

# MBTA Communities Zoning Requirements

Public Forum  
November 1, 2023



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Milton Department of Planning and Community Development



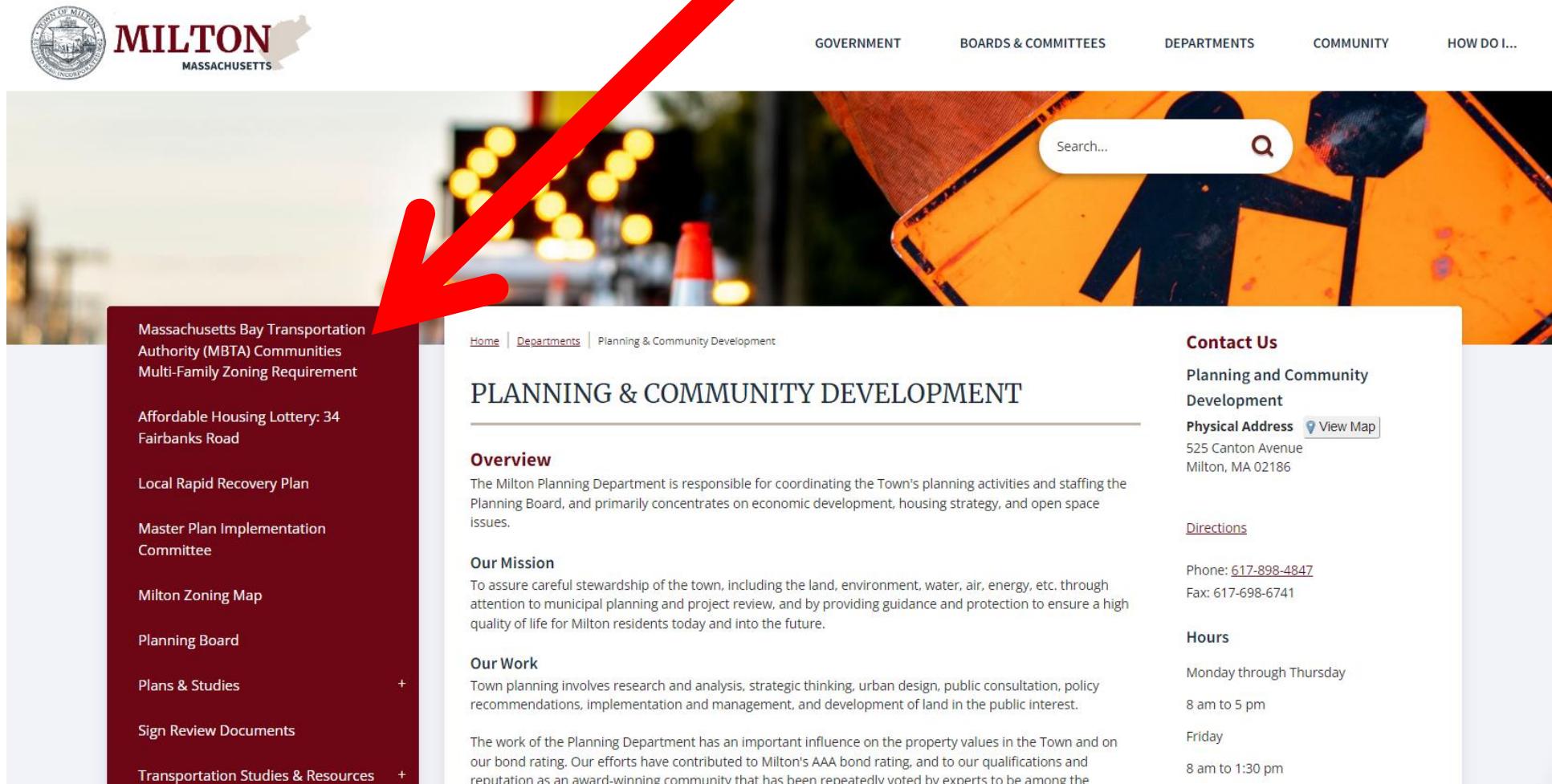
# Meeting Agenda

- 1) Introduction
- 2) Recap of MBTA Communities zoning requirements
- 3) Overview of subdistricts, dimensional parameters, and zoning language
- 4) Implications of MBTA Communities zoning
- 5) Question and Comment period
- 6) Next steps



# Resources

[townofmilton.org/MiltonMBTA](http://townofmilton.org/MiltonMBTA)



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**Massachusetts Bay Transportation Authority (MBTA) Communities Multi-Family Zoning Requirement**

Affordable Housing Lottery: 34 Fairbanks Road

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## PLANNING & COMMUNITY DEVELOPMENT

### Overview

The Milton Planning Department is responsible for coordinating the Town's planning activities and staffing the Planning Board, and primarily concentrates on economic development, housing strategy, and open space issues.

### Our Mission

To assure careful stewardship of the town, including the land, environment, water, air, energy, etc. through attention to municipal planning and project review, and by providing guidance and protection to ensure a high quality of life for Milton residents today and into the future.

### Our Work

Town planning involves research and analysis, strategic thinking, urban design, public consultation, policy recommendations, implementation and management, and development of land in the public interest.

The work of the Planning Department has an important influence on the property values in the Town and on our bond rating. Our efforts have contributed to Milton's AAA bond rating, and to our qualifications and reputation as an award-winning community that has been repeatedly voted by experts to be among the

**Contact Us**

Planning and Community Development

**Physical Address** [View Map](#)  
525 Canton Avenue  
Milton, MA 02186

[Directions](#)

Phone: 617-898-4847  
Fax: 617-698-6741

**Hours**

Monday through Thursday  
8 am to 5 pm

Friday  
8 am to 1:30 pm



# What is the MBTA Communities law?

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 one zoning district of reasonable size in which multi-family housing (three or more units) is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than  $\frac{1}{2}$  miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

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



# What are HLC's guidelines?

The zoning district we create must satisfy several variables, including:

- At least 50 acres
- Zoned capacity of at least 2,461 units
- At least 50% of the unit capacity within transit area

With the help of our technical assistance providers, we have tested several options for subdistricts with the state's Compliance Model, a software tool designed to evaluate proposed zoning districts for compliance with all the requirements of the law and the HLC guidelines.



# Effect of Noncompliance

- If at any point HLC determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs:
  - Housing Choice Initiative
  - Local Capital Projects Fund
  - MassWorks

HLC and other states agencies may, in its discretion, **take noncompliance into consideration** when making other discretionary grant awards.



# Effect of Noncompliance

- Community Planning Grants, EOHLG,
- 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, and
- Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA



# Effect of Noncompliance

It is still unknown what other consequences for noncompliance there may be, but both Governor Healey and Attorney General Campbell have indicated that housing is a priority for their offices.

In August, the Town of Holden was the first community to be subject to a lawsuit, by the group Lawyers for Civil Rights, for refusing to comply with the law



Matt Stout   
@MattPStout

@maura\_healey reacts to @andrewnbrinker story on Middleborough resisting state's new multifamily housing law. "Opting out is not an option," Healey said. "We've got to do this across the state. This administration . . . is really going to lean in here."



Tim Logan  
@bytimlogan

"Shall means shall." After Central Mass. town of Holden snubs ambitious new MBTA housing law, advocates file a lawsuit to force the issue...



bostonglobe.com

First lawsuit over new Mass. housing law targets town of Holden - The Bosto...  
A Central Massachusetts housing group filed a lawsuit that could tee up a court battle over the state's new multifamily housing law.





THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

(617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

**Advisory Concerning Enforcement of the MBTA Communities Zoning Law**

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.<sup>8</sup> Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.<sup>9</sup> Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.<sup>10</sup>

MBTA Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law<sup>11</sup> and federal Fair Housing Act<sup>12</sup> prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.<sup>13</sup> An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.



# What Does Compliance Look Like

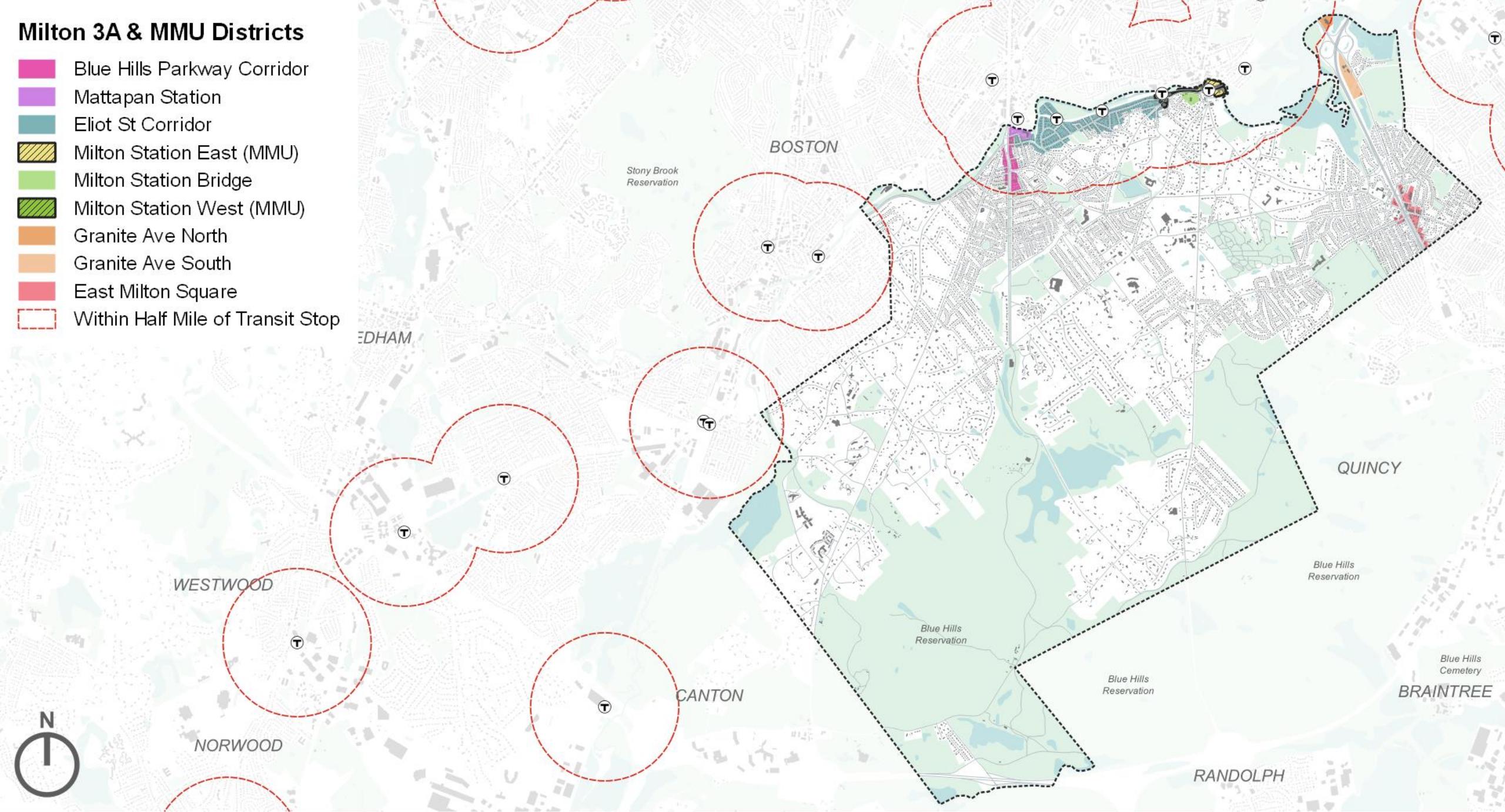
We have proposed six subdistricts (some comprised of smaller subdistricts) mainly in the northern part of Town.

