



# **MBTA Communities & Milton**

## **FREQUENTLY ASKED QUESTIONS**

### **1. What is this law and why is the State interested in local zoning changes?**

In January 2021, the Massachusetts Legislature adopted an Economic Development Bond Bill (H.5250) that made changes to the state's Zoning Act. The "Housing Choice" sections of the bill made it easier for municipalities like ours to adopt pro-housing zoning changes and required each municipality in the Massachusetts Bay Transportation Authority (MBTA) service area to zone for multifamily housing by right. The law created a new section, Section 3A, in the Zoning Act and authorized the Executive Office of Housing & Livable Communities (EOHLC) to develop guidelines for these "MBTA Communities".

This new law requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- 50% of the total area of this new district is not more than 0.5 miles from our Mattapan trolley stations
- No age restrictions and suitable for families with children

The state's Executive Office of Housing & Livable Communities has defined a zoning district of reasonable size as:

- Being at least 50 acres
- Capable of producing units equal to 25% of Milton's existing year-round housing units

According to the most recent Census data, Milton has 9,844 housing units. This calculation means that we must zone in a way that has the capacity for at least **2,461 multi-family units**.

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## 2. Does the law mean that Milton needs to build all of those units?

The law requires Milton to have a zoned capacity for at least 2,461 multi-family units; the zoning that is proposed has a zoned capacity of 2,586. There is no obligation for these units to be developed and compliance with the law is determined by our zoning, not by the production of housing through the zoning.

In addition, that zoned capacity is different from the potential for new units. Because we are zoning in areas with existing housing, the net new potential units are much less than 2,461. According to our analysis, there is a potential for 1,733 net new units to be developed. It is unlikely that we will even reach that number, given that it would require every current property owner who could redevelop their property to do so. The results from our MBTA Communities Survey show that 86% of property owners would not be interested in redeveloping their property to be multifamily, nor would they be interested in selling their property for redevelopment. We cannot predict exactly how or when this new zoning will result in new units, but we can confidently say that it is unlikely that we will reach the potential for new developed units.

## 3. Is the law legal and enforceable? Do we have to comply with the law?

The text of law states that “An MBTA community shall have a zoning ordinance or by-law” that complies. “Shall” in this context means that adopting a compliant zoning district is a mandatory requirement. The law itself outlines three state grant programs—MassWorks, Housing Choice, and the Local Capital Projects Fund—that the Town would not be eligible for if it does not comply with the law. The most recent EOHLC guidelines identify 13 additional discretionary grant programs where the Commonwealth will take MBTA Communities compliance into account when making award decisions.

The law authorizes EOHLC to promulgate guidelines to determine if a community is compliant with the law. While guidelines do not necessarily carry the force of law, in instances where legislation explicitly empowers an agency to develop guidelines there is a significant body of Massachusetts case law demonstrating that courts give substantial deference to guidelines. Town Counsel has offered advice on this matter; [you can read the memo here.](#)



Additionally, the Attorney General's office issued an advisory on compliance in which she stated "All MBTA Communities must comply with the Law. ... Communities that fail to comply with the Law may be subject to civil enforcement action. ... 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. ... MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws."

In addition to potential loss of grant funding and legal action from the Attorney General and advocacy groups, the Town also risks fines and other penalties if a party were to bring a court action against Milton. It's feasible that a court could simply allow developers to build compliant projects without the Town's input, either through a court-ordered rezoning or a builder's remedy similar to Chapter 40B, where permitting is expedited and local regulations waived if a proposed project meets the law's requirements.

## 4. What are the benefits of this law?

The Massachusetts Housing Partnership [produced this video](#) describing the many benefits of zoning for multi-family housing in transit-oriented areas.

Milton's Master Plan and Housing Production Plan includes a number of goals and strategies related to creating smaller housing units, encouraging a diversity of housing types, and increasing rental opportunities in Town. Multi-family zoning would help achieve each of these goals. By requiring 10% of units in MBTA Communities projects to be affordable, the proposed zoning can add to our housing stock to low-and-moderate income households.

