MBTA Communities

District Approval Letters

As of August 27, 2026

Compliant Municipalities Listed Alphabetically

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11. Ayer
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EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: slambiase@abingtonma.gov

September 30, 2024

Scott Lambiase, Town Manager
Town of Abington
500 Gliniewicz Way
Abington, MA 02351

Re: Abington - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Lambiase:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Abington's Multi-family Overlay District (MFOD) which is comprised of a portion of the Transit Overlay District (District). After careful review and analysis, EOHLC has determined that Abington is **compliant** with Section 3A, as it finds that Abington meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Abington for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Abington is designated as a Commuter Rail Community with 6,811 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,022 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **80.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,190 units.**
3. The gross density of the District is estimated at **20.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. **At least forty percent (40%)** of the District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	80.4	80.4
Multi-family unit capacity (units)	1,022	1,059	1,190
Gross density (units per acre)	15	17.8	20.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to site plan review. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or restrictions on occupancy effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Abington's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Keenan, John.Keenan@masenate.gov
Representative Alyson Sullivan-Almeida, Alyson.Sullivan@mahouse.gov
Elizabeth Shea, Town of Abington, lshea@abingtonma.gov

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EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
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Via Email: manager@actonma.gov

November 8, 2024

John S. Mangiaratti, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Re: Acton - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Mangiaratti:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Acton which is based on the Town's MBTA Overlay District (District). After careful review and analysis, EOHLC has determined that Acton is **compliant** with Section 3A, as it finds that Acton meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Acton for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Acton is designated as a Commuter Rail Community with 9,219 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,383 units. At least twenty percent (20%) of the District's minimum requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **128.60 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,650 units.**
3. The gross density of the District is estimated at **17.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

100 Cambridge Street, Suite 300
Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	128.60	128.60
Multi-family unit capacity (units)	1,383	1,650	1,650
Gross density (units per acre)	15	17.0	17.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Section 10.4 of Acton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Much of the District is within a flood plain overlay district which may prohibit development or require special permits. Since Section 3A requires that multi-family housing be permitted without any special permit requirement, the Town may consider a zoning amendment to address the substantive criteria of the flood plain overlay district in an as of right procedure. Since most of the overlap between the District and the flood plain is "excluded land", EOHLC does not believe that this issue is determinative of Acton's compliance with Section 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

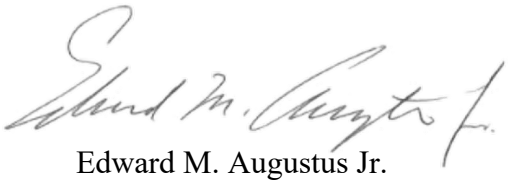
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional

information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Simon Cataldo, Simon.Cataldo@mahouse.gov
Representative Danillo Sena, Danillo.Sena@mahouse.gov
Kristen Guichard, Acton Planning Director, kguichard@acton-ma.gov

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Via Email: govek@amesburyma.gov

March 28, 2025

Mayor Kassandra Gove
City of Amesbury
62 Friend Street
Amesbury, MA 01913

Re: Amesbury – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Gove,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Amesbury's "Rocky Hill Multi-family Overlay District (RH-MFOD)", and amendments to existing Smart Growth Districts (collectively, "District"). After careful review and analysis, EOHLC has determined that Amesbury is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Amesbury to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Amesbury for the MBTA Communities Catalyst Fund, which was announced by Governor Healey in June. You can learn more about the program at the web page MBTA Communities Catalyst Fund, which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Amesbury is designated as an Adjacent Community with 7,889 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 789 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **115.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,563 units.**
3. The gross density of the District is estimated at **16.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

100 Cambridge Street, Suite 300
Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement. Please see below for details on this comment.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	115.6	115.6
Multi-family unit capacity (units)	789	1,586	1,563
Gross density (units per acre)	15	16.3	16.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted unit capacity metric:**

- The parcel identified as 40 Haverhill Road, located in 3-SDA subdistrict, lacks the required frontage for the subdistrict (200 feet). This parcel was removed from the determined unit capacity as it cannot, at this time, be developed as of right under the zoning provided by Amesbury. However, Amesbury is well above the required multi-family unit capacity with the remainder of the geography that was submitted.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Amesbury's zoning ordinance lean toward discretionary criteria, which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section XI.V(6.2) contains a district-wide unit cap for the GT-MFOD subdistrict, which is ordinarily impermissible under Section 3A. However, EOHLC recognizes that the City is significantly above the minimum multi-family unit capacity, and that the parcels within the GT-MFOD appear to be in common ownership and developable as of right. Therefore, this analysis does not remove the unit capacity from the GT-MFOD subdistrict. If the City were to reduce the scale of its District in the future, EOHLC may revisit this portion of the analysis.

- Future developments within the District must adhere to either the affordability provisions located within the East End Smart Growth Overlay District (EESGOD) section of Amesbury's zoning ordinance or the "MBTA Communities Multi-family Overlay District (MFOD)", a.k.a., Rocky Hill Multi-family Overlay District (RH-MFOD), as applicable. Amesbury's Determination of Compliance relies on the representation by Amesbury staff that the provision located in Section V.E.3.1(a): *Use Regulations, Applicability* does not apply to developments located in the

aforementioned subdistricts. This provision requires fifteen percent of "the total number of dwelling units [to be] provided as affordable housing units" in "[a]ll multi-family residential developments requiring a Special Permit or Site Plan approvals from the Planning Board" This provision shall not be used for any multi-family development within Amesbury's 3A district(s). EOHLC recommends a future ordinance amendment to clarify this discrepancy.

- EOHLC cautions the City that the provisions for Earth Removal and Filling found in Section XI.A and XI.B of the City's zoning ordinance must not subject otherwise as of right multi-family housing developments to the special permit provision(s) contained within said sections. The provision states that "The movement, transport, alteration, redistribution, or filling with any earth material in the aggregate volume of 1,000 cubic yards or 1,500 tons or greater…shall require a Special Permit".

- This determination of compliance relies on representations by Amesbury staff that the provisions found in Section XI.V, which state that "notwithstanding anything to the contrary in the Zoning Ordinance [related to development of a Project], such [development] application shall not be subject to any other provisions of the Zoning Ordinance unless otherwise provided in this section XI.V.", supersedes any other special permits required in the ordinance for developments using Section XI.V.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Amesbury's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Barry Finegold, barry.finegold@masenate.gov
Representative Dawne Shand, Dawne.Shand@mahouse.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Nipun Jain, City of Amesbury, jainn@amesburyma.gov

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Via Email: andrew.flanagan@andoverma.us

September 30, 2024

Andrew Flanagan, Town Manager
Town of Andover
36 Bartlet Street
Andover, MA 01810

Re: Andover - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Flanagan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Andover which is comprised of six multi-family districts (District). After careful review and analysis, EOHLC has determined that Andover is **compliant** with Section 3A, as it finds that Andover meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Andover for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Andover is designated as a Commuter Rail Community with 13,541 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,031 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **88.1 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,235 units.**
3. The gross density of the District is estimated at **27.76 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District contains an Inclusionary Zoning requirement of 15% of units for projects 10 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	88.1	88.1
Multi-family unit capacity (units)	2,031	2,235	2,235
Gross density (units per acre)	15	27.76	27.76
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Certain developments may trigger special permits such as building conversions and historic structures. We caution the Town to review projects in the District in a nondiscretionary manner, and to avoid subjecting multifamily housing proposals to special permit requirements, consistent with the requirements of G.L. c. 40A Sections 1A and 3A.
- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the zoning bylaw as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.
- Portions of the District overlap with the Town's Historic Mill Overlay District (HMOD). This determination relies on EOHLC's interpretation that dimensional and density requirements in the HMOD that are stricter than the District's requirements are inapplicable to multifamily housing in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Andover's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Barry Finegold, Barry.Finegold@masenate.gov
Representative Frank Moran, Frank.Moran@mahouse.gov
Representative Tram Nguyen, Tram.Nguyen@mahouse.gov
Monica Gregoire, Town of Andover, monica.gregoire@ma.us

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Via Email: jfeeney@town.arlington.ma.us

February 12, 2024

James Feeney
Town Manager
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 01852

Re: Arlington - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Mr. Feeney:

The Executive Office of Housing and Livable Communities (EOHLC) received a district compliance application from the Town of Arlington submitted electronically on November 19, 2023 and revised December 21, 2023. The application requested that EOHLC grant a determination of compliance for the Town of Arlington's "Mass Ave/Broadway Multifamily District" and "Neighborhood Multifamily District" zoning districts (District), based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines). After careful review and analysis, EOHLC has determined that Arlington is **compliant** with Section 3A, as it finds that Arlington meets, or exceeds, the requirements of Section 3A and the Guidelines.

Arlington is designated as an adjacent community with 20,461 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 32 acres, and a minimum multi-family unit capacity of 2,046 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The district comprises **115.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **3,120 units.**
3. The gross density of the District is estimated at **27.24 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	32	127.2	115.5
Multi-family unit capacity (units)	2,046	3,348	3,120
Gross density (units per acre)	15	26.8	27.24
One 50% contiguous area	Yes	Yes	Yes

EOHLC determinations differ from the application estimates for the following reasons:

- EOHLC removed the Neighborhood Multifamily Heights North subdistrict, because it appeared to be substantially affected by the Floodplain District and Inland Wetland District. Since the submitted District meets approval criteria without including the capacity of the affected parcels, EOHLC did not review the flood zone and inland wetland permitting process to determine whether it is consistent with the as of right zoning requirements of Section 3A.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

1. Developments in the District are subject to site plan review pursuant to Section 5.9.3 of Arlington's zoning bylaw. The standards set forth in the site plan review, referencing the standards (but not procedures) in Environmental Design Review, are consistent with the requirements of Section 4.a. of the Guidelines. However, since there is no site plan review procedure described in the zoning bylaw, EOHLC specifically notes that the procedures described in Environmental Design Review would not be consistent with the requirements of Section 3A if they were used in connection with site plan review.

2. Section 5.9G of Arlington's zoning bylaw requires that developments in the district meet the affordable housing requirements set forth in Section 8.2 if/when EOHLC approves an economic feasibility analysis as described in the Guidelines. Section 5.9G also states that "Until the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) approves using the requirements of Section 8.2 for housing built under Section 5.9 of this Bylaw, the affordability requirements are those allowed in the EOHLC Compliance Guidelines for Chapter 40A, Section 3A: that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue." Since no economic feasibility analysis was submitted with this application, this determination is based on the requirement for ten percent of dwelling units to be affordable, and the cap on income of not less than 80 percent of area median income.

Based on the information provided in the Application, EOHLC has determined that Arlington meets or exceeds the requirements set forth by Section 3A and the Guidelines and is currently **compliant** with Section 3A of M.G.L. c. 40A.

Please note that continued district compliance is **conditioned** upon the following requirements:

- The Attorney General's approval of the zoning amendments affecting the District have not yet been approved. EOHLC is aware that the Attorney General's office has informed the town that there was a procedural flaw in the zoning amendment process and that the town is working to address the procedural flaw. EOHLC will revisit this determination if there are changes to the zoning that was adopted at its fall Town Meeting.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- Site plan review conducted in connection with **additional factor** 1 above must not effectively reduce the estimated multi-family unit capacity of the District. If site plan review does reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Arlington's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Cindy F. Friedman
Representative David M. Rogers

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jcoderre@ashburnham-ma.gov

February 13, 2026

John Coderre, Town Administrator
Town of Ashburnham
32 Main Street
Ashburnham, MA 01430

Re: Ashburnham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Coderre,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Ashburnham's *Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Ashburnham is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Ashburnham for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Ashburnham is designated an Adjacent Small Town with 2,730 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 137 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **10.1 acres**.
2. As of right multi-family unit capacity for the District is estimated at **158 units**.
3. The gross density of the District is estimated at **15.6 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	10.1	10.1
Multi-family unit capacity (units)	137	158	158
Gross density (units per acre)	15.0	15.6	15.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review and approval section of Ashburnham's zoning ordinance lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require that the town make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Ashburnham's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jo Comerford, Jo.Comerford@masenate.gov
Representative Jonathan Zlotnik, Jon.Zlotnik@mahouse.gov

Via Email: tadministrator@ashbyma.gov

December 12, 2025

Mary Daughraty, Town Administrator
Town of Ashby
895 Main Street
Ashby, MA 01431

Re: Ashby - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Daughraty:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Ashby's MBTA Communities Multi-family Overlay District ("District"). After careful review and analysis, EOHLC determined that Ashby is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Ashby to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Ashby for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Ashby is designated an Adjacent Small Town with 1,243 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 62 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **4.9 acres.**
2. As of right multi-family unit capacity for the District is estimated at **74 units**.
3. The gross density of the District is estimated at **15 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	4.9	4.9
Multi-family unit capacity (units)	62	74	74
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Ashby's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting

processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Ashby's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, John.Cronin@masenate.gov
Representative Margaret Scarsdale, Margaret.Scarsdale@mahouse.gov
Elizabeth Wood, elizabethjwood@hotmail.com

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mherbert@ashlandmass.com

October 3, 2025

Michael Herbert, Town Manager
101 Main Street
Ashland, MA 01721

Re: Ashland - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Herbert:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Ashland's MBTA Communities Multi-Family Overlay District ("District"). After careful review and analysis, EOHLC determined that Ashland is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Ashland to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Ashland for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Ashland is designated a Commuter Rail community with 7,495 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,124 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,142 units**.
3. The gross density of the District is estimated at **19.4 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District contains an Inclusionary Zoning requirement of 12.5% of units for projects 10 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC determined that the Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	56.3	59
Multi-family unit capacity (units)	1,124	1,142	1,142
Gross density (units per acre)	15	4,568	19.4
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	40	100	100
Land area to be located in a transit station area (%)	40	100	100

EOHLC identified the following discrepancies from the submitted area and density metrics:

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) in the subdistricts, per the definition of Gross Density in the Regulations. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change resulted in the land area increasing from 56.3 to 59 acres. This also contributed to a change in the District's Gross Density, detailed below.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model to reflect the land area that is used for calculating Gross Density. This, in combination with the increase in land area to reflect ROW, reduced the Gross Density from 4,568 units per acre, to 19.4 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This determination relies on the interpretation that Section 8.4.11 Open Space does not apply to the District, and therefore development in the District should not rely on the development of other lots in the Rail Transit District.

