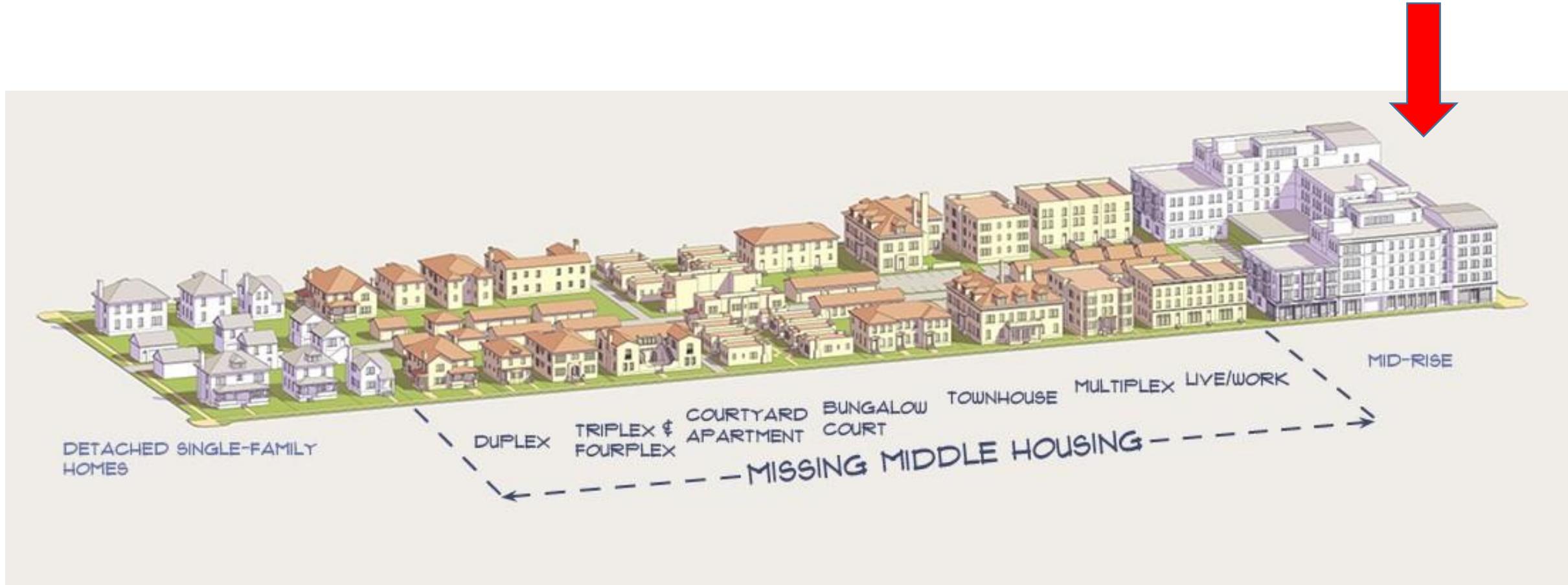
# What Does Compliance Look Like

- The zoning district we create must satisfy two variables:
  - At least 50 acres
  - Zoned capacity of at least 2,461 units
- This presents tradeoffs in terms of density:
  - A smaller district will require a greater density to create the minimum zoned capacity
  - A larger district will require a lesser density to create the minimum zoned capacity