Increasing housing density in areas near transit and amenities gives households the opportunity to reduce their use of cars for everyday tasks. This will have positive benefits for the Town's climate footprint as well as for congestion and traffic.

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## 5. What are the impacts of this law on Town services and infrastructure?

EOHLC's guidelines explicitly state that "compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district."

An initial analysis of potential fiscal impacts of new zoning, taking into account additional school and municipal service costs and new tax revenue, has indicated that certain probable development scenarios represent a revenue gain for the Town. A full fiscal impact analysis is forthcoming.

## 6. How will this affect traffic in Milton?

Traffic is always a concern with new development, but we have adopted a number of provisions that will limit the traffic impacts of this rezoning effort. One of the primary goals of encouraging development near transit is to reduce reliance on cars. By building more housing with convenient access to public transportation and commercial and civic amenities, we give more people more choice in how they get to work, school, shops, and leisure opportunities, reducing the need to drive for every trip.

Throughout our MBTA Communities zoning subdistricts, we have proposed "parking maximums" that are set at either 1 or 1.5 spaces per unit. Previously, we had a minimum of 1 spot per unit that allowed a property owner to add additional parking should they wish to. By setting a maximum, we can limit the car usage expected from developments in these zoning districts and even allow car-free households to exist.

There is a significant body of research that shows the provision of onsite parking is a significant, if not the most significant, influence on the decision to drive a car. A 2015 paper in the Journal of the Transportation Research Board concludes that "an increase in parking provision from 0.1 to 0.5 parking spaces per resident and employee is associated with an increase in commuter automobile mode share of roughly 30 percentage points."

A 2012 paper in the journal Transport Policy shows “a clear relationship between guaranteed parking at home and the greater propensity to use the automobile for journey to work trips,” even in areas where other transportation modes are viable. For its Perfect Fit Parking report, MAPC studied the supply and utilization of parking in 200 multifamily buildings in the Boston Inner Core region, and found that on average 30 percent of on-site parking was going unused.

Additionally, larger projects proposed in the Milton/Central Avenue Station, Mattapan Station, Granite Avenue, and East Milton Square subdistricts will be required to provide a traffic impact analysis for review by the Planning Board.



## 7. What does “as of right” permitting mean?

The HLC guidelines state that “a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval.” The term “as-of-right” is often used interchangeably with “by-right”, and both have the same meaning.

Multi-family and mixed-use projects proposed under MBTA Communities zoning will still be subject to site plan review by the Planning Board. The zoning includes a number of development and design standards that will guide that review process. Although the Planning Board cannot reject a site plan application for a zoning compliant project, site plan review can regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties.

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## 8. Why are we a “rapid transit” community? Can we be reclassified as a different type of community?

The HLC guidelines categorize communities based on their level of service. Rapid transit communities are those that have 100 acres or more of developable area around one or more subway or Silver Line bus rapid transit stations. Since Milton has four stations on the Mattapan Trolley line, it is considered a rapid transit community. Municipalities in the rapid transit category have an obligation to zone for the most amount of housing—at least 25 percent of existing year-round housing units—and have the shortest deadline for compliance. Rapid transit communities must adopt compliant zoning by December 31, 2023.

There has been much discussion over the course of Milton’s development of MBTA Communities zoning about whether the Town should be considered a rapid transit community. The Select Board has written to both the MBTA—to ask the reasons for the Mattapan Trolley’s designation as a rapid transit line—and EOHLC—to seek additional clarity about how its guidelines classify different communities. You can find the MBTA’s response [here](#), and EOHLC’s response [here](#).

## 9. Will trolley service improve or will more people take the trolley?

The MBTA is currently engaged in a [Mattapan Line Transformation project](#) that will refurbish the trolley’s historic PCC cars in the short term, and upgrade each Mattapan Trolley station to be able to accommodate larger and more modern trains in the long term. The T has committed \$114.5 million to design and \$12.2 million to PCC car refurbishment so far.

The MBTA’s recent closure of the Mattapan Trolley line and the Ashmont branch of the Red Line allowed crews to repair significant amounts of damaged and defective track, eliminating “slow zones” that had previously led to reduced speeds on both lines.