- This determination relies on the interpretation that Section 8.6.6 Dimensional Regulations – 10b Bedroom Limitations does not apply to the District, and that the District does not limit the number of bedrooms in multi-family housing development in the District.

- This determination relies on the interpretation that Section 8.92.C exempts multi-family housing in the District from any special permit requirements that would otherwise be required by other sections of the bylaw, including but not limited to special permits for Environmental Controls, Dwelling Conversions, Floodplain development, or development in the Groundwater Protection Overlay district that renders impervious more than 15% or 2,500 square feet of any lot.

- The standards set forth in the site plan review section of Ashland's zoning bylaw lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Ashland's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senate President, Karen Spilka, Karen.Spilka@masenate.gov
Representative Jack Lewis, Jack.Lewis@mahouse.gov
Jasmin Farinacci, Town of Ashland, jfarinacci@ashlandmass.com

Via Email: mayor@cityofattleboro.us

April 25, 2025

Mayor Cathleen DeSimone
Government Center
77 Park Street
Attleboro, MA 02703

Re: Attleboro - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor DeSimone:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Attleboro's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC has determined that Attleboro is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Attleboro to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Attleboro for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.govwith questions.

Attleboro is designated a Commuter Rail community with 19,097 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,865 units. At least fifty percent (50%) of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **110 acres**.
2. As of right multi-family unit capacity for the District is estimated at **3,960 units**.
3. The gross density of the District is estimated at **38.1 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	110	110
Multi-family unit capacity (units)	2,865	5,733	3,960
Gross density (units per acre)	15	55.2	38.1
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	50	100	100
Land area to be located in a transit station area (%)	50	100	100

EOHLC identified the following **discrepancies from the submitted area, unit capacity and gross density metrics:**

- The City identified three parcels with geographies appearing in multiple locations, including locations inside and outside of the District boundaries. These parcels were identified as LOC_ID M_217498_854198 (0 Wall Street), M_218388_855134 (50 Maynard Street), and M_218346_855171 (0 Pleasant Street Rear). EOHLC analyzed these parcels to only include portions within the District, which resulted in a reduced unit capacity.

- The submitted compliance model included five parcels identified as M_217532_854152 (Olive Street Rear), M_217573_854185 (Olive Street Rear), M_217744_854564 (Wall Street), M_217499_854095 (101 Olive Street), and M_217498_854198 (0 Wall Street) with overrides for public land. Since there was no information submitted to document eligibility for an override, EOHLC removed the unit capacity from these parcels.

- The District's gross density was affected by the removal of the above-mentioned unit capacities.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the Section 17-

11.2 of Attleboro's zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Attleboro's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

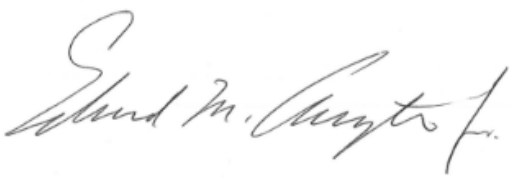
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Attleboro's compliance with Section 3A, and may require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, paul.feeney@masenate.gov
Representative Adam Scanlon, Adam.Scanlon@mahouse.gov

Representative Jim Hawkins, james.hawkins@mahouse.gov
Gary Ayrassian, City of Attleboro, cityplanner@cityofattleboro.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Juana B. Matias, Secretary

Via Email: dvecchio@town.auburn.ma.us

July 8, 2026

Dori Vecchio, Town Manager
Town of Auburn
102 Central Street
Auburn, MA 01524

Re: Auburn - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Vecchio:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Auburn's *Residential A Zoning District* ("District"). After careful review and analysis, HLC determined that Auburn is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Auburn for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Auburn is designated an Adjacent Community with 6,999 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 750 units and a minimum gross density of 15 units per acre.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **509 acres.**
2. As of right multi-family unit capacity for the District is estimated at **9,887 units**.
3. The gross density of the District is estimated at **21.8 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Zoning Metrics 1

	Required	**Submitted**	**Determined**
Land area (acres)	50	509	509
Multi-family unit capacity (units)	750	9,887	9,887
Gross density (units per acre)	15.0	21.8	21.8
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Auburn's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative Paul Frost, Paul.Frost@mahouse.gov
Paul Dell'Aquila, Town of Auburn, PDellAquila@auburnma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: tm@ayer.ma.us

March 19, 2025

Robert Pontbriand
Town Manager
Town of Ayer
1 Main Street
Ayer, MA 01432

Re: Ayer – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Pontbriand:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Ayer's form-based code districts, which consists of five subdistricts (the District). After careful review and analysis, EOHLC has determined that Ayer is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Ayer to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Ayer for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Ayer is designated as a Commuter Rail Community with 3,807 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units. At least forty (40%) percent of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **70.1 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,894 units.**
3. The gross density of the District is estimated at **29.2 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. At least forty percent (40%) of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	70.1	70.1
Multi-family unit capacity (units)	750	1,894	1,894
Gross density (units per acre)	15	29.2	29.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Ayer's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

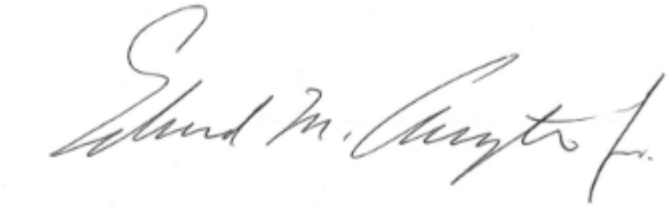
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Ayer's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Danillo Sena, Danillo.Sena@mahouse.gov
Daniel Ruiz, Town of Ayer, druiz@ayer.ma.us

Via Email: mjhanson@bedfordma.gov

April 18, 2025

Matthew Hanson, Town Manager
Town of Bedford
10 Mudge Way
Bedford, MA 01730

Re: Bedford – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Hanson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Bedford's "Multifamily Housing Overlay District," (MFHOD), which is comprised of five subdistricts (together, District). After careful review and analysis, EOHLC determined that Bedford is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Bedford to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Bedford for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Bedford is designated an Adjacent Community with 5,444 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **55.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **807 units.**
3. The gross density of the District is estimated at **15.6 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	55.5	55.5
Multi-family unit capacity (units)	750	807	807
Gross density (units per acre)	15	15.6	15.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Bedford's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- The standards set forth Section 7.3.4.1 regarding Earth Removal require a special permit for removal in excess of 1000 cubic yards of earth. A clarifying amendment is likely needed to establish that this requirement will not apply to multi-family housing projects, or, conversely removal of the special permit requirement for earth removal would suffice.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting

processes such as site plan review or earth removal result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Bedford's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Kenneth Gordon, Ken.Gordon@mahouse.gov
Tony Fields, Town of Bedford, afields@bedfordma.gov

Via Email: dfraine@bellinghamma.org

March 19, 2025

Denis Fraine, Town Administrator
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

Re: Bellingham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Fraine:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Bellingham's "MBTA Communities Overlay District", which is comprised of two subdistricts (District). After careful review and analysis, EOHLC has determined that Bellingham is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Bellingham to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Bellingham for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Bellingham is designated as an Adjacent Community with 6,749 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **67.4 acres**.
2. As of right multi-family unit capacity for the district is estimated at **778 units.**
3. The gross density of the District is estimated at **19.9 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	Submitted	Determined
Land area (acres)	50	67.4	67.4
Multi-family unit capacity (units)	750	778	778
Gross density (units per acre)	15	19.9	19.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing any moratorium on street openings that are necessary for providing new sewer, water, or other connections to multi-family developments proposed in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.
- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Bellingham's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Rebecca Rausch, becca.rausch@masenate.gov
Representative Michael Soter, michael.soter@mahouse.gov
Robert Lussier, Town of Bellingham, rlussier@bellinghamma.org

Via Email: pgarvin@belmont-ma.gov

April 18, 2025

Patrice Garvin, Town Administrator
Town of Belmont
455 Concord Avenue
Belmont, MA 02478

Re: Belmont - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Garvin:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Belmont's Multifamily Overlay Zones, which is comprised of eight subdistricts (together, District). After careful review and analysis, EOHLC has determined that Belmont is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Belmont to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Belmont for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Belmont is designated as a Commuter Rail Community with 10,882 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 27 acres, and a minimum multi-family unit capacity of 1,632 units. At least fifty percent (50%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **47.59 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,671 units.**
3. The gross density of the District is estimated at **35.1 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to Section 72.05(1)(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	28	47.59	47.59
Multi-family unit capacity (units)	1,632	1,311	1,671
Gross density (units per acre)	15	27.55	35.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted unit capacity and gross density metrics:

- The Town of Belmont's district compliance application appropriately recognized that the unit capacity generated from its mandatory mixed use (MMU) district is distinct from its MBTA communities district. For the sake of simplicity, EOHLC's practice is to include MMU unit capacity in its determinations.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Belmont's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Belmont's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator William Brownsberger, William.Brownsberger@masenate.gov
Representative David Rogers, Dave.Rogers@mahouse.gov
Chris Ryan, Town of Belmont, cryan@belmont-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Jennifer D. Maddox, Interim Secretary

Via Email: selectmen@berkleyma.us

March 13, 2026

Matthew Chabot, Town Administrator
1 N Main St.
Berkley, MA 02779

Re: Berkley - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Chabot,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Berkley's *Section 3A Residential Development Overlay District* ("District"). After careful review and analysis, EOHLC determined that Berkley is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Berkley to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Berkley for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Berkley is designated as an Adjacent Small Town with 2,360 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 118 units and a gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **10.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **144 units**.
3. The gross density of the District is estimated at **18.9 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	10.1	10.6
Multi-family unit capacity (units)	118	151	144
Gross density (units per acre)	15.0	20.8	18.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted area and density metrics:

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) areas in the District, pursuant to the definition of Gross Density in G.L. c.40A Section 1A. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab of the Compliance Model. This change increased the land area from 10.1 acres to 10.6. This also contributed to a change in the District's Gross Density, detailed below.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model to reflect the land area that is used for calculating Gross Density. This, in combination with the increase in land area to reflect ROW areas, reduced the Gross Density from 20.8 units per acre to 18.9 units per acre.

- Unit Capacity: EOHLC corrected a discrepancy in the building height requirement between the Compliance Model input and the zoning requirements. This change reduced the District's unit capacity from 151 units to 144 units and affected the Gross Density calculation.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

1. EOHLC is relying on the representation found in the proposed amendment to Section 9.3, *Residential Development Overlay District (RDOD)*, which reads: "[a]ny requirements within other sections of the Zoning Bylaw related to Multifamily Dwellings or Multifamily Uses shall not be required of Multi-Family Housing as defined herein unless specifically stated in this Section. If there are any conflicts between this Section 9.3 and any other provisions of the Zoning Bylaw, the provisions of this Section shall control as it relates to Multi-Family Housing as defined and allowed herein."

   EOHLC interprets this provision to supersede the requirements of Section 9.1, *Aquifer Protection Overlay District (APOD)*, specifically concerning impervious cover limitations and any special permit requirements found in Section 9.1.

2. The standards set forth in the site plan review section of zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC

cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

3. Section 6.3, *Performance Standards for Uses Requiring Special Permit Or Site Plan Approval*, and Section 10.6, *Site Plan Review*, of the Town's zoning bylaw impose "performance standards" and may require additional application materials on certain development projects. EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Berkley's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Jennifer D. Maddox
Interim Secretary

cc: Senator Kelly Dooner, kelly.dooner@masenate.gov
Representative Norman Orrall, norman.orrall@mahouse.gov

Via Email: mayorcahill@beverlyma.gov

April 25, 2025

Mayor Michael Cahill
191 Cabot Street
Beverly, MA 01915

Re: Beverly - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Cahill:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Beverly's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC determined that Beverly is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Beverly to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Beverly for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Beverly is designated a Commuter Rail community with 17,887 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,683 units. At least ninety percent (90%) of the City's requirements must be met within a ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **98.05 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,734 units**.
3. The gross density of the District is estimated at **21.04 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to 72.05(c) of the Regulations.
8. The Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	98.0	98.0
Multi-family unit capacity (units)	2,683	2,734	2,734
Gross density (units per acre)	15	21.0	21.0
One 50% contiguous area	Yes	Yes	Yes
Land area to be located in transit station areas (%)	90	100	100
Unit capacity to be located in transit station areas (%)	90	100	100

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the Section 300-5 of Beverly's zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Beverly's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Beverly's compliance with Section 3A, and may require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Joan Lovely, Joan.Lovely@masenate.gov
Darlene Wynne, City of Beverly, dwynne@beverlyma.gov
Ken Clawson, City of Beverly, kclawson@beverlyma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: cmain@town.billerica.ma.us

May 8, 2025

Clancy Main, Town Manager
Town of Billerica
365 Boston Road
Room 207
Billerica, MA 01821

Re: Billerica - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Main:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Billerica's MBTA Communities Multifamily Overlay District (District). After careful review and analysis, EOHLC determined that Billerica is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Billerica to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Billerica for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Billerica is designated a Commuter Rail community with 15,485 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,323 units. At least forty percent (40%) of the district must be within a half-mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **128.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,373 units**.
3. The gross density of the District is estimated at **21.1 units per acre**.

