3A/MBTA COMMUNITIES ZONING

Updated for March 25, 2024 Joint Meeting

HOUSING CHOICE LEGISLATION

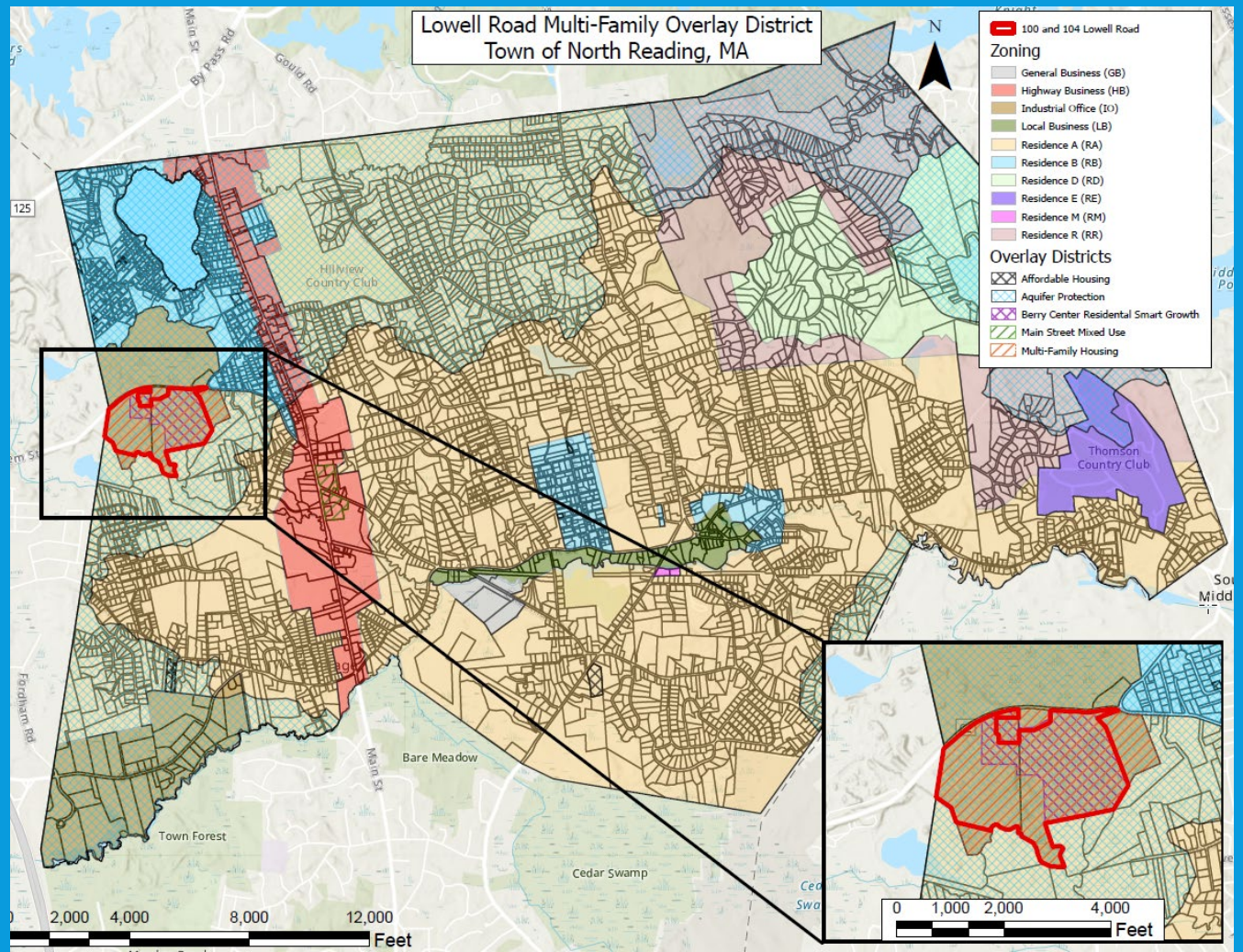
- Signed into law January 2021, guidelines issued 2022; AG confirmed communities mandated to comply March 2023
- New Section 3A of M.G.L. c. 40A (Zoning Act) requires communities in the MBTA service area to allow multi-family zoning by right in a district of suitable size, density & location

COMPLIANCE

- Zoning district of at least 50 acres (or districts of 5 acres each, adding up to 50 acres; at least one 25+ acres) allowing multifamily housing by right
- Multifamily defined as 3+ units per structure
- Minimum gross density 15 units/acre
- Capacity in zoning needs to allow for at least 750 units
- Focus on what zoning allows, not necessarily what will be built – no production requirement and no infrastructure requirement
- Land needs to be developable to count (not flood zone, water, wetland, public, etc.)
- Zoning can't restrict age or number of bedrooms

PROPOSED COMPLIANT DISTRICT: 100 & 104 LOWELL ROAD

Now Permitted & Under Construction	Proposed By Right – New 3A Zoning
Mix of 4 & 5 story buildings	4.5 story buildings
Max 60 feet	Max 60 feet
908 units	812 units *(or currently permitted 908 units plus new stories that could be added to this)*
>15% impervious surface	15% or less impervious
<85% open space (have APD special permit)	85% or more open space
No affordability required	No affordability required



REASONING FOR APPROACH

- Properties are already zoned for multi-family housing
- Response to what CPC anticipates to be Town's greatest concerns about the legislation
- Does not identify a new area of town to introduce new housing
- Conservative approach that anticipates smallest possible impact
- If in the future, there is a desire to introduce new districts that also comply with 3A, or to introduce an affordability requirement to this district or any other, this can be pursued as a future zoning effort.