# What Does Compliance Look Like

- A 50-acre district would require a density of 50 units/acre



## 49 TO 52 UNITS PER ACRE



Mtn. View, CA 49.3 units / acre



context



neighborhood

plan



San Francisco, CA 52.5 units / acre



context



neighborhood



plan



Boston, MA 52.9 units / acre



context



neighborhood



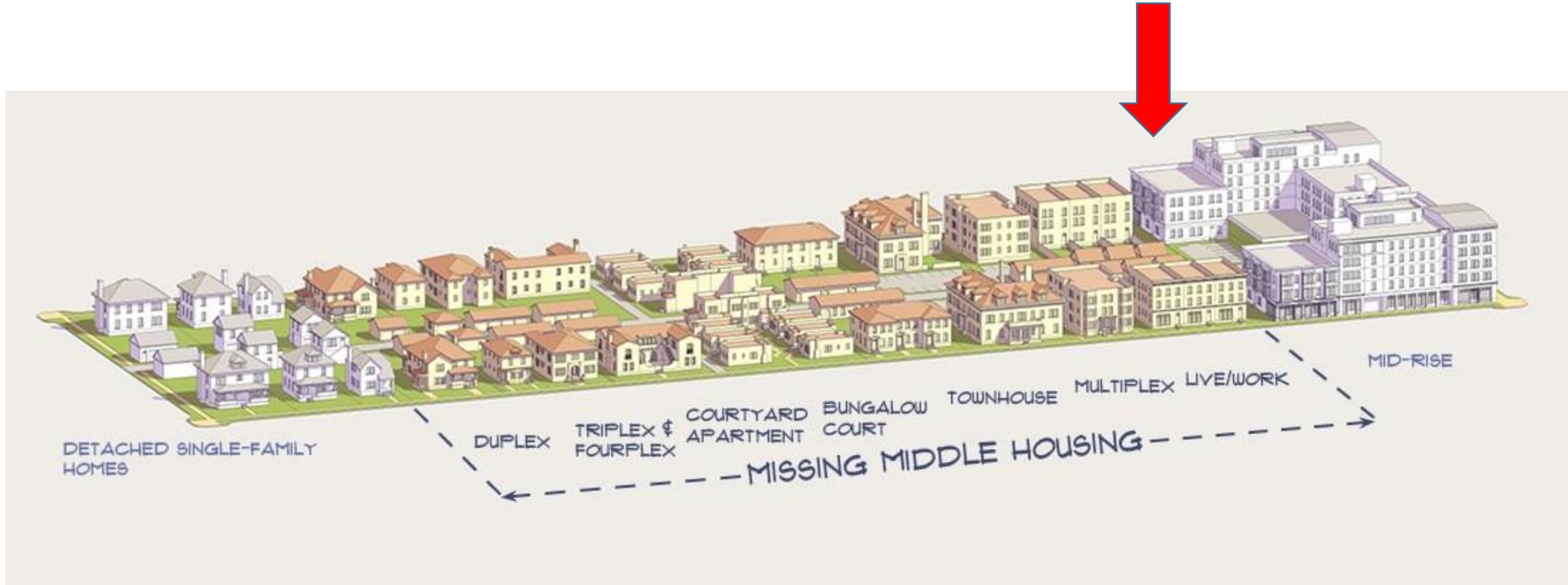
plan



The Legacy at Arlington Center, Arlington, MA: 43 units/acre

# What Does Compliance Look Like

- A 75-acre district would require a density of 33 units/acre



## 29 TO 31 UNITS PER ACRE



Tampa, FL 29.9 units / acre



Phoenix, AZ 31.5 units / acre



Los Angeles, CA 31.8 units / acre



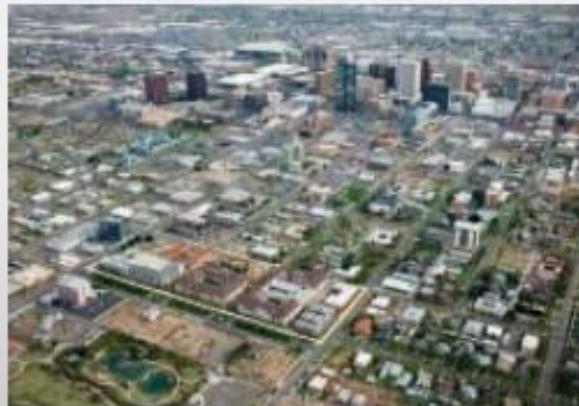
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neighborhood