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4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.7 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	128.2	128.2
Multi-family unit capacity (units)	2,323	2,373	2,373
Gross density (units per acre)	15	21.1	21.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

1. This determination relies on the Attorney General Office's disapproval of Section 5.E.12.K, as described in the letter from Kelli E. Gunagan, Director, Municipal Law Unit dated April 18, 2025, concerning case #11672. EOHLC would not have approved the District if it was subject to that provision.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Cindy Friedman, Cindy.Friedman@masenate.gov
Representative Mark Lombardo, Mark.Lombardo@mahouse.gov
Katherine Malgieri, Town of Billerica, kmalgieri@town.billerica.ma.us

Via Email: mmcollem@bourne-ma.gov

March 27, 2026

Marlene McCollem, Town Administrator
Town of Bourne
Bourne Town Hall – Room 101
24 Perry Avenue
Buzzards Bay, MA 02532

Re: Bourne - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator McCollem:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Bourne's *Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Bourne is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Bourne to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Bourne for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Bourne is designated an Adjacent Small Town with 11,140 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 557 units and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **45.2 acres.**
2. As of right multi-family unit capacity for the District is estimated at **750 units**.
3. The gross density of the District is estimated at **16.6 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	45.2	45.2
Multi-family unit capacity (units)	557	750	750
Gross density (units per acre)	15.0	16.6	16.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 2600 Development Scheduling of Bourne's zoning bylaw limits the rate of residential development to no more than 120 building permits in a single year. EOHLC cautions the Town against applying this provision to development proposals in the District.

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Bourne's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

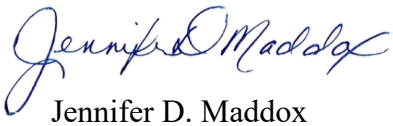
- EOHLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes

such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Bourne's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Jennifer D. Maddox
Interim Secretary

cc: Senator Dylan Fernandes, dylan.fernandes@masenate.gov
Representative Steven Xiarhos, steven.xiarhos@mahouse.gov
Representative David Vieira, david.vieira@mahouse.gov
Jennifer Copeland, Town of Bourne, jcopeland@bourne-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Juana B. Matias, Secretary

Via Email: MCoogan@boxfordma.gov

April 8, 2026

Matthew Coogan, Town Administrator
Town of Boxford
7A Spofford Road
Boxford, Massachusetts 01921

Re: Boxford - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Coogan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Boxford's *MBTA Communities Multifamily Overlay District* ("District"). After careful review and analysis, EOHLC determined that Boxford is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Boxford to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Boxford for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Boxford is designated as an Adjacent small town with 2,818 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 141 units and a gross density of at least 15 dwelling units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **14.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **216 units**.
3. The gross density of the District is estimated at **15.4 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	14.9	14.9
Multi-family unit capacity (units)	141	231	216
Gross density (units per acre)	15	16.5	15.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted area and gross density metrics:

- HLC identified a discrepancy between the District's (partial parcel) acreage submitted in the compliance model (14.87 acres) and the land area stated in the zoning bylaw ("approximately 14.3 acres"). This was a result of the right of way areas being included as part of the district acreage in the District 1 tab of the Compliance Model. Correcting the partial parcel acreage reduces the estimated unit capacity from 231 to 216 units and reduces the gross density from 16.5 to 15.4 units per acre.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- This determination relies on the interpretation that the dimensional zoning requirements set forth in the District, specifically the minimum lot size requirement, can be satisfied by parts of the parcel that are outside of the zoning district boundaries.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Boxford's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Representative Tram Nguyen, Tram.Nguyen@mahouse.gov
Ross Povenmire, Town of Boxford, RPovenmire@boxfordma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayorsoffice@braintree.gov

September 30, 2024

Mayor Erin V. Joyce
Town of Braintree
1 JFK Memorial Drive
Braintree, MA 02184

Re: Braintree - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Mayor Joyce:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Braintree's "MBTA District One Redline North, MBTA District Redline South, MBTA District Redline Villages and MBTA District Greenbush BWLD zoning districts (District). After careful review and analysis, EOHLC has determined that Braintree is **compliant** with Section 3A, as it finds that Braintree meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Braintree for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Braintree is designated as a Rapid Transit Community with 15,077 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 3,769 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **203.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **3,922 units.**
3. The gross density of the District is estimated at **22.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	203.8	203.8
Multi-family unit capacity (units)	3,769	3,922	3,922
Gross density (units per acre)	15	22.0	22.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to site plan review pursuant to Article V of Braintree's zoning ordinance. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a nondiscretionary manner consistent with G.L. c.40A Sections 1A and 3A.

- Article VI Section 135-608 requires a Special Permit for development in a flood zone. Much of the land in the District has a flood overlay zone. However, the Special Permit review criteria are mostly clear and objective standards. Since Section 3A requires that development of multi-family housing in the District be permitted without **any** special permit requirement, the Town should pursue a zoning amendment to address the substantive criteria of the flood zone overlay district in an as of right zoning procedure.

- Article XIV, Section 135-1405 allows the Planning board to deny a project or "require mitigative measures" based on traffic capacities. We caution the town against applying Section 135-1405 to as of right multifamily housing projects in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification

must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

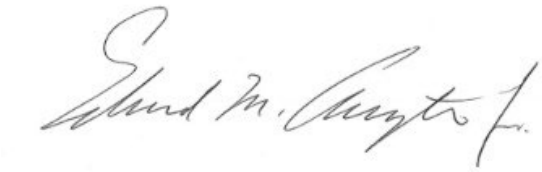
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a Determination of Compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review, flood plains, or traffic capacity effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Braintree's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this Compliance Determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator John Keenan, John.Keenan@masenate.gov
Senator Walter Timilty, Walter.Timilty@masenate.gov
Representative Mark Cusack, Mark.Cusack@mahouse.gov
Melissa SantucciRozzi, msantucci@braintreema.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Juana B. Matias, Secretary

Via Email: townmanager@bridgewaterma.org

April 6, 2026

Justin Casanova-Davis, Town Manager
Town of Bridgewater
66 Central Square
Bridgewater, MA 02324

Re: Bridgewater –Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Casanova-Davis

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Bridgewater's *MBTA Communities Overlay District* and *Waterford Village Smart Growth Overlay District* (together, "District"). After careful review and analysis, EOHLC determined that Bridgewater is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work by the Town of Bridgewater to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Bridgewater for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Bridgewater is designated as a Commuter Rail Community with 9,342 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,401 units. At least twenty percent (20%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following preliminary determinations:

1. The District comprises **102.1 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,434 units.**
3. The gross density of the District is estimated at **15.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	102.1	102.1
Multi-family unit capacity (units)	1,401	1,434	1,434
Gross density (units per acre)	15.0	15.3	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Bridgewater's Floodplain Overlay District requires a special permit; however, the District and the Floodplain Overlay District have minimal overlap and it does not appear to affect the estimated unit capacity.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Bridgewater's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Dennis Gallagher, dennis.gallagher@mahouse.gov
Robert Rulli, Town of Bridgewater rrulli@bridgewaterma.org

Via Email: MayorSullivan@cobma.us

June 26, 2025

Mayor Robert Sullivan
Brockton City Hall
45 School Street
Brockton, MA 02301

Re: Brockton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Sullivan,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Brockton's "MBTA Communities Multi-family Overlay District" (District), which consists of four subdistricts. After careful review and analysis, EOHLC determined that Brockton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Brockton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Brockton is designated as a Commuter Rail Community with 37,304 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 5,596 units. At least ninety percent (90%) of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **336.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **7,980 units.**
3. The gross density of the District is estimated at **24.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. At least **ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	336.5	336.5
Multi-family unit capacity (units)	5,596	7,980	7,980
Gross density (units per acre)	15	24.8	24.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Brockston's Floodplain Overlay District may require a special permit for certain developments; however, the District and the Floodplain Overlay District have minimal overlap and it does not appear to affect the estimated unit capacity. Although the overlap with the District is minor, EOHLC cautions the City against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or performance standards result in special permit requirements for

multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Brockton's compliance with Section 3A and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Brady, Michael.Brady@masenate.gov
Representative Michael Plouffe, Bridget.Plouffe@mahouse.gov
Representative Michelle DuBois, michelle.dubois@mahouse.gov
Representative Rita Mendes, Rita.Mendes@mahouse.gov
Rob May, City of Brockton, rmay@cobma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: ccarey@brooklinema.gov

September 30, 2024

Charles Carey, Town Manager
Town of Brookline
333 Washington Street
Brookline, MA 02465

Re: Brookline - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Carey:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Brookline's "MBTA CA Multifamily Overlay District" which is comprised of four subdistricts D1, D2, D3 and D4, (District). After careful review and analysis, EOHLC has determined that Brookline is **compliant** with Section 3A, as it finds that Brookline meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Brookline for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA).

Brookline is designated as a Rapid Transit Community with 27,961 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 41 acres, and a minimum multi-family unit capacity of 6,990 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **249.52 acres**.
2. As of right multi-family unit capacity for the District is estimated at **7,218 units.**
3. The gross density of the District is estimated at **28.93 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	41	249.52	249.52
Multi-family unit capacity (units)	6,990	7,218	7,218
Gross density (units per acre)	15	28.93	28.93
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to extensive restrictive Development Standards that trigger a special permit requirement for proposed projects with even minimal deviations from those standards. We caution the town to review projects in the District in a nondiscretionary manner, and to avoid subjecting multifamily housing proposals to special permit requirements, consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit

requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Brookline's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Cynthia Stone Creem, Cynthia.Creem@masenate.gov
Representative Ruth Balser, Ruth.Balser@mahouse.gov
Representative Kevin Honan, Kevin.Honan@mahouse.gov
Representative Bill MacGregor, Bill.Macgregor@mahouse.gov
Representative Tommy Vitolo, Tommy.Vitolo@mahouse.gov
Kara Brewton, Town of Brookline, kbrewton@brooklinema.gov

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Via Email: jdanizio@burlington.org

September 15, 2025

John Danizio, Town Administrator
Town of Burlington
29 Center Street
Burlington, MA 01803

Re: Burlington – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Danizio:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Burlington's "MBTA Communities Multi-Family Overlay District" (District). After careful review and analysis, EOHLC determined that Burlington is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Burlington to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Burlington for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Burlington is designated an Adjacent community with 10,431 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 1,043 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **67.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,092 units**.
3. The gross density of the District is estimated at **19.1 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. The District contains an inclusionary zoning requirement for at least 15% of units in projects of at least 4 units to be deed restricted as affordable to households earning at or below 80% of Area Median Income. EOHLC determined that the submitted Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	67.6	67.6
Multi-family unit capacity (units)	1,043	1,207	1,092
Gross density (units per acre)	15	21.1	19.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the unit capacity and gross density metrics:

- The parcel identified as LOC_ID M_225719_915542, also known as 1 Littles Brook Court, appears to lack access and frontage on a way in Burlington. As such, the unit capacity for this parcel was removed from the Town's submitted multi-family unit capacity for the District, which changes the unit density from 1,207 units to 1,092 units. Additionally, this adjustment affects gross density, reducing the gross density from 21.1 units per acre to 19.1 units per acre.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies on the interpretation that Section 8.6.2 of the zoning bylaw exempts multi-family housing proposed in the District from any other special permit requirement contained in the Town's zoning bylaw.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting requirements such as performance standards effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Burlington's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Cindy Friedman, cindy.friedman@masenate.gov
Representative Kenneth Gordon, Ken.Gordon@mahouse.gov
Elizabeth Bonventre, Town of Burlington, ebonventre@burlington.org

Commonwealth of Massachusetts
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Via Email: citymanager@cambridgema.gov

September 30, 2024

City Manager Yi-An Huang
City of Cambridge
795 Massachusetts Avenue, 1st Floor
Cambridge, MA 02465

Re: Cambridge - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear City Manager Huang:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Cambridge, which is comprised of twenty-two zoning districts (District). After careful review and analysis, EOHLC has determined that Cambridge is **compliant** with Section 3A, as it finds that Cambridge meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Cambridge for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Cambridge is designated as a Rapid Transit Community with 53,907 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 32 acres, and a minimum multi-family unit capacity of 13,477 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **846.05 acres**.
2. As of right multi-family unit capacity for the District is estimated at **14,368 units.**
3. The gross density of the District is estimated at **17.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The District contains an Inclusionary Zoning requirement of 20% of units for projects 10 units and which must be affordable to households at or below 100% of Area Median Income (AMI) for ownership projects and 50% to 60% of AMI for rental projects. EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
7. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
8. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	32	846.05	846.05
Multi-family unit capacity (units)	13,477	14,368	14,368
Gross density (units per acre)	15	17.0	17.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- We caution the City not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If Inclusionary Zoning requirements or restrictions on unrelated persons reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Cambridge's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator William Brownsberger, William.Brownsberger@masenate.gov
Senator Sal DiDomenico, Sal.DiDomenico@masenate.gov
Senator Patricia Jehlen, Patricia.Jehlen@masenate.gov
Representative Mike Connolly, Mike.Connolly@mahouse.gov
Representative Marjorie Decker, Marjorie.Decker@mahouse.gov
Representative Michael Moran, Michael.Moran@mahouse.gov
Representative Steven Owens, Steven.Owens@mahouse.gov
Representative David Rogers, Dave.Rogers@mahouse.gov
Representative Dan Ryan, Dan.Ryan@mahouse.gov
Jeffrey Roberts, City of Cambridge, jroberts@cambridgema.gov

Via Email: townadmin@town.canton.ma.us

June 9, 2025

Charles Doody, Town Administrator
Town of Canton
801 Washington Street
Canton, MA 02021

Re: Canton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Doody:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Canton's "Canton Junction Overlay District" (District). After careful review and analysis, EOHLC determined that Canton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Canton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Canton is designated as a Commuter Rail Community with 9,930 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,490 units. At least fifty percent (50%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **56.6 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,580 units.**
3. The gross density of the District is estimated at **29.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	56.6	56.6
Multi-family unit capacity (units)	1,490	1,580	1,580
Gross density (units per acre)	15	29.3	29.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to Canton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section 9.1.6, *Special Flood Hazard Areas*, of the Town's zoning bylaw may require a special permit for development in some portions of the Canton Junction Overlay District. Although the overlap with the District is minor, EOHLC cautions the Town against subjecting any multifamily housing proposals in the District to special permit requirements, to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- Section 6.7 of the Town's zoning bylaw imposes several "performance standards" on certain development projects, including, but not limited to: Transportation Plan Approval; Level of Service Maintenance or Improvement; Aesthetic Appropriateness; and Fiscal Analysis, which requires an applicant to "identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing". EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as-of-right zoning requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that

limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

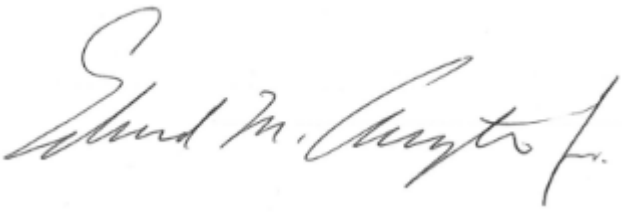
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or performance standards result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Canton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, paul.feeney@masenate.gov
Representative John Gaskey, John.Gaskey@mahouse.gov
Karen Lawlor, Town of Canton klawlor@town.canton.ma.us

Via Email: rmclane@carlislema.gov

January 14, 2026

Ryan McLane, Town Administrator
Town of Carlisle
66 Westford Street
Carlisle, MA 01741

Re: Carlisle - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator McLane,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Carlisle's *MBTA Communities Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Carlisle is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Carlisle for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Carlisle is designated an Adjacent Small Town with 1,897 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 95 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **10.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **136 units**.
3. The gross density of the District is estimated at **18.5 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	10.4	10.4
Multi-family unit capacity (units)	95	136	136
Gross density (units per acre)	15	18.5	18.5
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This Determination of Compliance relies on the Town's representation that Section 5.13.8, *Exceptions from Provisions of the Underlying Zoning*, exempts dimensionally conforming multi-family housing within the District from any special permit requirements found in Section 7.6, *Site Plan Review*. Therefore, any special permit requirements found in Section 7.6 must not apply to or interfere with as of right multi-family housing in the District.

