

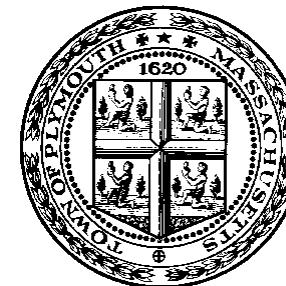


The MBTA Communities Law and Plymouth

Town of Plymouth

Department of Planning and Development

Information Session: September 11, 2023



Agenda

Overview: the MBTA Communities Law

Understanding the Compliance Guidelines

The Compliance Model

Looking at Plymouth

Discussion – Your Thoughts?



Overview: MBTA Communities Law

The Basics



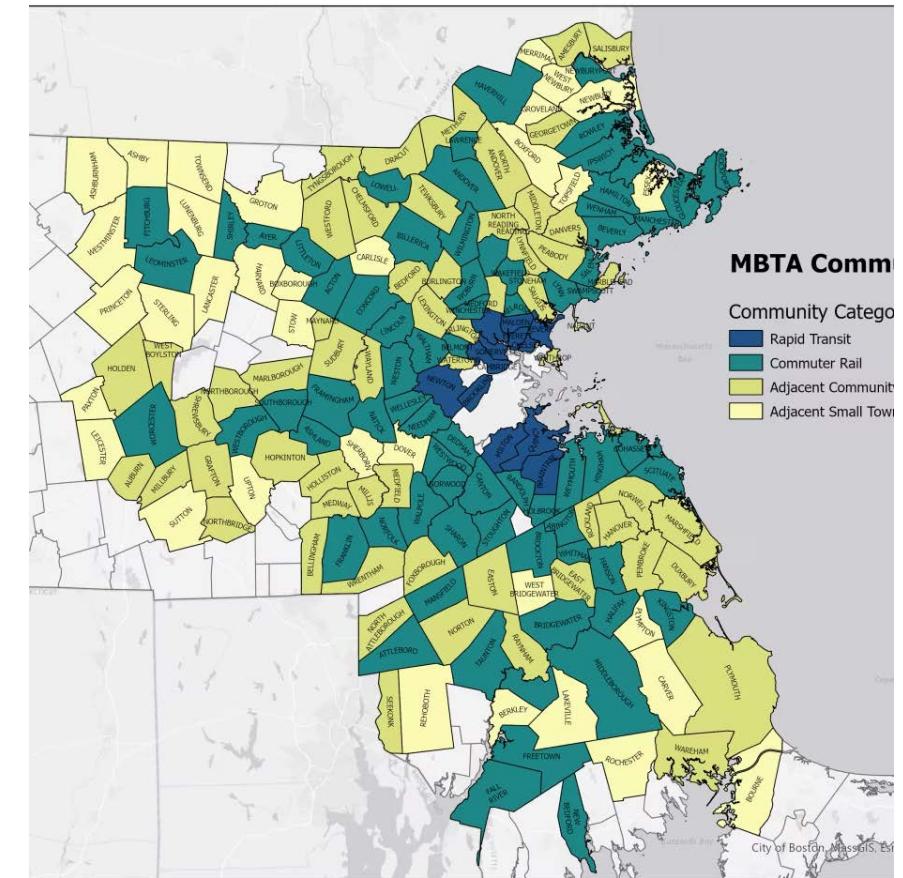
What is the MBTA Communities Law?

- Housing Choice Initiative: 2021 Economic Development Bill
- Zoning Requirement for MBTA Communities: G.L. c. 40A, Section 3A
- Applies to 175 cities and towns around Boston
- Intent: to reduce local regulatory barriers to multifamily housing



What is an “MBTA Community”?

- Proximity to rapid transit or commuter rail
 - The original 14 that hosted MBTA transit service
 - 51 more that host MBTA service and joined the system later
 - Adjacent communities
 - Others that adopted a ballot question to be added to the MBTA service area (G.L. 161A, Sec. 6)
- Communities classified by service type & location
 - Each group has different requirements
 - All MBTA communities required to comply



Basic requirements

- Multifamily “as of right,” 15 units/acre
- No age restrictions or limits on unit sizes, number or size of bedrooms, or number of occupants
- Within $\frac{1}{2}$ mile of a commuter rail station, subway station, ferry terminal or bus station, *where possible*
- District must be “of a reasonable size”



The law does not:

- Require new housing development
- Require communities to pay for infrastructure to support housing development in a 3A district
- Override the Massachusetts Wetlands Protection Act or Title V of the Massachusetts Environmental Code
- Provide options for waivers or exemptions



State government's role

- The law exists because the legislature enacted it
- Executive Office of Housing and Livable Communities(HLC):
 - Develop guidelines to determine compliance
 - Provide technical assistance (TA)
 - Coordinate the work of multiple organizations with a role to play – funding, TA, planning and zoning, etc.