plan



context



neighborhood



plan



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neighborhood



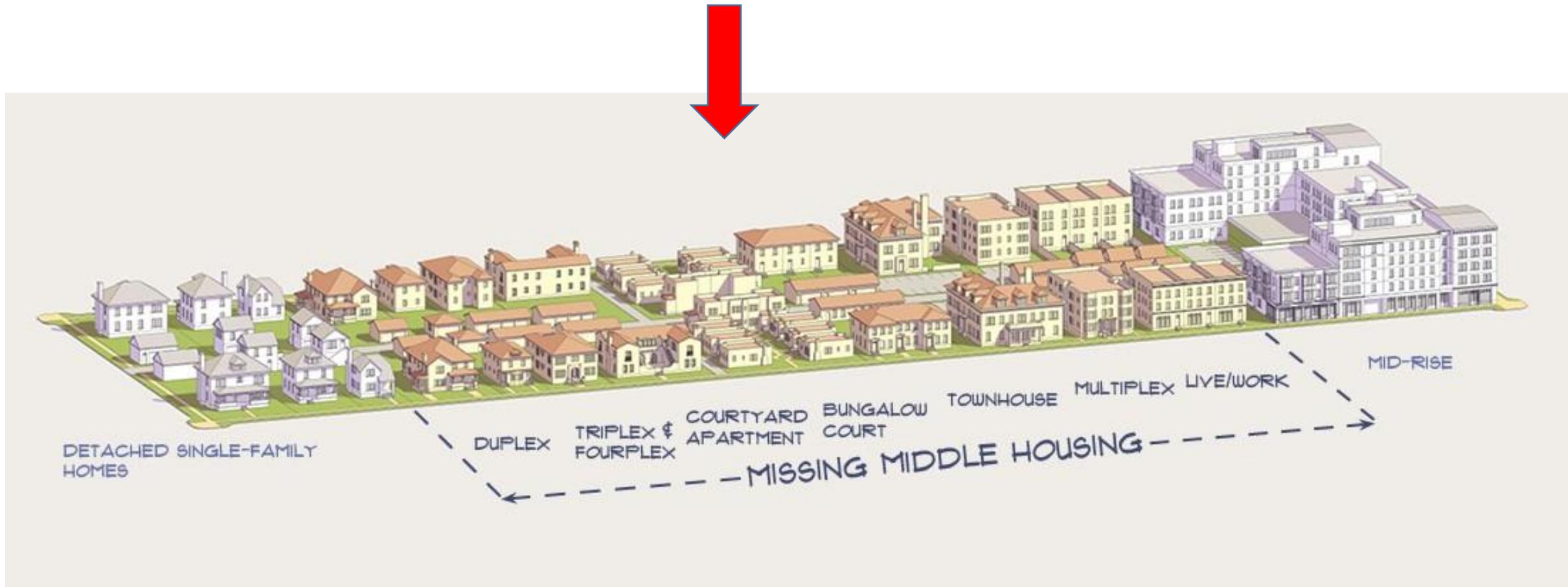
plan



88 Wharf Street, Milton, MA: 29 units/acre

# What Does Compliance Look Like

- A 125-acre district would require a density of 20 units/acre



## 18 TO 19 UNITS PER ACRE



Dorchester, MA 18.4 units / acre



Tampa, FL 19.0 units / acre



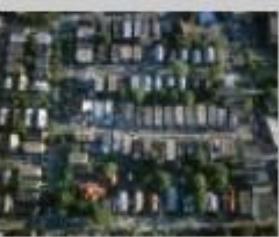
Cleveland, OH 19.2 units / acre



context



neighborhood



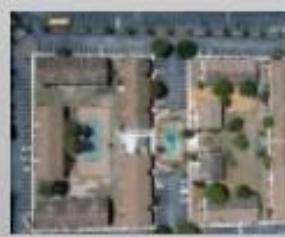
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context