- This Determination of Compliance relies on the Town's representation that Section 5.13.2.4, *Relationship to underlying Zoning*, of the bylaw exempts dimensionally conforming multi-family housing within the District from any special permit requirements of the underlying district and/or applicable overlay districts. Therefore, special permit requirements found elsewhere in the bylaw, including, but not limited to, the Wetland/Flood Hazard District must not apply to or interfere with as of right multi-family housing in the District.

- The standards set forth in the site plan approval section of Carlise's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose "development standards" and, possibly, additional application materials for multi-family housing developments within the District. EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Carlisle's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Simon Cataldo, Simon.Cataldo@mahouse.gov
Julie Mercier, Town of Carlisle, jmercier@carlislema.gov

Via Email: pcohen@chelmsfordma.gov

July 9, 2025

Paul Cohen, Town Manager
Town of Chelmsford
50 Billerica Road
Chelmsford , MA 01824

Re: Chelmsford – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Cohen:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Chelmsford's "MBTA Communities Multifamily Overlay District" (District), which consists of two subdistricts). After careful review and analysis, EOHLC determined that Chelmsford is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Chelmsford to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Chelmsford for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Chelmsford is designated as an Adjacent Community with 14,769 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,477 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **102.1 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,520 units.**
3. The gross density of the District is estimated at **17.7 dwelling units per acre**.
4. The District contains one contiguous land area that is at least **fifty percent (50%)** of the total district land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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Boston, Massachusetts 02114
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617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	102.1	102.1
Multi-family unit capacity (units)	1,477	1,520	1,520
Gross density (units per acre)	15	17.7	17.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Chelmsford's zoning bylaw (ZBL). The standards set forth in the site plan review lean towards discretionary criteria, which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section 195-176 the ZBL authorizes the Planning Board to consider "[p]otential fiscal impact, including impact on Town services, tax base and employment". EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application materials, in a manner inconsistent with the as-of-right zoning requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This Determination of Compliance relies on the Town's representation that Section 195-168.C of the ZBL exempts dimensionally conforming multi-family housing within the MCMOD from "any zoning provisions that would normally require the need for a special permits, variances, zoning amendment, waiver, or other discretionary zoning approval." Therefore, special permit requirements in Article VIII, *Environmental Protection Standards*, related to grading or erosion control must not apply to or interfere with as-of-right multi-family housing in the District.

- EOHLC is aware of development agreements to which the Town of Chelmsford is a party, affecting land located within the "UMass West Area District" subdistrict. This determination of compliance relies on the Town's attestation contained in its district compliance application that it is not aware of any development agreement that would prohibit, limit, or restrict the development of multi-family housing as of right, or that would otherwise conflict

with Section 3A or the Regulations. Therefore, the determination is subject to the Town allowing potential as of right multifamily housing developments proposed in this subdistrict to use the unit capacity provided by the zoning. EOHLC may rescind a determination of compliance if developments proposed in the District are unable to access the as of right multi-family allowances provided by the zoning.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Jame Arciero, James.Arciero@mahouse.gov
Representative Simon Cataldo, Simon.Cataldo@mahouse.gov
Representative Rodney Elliott, Rodney.Elliott@mahouse.gov
Evan Belansky, Town of Chelmsford, ebelansky@chelmsfordma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: fmaltez@chelseama.gov

September 30, 2024

Fidel Maltez, City Manager
City of Chelsea
500 Broadway
Chelsea, MA 02150

Re: Chelsea - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear City Manager Maltez:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Chelsea's "MBTA Transit Community Overlay District" (District). After careful review and analysis, EOHLC has determined that Chelsea is **compliant** with Section 3A, as it finds that Chelsea meets, or exceeds, the requirements of Section 3A and the Guidelines. I especially want to thank you and your staff for assistance with correcting a scrivener's error in a timely manner.

Please note that this Determination of Compliance by EOHLC qualifies Chelsea for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Chelsea is designated as a Rapid Transit Community with 14,554 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 14 acres, and a minimum multi-family unit capacity of 3,639 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **145.24 acres**.
2. As of right multi-family unit capacity for the District is estimated at **3,973 units.**
3. The gross density of the District is estimated at **27.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. **At least seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	14.24	145.24	145.24
Multi-family unit capacity (units)	3,639	3,973	3,973
Gross density (units per acre)	15	27.4	27.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The definition of Multi-family housing does not align with the MBTA Communities Guidelines definition. Consider future zoning ordinance amendments to clarify the City's definition in Section 34-188 subsection (d) 1 which includes: **For purposes of this Section 34-28, multifamily shall mean a structure with 3 or more dwelling units or 2 dwellings on a lot with more than one unit in each dwelling.**

- We caution the City not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, , or if it becomes aware of additional information not previously identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If the definition of multi-family or restrictions on occupancy due to the definition of family reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Chelsea's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Sal DiDomenico, Sal.DiDomenico@masenate.gov
Representative Judith Garcia, Judith.Garcia@mahouse.gov
Karl Allen, City of Chelsea, kallen@chelseama.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Edward M. Augustus Jr., Secretary

Via email: townmanager@cohassetma.gov

May 7, 2025

Christopher Senior
Town Manager
Town of Cohasset
41 Highland Ave
Cohasset, MA 02025

Re: Cohasset - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Senior:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Cohasset's 3A Multi-Family Overlay District (District). After careful review and analysis, EOHLC has determined that Cohasset is **compliant** with Section 3A, as it finds that Cohasset meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00.

Please note that this determination of compliance by EOHLC qualifies Cohasset for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Cohasset is designated a Commuter Rail community with 3,341 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 43 acres, a minimum multi-family unit capacity of 638 units, and a minimum gross density of 15 units per acre. Additionally, at least twenty percent (20%) of the district must be within a half-mile of a transit station.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **56.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **681 units**.
3. The gross density of the District is estimated at **15 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	43	56.3	56.3
Multi-family unit capacity (units)	638	681	681
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Joan Meschino, Joan.Meschino@mahouse.gov
Cassandra Thayer, Town of Cohasset, cthayer@cohassetma.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Juana B. Matias, Secretary

Via Email: klafleur@concordma.gov

August 3, 2026

Kerry Lafleur, Town Manager
Town of Concord
22 Monument Square
Concord, MA 01742

Re: Concord - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Lafleur:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Concord's *MBTA Communities Multi-Family Overlay District* ("District"). After careful review and analysis, HLC determined that Concord is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work performed by the Town of Concord to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Concord for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Concord is designated as a Commuter Rail Community with 7,295 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 1,094 units, a minimum land area of 50 acres, and a gross density of at least 15 dwelling units per acre. At least fifty percent (50%) of the Town's requirements must be met within ½ mile of transit stations.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **119.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,273 units**.
3. The gross density of the District is estimated at **15.3 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The District contains an Inclusionary Zoning requirement for projects of 10 units or more to set aside 20% of units for households earning at or below 80% of Area Median Income. HLC finds the Economic Feasibility Analysis submitted pursuant to Section 72.04(1)(b)1b of the Regulations supports the feasibility of multi-family development in the District.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, transit station requirements, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Compliance Metrics	**Required**	**Submitted**	**Determined**
Land area (acres)	50	119.7	119.7
Multi-family unit capacity (units)	1,094	1,574	1,273
Gross density (units per acre)	15	18.9	15.3
One 50% contiguous area	Yes	Yes	Yes
Land area to be located in transit station areas (% of requirement)	50	100	100
Unit capacity to be located in transit station areas (% of requirement)	50	100	100

HLC identified the following discrepancies from the submitted area and gross density metrics:

- 6X Winthrop Street (LOC_ID F_684532_2992996) and 68 Commonwealth Avenue (LOC_ID F_685114_2992053) appear to lack access and/or frontage on an adequate way in Concord, which are required for as of right development. HLC removed the unit capacity from these parcels, reducing the District's unit capacity from 1,574 to 1,273 units. This adjustment also affects gross density, reducing it from 18.9 units per acre to 15.3 units per acre.

HLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Concord's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. HLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon HLC's interpretation that Section 7.11.7 of Concord's zoning bylaw exempts Multi-family housing developments in the District from all Special Permit requirements found elsewhere in the zoning bylaw.

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, HLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

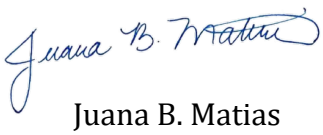
- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Concord's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Juana B. Matias
Secretary

Cc:

Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Carmine Gentile, carmine.gentile@mahouse.gov
Representative Simon Cataldo, Simon.Cataldo@mahouse.gov
Elizabeth Hughes, Town of Concord, ehughes@concordma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: tm@danversma.gov

March 17, 2025

Rodney Conley, Town Manager
Town of Danvers
1 Sylvan Street
Danvers, MA 01923

Re: Danvers – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Conley,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Danvers' Character-Based Zoning Districts (District). After careful review and analysis, EOHLC has determined that Danvers is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Danvers to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Danvers for the MBTA Communities Catalyst Fund, which was announced by Governor Healey in June. You can learn more about the program at the web page MBTA Communities Catalyst Fund, which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Danvers is designated as an Adjacent Community with 11,763 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,176 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **104.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,553 units.**
3. The gross density of the District is estimated at **15.20 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement. Please see below for details on this comment.
7. The inclusionary zoning applicable to the District requires 12.5 percent of units to be deed restricted affordable in projects of at least five units. In connection with Section 72.04(1)(b), Danvers submitted an Economic Feasibility Analysis. EOHLC determined that the analysis demonstrates that a reasonable variety of multi-family housing types can be feasibly developed at the required affordability levels for projects adding five or more units. See additional factors below for smaller projects.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	104.40	104.40
Multi-family unit capacity (units)	1.176	1,553	1,553
Gross density (units per acre)	15	15.20	15.20
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The Town's inclusionary zoning requires substantial payments to the affordable housing trust fund for projects adding one to four new units of housing. This requirement may be inconsistent with the "as of right" zoning requirement of G.L. c. 40A Sections 1A and 3A. EOHLC may revisit this determination in the future if this requirement proves to be a zoning barrier to developing the new housing permitted in the District.

- The Town's transportation management requirements set forth in Section 18.11 may be inconsistent with the "as of right" zoning requirement of G.L. c. 40A Sections 1A and 3A. EOHLC cautions the Town against applying this section in a discretionary manner or setting fees that could give rise to a conflict with the "as of right" requirement.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District or prove to be zoning barriers to developing multi-family housing allowed as of right, EOHLC may revisit Danvers's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Joan Lovely, joan.lovely@masenate.gov
Representative Sally Kerans, Sally.Kerans@mahouse.gov
Brian Szekely, Town of Danvers, bszekely@danversma.gov

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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: lgoodwin@dedham-ma.gov

September 30, 2024

Leon Goodwin, Town Manager
Town of Dedham
450 Washington Street
Dedham MA 02132

Re: Dedham - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Goodwin:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Dedham which is comprised of two districts (District). After careful review and analysis, EOHLC has determined that Dedham is **compliant** with Section 3A, as it finds that Dedham meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Dedham for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Dedham is designated as a Commuter Rail Community with 10,459 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 49 acres, and a minimum multi-family unit capacity of 1,569 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **78.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,351 units.**
3. The gross density of the District is estimated at **30.20 dwelling units per acre**.
4. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	49	78.5	78.5
Multi-family unit capacity (units)	1,569	2,351	2,113
Gross density (units per acre)	15	30.2	27.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics.**

- The Town's unit capacity estimate was reduced as follows: 238 units were removed from the District. After consultation with the MBTA, EOHLC did not approve an excluded land override for the Dedham Corporate Center parking lot site. This reduction also affected the District's gross density.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review standards effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Dedham's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rush, Mike.Rush@masenate.gov
Representative Paul McMurtry, Paul.McMurtry@mahouse.gov
Jeremy Rosenberger, Town of Dedham, jrosenberger@dedham-ma.gov

Via Email: mblanchard@doverma.gov

February 9, 2026

Michael Blanchard, Town Administrator
Dover Town House
5 Springdale Avenue
P.O. Box 250
Dover, MA 02030

Re: Dover - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Blanchard:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Dover's *MBTA Communities Multifamily Overlay District* ("District"). After careful review and analysis, EOHLC determined that Dover is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Dover to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Dover for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Dover is designated an Adjacent small town with 2,046 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 102 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **10.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **159 units**.
3. The gross density of the District is estimated at **15.6 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	10.2	10.2
Multi-family unit capacity (units)	102	159	159
Gross density (units per acre)	15	15.6	15.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Dover's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- Section 185-45 of Dover's zoning bylaw requires a special permit for private wastewater treatment facilities. EOHLC cautions the Town against applying any special permit requirements to development proposals in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity

of the District, EOHLC may reevaluate Dover's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Joshua Tarsky, Joshua.Tarsky@mahouse.gov
Melissa SantucciRozzi, Town of Dover, msantuccirozzi@doverma.gov