We have also drafted zoning language that lays out dimensional parameters, application requirements, development standards, and site plan review procedures.



## Milton 3A & MMU Districts

- Blue Hills Parkway Corridor
- Mattapan Station
- Eliot St Corridor
- Milton Station East (MMU)
- Milton Station Bridge
- Milton Station West (MMU)
- Granite Ave North
- Granite Ave South
- East Milton Square
- Within Half Mile of Transit Stop



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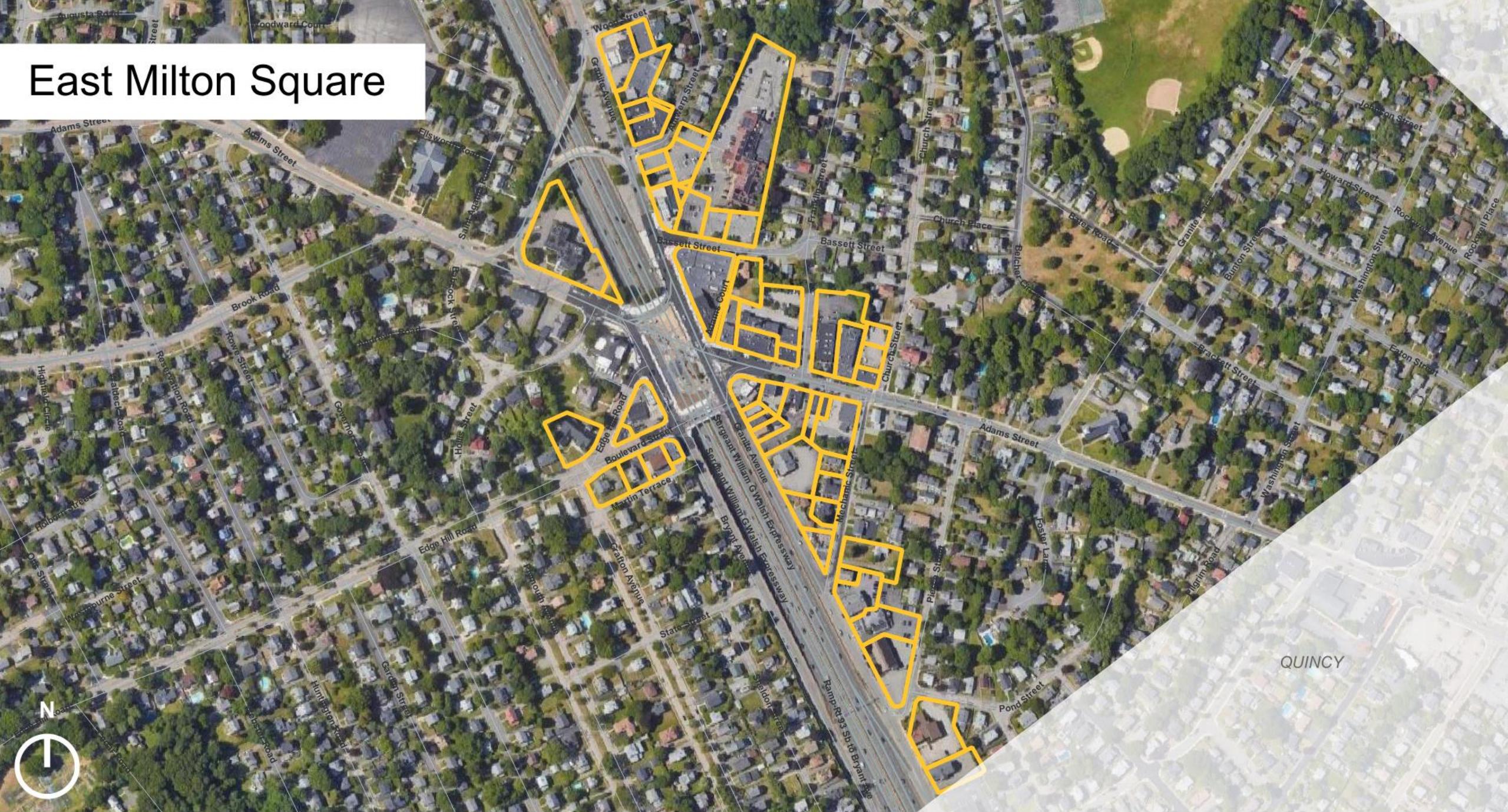
# Zoning Subdistricts

We are proposing six subdistricts (some with further sub-subdistricts) to compose our overall zoning district.

Each subdistrict is tailored to match, as much as possible, the existing built environment via restrictions on height, density, setbacks, and open space requirements.