Compliance deadlines

Category	Number of Communities	Deadline
Rapid transit community	12	12/31/2023
Commuter rail community	71	12/31/2024
Adjacent community	58	12/31/2024
Adjacent small town	34	12/31/2025



Non-Compliance

- Considerations about failure to comply:
 - Makes a community ineligible for certain state funds
 - Reduces a community's competitiveness for a variety of state grants
 - May involve other penalties
 - Potential fair housing enforcement action



Impact on applications for state grants: ineligible by law

- Non-compliance with Section 3A:
 - MassWorks
 - Housing Choice
 - Local Capital Projects Fund



Impact on applications for state grants: Loss of competitiveness

- Community Planning Grants, EOHLG, MassDevelopment
- 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



How has Plymouth used these grants?

Past 5 Years, Recent Examples (Partial List):

- Municipal Vulnerability Grants (Planning, Implementation): \$2.3M
- Coastal Resilience: \$2M
- Ecological Restoration \$1.5M
- Holmes Dam \$1.3M
- Wareham Road: \$1M
- Town Boat Ramp: \$1M
- Loring Road: \$385,000
- Plymouth Beach Seawall: \$106,000

Many others ...





Understanding Compliance Guidelines: Basics, Opportunities, & Limitations



What makes a potential 3A district?

- Minimum gross density 15 units/ac., developable land
- Minimum unit capacity (varies by municipality)
- “District of reasonable size”
 - The lesser of 50 acres or 1.5% of the community’s developable land except in “adjacent small towns,” where no minimum applies
 - Minimum unit capacity (varies by municipality)
 - At least half the district must be contiguous parcels
 - In most cases, a contiguous area of at least 5 acres is required

Area, location, transit station access

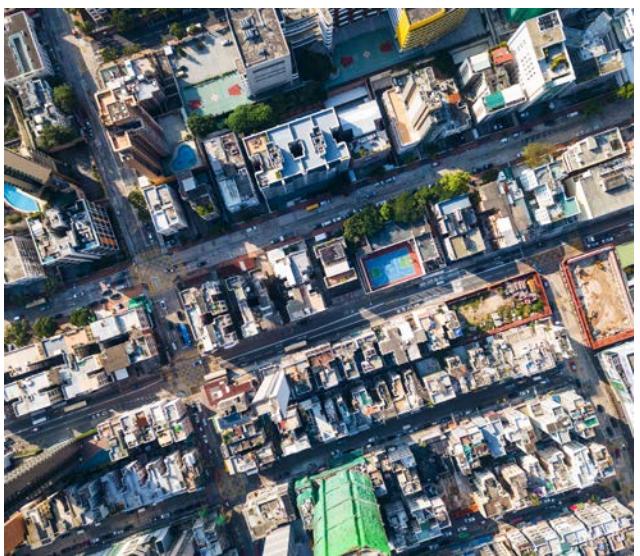
For communities within $\frac{1}{2}$ mile of a train station:

Total developable station acres in the MBTA community	Portion of multifamily district that must be within a transit station area
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%



Zoned Capacity

- Zoned capacity is:
 - A hypothetical unit yield based on district regulations
 - The number of units that could be permitted across the district *by right*
 - **For Plymouth: 2,807 units**
- Zoned capacity is not:
 - Limited to vacant land
 - A requirement to construct units.
 - Concerned with existing units
 - Able to take other regulations like WPA or Title 5 into account



