



Working with the MBTA Communities Law

Agenda

1. Overview: MBTA Communities Law

2. Understanding the requirements

3. Compliance deadlines

4. Opportunities & limitations

5. The compliance model

6. Questions





Overview: MBTA Communities Law

Barrett Planning Group LLC

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What makes a city or town an “MBTA community”?

- G.L. c. 161A established the Massachusetts Bay Transportation Authority (MBTA)
- The MBTA “area” includes four groups of communities:
 - The original 14 that hosted MBTA transit service
 - 51 more communities that host MBTA service and joined the system later
 - Communities abutting the 65 communities that host MBTA service
 - Other communities that have adopted a ballot question to be added to the MBTA service area (G.L. 161A, Sec. 6)

The law in brief

- Cities and towns in the MBTA area must provide for as-of-right multifamily zoning:
 - In at least one reasonably sized district
 - At a minimum density of 15 units per acre ...
 - Within a half-mile of a transit station (subway, train, etc.)
 - Without age restrictions, and suitable for families
 - “Zoned capacity” for multifamily development = 15% of the community’s current housing stock

Non-compliance: no access to certain discretionary grant programs.



The law does not:

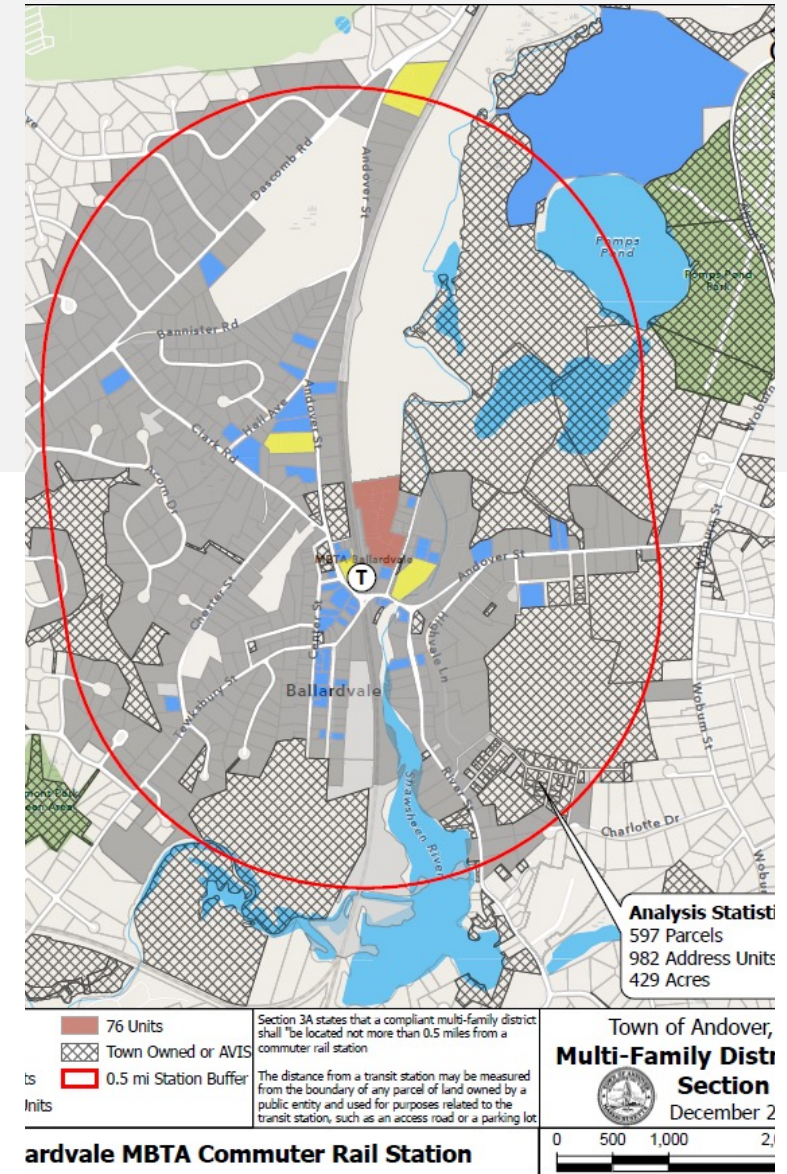
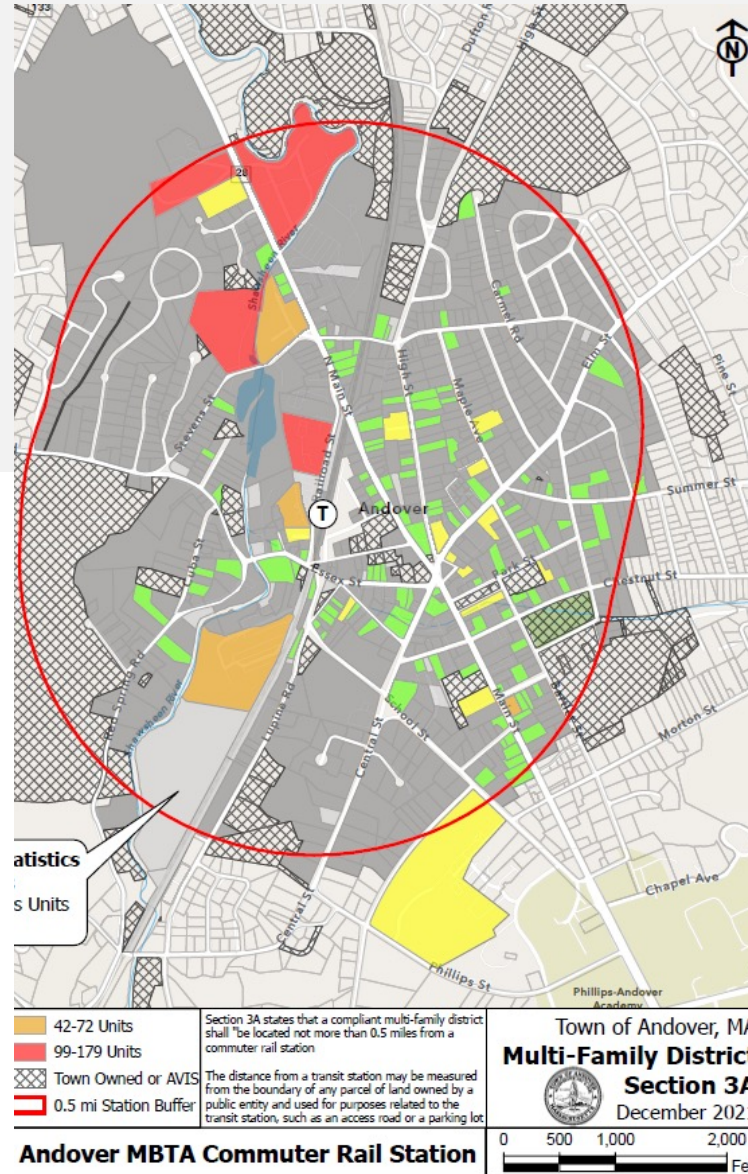
Require	Require new housing development (compliance not measured by production)
Require	Require communities to pay for infrastructure needed in a 3A district
Preclude	Preclude districts with lower-density and higher-density subdistricts as long as the district-wide average is 15 units/acre
Override	Override the Massachusetts Wetlands Protection Act or Title V of the Massachusetts Environmental Code
Provide	Provide communities with options for waivers or exemptions