# East Milton Square



# Granite Ave North

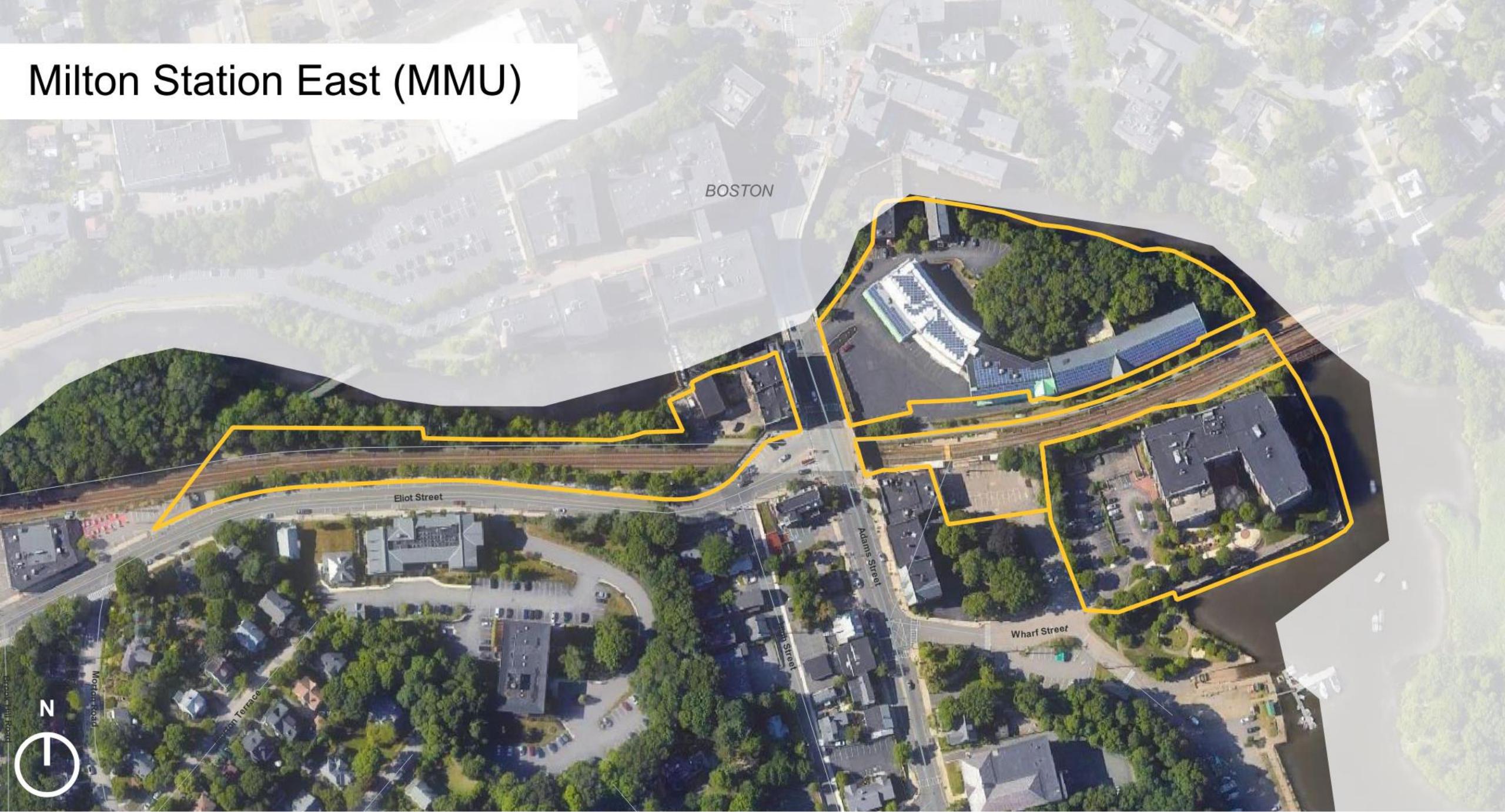
BOSTON



# Granite Ave South

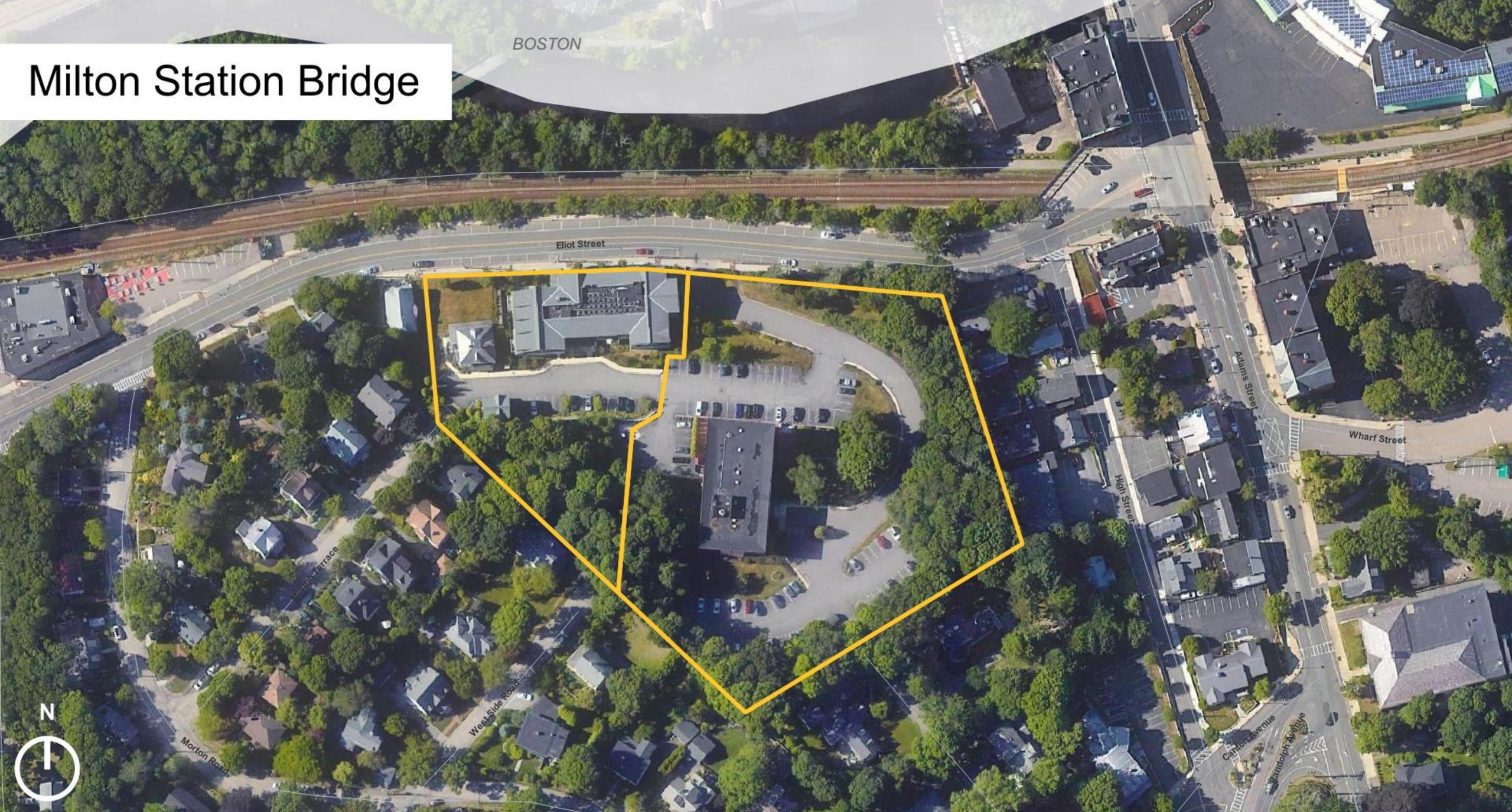


# Milton Station East (MMU)

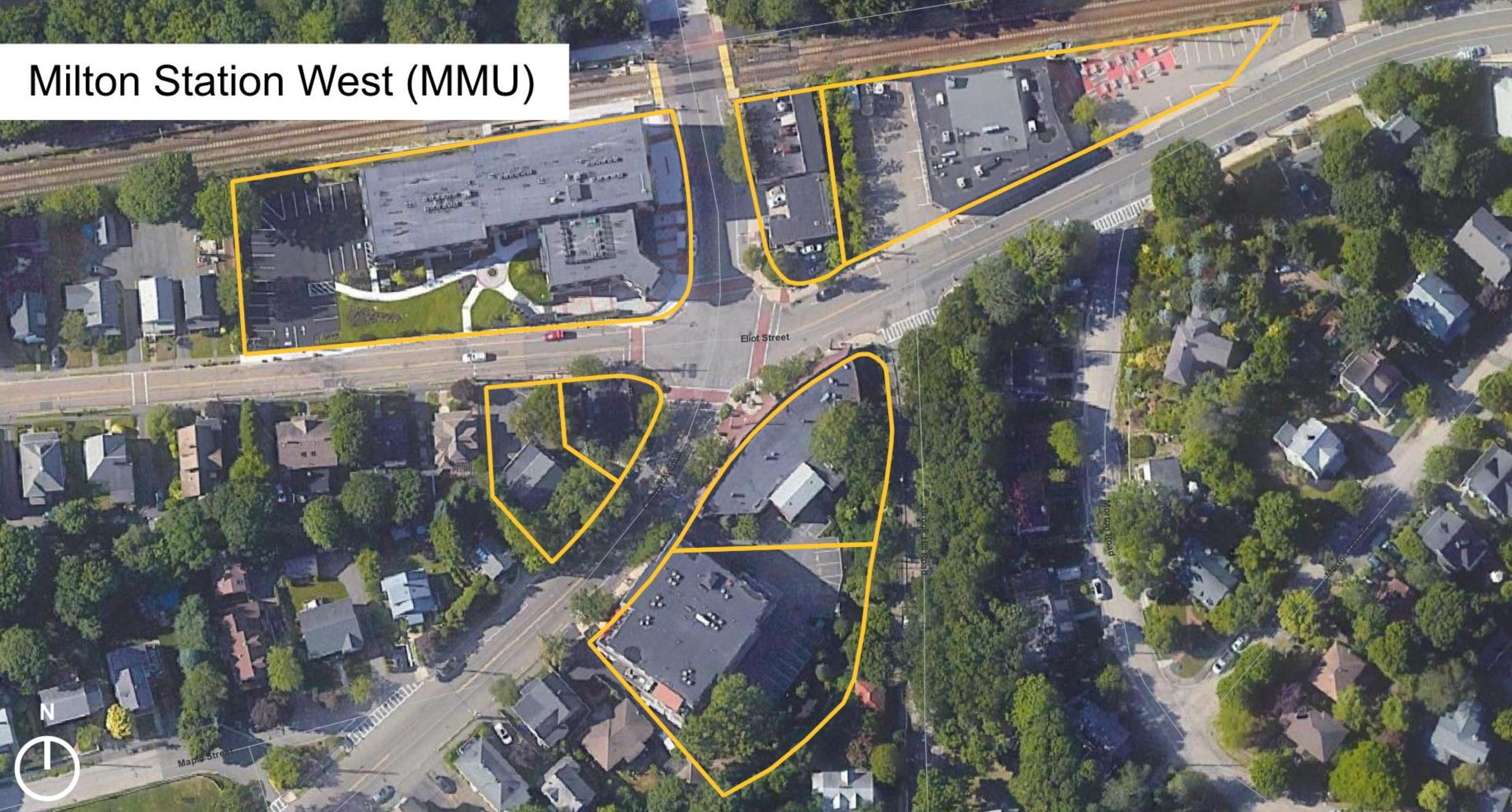


BOSTON

# Milton Station Bridge



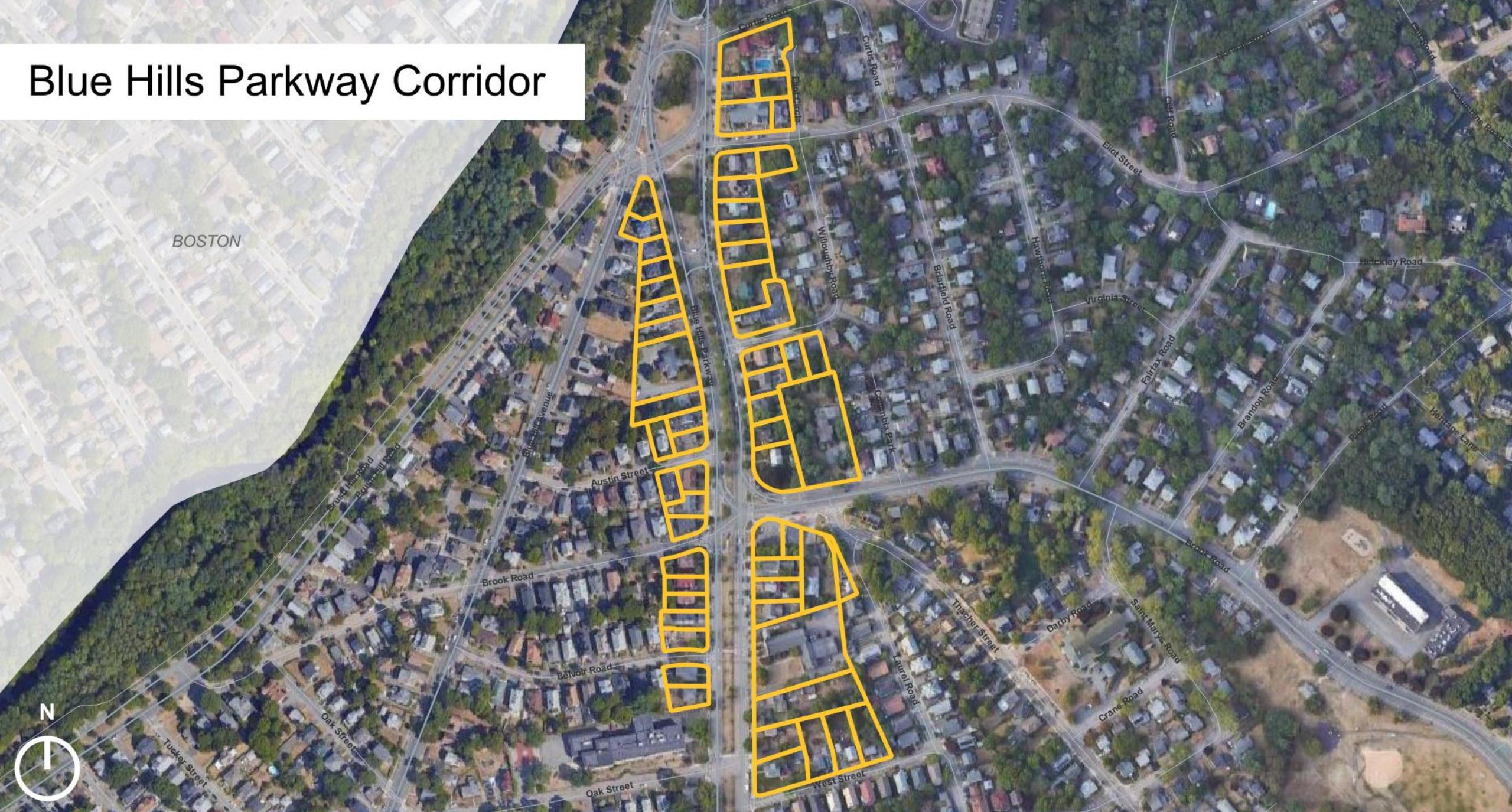
# Milton Station West (MMU)