neighborhood



plan



context



neighborhood



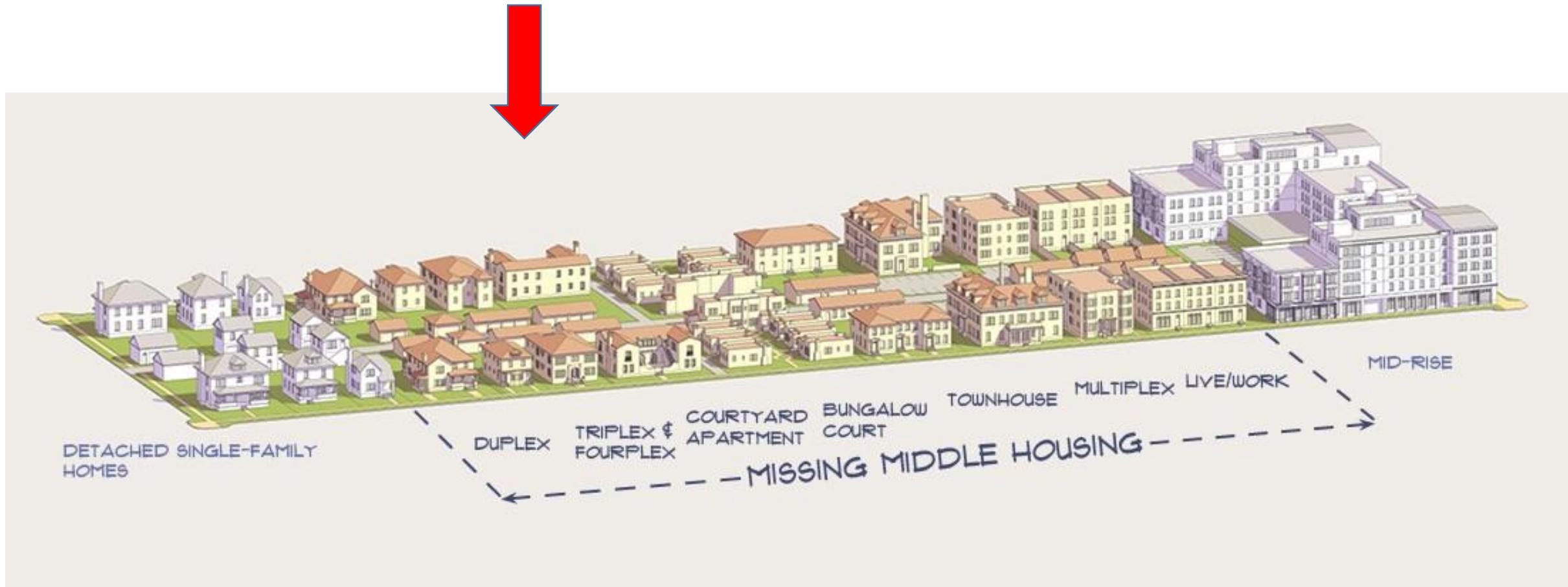
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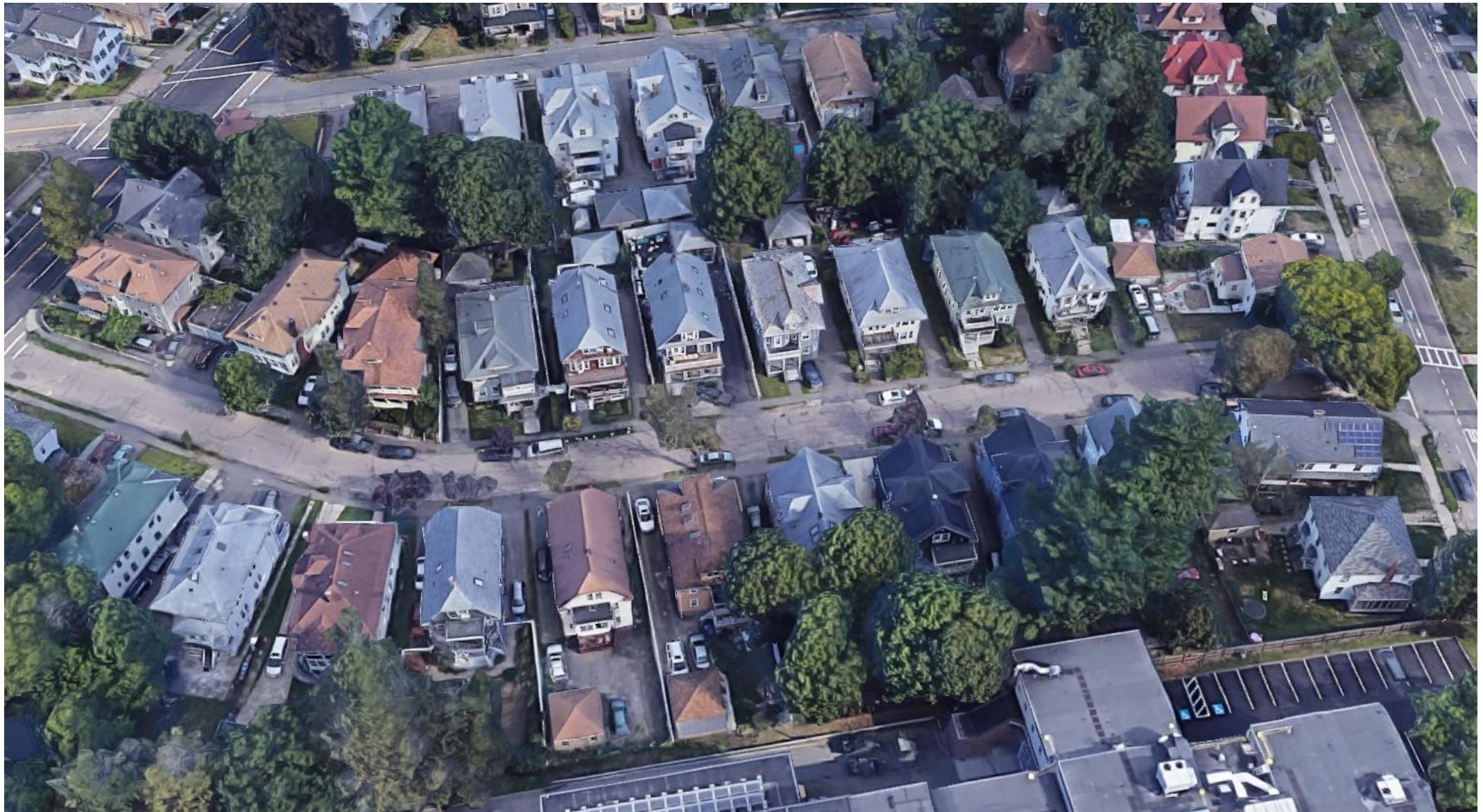