## 10. What parts of town are being rezoned and why were they chosen?

The final map of proposed zoning subdistricts [can be found here](#).

Zoning subdistricts were identified, tested, and refined over the course of the last several months, with changes and adjustments based on feedback from the Planning Board, Select Board, technical assistance consultants, and the public. The location and size of the subdistricts, and the dimensional parameters that regulate development, were developed to fit both the state's guidelines and fundamental principles that are Town priorities. These principles include:

- Preserve the physical character of the Town to the greatest extent possible
- Reach, but do not exceed, the requirements in the statute and compliance guidelines
- Draft zoning that disincentivizes teardowns to the greatest extent possible
- Take advantage of existing multifamily housing
- Avoid rezoning historic districts and parcels with historic structures
- Zone larger, non-residential parcels to prevent displacement and minimize neighborhood impacts
- Site districts in transit- and amenity-rich areas to the greatest extent possible

Certain requirements in the statute and the compliance guidelines exerted a significant influence on the size and location of subdistricts. Those requirements include:

- The overall density of all subdistricts must be 15 units per acre
- Individual subdistricts must be at least 5 acres
- At least half of the area of the district must comprise contiguous lots of land
- At least half of the unit capacity of the district must be located within a half-mile of transit



## 11. Why are we not zoning the entire half-mile radius of Trolley Stations? Why is the Eliot Street Corridor subdistrict the size that it is?

The first zoning district we tested encompassed the entire half-mile radius around the Mattapan Trolley stations. Using basic dimensional parameters that we felt were consistent with the Town's priorities yielded a zoning district that overshot our unit capacity target by almost 800 units and only had an overall density of 6.14 units per acre, far below the 15 units per acre required. This initial test showed us that maintaining a relatively low density in the existing residential area—consistent with the goals to minimize teardowns and preserve the physical character of the Town—meant that we would need to minimize the land area of the subdistrict in the existing residential area and to zone for greater density on appropriate sites both inside the transit area and outside of it. Some communities have underutilized commercial or industrial areas that can be rezoned; Milton does not, with the vast majority of the town zoned exclusively for single-family residential.

The current boundaries of the Eliot Street Corridor were created using an approximately 1000-foot buffer around our Mattapan Trolley stations and excluded the commercial districts in Milton Village and Central Square as well as districts or structures on the National Register of Historic Places.

## 12. How will this impact Milton's business districts in East Milton Square, Milton Village, and Central Square?

All three of Milton's business districts will be rezoned under this proposal. Generally, while mixed-use is allowed in multifamily zoning districts, it cannot be mandated. However, EOHLC does allow for a limited amount of our zoning districts to be designated as "Mandatory Mixed-Use", which we are taking advantage of in Milton Village and Central Square.

East Milton Square is currently undergoing its own separate mixed-use zoning process to encourage any new development to be mixed-use. You can learn more about that effort, and take our community survey, at <https://www.townofmilton.org/1094/East-Milton-Square-Mixed-Use-Overlay-Zon>.

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This zoning will concentrate housing in our existing business districts and promotes an environment that should see more customers in close proximity to commercial amenities, and increases the likelihood that those customers will use alternative methods than driving to our businesses.

## 13. Will this make Milton more affordable? What is the difference between “affordable housing” and housing affordability?

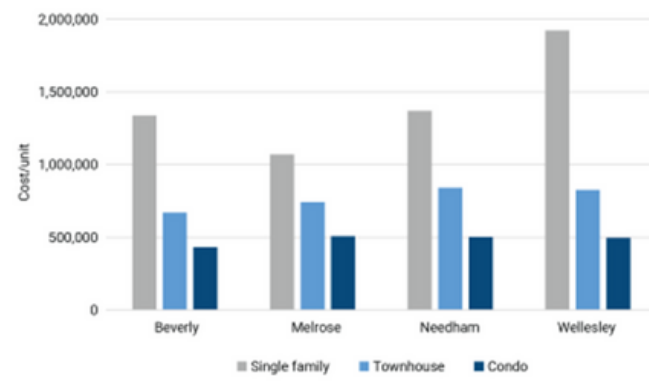
Originally, the State’s compliance guidelines for MBTA Communities did not include allowances for adding inclusionary affordable housing requirements to these multifamily zoning districts. Following pressure from communities like Milton, EOHLC updated the guidelines to allow for a 10 percent inclusionary zoning requirement, meaning that zoning can require 10 percent of all new units to be deed-restricted at a below-market price affordable to families earning not less than 80 percent of the area median income. The guidelines also allow communities to set a higher percentage of affordable units, or deeper affordability for some or all of the affordable units, following the results of an economic feasibility analysis that show that these requirements will not unduly limit housing production. Milton’s current proposed zoning language includes the 10 percent affordability requirement, which will apply to projects of 10 units or more.