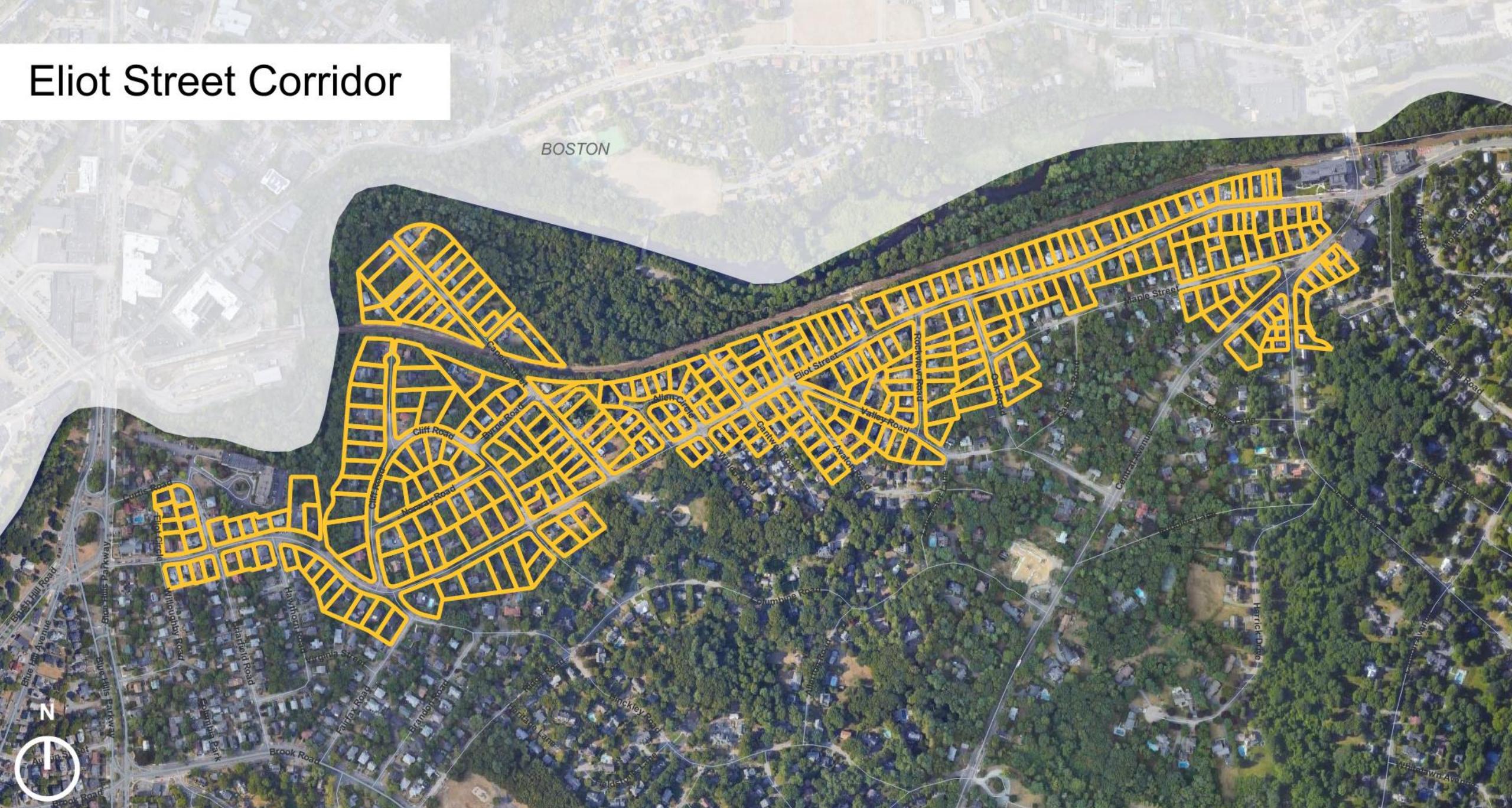
# Mattapan Station



# Blue Hills Parkway Corridor



# Eliot Street Corridor



# Option 1n - Compliance Model Summary

Slightly revised parcel boundaries & FAR

Subdistrict	Key Model Inputs							Model Outputs							
	Max. units/acre	FAR	Max. unit/lot	Min. Lot Size	Max. Parking Spaces per Unit	Max. Bldg Height (stories)	Max. % Bldg + Parking Coverage	Unit Capacity	Acreage	Density Denominator	Modeled Density	% Land in Contiguous Subdistricts	% Land in Transit Area	% Units in Transit Area	% Unit Target Met by 3A District Alone
Granite Ave North (6)	45	1.1	n/a	n/a	1.5	6	60%	171	3.6	2.6	65.1		contributing	contributing	3A
Granite Ave South (4.5)	45	1.1	n/a	n/a	1.5	4.5	60%	530	11.7	11.4	46.4				3A
Mattapan Station	45	1.1	n/a	n/a	1	6	60%	228	5.1	4.3	52.9	contributing	contributing	contributing	3A
Milton Station East (6)*	40	1.0	n/a	n/a	1	6	60%	325*				contributing	contributing	contributing	MMU
Milton Station Bridge (4.5)	40	1.0	n/a	n/a	1	4.5	60%	185	4.8	4.8	38.9	contributing			3A
Milton Station West (4.5)*	40	1.0	n/a	n/a	1	4.5	60%	108*				contributing			MMU
East Milton Square	30	n/a	n/a	n/a	1	2.5	60%	423	21.1	21.1	20.0				3A
Eliot Street Corridor	n/a	0.7	3	7,500 sf	1	2.5	60%	480	82.0	81.9	5.9	contributing	contributing	contributing	3A
Blue Hills Pkwy Corridor	30	0.7	n/a	7,500 sf	1	2.5	50%	175	16.9	16.9	10.3	contributing	contributing	contributing	3A
<b>TOTAL</b>								<b>2,625</b>	<b>145.2</b>	<b>143</b>	<b>15.3</b>	<b>74.9%</b>	<b>77.4%</b>	<b>56.3%</b>	<b>89.1%</b>
<b>COMPLIANCE TARGET</b>								<b>2,461</b>	<b>50</b>	<i>n/a</i>	<b>15</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>Min. 75%</b>

\* In this option, we are assuming the **Milton Station East and West Subdistricts** will make use of the new mixed-use provision as described in [the most recent guidance from the State, issued on 8/17/2023](#). Mandatory Mixed Use (MMU) subdistricts count towards meeting 3A unit capacity requirements but do not count towards any other 3A requirements. The calculations in this sheet reflect that.

# Option 1n - Detailed Zoning Parameters

## Mandatory Mixed Use (MMU) + Eliot St Corridor

Subdistrict	Setbacks				Coverage	Height		Max. Parking Spaces per Unit	Max Units per Acre	FAR	Max Units per Lot	Min Lot Size
	Min. Front Setback	Min. Side Setback	Min. Both Side Setbacks	Min. Rear Setback		Max. Bldg + Parking Coverage	Max. Bldg Height (stories)					
Granite Ave North (6)	30'	10'	20'	30'	60%	6	75'	1.5	45	1.1	n/a	n/a
Granite Ave South (4.5)	30'	10'	20'	20'	60%	4.5	60'	1.5	45	1.1	n/a	n/a
Mattapan Station	15'	5'	20'	30'	60%	6	75'	1	45	1.1	n/a	n/a
Milton Station East (6)*	15'	5'	20'	30'	60%	6	75'	1	40	1.0	n/a	n/a
Milton Station Bridge (4.5)	15'	5'	20'	30'	60%	4.5	60'	1	40	1.0	n/a	n/a
Milton Station West (4.5)*	15'	5'	20'	30'	60%	4.5	60'	1	40	1.0	n/a	n/a
East Milton Square	15'	5'	20'	30'	60%	2.5	42'	1	30	n/a	n/a	n/a
Eliot Street Corridor	15'	5'	20'	20'	60%	2.5	35'	1	n/a	0.7	3	7,500 sf
Blue Hills Pkwy Corridor	20'	5'	20'	20'	50%	2.5	35'	1	30	0.7	n/a	7,500 sf

# Mandatory Mixed Use Zone

The original HLC guidelines permitted new zoning to allow mixed-use, but prohibited a requirement that zones be mixed-use.

Recent changes to the guidelines now allow towns to create a Mandatory Mixed-Use (MMU) District that includes up to 25% of their unit capacity total.