Opportunities & limitations

- Permitting can be subject to Site Plan Review (SPR) to regulate aspects such as:
 - Vehicular/emergency access
 - Pedestrian/Vehicular Circulation
 - Exterior architectural design
 - Screening of adjacent properties
- SPR may not be used to deny a project or impose conditions that make it infeasible or impractical to proceed
- Under very limited circumstances, communities may be able to count the housing potential of an existing mixed-use district toward the number of multifamily units the MBTA Communities district has to support. The effect: up to a 25% reduction in the “zoned capacity” requirement. *State approval not guaranteed.*

Opportunities & limitations

- Communities may require up to 10% affordable units, or up to 20% with proof that it will not impede multifamily development (economic feasibility analysis)
- Definition of “affordable” not limited to Chapter 40B income limits
- *New Chapter 40R* may be used with affordability capped at 20% (statutory target)





Analysis for Plymouth



- Excel-based compliance model required by state
- Works with data selected and exported from MassGIS maps
- The model calculates the expected unit yield of a district, using map-generated data about the proposed district's location and basic zoning regulatory information:
 - Minimum lot size
 - Required parking
 - Required open space
 - # of units per lot



Plymouth: snapshot of minimum requirements

- Category: Adjacent Community
- 2020 Housing Unit count: 28,074
- Minimum Unit Capacity: 2,807
- Min. District Size: 50 ac.
- Min. Gross Density: 15 units/ac.
- 0% of units required to be located within MBTA station area

Site studies: 7 locations

- Cordage Park
- TL Edwards Site
- Colony Place: Sawyer's Reach & The Walk
- Commerce Way
- The Oasis at Plymouth
- The Pinehills
- Redbrook Apartments
- ***Should other locations be considered?***



Cordage Park

Area (acres)	50.9
Gross Density Range (units/acre)	13.8 - 17.9
Unit Yield Range	675 - 872
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	20,000
Max. building height (stories)	3
Max. lot coverage	50%
Parking spaces per unit	1.5
Max dwelling units per acre	20



TL Edwards Site

Area (acres)	42.0
Gross Density Range (units/acre)	14.8
Unit Yield Range	597 - 896
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	40,000
Max. building height (stories)	3
Max. lot coverage	50%
Parking spaces per unit	1.5
Additional lot area per unit (sq. ft.)	2,000-3,000



Colony Place/Sawyer's Reach & The Walk

Area (acres)	63.1
Gross Density Range (units/acre)	12.9
Unit Yield Range	804 – 1,205
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	60,000
Max. building height (stories)	3
Max. lot coverage	30%
Parking spaces per unit	1.5
Additional lot area per unit (sq. ft.)	2,000 - 3,000



Commerce Way

Area (acres)	19.0
Gross Density Range (units/acre)	14.5 - 21.7
Unit Yield Range	275 - 412
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	60,000
Max. building height (stories)	3
Max. lot coverage	30%
Parking spaces per unit	1.5
Additional lot area per unit (sq. ft.)	3,000



The Oasis at Plymouth

Area (acres)	31.6
Gross Density Range (units/acre)	10.1 – 23.2
Unit Yield Range	320 - 733
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	3,000
Max. building height (stories)	3
Max. lot coverage	30%
Parking spaces per unit	1.5
Lot area per unit (sq. ft.)	3,000



The Pinehills

Area (acres)	53.8
Gross Density Range (units/acre)	21.1
Unit Yield Range	1,134 – 1,767
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	3,000
Max. building height (stories)	3
Max. lot coverage	30%
Parking spaces per unit	1.5
Lot area per unit (sq. ft.)	3,000



Redbrook

Area (acres)	24.1
Gross Density Range (units/acre)	12.0 - 39.2
Unit Yield Range	288 - 944
Basic Dimensional Assumptions	
Min. lot size (sq. ft.)	120,000
Max. building height (stories)	3
Max. lot coverage	30%
Parking spaces per unit	1.5



Summary Table: All Modeled Scenarios

Site Name/Number	Min. Modeled Units	Max. Modeled Units	Size (acres)
1: Cordage Park	675	872	50.9
2: TL Edwards Site	597	896	42.0
3: Colony Place: Sawyer's Reach & The Walk	804	1,205	63.1
4: Commerce Way	275	412	19.0
5: The Oasis at Plymouth	320	733	31.6
6: The Pinehills	1,134	1,767	53.8
7: Redbrook Apartments	288	944	24.1
All scenarios total:	4,093	6,829	284.5

Your thoughts?