How it applies to Andover

- Andover served by two MBTA Commuter Rail stations.
 - Andover Station – Railroad Street
 - Ballardvale Station – Andover Street



Access to state funding

- Cities and towns will need to comply to be eligible for funding
- ***In Andover:***
 - Housing Choice: \$310,000 + MassWorks: \$6,000,000 = \$6,310,000
 - Local Capital Projects Fund, Section 2EAAA of G.L. Chapter 29 – affects the Andover Housing Authority



Previous studies

Historic Mill District
Andover, Massachusetts



Circulation and Street Design Study



Prepared For:
Town of Andover

Prepared by:
Design Consultants, Inc.

April 2019

STRATEGIC PLACEMAKING PLAN

In WHAT MAPS can Public Art and Placemaking activities be showcased, celebrated, the history, and answer the future of Andover and WHERE would that occur?

ESTABLISH COMPLETE STRATEGIC
CELEBRATE HISTORIC FABRIC
LEVERAGE ARTS - CULTURE
FOSTER CONNECTIONS
PROMOTE RECREATION

COMMUNITY INPUT

The following ideas were submitted by the historic mill district:

- Public Art
- Complete streets, transit, performance, Pop up events
- History to sign
- Historic car lot an opportunity
- Art gallery
- Community space
- Change for public and private
- Library and
- Public art neighborhood
- History, street signage
- Community space

PROPOSED PLACEMAKING

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HISTORIC MILL DISTRICT WATER & SEWER MASTER PLAN

DRAFT

HMD

HISTORIC MILL DISTRICT ANDOVER

Design Guidelines

Andover, MA

February 6, 2018

DHCD's role

- Develop guidelines to determine compliance, staying within the bounds of the statute
- Create a fair, reasonable way for communities to work toward compliance
 - December 2024 deadline for most communities – *so there is time to plan*
 - Technical assistance
 - Coordinating the work of multiple organizations with a role to play – funding, TA, planning and zoning, etc.

The basics: MBTA Communities Guidelines Compliance Deadline

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





Working with the MBTA Communities Law

Compliance Guidelines



The basics: MBTA Communities Guidelines What makes a potential 3A district?

District of reasonable size comprised of developable land, which means:

...land on which multi-family housing can be permitted and constructed.

- Includes all privately-owned land except lots or portions of lots not defined as excluded land (next slide), and
- developable public land.

Land included in a 3A district may already be developed

What does developable land *exclude*?

- Publicly owned land, except developable public land
- Wetlands and water resources (identified with GIS)
- Protected land, e.g., conservation land
- Public and private rights of way
- Land in a Zone I/Zone A of a public water supply
- Land used for hospitals, universities, prisons, public utilities

The basics: MBTA Communities Guidelines

How many multifamily units?