- This is technically not a 3A compliant district, so using this option has implications for our overall compliance metrics

In order to preserve commercial uses in the Milton Village and Central Avenue business districts, the Planning Board has studied designating those areas as MMU districts.



# Development of Subdistricts

To the greatest extent possible, we are rezoning where multifamily housing already exists.

- Dimensional requirements in these subdistricts are meant to match the existing multifamily housing stock.
- By rezoning existing multifamily properties, we are able to set the pace of redevelopment and ensure that dramatic changes does not happen in a compressed timeframe.



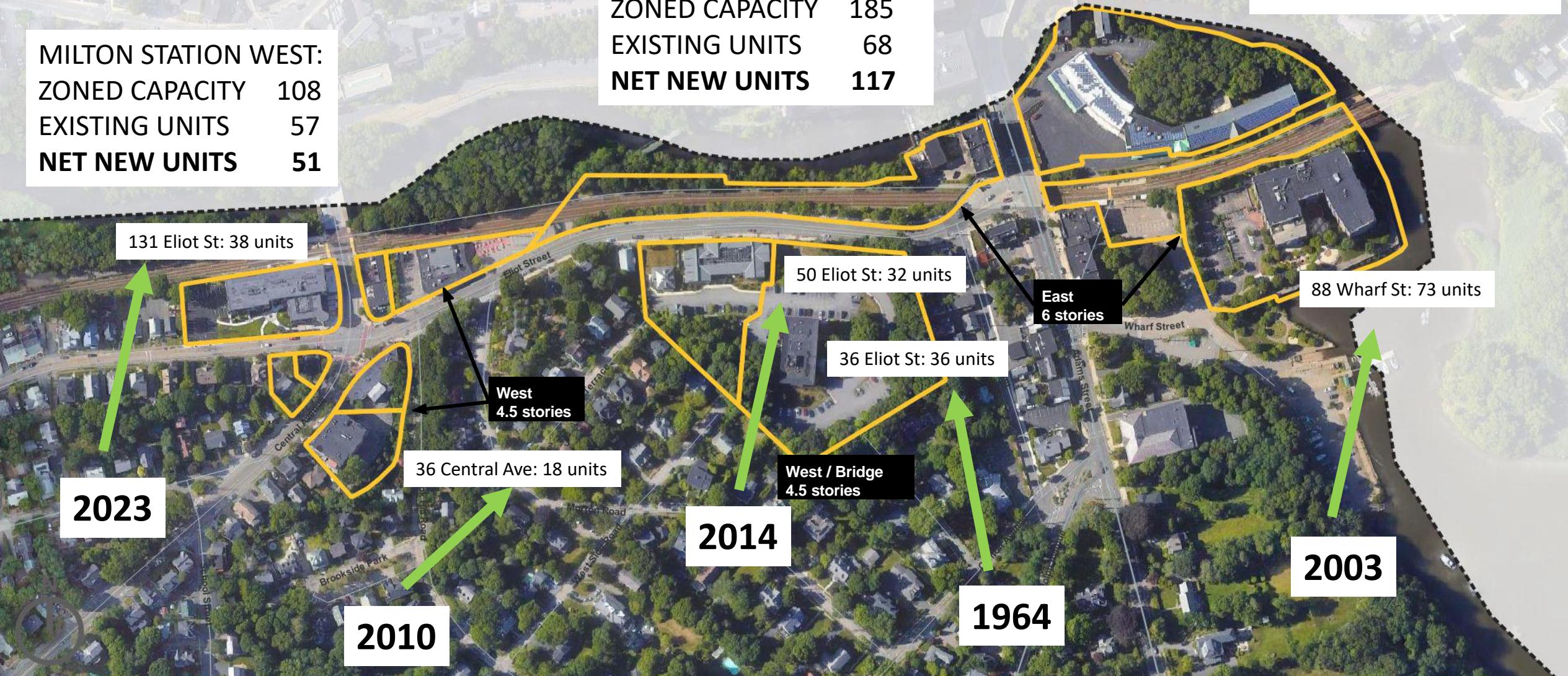
# Milton Station

MILTON STATION WEST:  
ZONED CAPACITY 108  
EXISTING UNITS 57  
NET NEW UNITS 51

MILTON STATION BRIDGE:  
ZONED CAPACITY 185  
EXISTING UNITS 68  
NET NEW UNITS 117

Mills at Extra Space: 8 units

MILTON STATION EAST:  
ZONED CAPACITY 325  
EXISTING UNITS 81  
NET NEW UNITS 244



# Site Plan Review

Projects built under our MBTA Communities zoning will be subject to Site Plan Review by the Planning Board. Although the Planning Board does not have the ability to reject a zoning-compliant project, it can place reasonable conditions on a project to mitigate traffic, stormwater, design, and other impacts.

- The zoning outlines a site plan review procedure, including material submission requirements.
- Projects subject to site plan review must have a public hearing at the Planning Board, which requires public advertising, abutter notification, and public comment.



# Development Standards

In addition to requirements regulating height, density, and setbacks, the MBTA Communities zoning article includes development standards that will help shape projects and ensure they are as consistent with Milton's planning goals as possible. These standards include:

- **Parking maximums for residential uses:** to ensure that projects do not produce excessive parking, which would bring additional traffic and congestion to Milton's streets, the zoning sets a maximum number of parking spaces a development can provide.
  - In a survey of 200 multifamily buildings in Inner Core communities, the Metropolitan Area Planning Council found that an average of 30% of required parking spaces were empty at peak times. This indicates that zoning tends to require more parking than is necessary for a given project.



# Development Standards

- **Open space and recreation:** Open space requirements are designed to prioritize usable open space and thoughtful landscaping that contributes visual interest and screening where needed. Additionally, larger projects are required to have a play area or common space for use by children living in the project.
- **Design standards:** Requirements about building orientation, location of building entrances, and site planning will help new projects fit in with the existing neighborhood context. The zoning also allows for future development of more detailed design guidelines.



# Affordable Housing

HLC's guidelines allow towns to include in their zoning an affordability requirement of up to 10% of units. Milton's zoning includes this 10% requirement.

- The guidelines allow for a greater affordability requirement (up to 20%) if an independent financial analysis demonstrates that local projects would still be feasible with such a requirement. Town staff are in the process of commissioning such an analysis; an increased affordability requirement would be subject to a zoning amendment by a future Town Meeting.



# MBTA Service

The Mattapan Trolley runs a train every six minutes in the peak commuting times, and every 12 minutes at other times of the day.

Other Rapid Transit communities have comparable transit times to Downtown Crossing.

The MBTA is currently engaged in a Mattapan Line Transformation Project, with \$127 million dollars committed.

Track repair work on the Mattapan and Ashmont lines just ended, and is expected to make Red Line commute times 33 minutes faster, while commute times on the Mattapan Line will be 5 minutes faster.

## RED LINE M

### Weekday

peak trains every 7-8 min within trunk, 13-15 min on branches  
off-peak trains every 8 min within trunk, 16 min on branches



peak trains every 6 min  
off-peak trains every 12 min

	First	Last
Alewife	5:16 AM	12:30 AM *
Ashmont	5:16 AM	12:30 AM *
Alewife	5:24 AM	12:25 AM
Braintree	5:06 AM	12:06 AM
Ashmont	5:14 AM	1:05 AM *
Mattapan	5:02 AM	12:53 AM



# MBTA Service

## ‘It’s smooooooth’: Riders, drivers rejoice as stretch of Red Line and Mattapan Trolley speed up after shutdown

By [Taylor Dolven](#) Globe Staff, Updated October 30, 2023, 5:36 p.m.



One T driver of an Ashmont-bound Mattapan trolley, which goes from Mattapan to Ashmont in Dorchester, could not contain his excitement about the upgrades Monday.

“They did good, they did good!” he said out loud to himself, nodding his head enthusiastically as he stared through the wet windshield out onto the newly upgraded tracks. “It’s smooooooth, now you don’t feel none of that stuff. I’m impressed.”

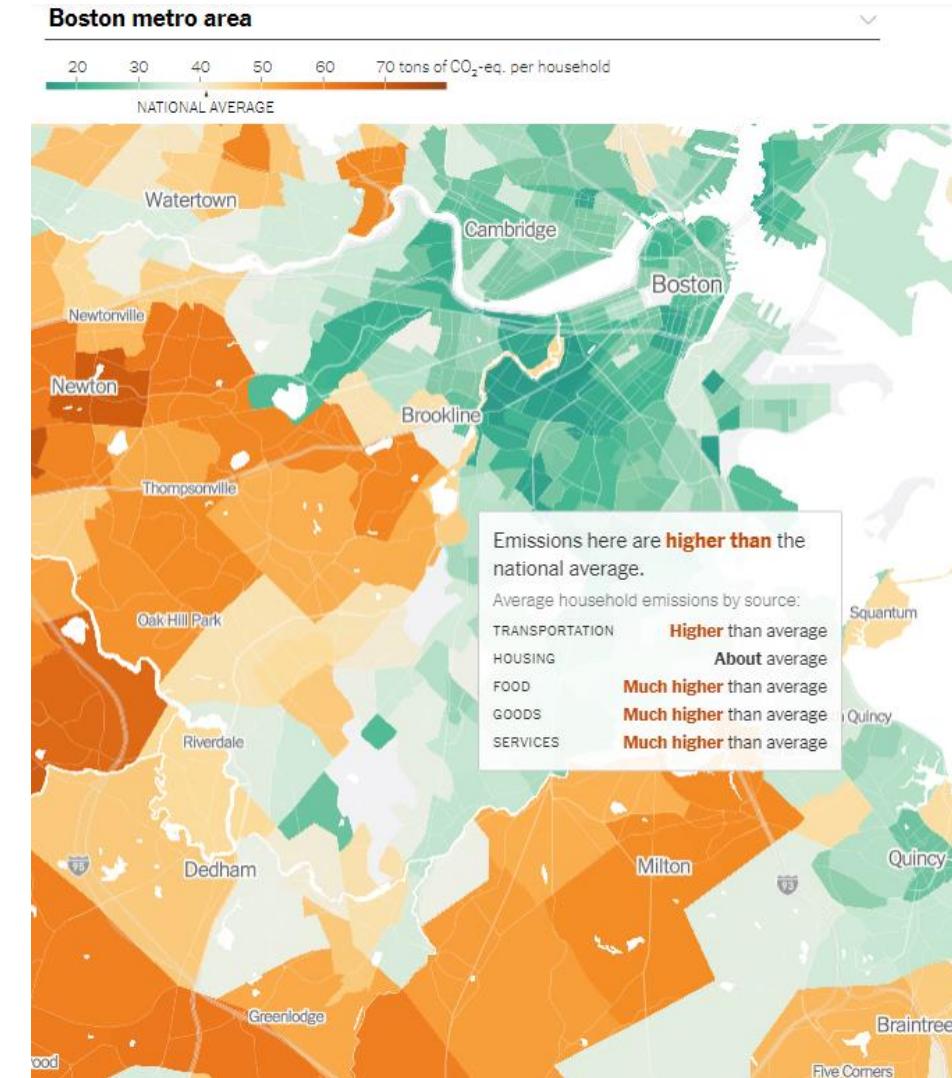


# MBTA Communities is Good Climate Policy

The Commonwealth supports multi-family housing near transit and believes it reduces reliance on single occupancy vehicles, which helps in our larger effort to confront the climate crisis