Via Email: read@town.duxbury-ma.gov

October 17, 2025

Rene Read, Town Manager
Duxbury Town Hall
878 Tremont Street
Duxbury, MA 02332

Re: Duxbury - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Read,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Duxbury's "MBTA Communities Overlay District" ("District"). After careful review and analysis, EOHLC determined that Duxbury is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Duxbury for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Duxbury is designated as an Adjacent Community with 6,274 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **52.7 acres**.
2. As of right multi-family unit capacity for the district is estimated at **787 units.**
3. The gross density of the District is estimated at **15.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	52.7	52.7
Multi-family unit capacity (units)	750	787	787
Gross density (units per acre)	15	15.2	15.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to Duxbury's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- This determination relies on EOHLC's interpretation that the provision "Development proceeding under this Section 440 shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply" set forth in subsection 2 of Section 440.2 exempts development in the MCOD from the special permit requirement set forth in subsection 5 of Section 401.2

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Duxbury's compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Kenneth Sweezey, Ken.Sweezey@mahouse.gov
Rebecca Roughley, Town of Duxbury, RRoughley@duxbury-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: cread@easton.ma.us

September 30, 2024

Connor Read, Town Manager
Town of Easton
136 Elm Street
Easton MA 02356

Re: Easton - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Read:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Easton which is comprised of three subdistricts (District). After careful review and analysis, EOHLC has determined that Easton is **compliant** with Section 3A, as it finds that Easton meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Easton for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Easton is designated as am Adjacent Community with 9,132 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 913 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **66.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **972 units.**
3. The gross density of the District is estimated at **15.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	66.5	66.5
Multi-family unit capacity (units)	913	972	972
Gross density (units per acre)	15	15.8	15.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- For clarity, at the next Annual Town Meeting, the Town should amend the Zoning Bylaw to add a note to the table of dimensional and density requirements specifying that the District is not subject to those dimensional and density requirements. This is especially important because the aquifer protection overlay district, which significantly overlaps the 3A District, limits development to the density set forth in the table of dimensional and density requirements.

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of

additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Easton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Walter Timilty, Walter.Timilty@masenate.gov
Representative Gerard Cassidy, Gerard.Cassidy@mahouse.gov
Representative Carol Doherty, Carol.Doherty@mahouse.gov
Stephanie Danielson, Town of Easton sdanielson@easton.ma.us

Via email: bzubricki@essexma.org

January 29, 2026

Brendhan Zubricki, Town Administrator
Town of Essex
30 Martin Street
Essex, MA 01929

Re: Essex – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Zubricki,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Essex's "Essex Downtown Zoning District" ("District"). After careful review and analysis, EOHLC determined that Essex is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Essex to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Essex for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Essex is designated as an Adjacent Small Town with 1,662 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 83 units and a gross density of at least 15 dwelling units per acre.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **90.45 acres**.
2. As of right multi-family unit capacity for the district is estimated at **491 units.**
3. The gross density of the District is estimated at **15.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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617.573.1100

7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	90.45	90.45
Multi-family unit capacity (units)	83	491	491
Gross density (units per acre)	15	15.7	15.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting

processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Essex's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, bruce.tarr@masenate.gov
Valerie Massard, Town of Essex, vmassard@essexma.org

Via Email: mayor.coogan@fallriverma.gov

December 17, 2024

Paul Coogan, Mayor of Fall River
One Government Center
Fall River, MA 02722

Re: Fall River - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Mayor Coogan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Fall River's Waterfront Transit-Oriented Development District (District). After careful review and analysis, EOHLC has determined that Fall River is **compliant** with Section 3A, as it finds that Fall River meets, or exceeds, the requirements of Section 3A and its Compliance Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Fall River for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Fall River is designated a Commuter Rail community with 44,346 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 6,652 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **705 acres**.
2. As of right multi-family unit capacity for the District is estimated at **26,421 units**.
3. The gross density of the District is estimated at **40.0 unit per acre**.
4. At least fifty percent (50%) of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

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Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	705	705
Multi-family unit capacity (units)	6,652	30,014	26,421
Gross density (units per acre)	15	45.5	40.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics:**

- Unit capacity: A portion of the District overlaps with the Arts Overlay District. EOHLC interprets that the overlapping areas are subject to ground floor nonresidential use requirements. Therefore, the unit capacities of the affected parcels were removed.

- Gross density: Accounting for the aforementioned removed unit capacities reduces the estimated gross density of the District.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC did not identify a definition for "multi-family housing" and recommends that the City consider adopting one in the future.

- The definition of Family in Section 86-9 of the zoning ordinance could be construed as an impermissible cap on the number of "unrelated" persons occupying a dwelling unit pursuant to G.L. c. 40A Sections 1A and 3A. EOHLC cautions the City against imposing these occupancy limits and encourages the City to rely on the State sanitary code to prevent overcrowding in dwelling units.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification

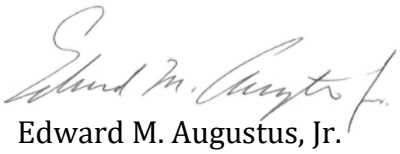
must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rodrigues, Michael.Rodrigues@masenate.gov
Representative Paul Schmid, Paul.Schmid@mahouse.gov
Representative Alan Silvia, Alan.Silvia@mahouse.gov
Representative Carole Fiola Carole.Fiola@mahouse.gov
Daniel N. Aguiar, City of Fall River, daguiar@fallriverma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: Mayor@fitchburgma.gov

June 9, 2025

Mayor Samantha Squailia
City of Fitchburg
718 Main Street
Fitchburg, MA 01420

Re: Fitchburg – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Squailia:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Fitchburg's "Downtown Smart Growth Zoning District (West)", "Downtown Smart Growth Zoning District (East)", and "Fitchburg State University District" (all together, the District). After careful review and analysis, EOHLC determined that Fitchburg is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Fitchburg to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Fitchburg for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Fitchburg is designated a Commuter Rail community with 17,452 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 2,618 units. At least seventy-five percent (75%) of the District's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **78.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,618 units**.
3. The gross density of the District is estimated at **25.0 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five percent (75%)** of the District's land area and estimated unit capacity is within transit station areas.

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6. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area, called the Downtown Smart Growth Zoning District MMU Subdistrict, pursuant to Section 72.05(c) of the Regulations.
7. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
8. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	78.7	78.7
Multi-family unit capacity (units)	2,618	2,618	2,618
Gross density (units per acre)	15	25.0	25.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following additional factors that could affect as of right multi-family housing development in the District:

- This determination is subject to EOHLC's interpretation that Section 181.843.J: Date of Effect is permanently satisfied by this determination of compliance, and that any future amendments or changes to Fitchburg's compliance status will not restrict plan approval decisions. EOHLC recommends striking this provision from the ordinance for clarity.

- The standards set forth in the site plan review and environmental performance standards sections of Fitchburg's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of

additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or environmental performance standards effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Fitchburg's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, john.cronin@masenate.gov
Representative Michael Kushmerek, Michael.Kushmerek@mahouse.gov
Liz Murphy, City of Fitchburg, lmurphy@fitchburgma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: pduncan@foxboroughma.gov

July 9, 2025

Paige Duncan, Town Manager
Town of Foxborough
40 South Street
Foxborough, MA 02035

Re: Foxborough – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Duncan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Foxborough's "Foxborough Multifamily Overlay District" (District). After careful review and analysis, EOHLC determined that Foxborough is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Foxborough to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Foxborough for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Foxborough is designated a Commuter Rail community with 7,682 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 1,152 units. At least forty percent (40%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **57.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,412 units**.
3. The gross density of the District is estimated at **24.7 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	55.9	57.3
Multi-family unit capacity (units)	1,152	1,237	1,412
Gross density (units per acre)	15	22.1	24.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the land area and gross density metrics:

- Unit capacity: EOHLC corrected a discrepancy in the maximum dwelling units per acre limit between the Compliance Model input and the District. This change reduced the District's unit capacity to 1,132, below the Town's minimum requirement. EOHLC adjusted the parcel areas included in the District for 400 Foxborough Boulevard and 27 Patriot Place to account for Section 2.4.6: Split Lots, of the Town's by-law, which was not originally reflected in the Compliance Model. As a result, the District's unit capacity increased from 1,132 units to 1,412 units.

- Land area: EOHLC adjusted the areas of the partial parcels, which increased the overall land area for the District. This increased the land area from 55.9 acres to 57.3 acres.

- Gross density: Accounting for the changes in unit capacity and land area increased the gross density from 22.1 to 24.7 units per acre units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The performance standards set forth in Section 6.5 of Foxborough's zoning bylaw lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting requirements such as performance standards effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Foxborough's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, paul.feeney@masenate.gov
Representative Michael Chaisson, Michael.Chaisson@mahouse.gov
Catherine Feerick, Town of Foxborough, cfeerick@foxboroughma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayor@framinghamma.gov

July 9, 2025

The Honorable Mayor Charlie Sisitsky
City of Framingham
150 Concord Street
Framingham, MA 01702

Re: Framingham –Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Sisitsky:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Framingham's Central Business District (District). After careful review and analysis, EOHLC determined that Framingham is **compliant** with Section 3A. EOHLC recognizes the diligent work by the City of Framingham to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Framingham for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Framingham is designated as a Commuter Rail Community with 29,033 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 4,355 units. At least forty percent (40%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and makes the following preliminary determinations:

1. The District comprises **225 acres**.
2. As of right multi-family unit capacity for the District is estimated at **5,348 units.**

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3. The gross density of the District is estimated at **25.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. For development or redevelopment of 10 or more dwelling units, the City's Inclusionary Housing section requires that 13% of all units are set aside as deed-restricted affordable housing, with 11% available to households earning up to 80% of area median income, and 2% available to households earning up to 60% of area median income. In connection with Section 72.04(1)(b) of the Regulations, Framingham submitted an Economic Feasibility Analysis. EOHLC determined that the analysis demonstrates that a reasonable variety of multi-family housing types can be feasibly developed at the required affordability levels.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Preliminarily Determined**
Land area (acres)	50	225	225
Multi-family unit capacity (units)	4,355	6,286	5,348
Gross density (units per acre)	15	27	25.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the unit capacity and gross density metrics:

- Unit capacity: Footnote 10 in Framingham's Table of Uses requires a special permit for multi-family housing development of at least 30,000 square feet. The submitted compliance model did not account for this cap on as of right multi-family housing. Accounting for this cap reduces the submitted unit capacity to 4,275 units from 6,286 units.

- Unit capacity: Framingham's Table of Dimensional Requirements permits additional density for multi-family housing on lots of at least 20,000 square feet, by increasing height limits to 6 stories from 3, maximum lot coverage to 80% from 60%, and Floor Area Ratio to 3.0 from 2.0. The submitted compliance model did not account for this additional permissiveness on large lots. Accounting for this additional permissiveness increases the submitted unit capacity to 5,348 units from the previously adjusted capacity of 4,275 units.

- Gross density: Accounting for the adjusted unit capacity in connection with the above reduces the estimated gross density to 25.4 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Framingham's "Land Use Activities Requiring Review" requires a special permit for disturbance of land equal to or greater than one acre, among other items. Several parcels in the District could be subject to this special permit requirement, which would be inconsistent with Section 3A's as of right zoning requirement. EOHLC cautions the City against applying the requirement to multi-family housing proposed in the District.

- Framingham's Design Standards require designs that "relate harmoniously to the historical character…. of the surrounding neighborhood." EOHLC cautions the City against applying this section in a discretionary manner inconsistent with the as of right zoning requirement of Section 3A.

- Framingham's Site Plan Review allows the site plan review authority to impose requirements for "reductions in the scale of proposed development, including reductions in height, floor area, or lot coverage." This determination relies on the dimensional standards set forth in Framingham's Table of Dimensional Requirements. EOHLC cautions the City against using site plan review to reduce the scale of multi-family housing developments proposed in the District.

- EOHLC identified that the District reduces allowable density within certain distances of "residential" zoning districts. Due to the limited application of this requirement in the District, and the City's buffer in unit capacity above its minimum requirements, EOHLC did not quantify the impact of this requirement.

Please note that continued district compliance is **subject to** the following requirements:

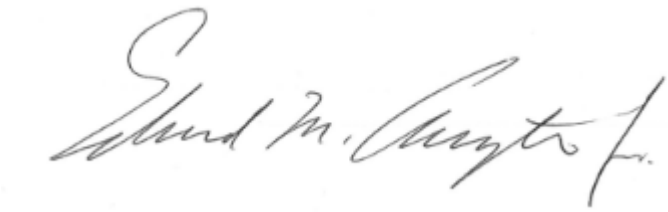
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Framingham's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senate President Karen Spilka, karen.spilka@masenate.gov
Representative Jack Lewis, jack.lewis@mahouse.gov
Representative Kate Donaghue, kate.donaghue@mahouse.gov
Representative Danielle Gregoire, danielle.gregoire@mahouse.gov
Representative Priscila Sousa, priscila.sousa@mahouse.gov
Sarkis Sarkisian, City of Framingham ssarkisian@framinghamma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Juana B. Matias, Secretary

Via Email: jhellen@franklinma.gov

August 17, 2026

Jamie Hellen, Town Administrator
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Franklin - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Hellen:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Franklin's *General Residential V, Commercial I, Crossing Neighborhood, and Downtown Commercial* districts (together, "District"). After careful review and analysis, HLC determined that Franklin is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work performed by the Town of Franklin to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Franklin for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Franklin is designated as a Commuter Rail community with 12,551 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 1,883 units, and a gross density of at least 15 dwelling units per acre. At least seventy-five percent (75%) of the Town's requirements must be met within ½ mile of transit stations.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **103.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,955 units**.
3. The gross density of the District is estimated at **15.0 units per acre**.

