

# MBTA Communities Zoning Requirements



Beverly Planning Department

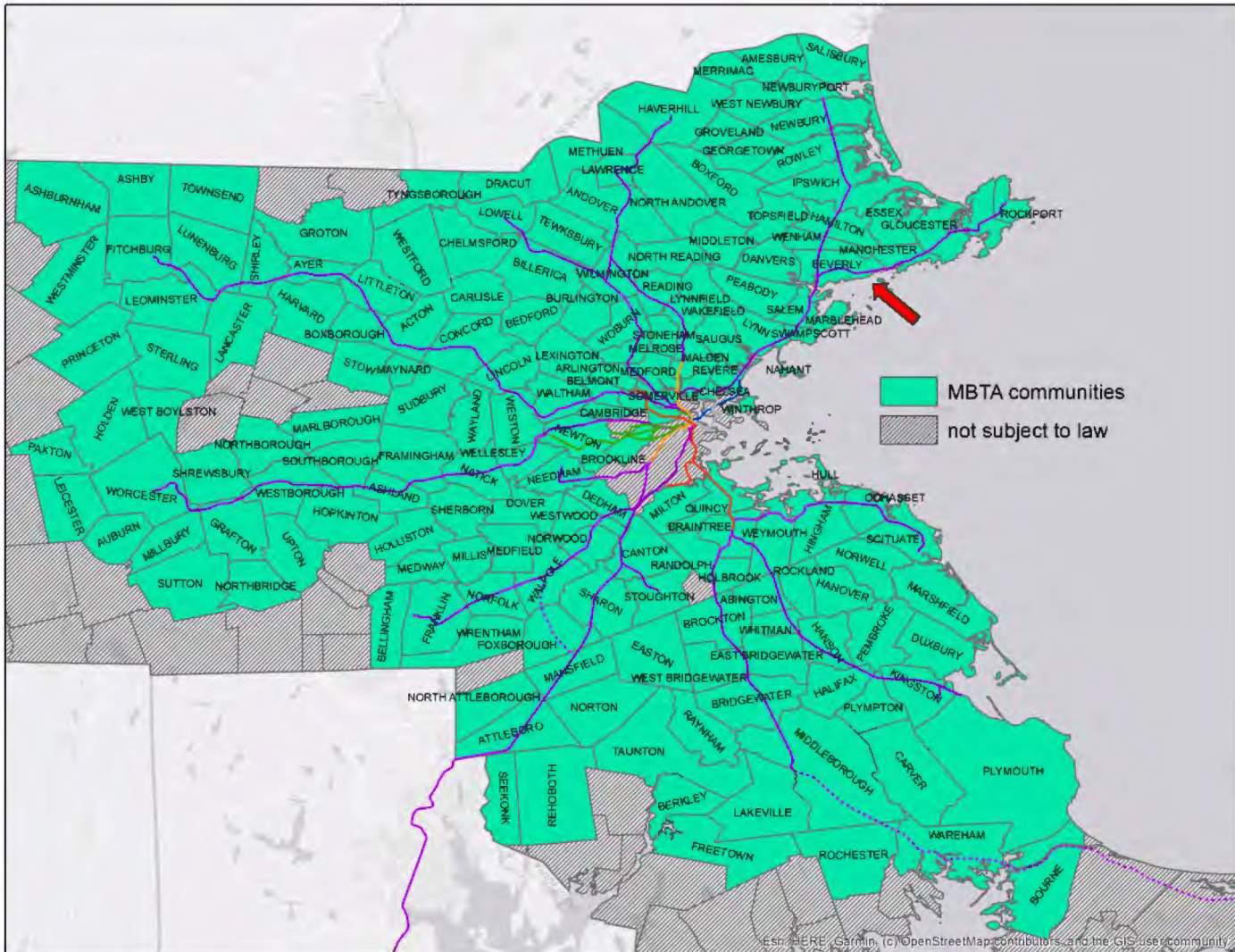
# What is the MBTA Communities legislation?

Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that an MBTA community shall have **at least 1 zoning district** of reasonable size in which multi-family housing (three or more units) is permitted **by right** and meets other criteria set forth in the statute:

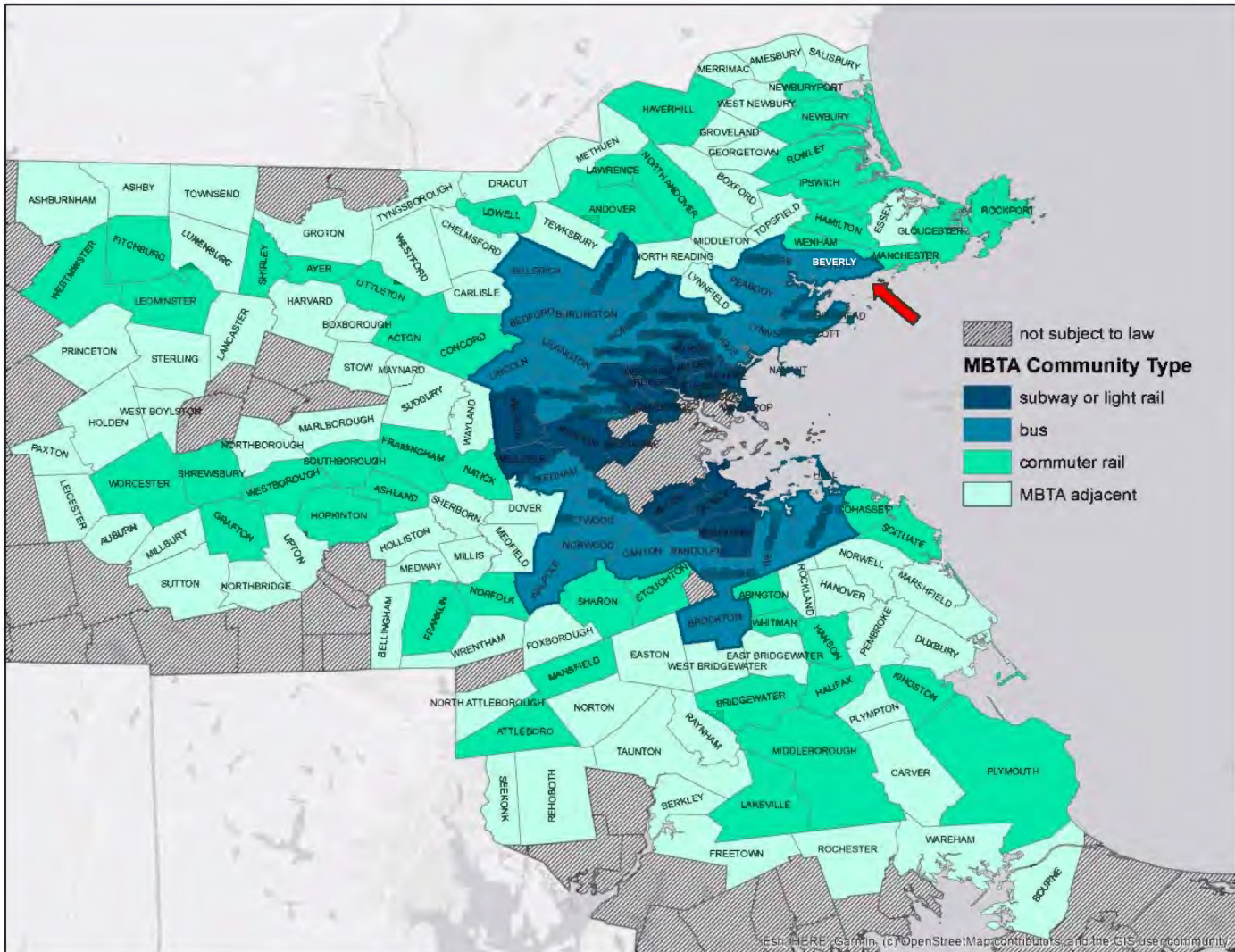
- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

Cities that do not comply with the new requirements will be ineligible for **MassWorks, Housing Choice, and Local Capital Projects** funds.









# Guidance on Compliance

Section 3A instructs the Department of Housing and Community Development (DHCD), in consultation with the MBTA and the Department of Transportation, to develop guidelines for how cities can comply with the new zoning requirements.

These guidelines provide clarity to the legislation, including:

- What it means to permit multi-family housing “as of right”
- What is a district of “reasonable size”
- How to determine if a multi-family district has a minimum gross density of 15 units per acre
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”
- The extent to which MBTA communities have flexibility to choose the location of a multifamily district

DHCD issued [draft guidance](#) on December 15, 2021.



# Highlights of DHCD Guidelines

- As of right
  - “...the construction and occupancy of multi-family housing is allowed in that district **without the need to obtain any discretionary permit or approval.**” Site Plan Review may be required but may not be used to deny a project. No Special Permit requirement.
- Reasonable size
  - Minimum land area: “at least 50 acres of land - or approximately one-tenth of the land area within 0.5 mile of a transit station.”
  - Overlay districts allowed with certain conditions
  - Minimum multifamily unit capacity: “A compliant district’s multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community.”

<i>Category</i>	<i>Minimum multi-family units as a % of total housing stock</i>
Rapid Transit Community	25%
<b>Bus Service Community</b>	<b>20%</b>
Commuter Rail Community	15%
Adjacent Community	10%



# What this means for Beverly

- Beverly is considered a **Bus Service Community**
- According to the 2020 Census, Beverly currently has **17,887 housing units**
- This means that to comply with Section 3A, Beverly must establish one (or more) **by-right** zoning districts that total **at least 50 acres** and have a zoned capacity for **3,577 units**
  - Beverly is not mandated to build this many units - only to create zoning districts that allow for them.
  - By-right can include mixed-use
  - Multiple zoning districts may be used to comply, as long as they meet Section 3A's criteria
    - Beverly has multiple train stations, providing more flexibility for zoning district locations



# Effects of Non-Compliance

Cities that do not comply with the new requirements will be ineligible for **MassWorks**, **Housing Choice**, and **Local Capital Projects** funds.

- We use all of these!

Some examples of recently-funded projects

- MassWorks:
  - Sohier/Tozer Road Intersection Rebuild - \$1.75 Million
  - Brimbal Avenue Reconstruction, Phase 1 - \$5 Million
- Housing Choice:
  - Transportation Hub - \$150,000

DHCD may, at its discretion, take noncompliance into consideration when making other discretionary grant awards.





# Timeline for Evaluation and Compliance

## May 2, 2022

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Hold a briefing with the City Council on the Draft Compliance Guidelines.

Submit MBTA Community Information Form to DHCD.

## May - December, 2022

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Evaluate zoning and determine compliance (or non-compliance)

## December 31, 2022

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**If existing zoning complies:**  
Apply for Determination of Compliance

**If existing zoning does not comply:** Notify DHCD of non-compliance

## March 31, 2023

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If non-compliant: Have DHCD approve an **Action Plan** of how Beverly will come into compliance; this includes timeframes and deadlines for adopting zoning.

## December 31, 2023

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Adopt zoning amendments by the dates specified in the Action Plan.

Request determination of full compliance from DHCD.



# Is Beverly compliant?

Maybe

- Beverly's CC Zoning District (along downtown Cabot and Rantoul Streets) may meet the requirements of Section 3A

## Next Steps

- Submit MBTA Community Information Form to DHCD
- Begin evaluation of Beverly's zoning