The Intergovernmental Panel on Climate Change's most recent Assessment Report asserts that "key adaptation and mitigation elements in cities include... land use planning to achieve compact urban form, co-location of jobs and housing, supporting public transport and active mobility (e.g., walking and cycling)"

"How we build cities and towns has a profound effect on the causes and impacts of climate change. An essential strategy for reducing urban-related carbon emissions is supporting dense, mixed-use communities and land uses that prioritize walking, biking, or transit to meet daily transportation needs, as well as balancing jobs and housing within the region" – Sierra Club



# MBTA Communities is Good Climate Policy

REALTOR® Magazine › Real Estate News

## Survey: Buyers May Pay More to Live in Walkable Communities

June 27, 2023

Working With Buyers, Residential Real Estate

By: Melissa Dittmann Tracey



A new NAR survey shows consumers' preferences for neighborhood amenities. Use the findings to promote relevant items in your property marketing.

Seventy-nine percent of respondents rate walkability as "very" or "somewhat" important, and 78% say they'd pay more for a home in a walkable community, the survey shows. Young adults prioritize walkability the most, with 90% of Gen Z and millennial respondents indicating they'd pay more for a home in a walkable community; a third say they'd "pay a lot more." The survey did not specify how much more they'd be willing to pay.

TERS

## The Nation.

ACTIVISM / MAY 17, 2023

# Can America Go Car-Free? Gen Z Hopes So.

*Young people today are already driving less, but breaking the country's car-dependency will require unprecedented investment in infrastructure and public transit.*

HANNAH REYNOLDS

SHARE ▾

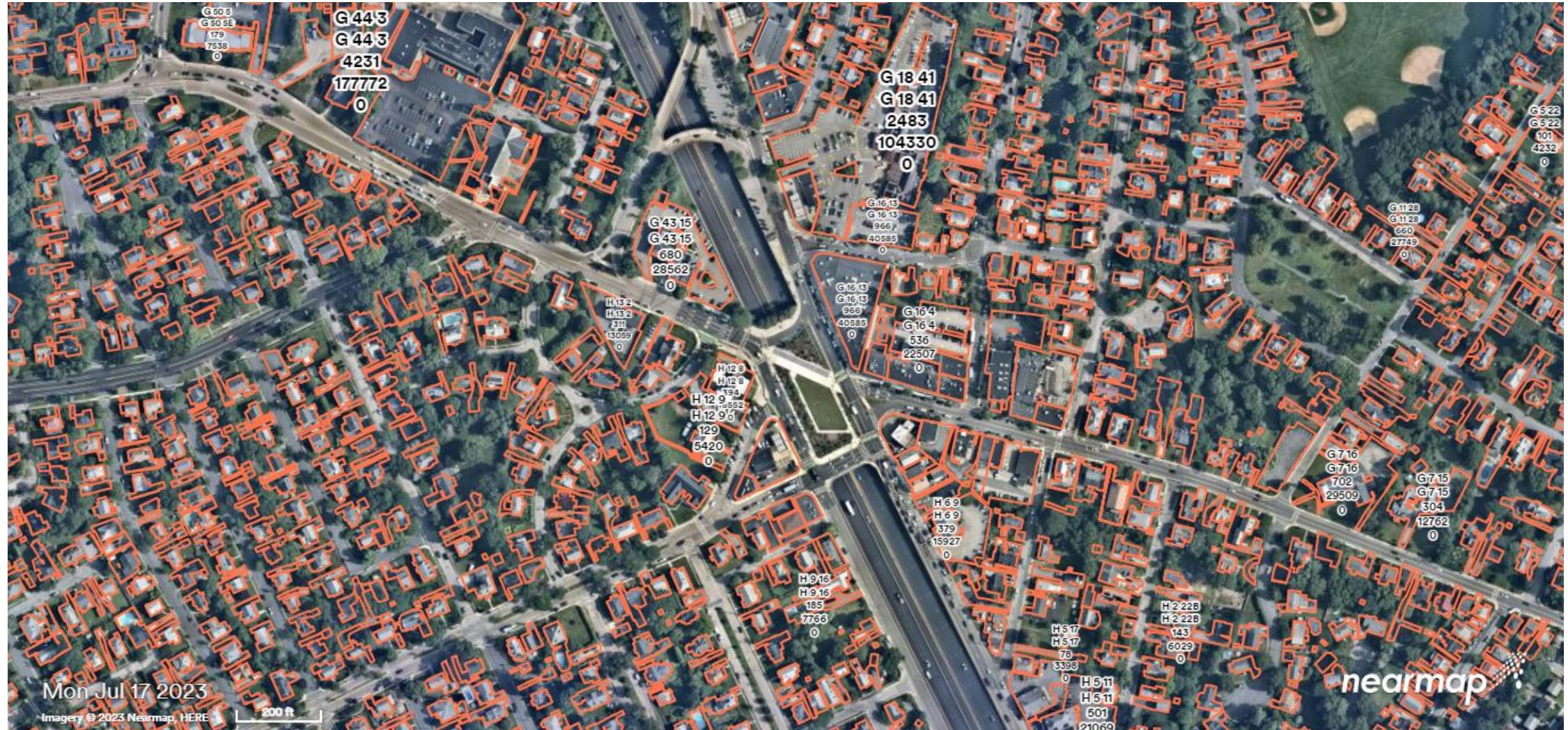
In recent years, studies have shown that young people are driving less. While roughly 62 percent of 17-year-olds had their license in 1997, only 42 percent in 2021 were legally allowed to drive.