4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five percent (75%)** of minimum land area and unit capacity requirements are met within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area, called the "Downtown Commercial District" pursuant to Section 72.05(1)(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, transit station area, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Table 1: Compliance Metrics

Compliance Metrics	Required	Submitted	Determined
Land area (acres)	50	103.6	103.6
Multi-family unit capacity (units)	1,883	1,955	1,955
Gross density (units per acre)	15	15.0	15.0
One 50% contiguous area	Yes	Yes	Yes
Land area to be located in transit station areas (% of requirement)	75	100	100
Unit capacity to be located in transit station areas (% of requirement)	75	100	100

HLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- HLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Franklin's zoning bylaw, as well as in § 185-17. "Maximum occupancy in multifamily dwelling". Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Franklin's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. HLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the District, or of any other bylaw, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Franklin's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your district. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

Cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Jeffrey Roy, jeffrey.roy@mahouse.gov
Morena Zelaya, Town of Franklin, mzelaya@franklinma.gov

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Via Email: townadministrator@freetownma.gov

August 12, 2026

Deborah Pettey, Town Administrator
Town of Freetown
3 North Main St
Assonet, MA 02702

Re: Freetown - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Pettey:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Freetown's *MBTA Communities Multi-Family Overlay District* ("District"). After careful review and analysis, HLC determined that Freetown is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work performed by the Town of Freetown to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Freetown for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Freetown is designated as a Commuter Rail Community with 3,485 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 750 units, a minimum land area of 50 acres, and a gross density of at least 15 dwelling units per acre. At least twenty percent of the minimum requirements must be met within ½ mile of transit stations.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **58.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **877 units**.
3. The gross density of the District is estimated at **15.1 units per acre**.
4. **At least twenty percent (20%)** of the minimum requirements are met within transit station areas.
5. **At least fifty percent (50%)** of the District is one contiguous land area.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Table 1: Compliance Metrics

Compliance Metrics	Required	Submitted	Determined
Land area (acres)	50	58	58
Multi-family unit capacity (units)	750	877	877
Gross density (units per acre)	15	15.1	15.1
One 50% contiguous area	Yes	Yes	Yes
Land area to be located in transit station areas (% of requirement)	20%	100%	100%
Unit capacity to be located in transit station areas (% of requirement)	20%	100%	100%

HLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The compliance metrics in Table 1 rely upon the assumption that 17 Ridge Hill Road (M_235532_837101) meets minimum frontage requirements and has as of right access via a road named Ravenbrook Rd.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the July 27, 2026, disapproval by the Municipal Law Unit in the Office of the Attorney General of that portion of Section 300-4.6.H, Open Space, requiring that open space be conveyed pursuant to a M.G.L. c. 184 § 31-33 conservation restriction. Accordingly, our determination relies upon the understanding that any open space to be placed under a conservation restriction will not require a discretionary approval or otherwise be used to deny an as of right multi-family housing use in the MCMOD, in violation of 760 CMR 72.04.

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

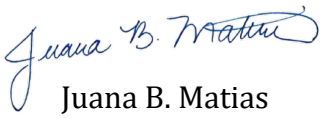
- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If access or frontage deficiencies effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Freetown's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Juana B. Matias
Secretary

cc:

Senator Michael Rodrigues, Michael.Rodrigues@masenate.gov
Representative Carole Fiola, Carole.Fiola@mahouse.gov
Representative Steven Ouellette, Steve.Ouellette@mahouse.gov
Nancy Durfee, Town of Freetown, planning@freetownma.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: OPacheco@GeorgetownMA.gov

December 1, 2025

Orlando Pacheco, Town Administrator
Town of Georgetown
One Library Street
Georgetown, MA 01833

Re: Georgetown - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Pacheco,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Georgetown's MBTA Communities Multifamily Downtown Plus Overlay Districts ("District"). After careful review and analysis, EOHLC determined that Georgetown is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Georgetown to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Georgetown for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Georgetown is designated as an Adjacent Community with 3,159 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **68.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **801 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	68.2	68.5
Multi-family unit capacity (units)	750	801	801
Gross density (units per acre)	15	15.1	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The submitted District did not include right of way (ROW) areas in the District's land area input in the Compliance Model. The ROW area was appropriately included in the GIS shapefile and adding it to the District's submitted land area to align with the definition of Gross Density set forth in G.L. c. 40A Section 1A would reduce the submitted District's Gross Density to less than the minimum required 15 units per acre. However, EOHLC also identified that the submitted District includes some nonconforming parcels that did not contribute towards unit capacity. EOHLC removed the land areas of those nonconforming parcels, added an appropriate representation of ROW area, and determined that the resulting District meets the requirements of Section 3A and the Regulations. The adjustments increased the District's land area from 68.2 to 68.5 acres and decreased its Gross Density from 15.1 to 15 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This determination relies on EOHLC's interpretation that Section 165-71 of Georgetown's zoning bylaw, "Inclusionary housing balance bylaw" caps the household income of a Qualified Affordable Housing Unit Purchaser or Tenant to 80% of Area Median Income (AMI), pursuant to current LIP Guidelines. If the AMI percentage cap is enforced at less than 80% of AMI, then the Town must submit an Economic Feasibility Analysis to EOHLC in connection with Section 72.04(1)(b) of the Regulations.

- This determination relies on EOHLC's interpretation that Article 18: Floodplain District does not require a special permit for new construction. EOHLC cautions the Town against

subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in § 165-83. Site plan approval lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Georgetown's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Frank O'Connor, Town of Georgetown, FOConnor@GeorgetownMA.gov

Via Email: gverga@gloucester-ma.gov

May 8, 2025

Mayor Greg Verga
9 Dale Avenue
Gloucester, MA 01930

Re: Gloucester - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Verga:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Gloucester's Multi-family Overlay District and its four subdistricts (District). After careful review and analysis, EOHLC determined that Gloucester is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Gloucester to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Gloucester for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Gloucester is designated a Commuter Rail community with 15,133 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,270 units. At least fifty percent (50%) of the City's requirements must be met within a ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **184.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,855 units**.
3. The gross density of the District is estimated at **15.70 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least fifty percent (50%)** of the District's minimum requirements are met within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	184.0	184.0
Multi-family unit capacity (units)	2,270	2,855	2,855
Gross density (units per acre)	15	15.7	17.7
One 50% contiguous area	Yes	Yes	Yes
Land area to be located in transit station areas (% of requirement)	50	100	100
Unit capacity to be located in transit station areas (% of requirement)	50	100	100

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the definitions section of Gloucester's zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- Section 5.30.4.1a. restricts the availability of the District's permissive minimum lot size requirements to lots in existence as of the effective date of the adoption of the MFOD. As lot reconfigurations take place over time (or are discouraged due to this provision), this restriction could make as of right development of multi-family housing unavailable on new lots. EOHLC cautions the City against strictly applying this provision in a manner that affects the District's ability to provide for its unit capacity requirement.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Gloucster's compliance with Section 3A, and may require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, bruce.tarr@masenate.gov
Representative Ann-Margaret Ferrante, ann-margaret.ferrante@mahouse.gov
Gregg Cademartori, City of Gloucester, gcademartori@gloucester-ma.gov
Alex Koppelman, City of Gloucester, akoppelman@gloucester-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: brassarde@grafton-ma.gov

September 30, 2024

Evan Brassard, Town Administrator
Town of Grafton
30 Providence Road
Grafton, MA 01519

Re: Grafton - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Brassard:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Grafton's MBTA Communities overlay district, (MCMOD) which is comprised of five subdistricts (District). After careful review and analysis, EOHLC has determined that Grafton is **compliant** with Section 3A, as it finds that Grafton meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Grafton for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Grafton is designated as an Adjacent Community with 7,760 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 776 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **106.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,545 units.**
3. The gross density of the District is estimated at **18.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The MCMOD 2 subdistrict contains an Inclusionary Zoning requirement of 20% of units for ownership projects and 25% for rental projects 8 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	106.5	106.5
Multi-family unit capacity (units)	776	1,545	1,545
Gross density (units per acre)	15	18.4	18.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Zoning text for the MBTA Communities MCMOD and its subdistricts provides that all other provisions of the underlying zoning district remain in full force. EOHLC cautions the Town to not amend underlying zoning so that multi-family development is precluded. Another way to address this concern is to specifically allow multi-family development in each of the MCMOD subdistricts.

- Section 10.14.D.3. allows the Planning Board to deny a project if it cannot "adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions". We caution the Town and the Planning Board against applying this discretionary standard to as of right multifamily housing projects in the District in a manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section 8.0 Traffic Control. The Town's requirements in this section may require multi-family developments to be subject to traffic studies. These studies and plans may affect as of right development in the District. We caution the Town against applying this section to as of right multifamily housing projects in the District.

- The Economic Feasibility Analysis submitted with the application only modeled projects with 200 units, yet the threshold for triggering Inclusionary Zoning requirements is set at 8 units. The Town should monitor whether these requirements make as of right multi-family housing infeasible.

- Portions of the District overlap with Grafton's Water Supply District. EOHLC cautions the Town against applying the rules of the Water Supply District in a manner that would trigger a special permit requirement for multifamily housing or would reduce the District's capacity below the estimates submitted for compliance with Section 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If Inclusionary Zoning requirements or permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Grafton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative David Muradian, David.Muradian@mahouse.gov
Fiona Coughlin, Town of Grafton, coughlanf@grafton-ma.gov

Via Email: mhaddad@grotonma.gov

May 29, 2025

Town Manager Mark Haddad
Groton Town Hall
173 Main Street
Groton, MA 01450

Re: Groton –Determination of Compliance with Section 3A of the Zoning Act

Dear Town Manager Haddad:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Groton's "MBTA Communities Multi-Family Overlay District" (District). After careful review and analysis, EOHLC determined that Groton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Groton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Groton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Groton is designated as an Adjacent Small Town with 4,153 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 208 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **50.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **739 units.**
3. The gross density of the District is estimated at **16.5 dwelling units per acre**.

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4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	50.2	50.2
Multi-family unit capacity (units)	208	739	739
Gross density (units per acre)	15	16.5	16.5
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Groton's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

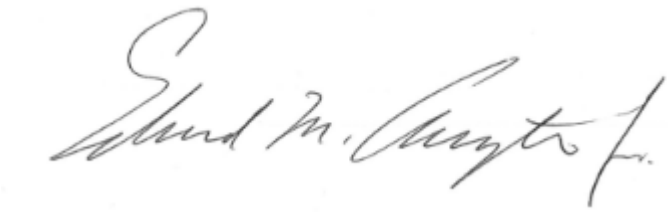
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin john.cronin@masenate.gov
Representative Danillo Sena, Danillo.Sena@mahouse.gov
Representative Margaret Scarsdale, Margaret.Scarsdale@mahouse.gov
Takashi Tada, Town of Groton, ttada@grotonma.gov

Via Email: roldham@grovelandma.com

November 10, 2025

Rebecca Oldham, Town Administrator
Town of Groveland
41 Pleasant Street, Room 303
Groveland, MA 01844

Re: Groveland - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Oldham,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Groveland's Multi-family Overlay District ("District"). After careful review and analysis, EOHLC determined that Groveland is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Groveland to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Groveland for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Groveland is designated as an Adjacent small town with 2,596 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 130 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **10.08 acres**.
2. As of right multi-family unit capacity for the district is estimated at **133 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	10.36	10.08
Multi-family unit capacity (units)	130	137	133
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The submitted District included 0 Salem Street, which appears to fall short of the District's minimum frontage requirement. EOHLC removed its unit capacity because it cannot currently be developed as of right. This adjustment reduced the District's determined unit capacity to 133 units from 137 units and the land area to 10.08 acres from 10.36 acres. The adjustment did not change the District's gross density. EOHLC recommends ensuring that all parcels in the District conform to dimensional zoning requirements.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in Sections XIII: Site Plan Approval of Groveland's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, bylaw, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Groveland's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, bruce.tarr@masenate.gov
Representative Adrienne Pusateri Ramos, adrienne.ramos@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jdomelowicz@hamiltonma.gov

November 14, 2025

Joseph Domelowicz, Town Manager
Town of Hamilton
P.O. Box 429
Hamilton, MA 01936

Re: Hamilton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Domelowicz:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Hamilton's Willow Street Mixed Use, Bay Road Mixed Use, Downtown Residential, and 3A Multi-Family Overlay zoning districts (together, "District"). After careful review and analysis, EOHLC determined that Hamilton is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Hamilton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Hamilton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Hamilton is designated a Commuter Rail community with 2,925 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 49 acres, and a minimum multi-family unit capacity of 731 units. At least twenty percent (20%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **49.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **732 units**.
3. The gross density of the District is estimated at **15.6 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	49	49.3	49.6
Multi-family unit capacity (units)	731	732	732
Gross density (units per acre)	15	15.7	15.6
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	20	53.8	53.8
Land area to be located in a transit station area (%)	20	61.2	61.8

EOHLC identified the following discrepancies from the submitted area and density metrics:

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) in the subdistricts, pursuant to the definition of Gross Density in the Regulations. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change resulted in the land area increasing from 49.3 to 49.6 acres. This also contributed to a change in the District's Gross Density, detailed below.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model to reflect the land area that is used for calculating Gross Density. This, in combination with the increase in land area to reflect ROWs, reduced the Gross Density from 15.7 units per acre to 15.6 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 6.2.6 Common Driveways of the Town's zoning bylaw requires a special permit when two or more lots share a common driveway. EOHLC cautions the Town against subjecting any multifamily housing proposals in the District to special permit requirements, to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Hamilton's zoning bylaw lean towards discretionary criteria which may affect "as of right" approvals for development

proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Hamilton's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Mark Connors, Town of Hamilton, mconnors@hamiltonma.gov

Via Email: Joseph.Colangelo@hanover-ma.gov

February 19, 2026

Joseph Colangelo, Town Manager
Town of Hanover
550 Hanover Street
Hanover, Massachusetts 02339

Re: Hanover - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Colangelo,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Hanover's *Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Hanover is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Hanover for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Hanover is designated an Adjacent Community with 5,268 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 750 units, a minimum land area of 50 acres, and a minimum gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **62.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **930 units**.
3. The gross density of the District is estimated at **16.0 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	70.9	62.0
Multi-family unit capacity (units)	750	1,064	930
Gross density (units per acre)	15.0	15.8	16.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the **submitted area, unit capacity and gross density metrics**:

- The District, as submitted, is comprised of a single parcel. A portion of the parcel has overlapping geography with the Town's *Water Resource Protection District*. Due to the application of numerous restrictions to development, including the need for a potential developer to seek a special permit to develop multi-family housing within the overlapping geography, EOHLC removed the coterminous geography from the zoning metrics. The resulting metrics include a deviation of 8.9 acres between the submitted and determined land area.

