



# MBTA Communities Draft Multifamily Guidelines

A Briefing with the Harvard Select Board

APRIL 12, 2022

# Agenda

1. Background
2. Multifamily Housing Summary
3. Summary of Draft Guidelines
4. Compliance Issues
5. Comments Submitted to State
6. Important Dates
7. Resources
8. Q & A



# Background

- Economic Bond Bill (*House No. 5250, An Act Enabling Partnerships for Growth*) passed Mass Legislature in December 2020 and signed by Governor Baker in January 2021.
- Bill included a range of housing provisions including lowering threshold for Town Meeting vote for certain zoning articles.
- Section 18 of the Bill addresses the requirement of MBTA communities to have an as-of-right multifamily zoning district of “reasonable size” with a minimum density of 15 units per acre. The language of the sections reads as follows:

1312 Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides  
1313 for at least 1 district of reasonable size in which multi-family housing is permitted as of right;  
1314 provided, however, that such multi-family housing shall be without age restrictions and shall be  
1315 suitable for families with children. For the purposes of this section, a district of reasonable size  
1316 shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations  
1317 imposed by section 40 of chapter 131 and title 5 of the state environmental code established  
1318 pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a  
1319 commuter rail station, subway station, ferry terminal or bus station, if applicable.

1320 (b) An MBTA community that fails to comply with this section shall not be eligible for funds  
1321 from: (i) the Housing Choice Initiative as described by the governor in a message to the general  
1322 court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section  
1323 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of  
1324 chapter 23A.

1325 (c) The department, in consultation with the Massachusetts Bay Transportation Authority and the  
1326 Massachusetts Department of Transportation, shall promulgate guidelines to determine if an  
1327 MBTA community is in compliance with this section.

# Definition and Summary of Multifamily Housing

- **Typology** – Multifamily housing is typically any building containing three or more residential units. It can be ownership or rental. It can be upscale or affordable.
- **Design and Siting** – The options for design and siting of multifamily housing are numerous (see next slide).
- **Fiscal Impact** – Just as options for multifamily are numerous so is their potential fiscal impact. Many studio, 1BR, and 2BR units have a net fiscal positive impact. Even 3BR units can generate a positive impact if an upscale market rate unit.
  - See: [https://www.mhp.net/writable/resources/documents/Fiscal-impacts\\_2003.pdf](https://www.mhp.net/writable/resources/documents/Fiscal-impacts_2003.pdf)
- **Community Facilities Impact** – Specific facilities and services impacts can be planned for. Harvard letter recommends Impact Fees for communities.





**6-Family Home**



**3-Family Townhouse**



**3-Family Home**



**3-Family Home**



**6-Family Home**

**Multifamily housing can look nice and fit it with the character of a local community.**

**Design guidelines and requirements can provide assurances to a community that whatever is developed will fit in with surrounding area.**