Glenway Street, Dorchester, MA: 22 units/acre

# What Does Compliance Look Like

- A 163-acre district would require a density of 15 units/acre





Belvoir Road, Milton, MA: 14.5 units/acre

# Effect of Noncompliance

- If at any point DHCD 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

DHCD may, in its discretion, **take noncompliance into consideration** when making other discretionary grant awards.



# Effect of Noncompliance

- MassWorks at a glance
  - “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.”
  - \$66 to \$95 million distributed annually
  - Milton has received \$2.8 million in MassWorks grants since 2011
    - 2011: \$1.8 million for Houghton’s Pond improvements
    - 2012: \$1 million for Central Ave./Milton Village public realm improvements
  - Similar-sized towns (within 10% of Milton’s population) have averaged two awards worth \$2.2 million since 2011



# Effect of Noncompliance

- Local Capital Projects Fund at a glance
  - Statewide fund derived from a portion of casino revenue
  - Legislature has typically appropriated money from this fund for subsidies to local housing authorities
    - Percentage of DHCD subsidies to housing authorities from LCPF
      - FY23: 10.6%
      - FY22: 10.1%
      - FY21: 9.6%
      - FY20: 9.7%
  - Milton Housing Authority has received between \$235,000 to \$255,000 in state subsidies every year since 2018.



# 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.



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."



bostonglobe.com

Most towns are going along with the state's new multifamily housing law. Not...  
The South Coast town is emerging as an early holdout against a new law requiring communities served by the MBTA to zone for more dense housing.

