



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

October 23, 2023

By email (nmilano@townofmilton.org)

Mr. Michael F. Zullas
Chair, Milton Select Board
525 Caton Avenue
Milton, MA 02186

RE: MBTA Communities – Community Category

Dear Mr. Zullas:

Thank you for your letter of September 22, 2023, which I received by email on September 26, 2023. In that letter, the Town of Milton requested clarification about its Community Category established in the *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (Guidelines). The letter argues that Milton does not belong in the Rapid Transit category.

Appendix I of the Guidelines establishes Milton as a Rapid Transit community with a requirement to demonstrate a multi-family zoning district of at least 50 acres and demonstrating that the multi-family zoning has a unit capacity for at least 2,461 units and that 50% of the district must be located within the Town's transit station areas that meets all the standards set forth in the Guidelines. The Executive Office of Housing and Livable Communities (EOHLC) calculates that there are 404 acres of developable station area land in Milton.

EOHLC confirms that Milton belongs in the Rapid Transit Category for the following reasons:

- Section 3A directs EOHLC, in consultation with the Executive Office of Economic Development, the Massachusetts Bay Transportation Authority, and the Massachusetts Department of Transportation, to promulgate guidelines to determine if an MBTA community is in compliance with the Section 3A requirements. EOHLC duly adopted the Compliance Guidelines in consultation with these agencies to carry out the statutory goal of assuring that the required multi-family zoning districts be located in close proximity to fixed transit assets, including “a commuter rail station, subway station, ferry terminal or bus station.”
- In defining the Rapid Transit Category, EOHLC primarily focused on two criteria:
 - (a) the presence of fixed transit assets – consistent with the reference to “stations” in Section 3A; and
 - (b) in the case of service along rail lines, whether the transit service offered is continual throughout the day, seven days a week.

- Applying these criteria, the definitions Section of the Compliance Guidelines clearly and unambiguously defines subway stations to include all stations on all branches of the Red Line, including the Mattapan High Speed Line, which according to the MBTA's posted schedule for the Red Line runs every 6-7 minutes at peak hours and every 8-12 minutes at off-peak hours.
- Communities with Silver Line Bus Rapid Transit lines are also considered part of the Rapid Transit Category in the Guidelines because the stations are fixed transit assets and service is continual 7 days a week.
- The Guidelines do not – and cannot – take into consideration the quality of the service or the type of equipment used on any given line. From time to time, each of the MBTA rapid transit lines has experienced slow-downs or temporary closures. The light rail vehicles used on the Green Line are comparable to the equipment used on the Mattapan High Speed Line, and both are different from the equipment used for other portions of the MBTA's rapid transit service.
- Failing to require multi-family housing to be located in proximity to these stations would be inconsistent with the statutory language requiring housing to be sited near fixed transit assets (stations).

The EOHLC staff coordinating implementation of Section 3A of the zoning act have met many times with staff from the Town of Milton to review technical and policy matters. In October 2022, EOHLC (then as DHCD) awarded a \$50,000 community planning grant to work on MBTA Communities compliance. In June 2023, EOHLC awarded the Town a \$30,000 grant to continue work on complying with Section 3A by drafting multi-family zoning. Our partners Massachusetts Housing Partnership and MAPC have provided approximately \$20,000 in consultant assistance with the Compliance Model and GIS analysis. We will continue to support the Town in its efforts to comply with the statute and appreciate the hard work Milton's boards and staff are undertaking. If you have any questions, please reach out to me at chris.kluchman@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Acting Director, Division of Community Services

cc Senator Walter F. Timity
 Representative William J. Driscoll
 Representative Brandy Fluker Oakley
 Nicholas Milano, Town Administrator, Town of Milton
 Tim Czerwienski, AICP, Director of Planning and Community Development, Town of Milton
 Ed Augustus, Secretary, EOHLC
 Lynsey M. Heffernan, Assistant General Manager for Policy and Transit Planning, MBTA