ZONING BYLAW AMENDMENTS

- Site Plan Review
  - Special Permit clarification – NOT a discretionary use permit
  - No change to SPR procedure
- Height and unit capacity
  - 4 stories to 4.5 by right
  - 60 feet maximum to remain

STATUS OF COMPLIANCE

- Completed the required "Compliance Model" to demonstrate compliance of the proposed district
- Drafted zoning bylaw amendments, reviewed by Town Counsel
- Submitted compliance model and draft zoning bylaws to the EOHLC, and the zoning bylaw amendments to the Attorney General's Office, for advisory review
- Received feedback from both that minor edits are needed for full compliance (clarify wording in Site Plan Review language and ensure 100 year floodplain is fully excluded from proposed developable area)
- We believe no substantive changes to the draft bylaw or district will be needed in order to comply

NEXT STEPS

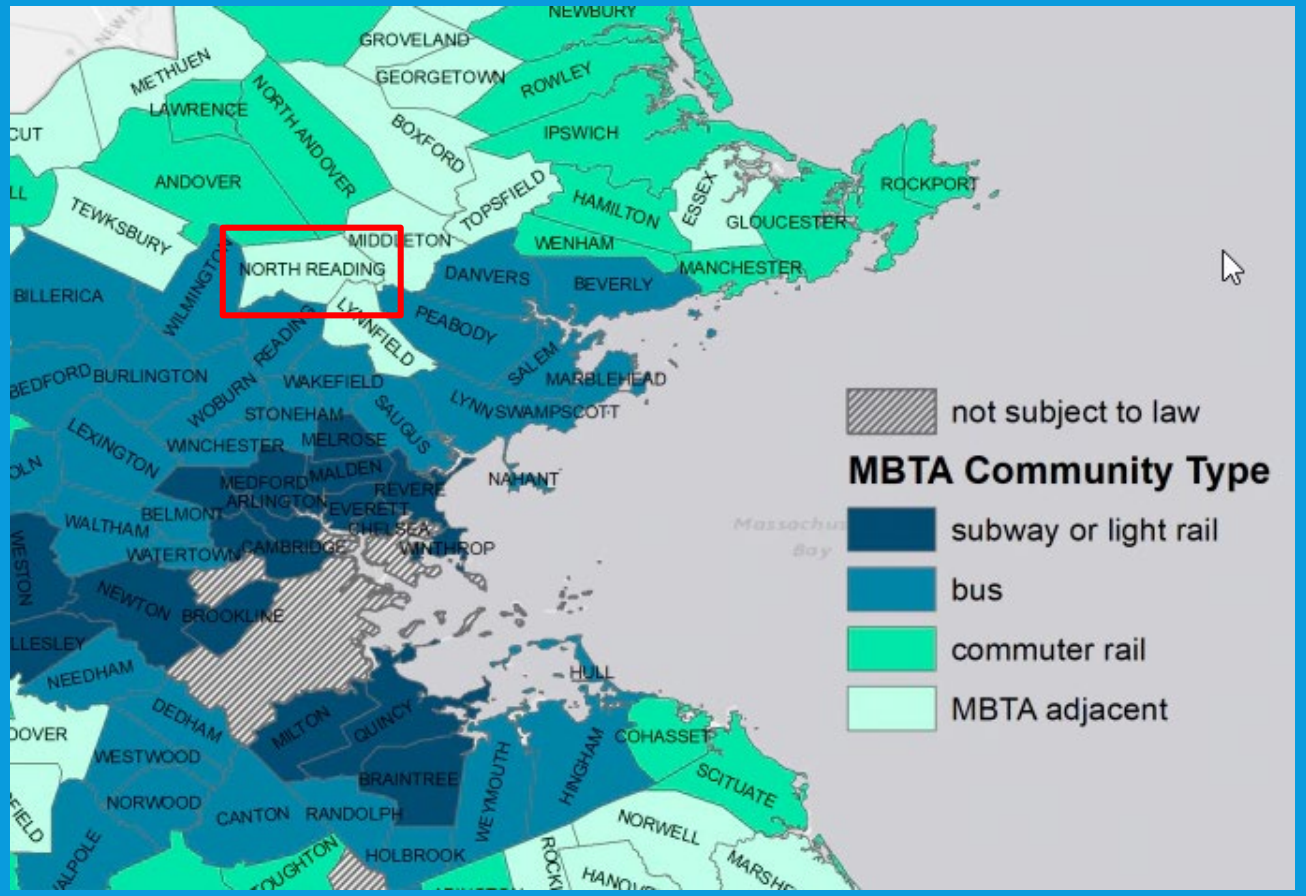
- Zoning bylaw amendments to be submitted for June 2024 Town Meeting
- Hold public hearing for zoning changes in April or May 2024
- Formal submittal to HLC of application for compliance in Summer 2024
- Deadline for full compliance is December 31, 2024

HOUSING CHOICE LEGISLATION

- Communities not in compliance lose eligibility for new funding from:
  - MassWorks (infrastructure funding)
  - Housing Choice (planning and capital projects)
  - Local Capital Projects Fund (supports housing authorities)
  - Potentially other state grant funds yet to be determined/announced
- AG advisory March 2023: compliance mandated

ATTORNEY GENERAL ADVISORY (MARCH 2023):

From Mass.gov:

- The Attorney General's Advisory states "All MBTA Communities must comply with the Law." The Advisory further states that "MBTA Communities cannot avoid their obligations under the Law by foregoing this funding."
- In addition, the Advisory cautions that "Communities that fail to comply with the Law may be subject to civil enforcement action" and, "Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. 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."

NORTH READING "MBTA ADJACENT"