11:26 AM · Feb 15, 2023 · 1,622 Views



# MBTA Communities and Milton Planning Goals

Much of the commentary and discussion around the MBTA Communities law has centered around potential negative impacts, but the law could also be a tool to help the Town achieve many of its housing and economic development goals

## Milton Master Plan (2015)

Objective 3.2 Increase and Expand the Range of Housing Types

- Strategy 1: Create smaller housing units
  - Multifamily units created under MBTA Communities zoning will invariably be smaller than typical single-family houses
- Strategy 2: Increase market rate and subsidized housing for the elderly
  - Although age-restricted housing is not allowed under MBTA Communities, zoning for multifamily will open up opportunities for seniors to downsize within the community



# MBTA Communities and Milton Planning Goals

## Housing Production Plan (2020)

- “Priority Housing Needs Require a Greater Diversity of the Housing Stock”
  - Goal of 250 affordable units over the next five years reflecting about 10% to the total estimated unmet housing need and annual housing production goals.
    - Affordable units are impossible outside of multifamily production.
  - Rental development goal of 85% of all new units created.
  - About half of rental units produced directed to seniors or single individuals (many with special needs) through one-bedroom units, 40% for small families with two bedrooms, and 10% of units for larger families with at least three bedrooms (required by state for units that are not age-restricted or for single person occupancy.)
    - Although the guidelines prohibit age and occupant restrictions, new multifamily construction will be smaller than single-family



# MBTA Communities and Milton Planning Goals

## **Final Report of the Equity and Justice for All Advisory Committee (2022)**

- The report of the Equity and Justice for All Advisory Committee focuses almost exclusively on affordable housing and 40B compliance
  - MBTA Communities guidelines allow for a 10 percent inclusionary zoning requirement, which would create deed restricted units that are impossible under single-family zoning.
  - The MBTA Communities legislation is designed to increase housing supply region-wide with the goal of stabilizing rents and prices



