



MEMORANDUM

TO: Harvard Planning Board

FROM: Christopher J. Ryan AICP; Director of Community and Economic Development

RE: Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act

DATE: January 12, 2022

On Wednesday, December 15th, the Department of Housing and Community Development released Compliance Guidelines for the requirements for MBTA communities to establish an as-of-right (by-right) multifamily housing zoning district. I also attended a webinar conducted by the state to provide more clarity related to the draft guidelines. Therefore, please see what Harvard would be required to do as follows:

Draft Guidelines Summary

1. Must establish a district of a “reasonable” size (at least 50 acres of land).
2. May have sub-districts with differing densities as long as the overall district meets the minimum requirement.
3. Must allow at least 15 units/acre (minimum gross density).
4. Must be without any age restrictions.
5. Must be legally and practically allowed.
6. Should be in areas that have safe and convenient access to transit by bicycles and pedestrians.
7. Must allow for at least 10% of units as share of total housing stock but also must allow at least 750 units (50 acres x 15 units/acre). The 750 unit minimum for Harvard was confirmed today.

8. Communities must estimate the unit capacity for each district. The minimum required capacity must be attainable in the district(s). The state and MHP will be developing tools that communities can use to make these calculations on a per lot basis.
9. Districts may be established that already include existing multifamily units. Therefore, for Foxglove, Bowers Brook, and Harvard Green, these can be included in such a district and count toward both units and density.
10. When an MBTA community has no land area within 0.5 mile of a transit station (Harvard), the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth's sustainable development principles.
11. DHCD must make a "Determination of Compliance" for each applicable community, which may be interim, allowing Harvard to establish the requisite bylaws and mapped area(s).
12. Interim compliance requires:
 - a. Creation of an Action Plan
 - b. Implementation of Action Plan
 - c. Adoption of Zoning Amendment
 - d. Request Determination of Full Compliance
13. Effect of Non-Compliance – The MBTA community will not be eligible for funds from the following grant programs:
 - a. the Housing Choice Initiative;
 - b. the Local Capital Projects Fund; or
 - c. the MassWorks infrastructure program.
14. To remain in compliance while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must:
 - Submit the MBTA Community Information Form by 5:00 p.m. on May 2, 2022.
 - Hold a briefing of your City Council, Town Council or Select Board on the Draft Compliance Guidance no later than May 2, 2022 and attest to that on the MBTA Community Information Form.
 - More on this will be noted below under **Important Dates**

Some Initial Thoughts

1. I asked in the webinar whether the guidelines can be met as part of a mixed-use zoning as long as the 15 units/acre is incorporated. The question was not answered but if the answer turns out to be yes, then it seems clear that we can incorporate this mandate

within our Ayer Road commercial district ultimately as part of our vision plan and a form-based code regime.

2. I also wonder whether it could be a part of a MGL 40R and 40S district which involves the payment of funds from the state to communities for the units and for school children. I can provide more details about this later.
3. If this cannot be achieved before December 31, 2024 (see below), perhaps we could preliminarily modify the ARV-SP to incorporate these requirements and then later integrate it into the Ayer Road Form Based Code?

The next Planning Board meeting should cover the following issues:

1. Preparing to fill out and submit the Community Information Form.
2. How to go about searching for land or lands suitable to rezone multifamily. If we want to consider using the Ayer Road corridor, this will not be necessary.
3. How to engage the public in this process.
4. The development of an “Action Plan” due next year.

Available Resources for Harvard

Today’s webinar noted a range of technical resources available to assist MBTA communities to respond to the guidelines. These include:

1. Mass Housing Partnership – MHP has a Housing Toolbox on their website but is also offering personalized technical assistance to six (6) communities on a first come-first served basis with an application due in May.
2. One Stop for Growth Grant Program – This grant program, where we previously applied for Ayer Road but were declined, will now be prioritized for MBTA communities. We could revise our previous application to include these requirements and resubmit.
3. EEA Planning Technical Assistance Grant Program – This is the FY 2023 cycle of the grant we received for Ayer Road (\$45,000) this year. I understand that EEA will prioritize 2023 applications for MBTA communities.
4. DLTA Grant Program – As Stacia has already reported, MRPC is prioritizing DLTA grant applications for MBTA community projects.

Important Dates

Please see below the set of important dates related to the new MBTA multifamily zoning district guidelines. We should add them to our calendars.

- **March 31, 2022** – Deadline for submitting comments on Draft Guidelines.

- Before **May 2, 2022** – The Select Board must hold a briefing on the Draft Compliance Guidance.
- **May 2, 2022 @ 5:00 pm** – The MBTA Community Information Form must be submitted.
- **July 1, 2023** – Deadline for obtaining DHCD approval of a timeline and action plan.
- **December 31, 2024** – Deadline for adopting an appropriate zoning amendment that complies with guidelines.

I may have additional detail prior to our next meeting. If you have any questions, please contact me at cryan@harvard-ma.gov or 978.456.4100.x323.