- The District, as submitted, did not account for right-of-way areas. The definition of Gross Density, defined in G.L. c. 40A, sec. 1A, necessitates that right-of-way areas be included in any measurement of gross density. EOHLC staff adjusted the data and the compliance model to account for right-of-way areas.

- Due to the adjustments described above, the unit capacity decreased from 1,064 units to 930 units.

- Gross density: Accounting for the changes in unit capacity and land area, the gross density increased from 15.8 units per acre to 16.0 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Hanover's Floodplain restrictions, found in Section 6.770 of Hanover's zoning bylaw, may require a special permit for certain developments. Although overlapping geography with the District is minor, EOHLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in the site plan review and approval section of Hanover's zoning bylaw are discretionary criteria, which may affect as of right approvals for development

proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- The Town's bylaw imposes numerous exactions for developments in the District which are collected and distributed into various town funds, at the discretion of the Planning Board, and include funds "such as the Rt. 53 Design Fund, the Street Safety Fund, the Planning Board Oversight Fund and other capital and capital planning funds designated by the Planning Board. Other funds may include, but not be limited to, capital funds benefiting the Department of Public Works, Fire Department, and Police Department". EOHLC cautions the Town against requiring extraneous payments for the development of as-of-right multi-family housing within the District.

- The Town requires "Architectural Design Review" for any project subject to site plan review. Section 10.150 of the Town's zoning bylaw states: "Failure of the applicant to address concerns raised by the Board relative to the proposed plans shall be reasonable grounds for the Planning Board to approve or disapprove the submission or to continue any applicable hearing or administrative review to allow sufficient time for the applicant to make design changes and address comments accordingly". As this review is discretionary EOHLC cautions the Town against applying any associated review in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose performance standards, discretionary criteria, and the submission of additional application materials on certain development projects, including, but not limited to: Traffic Impact Assessments; Environmental Impact Assessments; Fiscal Impact Assessments; Community Impact Assessments; and Utility Assessment Study. EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require that the town make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Hanover's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Keenan, John.Keenan@masenate.gov
Representative David DeCoste, David.DeCoste@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: LGreen@HANSON-MA.gov

November 21, 2025

Lisa Green, Town Administrator
Hanson Town Hall
542 Liberty Street
Hanson, MA 02341

Re: Hanson - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Green,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Hanson's "MBTA Communities Multi-family Overlay District" ("District"). After careful review and analysis, EOHLC determined that Hanson is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Hanson for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Hanson is designated as a Commuter Rail Community with 3,960 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units. At least twenty percent (20%) of the Town's requirements must be met within ½ mile of transit station areas.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **78.7 acres**.
2. As of right multi-family unit capacity for the district is estimated at **873 units.**
3. The gross density of the District is estimated at **17 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. At least **twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	78.7	78.7
Multi-family unit capacity (units)	750	873	873
Gross density (units per acre)	15	17	17
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to Hanson's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of "Dwelling, Multi-family" in the zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A

- This determination relies on the Town's representation that the provision found in Section VI.O.B.2, *Underlying Zoning*, which states: "The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD", allows development to proceed as of right for multi-family housing without the need for any special permits or discretionary requirements found elsewhere in Hanson's Zoning Bylaw.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance

with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Hanson's compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Brady, Michael.Brady@masenate.gov
Representative David DeCoste, David.DeCoste@mahouse.gov
Representative Kenneth Sweezey, Ken.Sweezey@mahouse.gov
Antonio De Frias, Town of Hanson, tdefrias@hanson-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: dnason@harvard-ma.gov

September 30, 2024

Daniel Nason, Town Administrator
Town of Harvard
13 Ayer Rd.
Harvard MA 01451

Re: Harvard - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Nason:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Harvard multi-family zoning which is comprised of the MBTA Communities Multi-family Overlay District (District). After careful review and analysis, EOHLC has determined that Harvard is **compliant** with Section 3A, as it finds that Harvard meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Harvard for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Harvard is designated as an Adjacent Small Town with 2,251 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with minimum multi-family unit capacity of 113 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **8.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **120 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	n/a	8.0	8.0
Multi-family unit capacity (units)	113	120	120
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- EOHLC is aware that the Attorney General's office has informed the Town that there was a procedural flaw in the zoning amendment process and that the Town is working to address that flaw. EOHLC will revisit this determination if there are changes to the zoning required by the Attorney General's office.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Dan Sena, Danillo.Sena@mahouse.gov
Frank O'Connor, Town of Harvard, foconnor@harvard-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayor@cityofhaverhill.com

January 2, 2025

Melinda Barrett, Mayor
City of Haverhill
4 Summer St - Room 100
Haverhill, MA 01830

Re: Haverhill - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Mayor Barrett:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Haverhill's "Downtown Smart Growth Overlay District" and the "Merrimack Street Gateway Renaissance Overlay District", along with the "Waterfront Zoning District", which is comprised of two subdistricts. After careful review and analysis, EOHLC has determined that Haverhill is **compliant** with Section 3A, as it finds that Haverhill meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Haverhill for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Haverhill is designated as a Commuter Rail Community with 27,927 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 4,189 units. At least fifty (50%) percent of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **118.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **10,045 units.**
3. The gross density of the District is estimated at **118.3 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.

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5. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	118.5	118.5
Multi-family unit capacity (units)	4,189	10,045	10,045
Gross density (units per acre)	15	118.3	118.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of Section 9.3 Plan Approval pursuant to Haverhill's zoning bylaw. The standards set forth in the plan approval must be adhered to in an "as of right" fashion for development proposals in the District. EOHLC cautions the City against applying plan approval criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

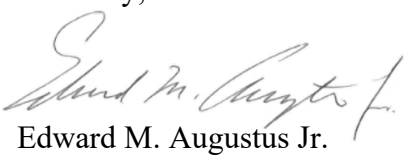
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the

estimated multi-family unit capacity of the District, EOHLC may revisit Haverhill's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator Barry Finegold, Barry.Finegold@masenate.gov
Senator Pavel Payano, Pavel.Payano@masenate.gov
Representative Andy Vargas, andy.vargas@mahouse.gov
Representative Ryan Hamilton, Ryan.Hamilton@mahouse.gov
William Pillsbury, City of Haverhill, wpillsbury@cityofhaverhill.com

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Edward M. Augustus Jr., Secretary

Via email: mayot@hingham-ma.gov

March 19, 2025

Tom Mayo, Town Administrator
210 Central Street
Hingham, MA 02050

Re: Hingham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Mayo:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Hingham's Multi-Family Overlay District (District). After careful review and analysis, EOHLC has determined that Hingham is **compliant** with Section 3A, as it finds that Hingham meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this Determination of Compliance by EOHLC qualifies Hingham for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Hingham is designated a Commuter Rail community with 9,930 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 1,490 units, and a minimum gross density of 15 units per acre. Additionally, at least seventy-five (75%) of the district must be within a half-mile of a transit station.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,493 units**.
3. The gross density of the District is estimated at **28.7 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five (75%)** of the required land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	59.5	59.5
Multi-family unit capacity (units)	1,490	1,493	1,493
Gross density (units per acre)	15	28.7	28.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the major site plan review section of Hingham's zoning bylaw lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Satisfaction of the posting/publishing requirements of G.L. c. 40, Section 32 as referenced in the Attorney General's approval letter for Article 34 of Hingham's Annual Town Meeting of April 24, 2024 – Case #11418 dated August 22, 2024.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Joan Meschino, Joan.Meschino@mahouse.gov
Emily Wentworth, Town of Hingham, wentworthe@hingham-ma.gov

Via Email: atm_hr_holliston.k12.ma.us

March 19, 2025

Kathleen Buckley
Town of Holliston
703 Washington Street
Holliston, MA 01746

Re: Holliston - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Acting Town Manager Buckley:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Holliston's "MBTA Multi-Family Housing Overlay District" which is comprised of two subdistricts (District). After careful review and analysis, EOHLC has determined that Holliston is **compliant** with Section 3A, as it finds that Holliston meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this Determination of Compliance by EOHLC qualifies Holliston for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the MBTA Communities Catalyst Fund, and EOHLC will contact your staff with details once the Notice of Funding Availability (NOFA) and application materials are available.

Holliston is designated as an Adjacent Community with 5,562 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **76 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,216 units.**
3. The gross density of the District is estimated at **20 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	76	76
Multi-family unit capacity (units)	750	1,251	1,216
Gross density (units per acre)	15	21	20
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted unit capacity and density metrics:

- Unit Capacity: The Compliance Model submitted did not reflect the 30% open space requirement in the District. Accounting for that requirement leaves the estimated unit capacity well above the requirement.

- Gross Density: The adjustment to unit capacity slightly reduces the district's gross density.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Holliston's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

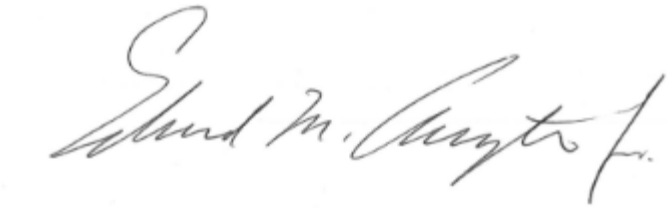
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Holliston's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Karen Spilka, Karen.Spilka@masenate.gov
Representative James Arena-DeRosa, James.Arena-DeRosa@mahouse.gov
Karen Sherman, Town of Holliston, shermank@holliston.k12.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Juana B. Matias, Secretary

Via Email: Elainel@hopkintonma.gov

June 8, 2026

Elaine Lazarus, Town Manager
Town of Hopkinton
18 Main Street
Hopkinton, MA 01748

Re: Hopkinton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Lazarus:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Hopkinton's "MBTA Communities Multifamily Overlay District", which is comprised of two subdistricts ("District"). After careful review and analysis, HLC determined that Hopkinton is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Hopkinton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Hopkinton is designated as an Adjacent Community with 6,645 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

HLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **54.9 acres**.
2. As of right multi-family unit capacity for the district is estimated at **775 units.**
3. The gross density of the District is estimated at **17.7 dwelling units per acre**.
4. The District contains one contiguous land area that is at least fifty percent (50%) of the total district land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	54.9	54.9
Multi-family unit capacity (units)	750	775	775
Gross density (units per acre)	15	17.7	17.7
One 50% contiguous area	Yes	Yes	Yes

HLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Hopkinton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria, which may affect "as of right" approvals for development proposals in the District. HLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- The Town's Water Resources Protection Overlay District (WRPOD) requires a special permit for any use that will render impervious more than 15% or 2,500 square feet of any lot. This determination relies on the provision in Section 210-252(C) of the Town's zoning bylaw, which states: "use, dimension, and all other provisions…. [of the] underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD". This provision will allow multi-family housing developments to be permitted as of right within the MCMOD without the need for a special permit under the WRPOD, as the MCMOD provision supersedes other requirements when multi-family housing is proposed in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in

whole or in part, HLC may require remedies or may rescind a determination of district compliance.

- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Hopkinton's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senate President Karen Spilka, Karen.Spilka@masenate.gov
Representative James Arena-DeRosa, James.Arena-DeRosa@mahouse.gov
John Gelcich, Town of Hopkinton, jgelcich@hopkintonma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jconstable@town.hull.ma.us

September 30, 2024

Jennifer Constable, Town Manager
Town of Hull
253 Atlantic Avenue
Hull, MA 02045

Re: Hull - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Constable:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Hull multi-family zoning which is comprised of three districts (District). After careful review and analysis, EOHLC has determined that Hull is **compliant** with Section 3A, as it finds that Hull meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Hull for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Hull is designated as an Adjacent Community with 5,856 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 7 acres, and a minimum multi-family unit capacity of 586 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **54.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **742 units.**
3. The gross density of the District is estimated at **15.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	7	54.2	54.2
Multi-family unit capacity (units)	586	742	742
Gross density (units per acre)	15	15.9	15.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- As acknowledged in the application, the Town has an Economic Feasibility Analysis (EFA) that is still pending. Please provide the EFA as soon as possible. The level of affordability in the Town's inclusionary zoning is just enough to trigger the EFA requirement and EOHLC appreciates the efforts to demonstrate feasibility of multi-family development.

- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- EOHLC approval of the EFA.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Joan Meschino, Joan.Meschino@mahouse.gov
Christopher Diiorio, Town of Hull, cdiiorio@town.hull.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jconstable@town.hull.ma.us

February 28, 2025

Jennifer Constable, Town Manager
Town of Hull
253 Atlantic Avenue
Hull, MA 02045

Re: Hull - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Constable:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Hull multi-family zoning which is comprised of three districts (District). After careful review and analysis, EOHLC has determined that Hull is **compliant** with Section 3A and 760 CMR 72.10 (the Regulations), as it finds that Hull meets, or exceeds, the requirements of Section 3A and the Regulations.

Please note that this Determination of Compliance by EOHLC qualifies Hull for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program on the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov.