# MBTA Communities and Milton Planning Goals

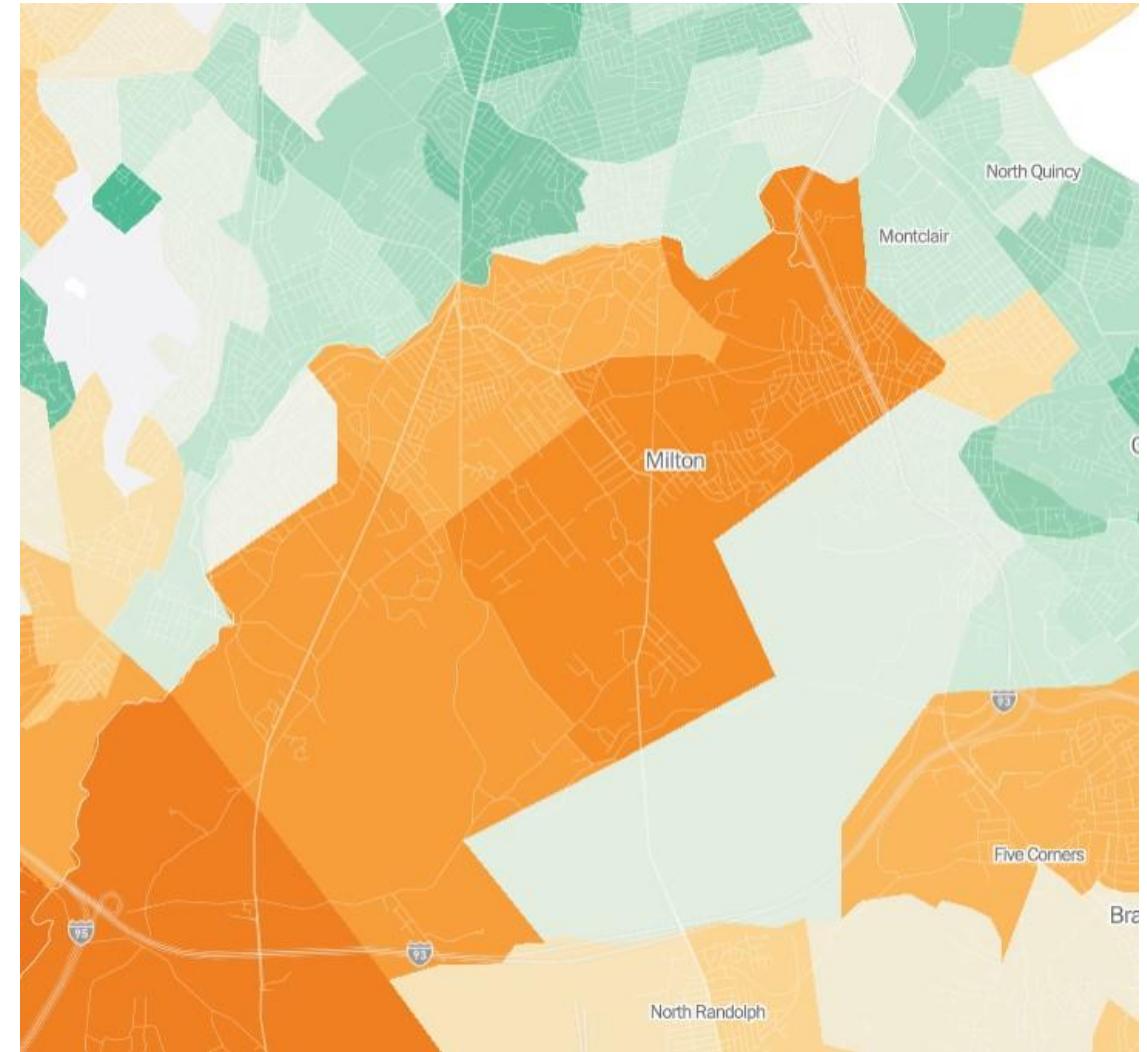
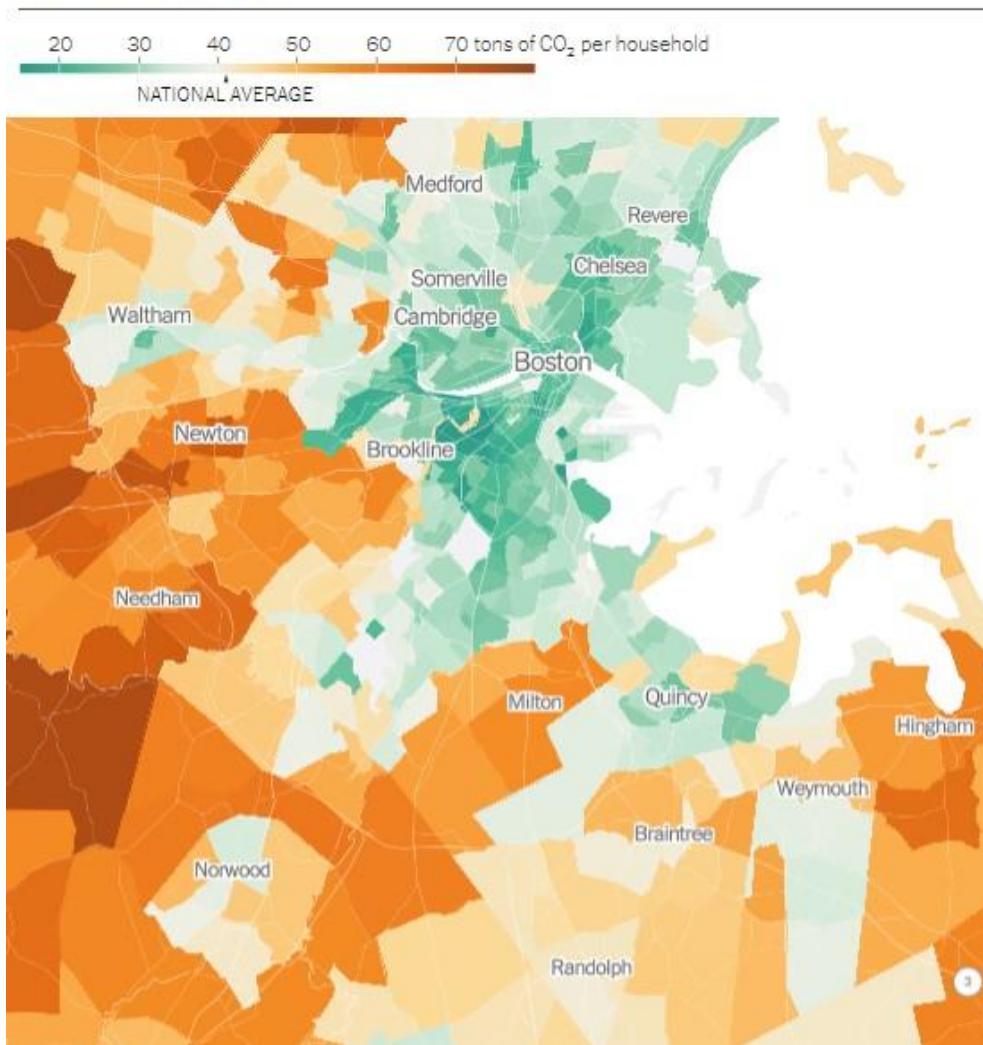
## Ongoing climate change and sustainability planning