By-right multifamily zoning also opens the door for more mission-driven developers to develop in Milton, who would develop above the 10% threshold. By-right multifamily zoning reduces a barrier for entry in many suburban markets, allowing affordable developers to be competitive with market rate developers in purchasing land.

The primary goal of the MBTA Communities law is to stabilize housing prices by increasing the supply of homes. Allowing for more multifamily development will increase the supply of housing, taking pressure off the price of the existing housing stock. A 2020 Brookings Institution report on Massachusetts’ housing crisis reported on the significant development savings that come from allowing multifamily development on lots that previously required single-family development. Similarly, it found that allowing the development of moderate-density homes offers the greatest potential affordability gains in places where housing prices are highest, such as the proposed 3-family zoning in the Eliot Street Corridor District.

In Wellesley, where home prices are comparable to those in Milton, the report found that the median existing home is worth \$1.1 million—nearly \$300,000 more than a newly built townhouse and more than twice the price of a new condo. New condos priced at \$500,000 would be quite a bargain, falling into the lowest quartile price compared to existing Wellesley homes. Allowing for this type of housing opens the door to more middle-income families who do not qualify for the strict affordable housing criteria, but who could not previously afford to move to Milton. It also gives greater opportunities for those who use federally-subsidized Section 8 housing vouchers to move into Milton's high-opportunity neighborhoods.

Figure 3. Townhouses and condos offer substantial cost savings over new single-family homes  
Development costs for new housing, by structure type



## 14. Will this make Milton homes less valuable?

Studies have shown over the years that apartments have either a positive or neutral impact on surrounding property values. A study completed by the National Association of Homebuilders found that between 1997 and 1999, single-family values increased 2.9% for those homes within 300 feet of an apartment building, compared with an increase of 2.7% for those that weren't located next to an apartment ([see this Urban Land Institute report for more](#)). Based on data from 1970 to 2000, a study published in 2003 by [Harvard's Joint Center for Housing Studies](#) concluded that apartments posed no threat to surrounding single-family house values. More recent studies in the Seattle metro area and in Alexandria, Virginia, similarly found that multifamily housing provided small increases to surrounding property values.

Property owners whose lots have been rezoned can also expect to see positive impacts from this type of zoning change. Property owners can anticipate an increase in property values because development potential is greater. All things being equal, a parcel where multiple housing units can be built is worth more than a parcel where only a single housing unit can be built.



## 15. How does this impact Milton's open space and climate change priorities? Will more development make the environment worse?

Housing more people in denser homes has net positives for our per-capita emissions and for the preservation of green space. The proposed zoning language has minimum open space requirements that require homes developed under the zoning to maintain at least 40% of their lot as open space, and that requirement has increased to 50% in the Blue Hills Parkway subdistrict. The areas that have been selected for rezoning are all already developed and seek to promote "in-fill" development that takes advantage of the fact that there is already utilities infrastructure and a preexisting building footprint that limits the need to remove trees or add additional impervious surfaces.

The Town of Milton has been a "stretch code" community since 2010, which requires new construction to conform to a higher building energy efficiency than the base state energy code requirements. Those requirements have been increasing over the years, and now apply not just to new construction but also to additions greater than 1,000 square feet. Milton has built very few new houses since the adoption of the stretch energy code, and new buildings or significant additions will be far more efficient and have a lower environmental impact than older buildings.