Milton Planning

MBTA Communities Zoning Requirements

# MBTA Communities is Good Climate Policy



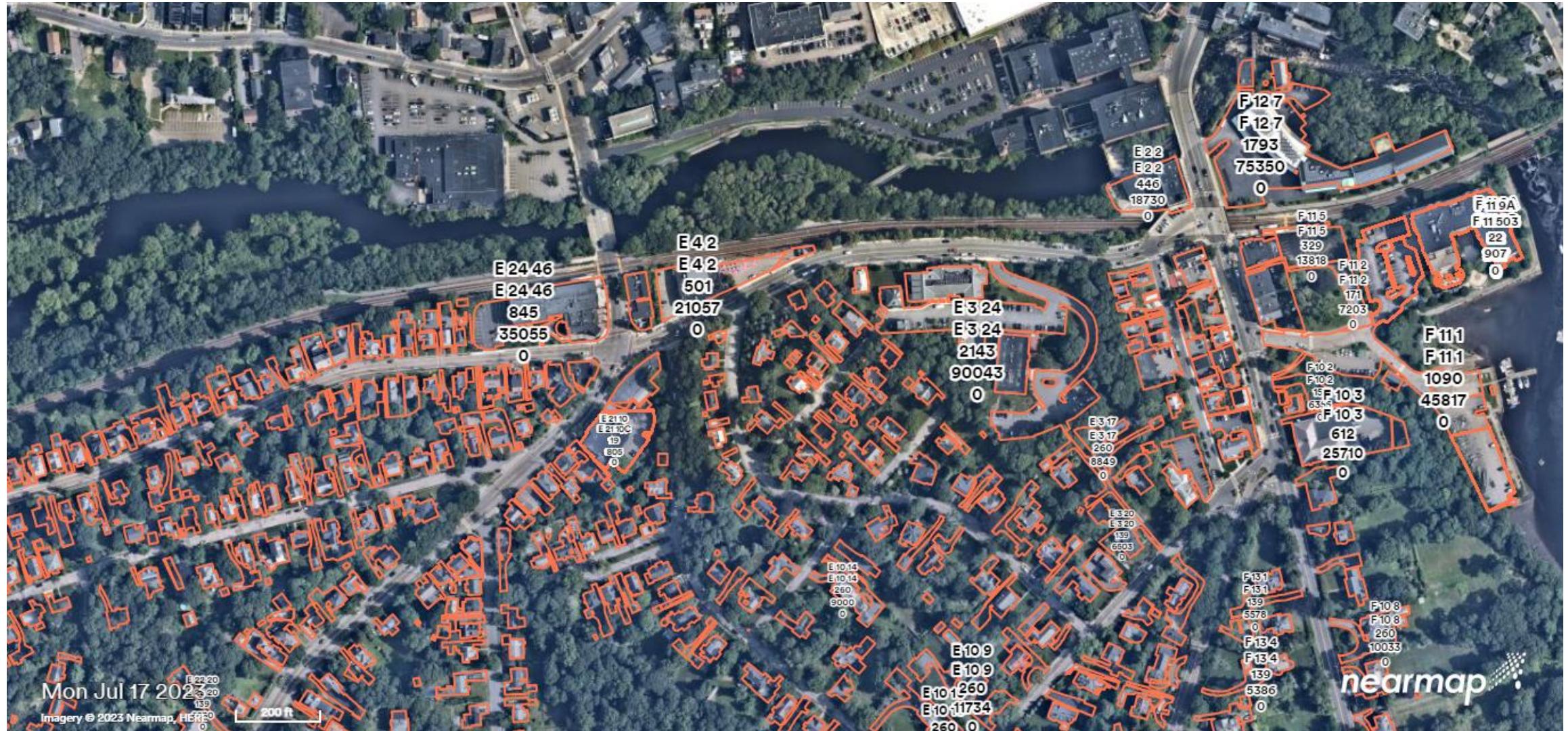
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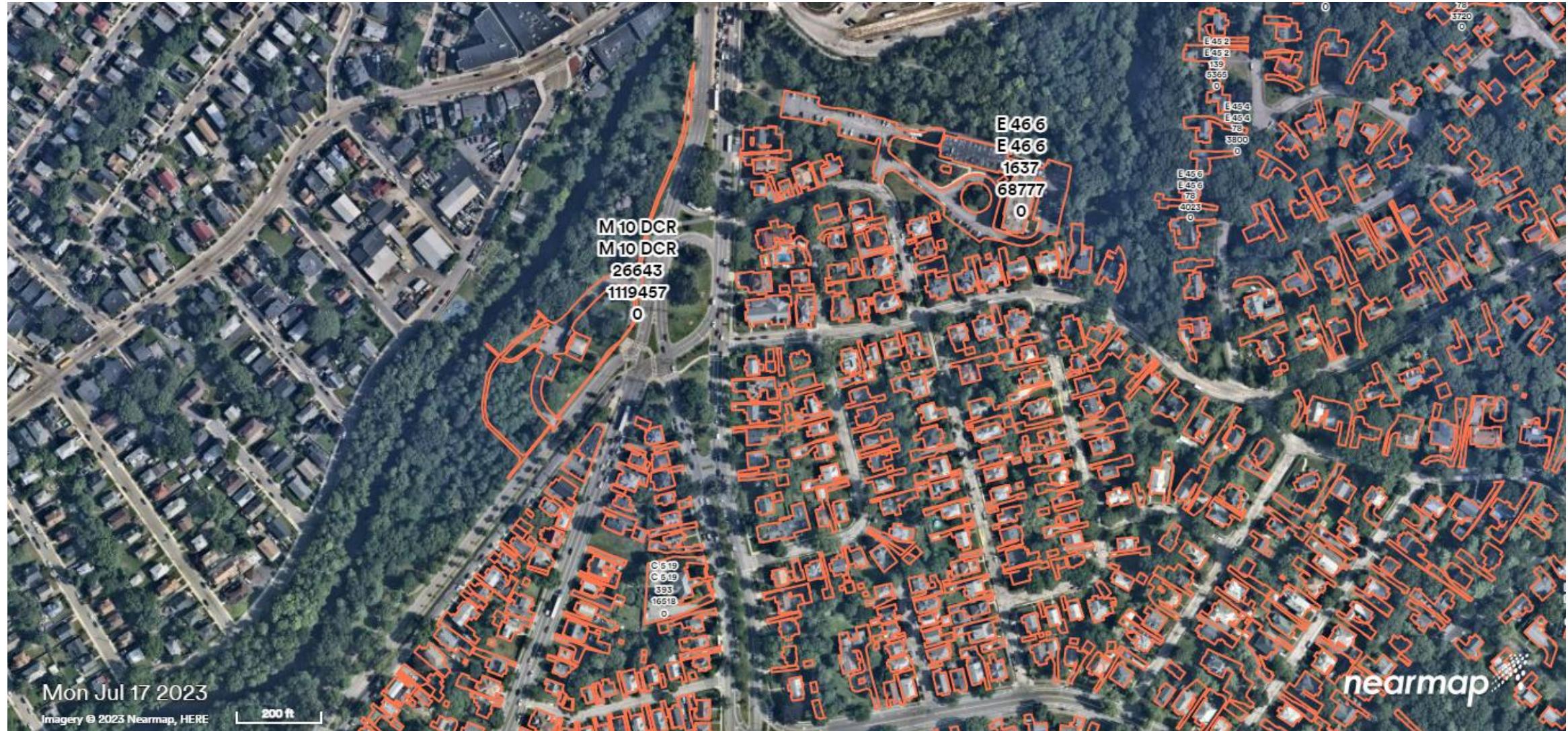
# MBTA Communities is Good Climate Policy