- Transportation emissions are the number 1 contributor to green house gases in the United States. Enabling more people to live near transit will reduce vehicle miles traveled.
- Households in denser, more walkable neighborhoods have a lower carbon footprint than households in single-family neighborhoods.



# MBTA Communities and Milton Planning Goals

## Boston metro area



# Questions and Comments

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  - For attendees on the phone, you can raise your hand by pressing \*9, and mute and unmute yourself by pressing \*6.
- In order to give as many attendees an opportunity to speak as possible, comments will be limited to three minutes.



# Resources

For more information, visit the MBTA Communities page on the Planning Department website, [www.townofmilton.org/planning-community-development](http://www.townofmilton.org/planning-community-development)



The screenshot shows the official website of the Town of Milton, Massachusetts. The header features the town's name in a large, stylized font with a seal, and a "Select Language" dropdown. The main navigation menu includes "ABOUT", "DEPARTMENTS", "BOARDS & COMMITTEES", and "REPORT A PROBLEM". The "DEPARTMENTS" menu is currently active, as indicated by a red underline. A red circle highlights the "MBTA Communities Multi-Family Zoning Requirement" link in the dropdown menu. The main content area is titled "Planning & Community Development" and includes a sub-header "Local Rapid Recovery Plan". Below the main title, there is a note: "The Milton Planning Department will continue to update its web pages to provide more information to residents and businesses." The page also contains a description of the Planning Department's responsibilities and mission, as well as a section on "OUR WORK".

Local Rapid Recovery Plan

MBTA Communities Multi-Family Zoning Requirement

Master Plan Implementation Committee

Milton Affordable Housing Lottery

Milton Zoning Map

Planning Board

Plans and Studies

Resources for Affordable Housing

Sign Review Documents

Transportation Studies & Resources

Wireless Telecommunications Design Review

Home » Departments

## Planning & Community Development

The Milton Planning Department will continue to update its web pages to provide more information to residents and businesses.

The Milton Planning Department is responsible for coordinating the Town's planning activities and staffing the Planning Board, and primarily concentrate 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



# Resources

That website includes:

- Links to information from the Commonwealth and other organizations on MBTA Communities
- Documents and presentations produced by the Town
- A survey and comment form
  - If you'd like to receive email updates on MBTA Communities planning, click the survey link and enter your email address at the end



# Check-Out Poll

Using your computer or smartphone, go to:

[www.menti.com](http://www.menti.com) and use the code **86 46 04 2**

- How familiar are you now feeling about the requirements of this new law?
- How are you feeling about Milton & the MBTA Communities law? (please enter one word)



# Current Planning Efforts and Next Steps

- The Town has submitted an Action Plan for compliance as required by DHCD. We are awaiting notice of approval of that plan, which would make the Town compliant with Section 3A for 2023
- Planning staff has secured \$65,000 in state and private grant funds for consultant services. Currently finalizing a scope of work
  - Planning Board priorities include buildout analysis, analysis of potential municipal impacts, community outreach plan
- Planning staff has secured up to \$20,000 in technical assistance from Massachusetts Housing Partnership for drafting zoning
- Planning staff will continue to organize and publicize outreach and input opportunities
- Milton's deadline for compliance—the approval of compliant zoning—is December 31, 2023.



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 with varying patterns of houses. In the background, there are larger buildings, possibly apartment complexes or institutional structures, and some industrial-looking smokestacks emitting smoke. The overall scene is a typical suburban or semi-suburban residential area from the early 20th century.

Thank you!