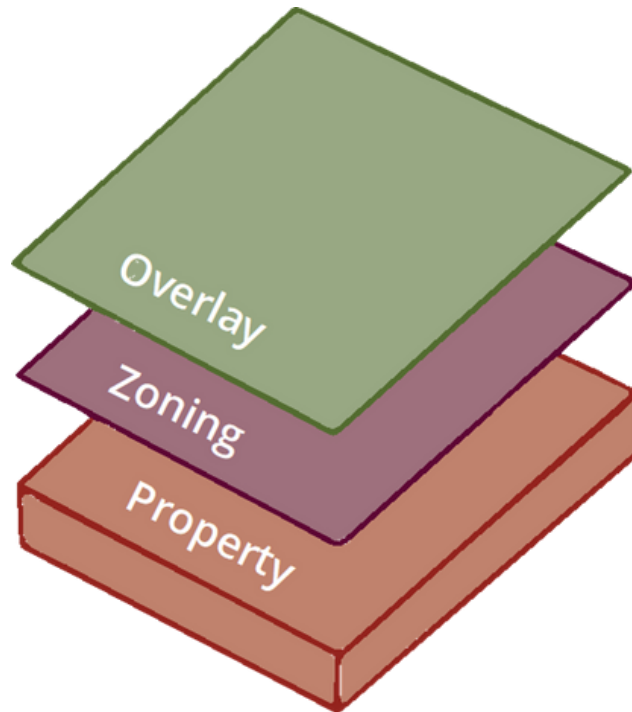
The focus of the law is also on locating this multifamily in close proximity to public transit, which reduces our reliance on cars. The Intergovernmental Panel on Climate Change's most recent Assessment Report found that "key adaptation and mitigation elements in cities include... land use planning to achieve compact urban form, co-location of jobs and housing, supporting public transport and active mobility (e.g., walking and cycling)." Locating our zoning districts near the Mattapan Trolley, along existing bus routes, and along the Neponset Greenway gives residents the opportunity to utilize those amenities rather than use a car.

Sustainable Milton agrees that compliance with this law is good climate policy. You can read their [letter of support](#) for more information on why this effort will support Milton's sustainability goals. In addition, should we fail to comply with MBTA Communities, we will lose access to the Municipal Vulnerability Preparedness grant program, which is the State's primary grant to support local climate action.

**Learn more at [townofmilton.org/MiltonMBTA](https://townofmilton.org/MiltonMBTA)**

## 16. How does this affect Milton's other local regulations?

Our MBTA Communities zoning subdistricts are “overlay” zones that do not replace or negate other regulations that the Town has in place, such as our Wetlands Bylaw and Building Code. Any new construction that results from this rezoning still must comply with all our other regulations. For example, portions of the Granite Avenue Subdistrict are subject to the Town's Flood Plain Overlay zoning regulations.



## 17. How is this law related to 40B?

Chapter 40B allows developers to building multifamily housing in communities that do not have affordable housing that represents at least 10 percent of their total housing units, as long as these developments make 25 percent of their units affordable. The MBTA Communities guidelines allow us to include a 10 percent affordability requirement, which should keep us on pace with 40B requirements.

It also opens the door to mission-driven developers and may be a tool through which we can more effectively meet our 40B threshold. Developers will now have a choice to develop under our zoning, which gives the Town greater control over the siting of new developments and on development scale and design, which we don't currently have under 40B.

**Learn more at [townofmilton.org/MiltonMBTA](https://townofmilton.org/MiltonMBTA)**



## 18. How does this relate to social justice and desegregation? How does it tie to the Town's broader Equity & Justice for All efforts?

This zoning effort matters from a social justice perspective because of the history and context of zoning in the Boston area, as well as in the whole of the United States. A recent report from Boston Indicators found that after the passage of state and local fair housing laws made discrimination in the sale and rental of housing on the basis of factors such as race, color, familial status, and sex illegal, zoning laws became a tool by which municipalities decided who was included and who was excluded from housing opportunities.

The legacy of these earlier choices is still woven into the fabric of today where there are substantial gaps between homeownership rates, approval for loans, and income between white residents and residents of color. Another report from the Racial Wealth Equity Resource Center shows that Greater Boston has one of the largest racial homeownership gaps in the nation, with just 40 percent of Black and 37 percent of Latino households owning their homes, compared to 73 percent of White households. These disparities remain when comparing families of similar incomes. The MBTA Communities law was created in direct response to zoning laws that limit or prevent the construction of multi-family housing, which have produced high-cost, low density housing.