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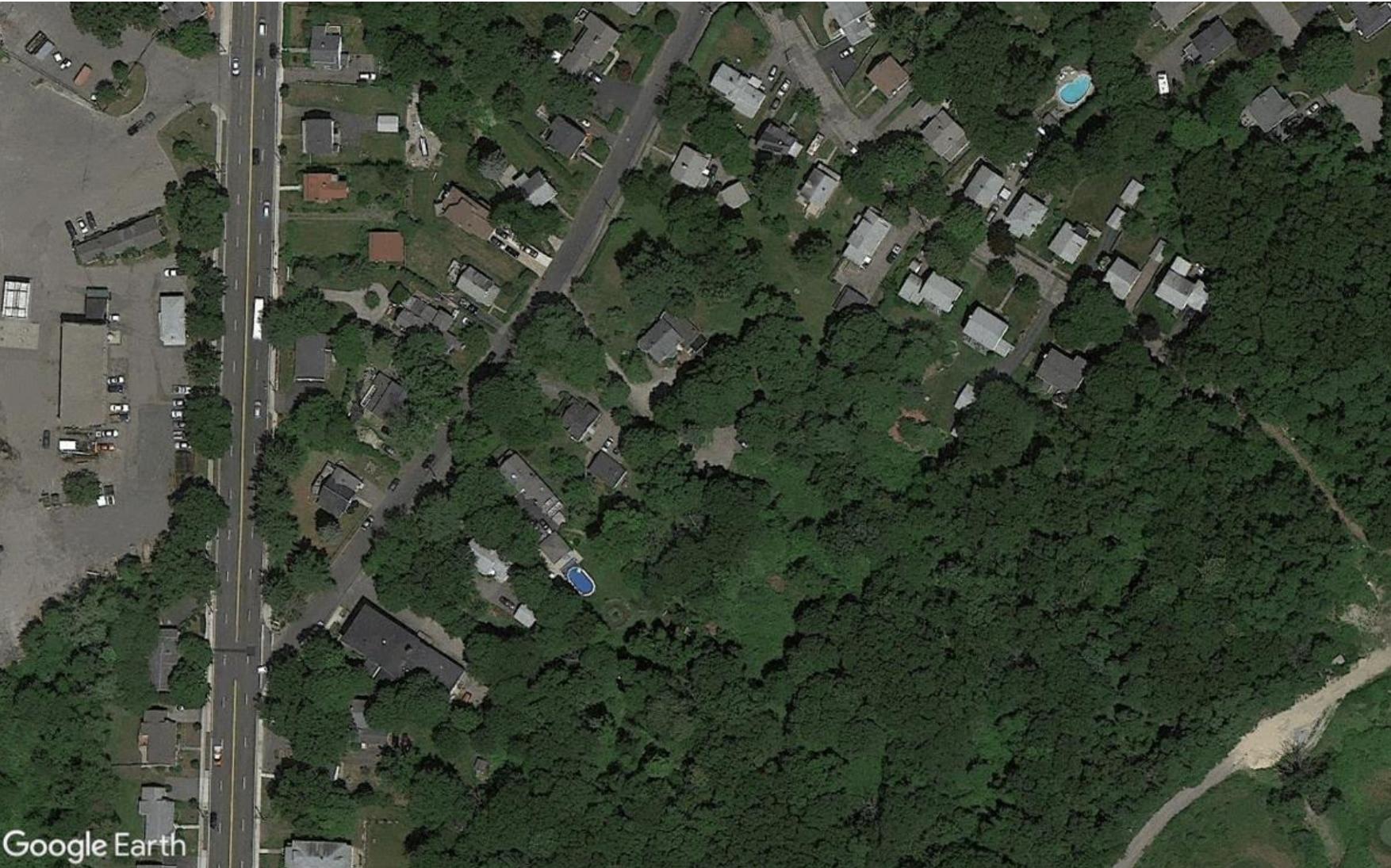
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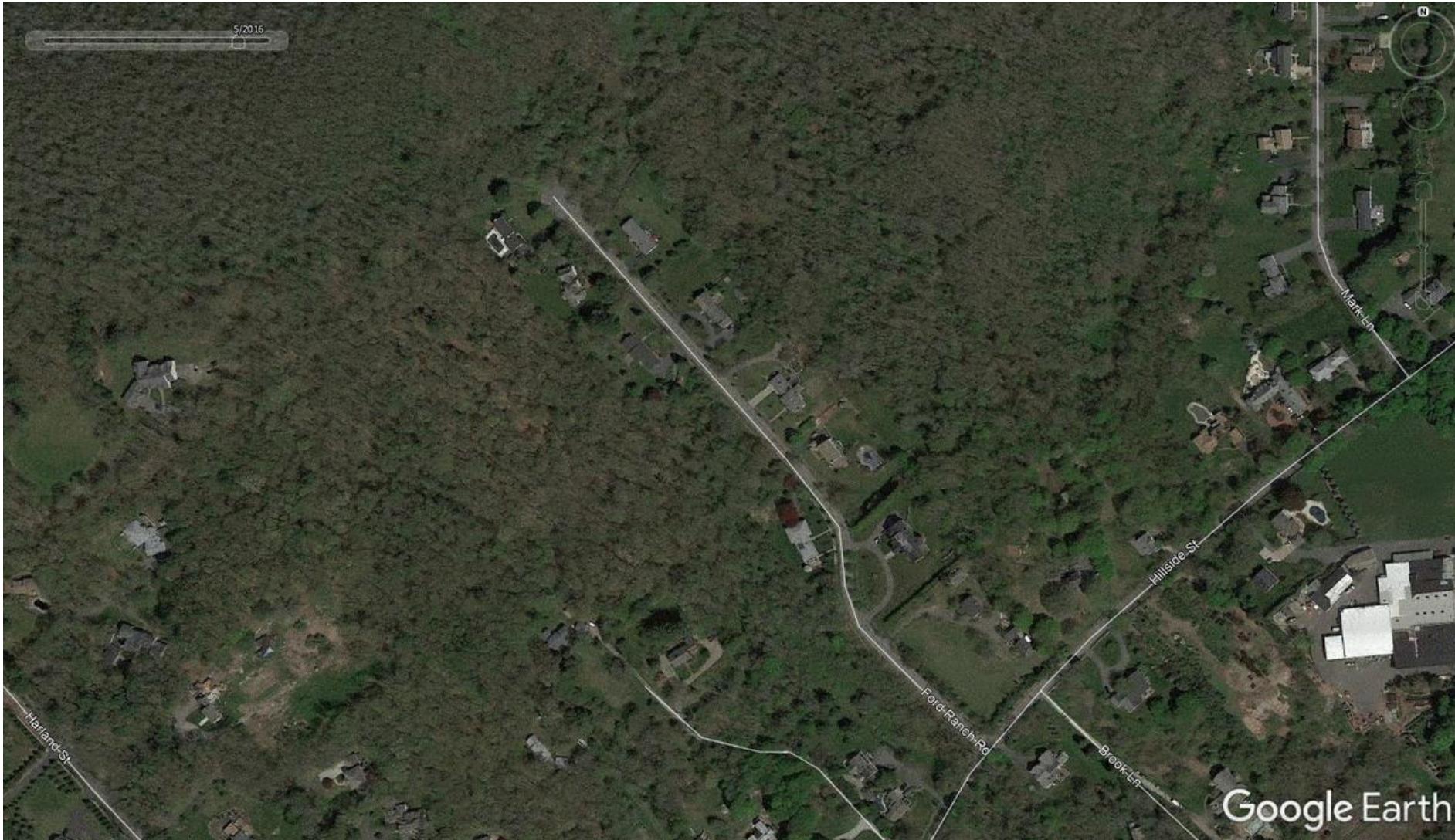
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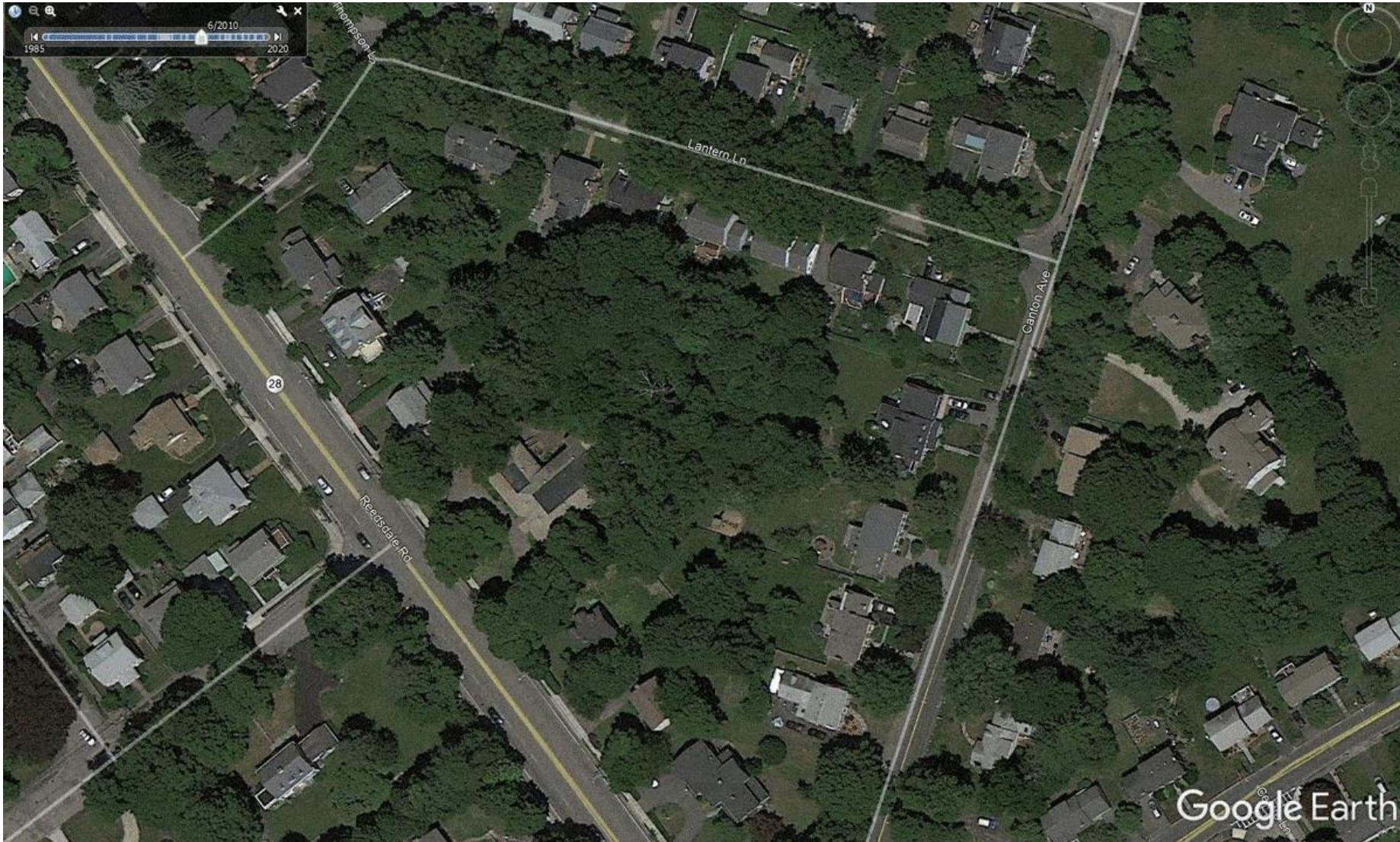
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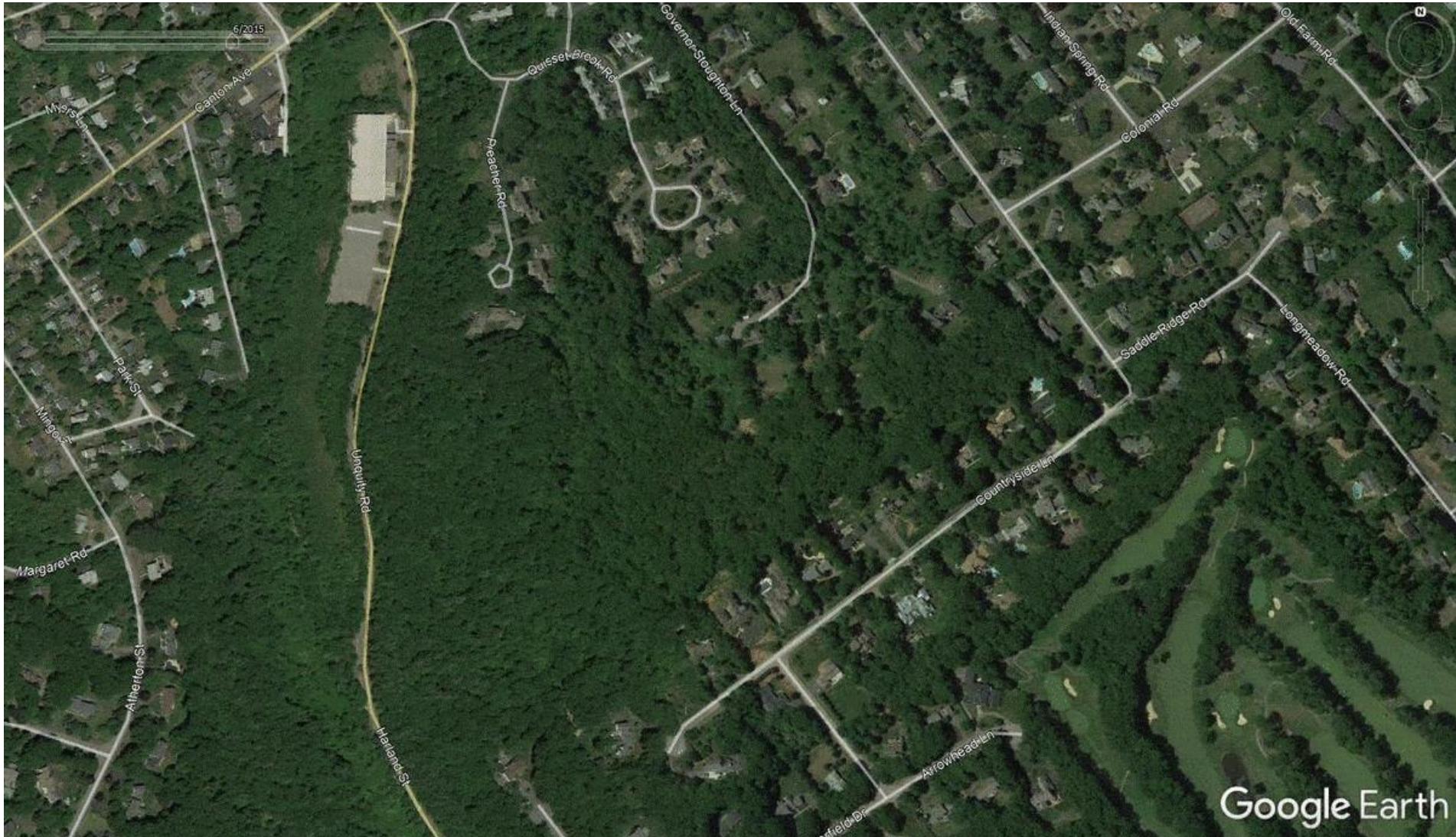
# MBTA Communities is Good Climate Policy



# MBTA Communities is Good Climate Policy



# MBTA Communities is Good Climate Policy



# Next Steps

The Planning Board held a public hearing on this proposed zoning on October 26.

Special Town Meeting is scheduled for December 4, 2023.



A black and white aerial photograph of a residential neighborhood. The area is densely packed with houses, mostly single-family homes with lawns. There are several streets and a few larger buildings, possibly schools or community centers. The terrain is relatively flat with some minor hills or ridges visible in the background.

Thank you!