

*The statute and regulations state clearly that Milton can **choose** to locate its Multi-family zoning based upon .05 miles proximity to either “subway stations” (if any) **or to its commuter rail stations.***

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1) The MBTA Communities Act inserted a new Section 3A into the state’s Zoning Act, Chapter 40A of the Massachusetts General Laws.

Section 3A paragraph 1 (a)(1) states: “**An MBTA community shall have a zoning ordinance or bylaw that provides for at least 1 district of reasonable size in which multi-family zoning is permitted as of right...** For the purposes of this section, a **district of reasonable size shall (i) have a minimum gross density of 15 units per acre..., and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal **or** bus station, if applicable.**” (emphasis added)

2) EOHLC’s Regulation 760 CMR 72.08(1)(c) specifically states:

“(c) **A community with Transit station areas associated with more than one Transit station may locate the Multi-family zoning district in any of the Transit station areas.** For example, a Rapid transit community with **Transit station area around a Subway station in one part of town, and Transit station area around a Commuter rail station in another part of town, may locate its Multi-family zoning district in either or both Transit station areas.**” (emphasis added)

3) Therefore, even if the Trolley stops were lawfully ruled to be “subway stations,” the statute and regulations provide that Milton can choose to locate its Multi-family zoning district based on its commuter rail stations proximity.