The number equals a percentage of the municipality's existing housing stock, according to this formula:

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

For Andover:
13,541 units x .15 =
2,031 units



The basics: MBTA Communities Guidelines

Area & location

The lesser of 50 acres or 1.5% of the community's developable land except in "adjacent small towns," where no minimum applies

At least half the district must be contiguous parcels

In most cases, a contiguous area of at least 5 acres is required

***Capped at
1.5% of the
municipality's
total area.***



The basics: MBTA Communities Guidelines

Area, location, transit station access

Encourages 3A districts within ½ mile of train/rapid transit stations, but not always practical

For communities within ½ 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%



The basics: MBTA Communities Guidelines

Other topics

- Permitting can be subject to site plan review (but no special permit)
- Communities prohibited from requiring mixed-use development, e.g., ground-floor commercial space with upper-story multifamily units
- Subdistricts with different density targets are allowed as long as the district-wide average is 15 units/acre





The basics: MBTA Communities Guidelines Other topics

- Communities may require up to 10% affordable units, or up to 15% higher requirement will not impede multifamily development
- Affordable is not limited to 40B income limits
- New Chapter 40R may be used with affordability capped at 20% (statutory target)





The Compliance Model

WORKING WITH THE MBTA
COMMUNITIES LAW

An isometric illustration of a city street grid. The scene includes various buildings of different heights and colors (blue, grey, brown), green spaces with trees, a park with a fountain, a market building with a sign that says 'MARKET', and a street with cars and a bus. The overall style is clean and modern.

The Compliance Model

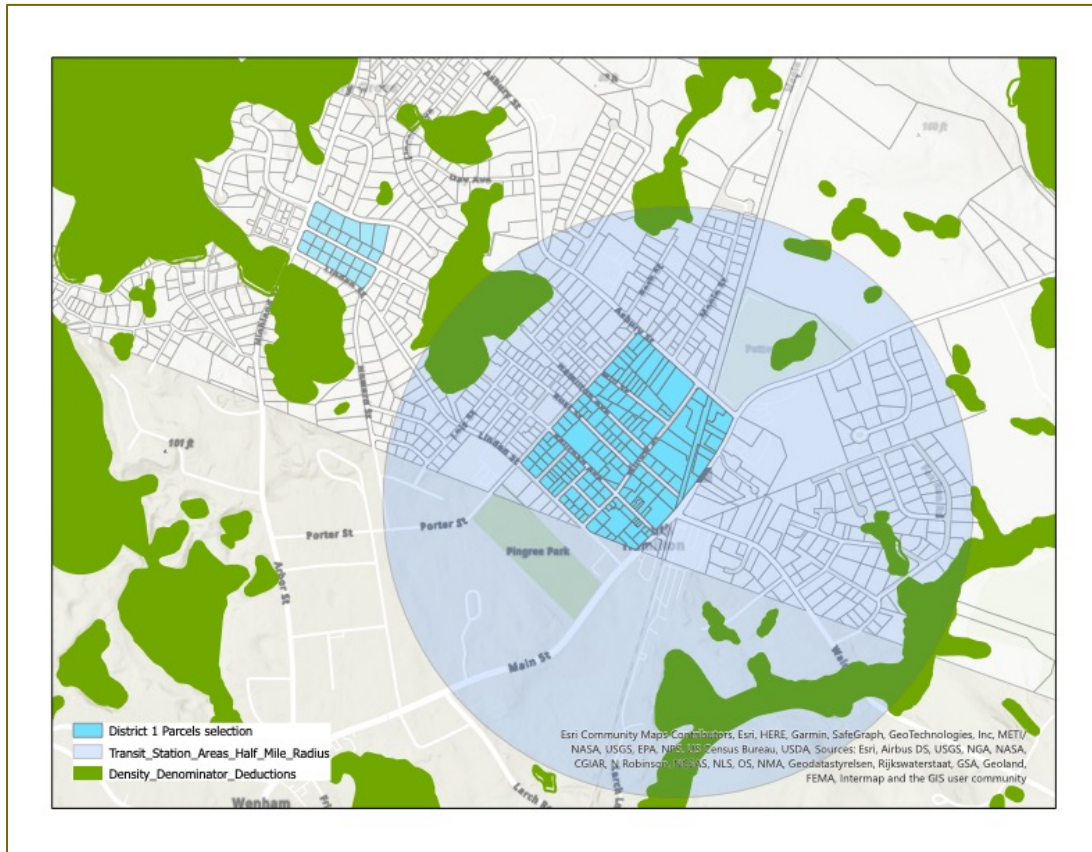
- Excel-based model
- Works with data selected and exported from MassGIS maps
- The model calculates the expected unit yield of a district, using map-generated data about the proposed district's location and basic zoning regulatory information:
 - Setbacks
 - Minimum lot size
 - Required parking
 - Required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

The model doesn't see this...

It sees *this*.



District Design Considerations



Non-contiguous districts

- At least half of the total district area must be contiguous
- Each part of the district must be at least 5 acres

Questions?

