

*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.***

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.