MGL CH.40A, SECTION 3A: MBTA MULTIFAMILY ZONING MANDATE
Plan for Interim Compliance

Presentation for Cohasset Select Board
by Lauren Lind, Planning & Zoning Director
January 10, 2023
MBTA MULTIFAMILY ZONING: MGL CHAPTER 40A, SECTION 3A

- Housing Choice Initiative: State economic development bill 2021
- Requires MBTA communities to have at least one zoning district in which multi-family housing is permitted as of right & meets the other criteria
- Failure to comply makes a community ineligible for certain state funds.
- DHCD may, in its discretion, take non-compliance into consideration when making other grant awards.
MBTA MULTIFAMILY ZONING: WHY IS MULTIFAMILY ZONING IMPORTANT?

Why is multi-family zoning near transit and in neighboring communities important?

Massachusetts state leaders have declared a housing crisis.

- MA has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Rising costs have dramatically increased financial pressures on low- and middle-income families, forcing them to sacrifice other priorities in order to pay housing costs. High housing costs are a primary driver of homelessness.
- High costs are a disadvantage as we compete economically against peer states. Risk of future job growth moving outside MA is rising due to high costs of living.

How does creating zoning for multi-family housing help the housing crisis?

Lack of zoning for multi-family housing is a barrier for new housing development in Massachusetts. By allowing multifamily housing near transit, we can create new housing in walkable neighborhoods closer to transit. This is not just good housing policy, it is good climate and transportation policy, too. The result of transit-oriented development is:

- More housing closer to the places that we go every day, such as local shops, jobs, schools, restaurants, parks, etc.
- Better access to work, services, and other destinations by increasing mobility and utilization of public transit
- Reduced reliance on single occupancy vehicles, which helps in our larger effort to confront the climate crisis
MULTIFAMILY ZONING & “MISSING MIDDLE” HOUSING
REAL LIFE EXAMPLES OF MISSING MIDDLE HOUSING

<table>
<thead>
<tr>
<th>Example Site</th>
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<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
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<tr>
<td>4</td>
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</tbody>
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MGL 40A, SEC. 3A: ZONING REQUIREMENTS SUMMARIZED

- Multi-family housing “as of right”

- Site Plan Review (SPR) may be used to regulate aspects:
  - Vehicular/emergency access
  - Pedestrian/Vehicular Circulation
  - Exterior architectural design
  - Screening of adjacent properties

- SPR may not be used to deny a project that is allowed as of right or impose conditions that make it infeasible or impractical to proceed

- Cannot restrict:
  - Must be without age restrictions & suitable for families with children
  - Cannot place limits on size of units, number of bedrooms, size of bedrooms or number of occupants

- Meet reasonable size/density criteria per MGL 40A, Sec. 3A:
  - Land area minimums, including transit area requirements for developable station area
  - At least half of multi-family zoning district land areas must comprise contiguous lots of land.
  - No portion of the district that is less than 5 contiguous acres land will count
  - Density criteria including min. unit capacity calculated of 15 units per acre of min. land area
**INTERIM COMPLIANCE PLAN: SITES FOR FUTURE RESEARCH**

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### METRICS FOR COMPLIANCE UNDER MGL CH40A, SEC. 3A GUIDELINES FOR THE TOWN OF COHASSET

<table>
<thead>
<tr>
<th>Community</th>
<th>Category</th>
<th>2020 Housing Units*</th>
<th>Min multifam unit capacity</th>
<th>Min land area</th>
<th>Developable station area</th>
<th>% to be located in station area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cohasset</td>
<td>Commuter Rail</td>
<td>3,341 units</td>
<td>638 units</td>
<td>43 acres</td>
<td>241 acres</td>
<td>20% (8.6 acres)</td>
</tr>
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### Site Descriptions/Parcel IDs

<table>
<thead>
<tr>
<th>Site Description/Parcel IDs</th>
<th>Acres</th>
</tr>
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<tbody>
<tr>
<td><strong>A</strong> TOD mixed-use development site &amp; MBTA Commuter Rail parking lot/land (3 parcels) [Parcel IDs: B5-74-008, B5-74-008T, &amp; B5-74-009 ]</td>
<td>17.4—within 0.5 mi of station area</td>
</tr>
<tr>
<td><strong>B</strong> The Preserve multifamily development site (formerly Avalon Bay) [Parcel ID: C6-72-004]</td>
<td>42.9</td>
</tr>
</tbody>
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### Other Potential Areas

Route 3A corridor south – large lot commercial areas; areas within 0.5 miles of North Scituate Commuter Rail Station; etc.
## INTERIM COMPLIANCE: PROPOSED TIMELINE FOR FULL COMPLIANCE

<table>
<thead>
<tr>
<th>Tasks (Per Interim Compliance Form)</th>
<th>Start - Finish</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Outreach</td>
<td>Jan. 1, 2023 – Dec. 31, 2024</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Developing Zoning</td>
<td>Jan. 31, 2023 – Jan. 31, 2024</td>
<td>Zoning article language to be finalized prior to advertising for legislative hearings (aka “Sec. 5 Hearings” with Planning Board)</td>
</tr>
<tr>
<td>Applying DHCD compliance model to test for density &amp; unit capacity</td>
<td>Jan. 31, 2023 – Jan. 31, 2024</td>
<td>Apply tests prior to finalizing draft article language for hearings</td>
</tr>
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</table>
| Holding legislative sessions and adopt compliant zoning | Feb. 1, 2024 – June 30, 2024 | Target Annual Town Meeting 2024  
Pending ATM adoption, estimate ~6 months for Attorney General review |
| Submit district compliance application to DHCD | Nov. 1, 2024 – Dec. 31, 2024 | Submit district compliance after AG approval received prior to Dec. 31, 2024 deadline for Commuter Rail communities |

- **January 2023**
  - Public Outreach
  - Developing Zoning
  - Applying compliance models & tests

- **January 2024**
  - PB Hearings, Warrant Review & ATM

- **May 2024**
  - AG Review

- **Dec. 2024**
  - Pending

- **January 2025**
  - Submit to DHCD

**Deadline**: Dec. 31, 2024