# Summary of Draft Guidelines

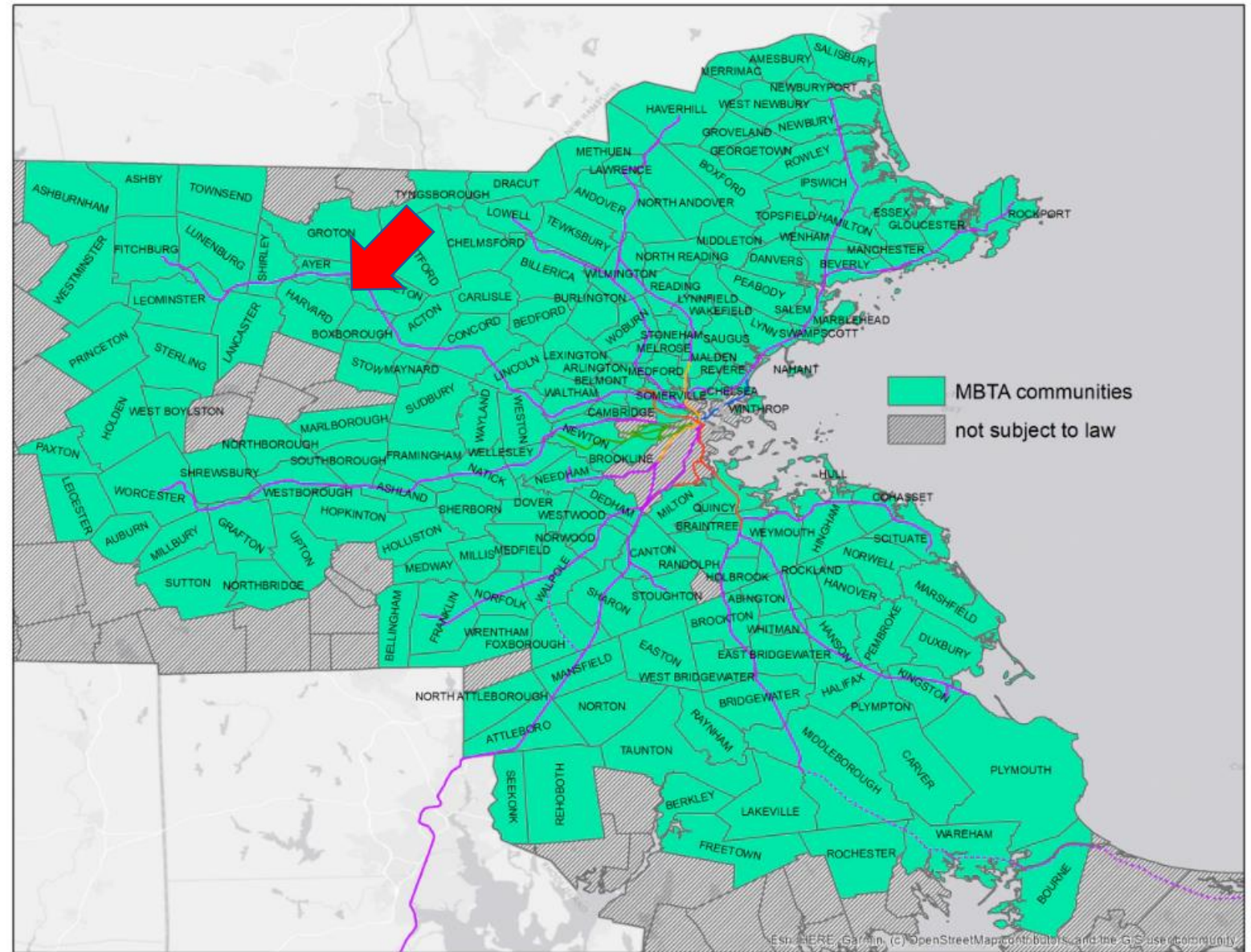
- Guidelines released on December 15, 2021
- DHCD Webinar on January 12, 2022 providing information on Guidelines
- DHCD also provided a [web page](#) for the program which includes:
  - FAQ
  - Webinar Slides
- The Planning Board has discussed the Guidelines on four separate occasions and the following summary and other discussion feedback follows over the next few slides.



“MBTA community” is defined by reference to M.G.L. c. 161A, sec. 1:

- ❖ one of the “14 cities and towns” that initially hosted MBTA service;
- ❖ one of the “51 cities and towns” that also host MBTA service but joined later;
- ❖ other “served communities” that about a city or town that hosts MBTA service; or
- ❖ a municipality that has been added to the MBTA under G.L. c. 161A, sec. 6 or in accordance with any special law relative to the area constituting the authority.

In total, **175 MBTA communities** are subject to the new requirements of Section 3A of the Zoning Act.





# 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.

# Draft Guidelines Summary

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).
8. Communities must estimate the unit capacity for each district. The minimum required capacity must be attainable in the district(s).
9. Districts may be established that already include existing multifamily units.

# Draft Guidelines Summary

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

# Compliance Issues

**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;
- d. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

**14.** For interim compliance, 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. This meeting is the briefing.



# Comments Submitted to State on March 31<sup>st</sup>

The Harvard Planning Board worked closely with the Select Board and other boards and committees (e.g., Conservation Commission, Board of Health, School Committee) to develop a comment letter to the state Department of Housing and Community Development (DHCD) as provided for by the Guidelines. The highlights of comments included in the letter are as follows:

1. **Number of Units** – criticized the 750 unit minimum and the one-size-fits-all application.
2. **Deadline** – Stated that the 12/31/2024 deadline was too soon and requested an extension.
3. **Systems @ Capacity** – Citing a study, the letter noted how the Guidelines would impact multiple systems such as local services and infrastructure, and asked State to consider assistance to address capacity issues.
4. **Impact Fees** – The letter asked the state to consider passing an impact fee law.
5. **Grants in Aid** – Requested assistance to develop water and sewer infrastructure.

# Comments Submitted to State on March 31<sup>st</sup>

6. **Mixed-Use/Smart Growth** – Expressed to the state that the Guidelines were not good planning and that amendments were needed to allow this as part of the program.
7. **Phasing** – Stated that in addition to lowering the #, that the state should allow phasing of projects.
8. **Age-Friendly** – Asked if over-55 developments could be included.
9. **Affordable** – Noted that affordable housing was not addressed and recommended that it should be.
10. **Schools** – Noted anticipated impact on schools.
11. **Wastewater** – Lengthy and in-depth comment on wastewater impacts and lack of opportunity in Harvard.

# 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.
  - Scheduled for April 12, 2022
- **May 2, 2022 @ 5:00 pm** – The MBTA Community Information Form must be submitted.
  - Submitted on April 13, 2022
- **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.

COMPLETED

To Achieve  
Interim  
Compliance

# Available Resources for Harvard

## Available Resources for Harvard

There are 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.





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