Milton's Equity & Justice for All Committee identified that "Milton's current Town-wide housing structure reflects historical barriers to housing based on race" and recommended "strategic planning around MBTA neighborhoods". In the affordable housing that has been built in Milton, almost 90% has been restricted to senior residents. The MBTA Communities Law explicitly prohibits age-based restrictions that make this housing unsuitable to families with children, who have historically been excluded from Milton.



## 19. How are we making sure that the scale and design of buildings are managed?

We are establishing height and setback restrictions to be as close to the existing buildings as possible. Along the Eliot Street Corridor, the height is set at 2.5 stories or 35 feet, which is the existing height limit under the current zoning. In other districts, height and setback restrictions reflect existing multifamily housing in the district. In addition, we have included restrictions on the Floor Area Ratio, which is a measurement derived by dividing the total building area by the total lot area. For example, a single-story building that covers an entire lot, lot line to lot line, would have an FAR of 1. A building half that size, but two stories tall, would also have an FAR of 1. This restriction controls the overall size of projects, ensuring that we don't see projects that occupy an inordinate amount of land. In the Eliot Street Corridor, we have set FAR levels that change depending on the size of the lot, with the aim to ensure that a building has a relatively consistent floor area regardless of the size of their lot, which prevents buildings that are out of scale with the neighborhood.

### Maximum Floor Area Ratio (FAR)

Lots 7,500 to 9,999 square feet	0.7
Lots 10,000 to 14,999 square feet	0.52
Lots 15,000 square feet or more	0.35





## 20. How will this impact Milton's schools?

The MBTA Communities law states that multifamily housing enabled under compliant zoning “shall be without age restrictions and shall be suitable for families with children.” The state’s guidelines interpret that “suitable for families with children” by prohibiting limitations on the number of bedrooms in the zoning. We have reason to believe that zoning for additional multifamily housing will not have a dramatic impact on the number of students in Milton Public Schools compared to other types of development already allowed under zoning.

Bedroom count is one of the primary indicators that a housing unit may have school-aged children. Larger households tend to live in housing with more bedrooms, and vice versa. Census data for the Greater Boston region shows that 80 percent of single family homes have three or more bedrooms; conversely, only 15 percent of units in multifamily buildings have three or more bedrooms. Census data further shows that of all housing units that are home to household with children, more than 70 percent are single family houses. The lesson of this data is that single family housing, rather than multifamily housing, drives the presence of households with school-aged children.

Local data confirms this. There are 252 units in non-age-restricted condominium/apartment/townhouse developments in Milton, representing 2.6 percent of the Town’s housing stock. In the 2022-23 school year, only 27 Milton Public School students lived in those developments, representing 0.6 percent of total enrollment. The Town’s two most recently completed single-family subdivisions—Woodlot Drive and Jill Kathleen Lane—are home to a similar number of students (22, or 0.5 percent of enrollment) in far fewer housing units (31 units, or just 0.3 percent of the Town’s year-round housing units).

## 20. How can residents learn more about the planning process?

The Town maintains a dedicated MBTA Communities webpage at <https://townofmilton.org/MiltonMBTA> that has every piece of public information that we have prepared, including the proposed zoning language, recordings of public information sessions, our previous FAQ document, and access to our community survey.

The Planning Department has hosted seven Public Information Sessions since February 2023, all of which have recordings available at our website. The Department has presented to neighborhood association meetings, Affordable Inclusive Milton, local real estate agents, and at the Milton Farmer's Market. An informational letter was sent to every Town Meeting member informing them about this zoning initiative, and the Planning Board sent out a flyer to every household through their water bills. The MBTA Communities survey has had almost 500 responses and there is an MBTA Communities email list with over 250 subscribers. There have also been at least 19 Milton Times articles about MBTA Communities over the course of the last year. We encourage all residents to take advantage of the resources that have been made available and share them with their neighbors.



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