Hull is designated as an Adjacent Community with 5,856 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 7 acres, and a minimum multi-family unit capacity of 586 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **54.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **742 units.**
3. The gross density of the District is estimated at **15.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. Hull's inclusionary housing requires that projects resulting in a net increase of at least ten dwelling units set aside ten percent of units as deed restricted affordable. For projects resulting in three or more deed restricted units, some units must be set aside for households earning less than eighty percent of area median income. In connection with Section 72.04(1)(b) of the Regulations, Hull submitted an Economic Feasibility Analysis. EOHLC determined that the submitted analysis demonstrates that a reasonable variety of multi-family housing types can be feasibly developed at the required affordability levels.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	7	54.2	54.2
Multi-family unit capacity (units)	586	742	742
Gross density (units per acre)	15	15.9	15.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Joan Meschino, Joan.Meschino@mahouse.gov
Christopher Diiorio, Town of Hull, cdiiorio@town.hull.ma.us

Via Email: thomasy@ipswichma.gov

January 29, 2026

Thomas Younger, Town Manager
25 Green Street
Ipswich, MA 01938

Re: Ipswich - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Younger:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Ipswich's *Section 3A Multi-family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Ipswich is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Ipswich to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Ipswich for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Ipswich is designated a Commuter Rail community with 6,476 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 971 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **52.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **989 units**.
3. The gross density of the District is estimated at **15.6 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District, except in the MOD-4 subdistrict, imposes an inclusionary zoning requirement for at least 15% of for-sale units in projects over 7 units to be made available to households earning up to 80% of Area Median Income (AMI), and for 10% of rental units in projects over 9 units at to be made available to households earning up to 60% AMI. EOHLC determined that the Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
9. 25% or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed-Use" (MMU) area, called the Multifamily Overlay District 4 ("MOD-4"), pursuant Section 72.05 of the Regulations.
10. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	57	52.9
Multi-family unit capacity (units)	971	1,079	989
Gross density (units per acre)	15	16.1	15.6
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (% of Req)	40	77	68
Land area to be located in a transit station area (%of Req)	40	84	75

EOHLC identified the following discrepancies from the submitted area and density metrics:

- EOHLC removed the land area and unit capacity from 6 Estes Street because it appeared to be substantially affected by Section IX.D Floodplain District that may prohibit as of right development. The submitted District meets approval criteria without including the capacity and land area of the affected parcel. Removing the parcel reduced the unit capacity from 1,079 units to 989, the land area from 57 acres to 52.9, and the gross density from 16.1 units per acre to 15.6.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against applying the Inclusionary Housing Balance By-Law and Inclusionary Housing Payment-in-Lieu Planning Board Regulation in a manner that may prohibit as-of-right development of multi-family housing in the District.

- This determination is subject to EOHLC's interpretation that the parking requirement in Section IX.V.F does not apply to nonresidential uses allowed as-of-right in the Mandatory Mixed-Use District, pursuant to Section 72.05 of the Regulations.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Ipswich's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Alan Manoian, Town of Ipswich, alanm@ipswichma.gov

Via Email: khickey@kingstonma.gov
February 24, 2025

Keith Hickey, Town Administrator
Town of Kingston
26 Evergreen Street
Kingston, MA 02364

Re: Kingston - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Hickey:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Kingston's "MBTA Communities Multifamily Overlay District", which is comprised of two subdistricts. After careful review and analysis, EOHLC has determined that Kingston is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Kingston to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Kingston for the MBTA Communities Catalyst Fund which was announced by Governor Healey last June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Kingston is designated as a Commuter Rail Community with 5,364 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 805 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **56.9 acres**.
2. As of right multi-family unit capacity for the district is estimated at **836 units.**
3. The gross density of the District is estimated at **16.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. At least forty percent (40%) of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	56.9	56.9
Multi-family unit capacity (units)	805	836	836
Gross density (units per acre)	15	16.2	16.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Kingston's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit

requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Kingston's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Dylan Fernandes, dylan.fernandes@masenate.gov
Representative Kathleen LaNatra, kathleen.lanatra@mahouse.gov
Valerie Massard, Town of Kingston, vmassard@kingstonma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: asukeforth@lakevillema.org
February 24, 2025

Andrew Sukeforth, Town Administrator
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Re: Lakeville - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Sukeforth:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Lakeville's "Lakeville Station District" and the "Nemasket River District." After careful review and analysis, EOHLC has determined that Lakeville is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Lakeville to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Lakeville for the MBTA Communities Catalyst Fund which was announced by Governor Healey last June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Lakeville is designated as an Adjacent Small Town with 4,624 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 231 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **35.1 acres**.
2. As of right multi-family unit capacity for the district is estimated at **770 units.**
3. The gross density of the District is estimated at **24.1 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	-	35.1	35.1
Multi-family unit capacity (units)	231	770	770
Gross density (units per acre)	15	24.1	24.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of Section 6.7 Site Plan Review pursuant to Lakeville's zoning bylaw. The standards set forth in the plan review must be adhered to in an "as of right" fashion for development proposals in the District, specifically with respect to Section 6.7.8.1. EOHLC cautions the Town against applying plan approval criteria in a discretionary manner that is inconsistent with G.L. c.40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Lakeville's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rodrigues, Michael.Rodrigues@masenate.gov
Representative Norman Orrall, norman.orrall@mahouse.gov
Nancy Durfee, Town of Lakeville, ndurfee@lakevillema.org

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: officeofthemayor@cityoflawrence.com

June 12, 2025

Mayor Brian DePeña
City of Lawrence
200 Common Street
Lawrence, MA 01840

Re: Lawrence – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor DePena,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Lawrence's "MBTA Community Development Overlay District" (District). After careful review and analysis, EOHLC determined that Lawrence is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Lawrence to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Lawrence for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Lawrence is designated as Commuter Rail community with 30,008 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 39 acres, and a minimum multi-family unit capacity of 4,501 units. At least forty percent (40%) of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **43.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **4,945 units.**
3. The gross density of the District is estimated at **114.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	39	43.3	43.8
Multi-family unit capacity (units)	4,501	4,945	4,945
Gross density (units per acre)	15	114.7	114.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the land area and gross density metrics:

- To account for the right of way (ROW) that was included in the GIS map but not in the Compliance Model, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change resulted in the land area increasing to 43.8 acres from 43.3. This did not change the gross density of the District.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Lawrence's zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Lawrence's zoning ordinance lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A

Please note that continued district compliance is **subject to** the following requirements:

- Lawrence's application for district compliance has an outstanding item that must be submitted to EOHLC as soon as possible. Please submit a statement on municipal letterhead signed by the City Clerk, certifying that the zoning maps and text submitted in connection with the application is the complete and up to date zoning in the municipality.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multi-family housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Lawrence's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities district. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Pavel Payano, Pavel.Payano@masenate.gov
Representative Francisco Paulino, Francisco.Paulino@mahouse.gov
Representative Estela Reyes, Estela.Reyes@mahouse.gov
Representative Frank Moran, Frank.Moran@mahouse.gov
Daniel McCarthy, City of Lawrence, dmccarthy@cityoflawrence.com

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: genereuxd@leicesterma.org

January 16, 2026

David Genereux, Town Administrator
Town of Leicester
3 Washburn Square
Leicester, MA 01524

Re: Leicester - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Genereux,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Leicester's *MBTA Communities Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Leicester is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Leicester for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Leicester is designated an Adjacent Small Town with 4,371 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 219 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **30.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **221 units**.
3. The gross density of the District is estimated at **15.0 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	28.5	30.8
Multi-family unit capacity (units)	219	221	221
Gross density (units per acre)	15.0	17.7	15.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The GIS data submitted with Leicester's district compliance application did not include right-of-way areas abutting each of the subdistricts. EOHLC staff adjusted the data and the compliance model to account for right-of-way areas, which resulted in an adjustment to the gross density of the District. The adjustments increased the District's land area from 28.5 to 30.8 acres and decreased its Gross Density from 17.7 to 15.0 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan approval section of Leicester's zoning ordinance lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose "development standards" and, possibly, additional application materials for multi-family developments with 3 or more units. EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification

must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

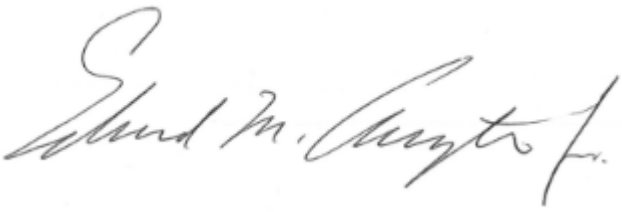
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Leicester's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Peter Durant, peter.durant@masenate.gov
Representative Donald Berthiaume, Donald.Berthiaume@mahouse.gov
Representative Paul Frost, Paul.Frost@mahouse.gov
Representative David LeBoeuf, david.leboeuf@mahouse.gov
Kristen Jacobsen, Town of Leicester, jacobsenk@leicesterma.org

Via Email: dmazzarella@leominster-ma.gov

April 25, 2025

Mayor Dean Mazzarella
25 West Street
Leominster, MA 01453

Re: Leominster - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Mazzarella:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Leominster's Multi-Family Overlay District with three subdistricts (District). After careful review and analysis, EOHLC has determined that Leominster is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Leominster to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Leominster for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Leominster is designated a Commuter Rail community with 18,732 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,810 units. At least forty percent (40%) of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **163.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,814 units**.
3. The gross density of the District is estimated at **17.2 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	173.5	163.9
Multi-family unit capacity (units)	2,810	2,814	2,814
Gross density (units per acre)	15	17.2	17.2
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	40	100	100
Land area to be located in a transit station area (%)	40	100	100

EOHLC identified the following **discrepancy from the submitted land area metric:**

- Leominster's application contains inconsistencies between the land area reflected in the application form, in the compliance model, and in GIS shapefiles. EOHLC used the compliance model's land area for this determination, which also informed the District's gross density.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Leominster's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

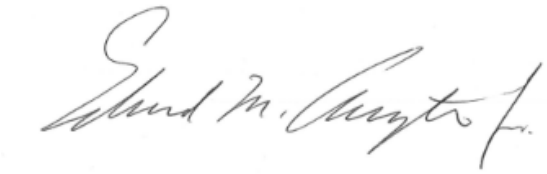
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Leominster's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, john.cronin@masenate.gov
Representative Natalie Higgins, Natalie.Higgins@mahouse.gov
Elizabeth Wood, City of Leominster, ewood@leominster-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

July 29, 2024

James J. Malloy
Town Manager
1625 Massachusetts Avenue
Lexington, MA 02420

Dear Mr. Malloy:

Lexington – District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

This determination is a follow up to the November 29, 2023, letter from Secretary Edward M. Augustus, Jr. which stated that Lexington's compliance status was contingent on making technical changes to the town's zoning bylaw. As such, some information will be repeated from that letter.

The Executive Office of Housing and Livable Communities (EOHLC) received a district compliance application from the Town of Lexington submitted electronically on June 26, 2023. The application requested that EOHLC grant a determination of compliance for the Town of Lexington's three zoning overlay districts, namely the "Village Overlay" (VO), "Multi-Family Overlay" (MFO), and "Village High-Rise Overlay" (VHO) districts, which are together considered the district put forward for compliance (District), based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

In January, EOHLC received additional material from the Town related to the Economic Feasibility Analysis (EFA). At the Annual Town Meeting that began on March 18, 2024, Lexington's Inclusionary Zoning bylaw was amended to increase the number of units that trigger requirements for affordable units from 8 units to 14 units. On May 13, 2024, the Town submitted the revised zoning to EOHLC.

The EOHLC MBTA Communities staff have had the opportunity to meet with Town planning and development officials. We appreciate the collaborative nature of these recent meetings in which Town staff confirmed that the dimensional zoning relief provided in Section 7.5.5 (2) to lots with "existing" buildings, applies to any lot on which a building exists at the time of a project's application. On May 14, 2024, Planning Director Abigail McCabe sent an email to EOHLC confirming that the lot area of lots without existing buildings may be combined with adjacent lots with existing

buildings, and the newly combined lot shall be considered a lot with an existing building, eligible for the dimensional zoning relief.

After careful review and analysis, EOHLC determined that Lexington is **compliant** with Section 3A, as it finds that Lexington meets, or exceeds, the requirements of Section 3A and the Guidelines. This letter **also confirms** EOHLC's determination that the Economic Feasibility Analysis (EFA) supports feasibility of Lexington's inclusionary zoning bylaw, as amended.

Lexington is designated as an adjacent community with 12,310 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,231 units. At least half of the district must be comprised of contiguous lots of land.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **228.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **12,546 units.**
3. The gross density of the District is estimated at **57.9 dwelling units per acre**.
4. The District meets the **fifty (50%) percent** contiguity requirement because at least half of one area (Bedford/Worthen Street), that meets minimum land area, minimum multi-family unit capacity, and gross density, comprises contiguous lots of land.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.[1]
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.
8. EOHLC reviewed the Economic Feasibility Analysis submitted by the Town in connection with Section 4b(ii) of the Guidelines and reviewed the revised zoning bylaw and determined that the analysis demonstrates feasibility for a reasonable variety of multi-family housing types requiring fifteen percent of units to be set aside as affordable.
9. The town's Planning Director sent an email on May 14, 2024, regarding the Town's interpretation of its zoning bylaw language which confirmed that the lot area of lots without existing buildings may be combined with adjacent lots with existing buildings, and the newly combined lot shall be considered a lot with an existing building, eligible for the dimensional zoning relief. After reviewing the written statement about the way the town will interpret section 7.5.5 (2) of its Zoning By-Law, EOHLC determined that the zoning bylaw language in Section 7.5.5(2) will be interpreted in a manner that will allow for development of multi-family housing by right. A copy of that email is attached.

[1] Other than certain dimensional relief that is limited to lots with existing buildings, and further described in the first district compliance condition below.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	253.25	228.20
Multi-family unit capacity (units)	1,231	13,421	12,546
Gross density (units per acre)	15.00	55.54	57.92
One 50% contiguous area	Yes	Yes	Yes

EOHLC determinations differ from the application estimates for the following reason:

- The portion of the District entitled "Lexington Center" does not allow multi-family housing as of right. Section 7.5.4(3) of Lexington's zoning bylaw requires non-residential uses on the ground floor of developments where the underlying zoning district is the Central Business (CB) district. The underlying zoning in the "Lexington Center" portion of the District is the CB district. Therefore, EOHLC removed the acreage (25.05), and unit capacity (875) of the Lexington Center portion from compliance calculations.

EOHLC noted **additional factors** that could affect as of right multi-family housing development in the District:

1. Multi-family housing developed in the District is subject to site plan review pursuant to Section 9.5 of Lexington's zoning bylaw and Planning Board regulations. The criteria and procedures set forth in the site plan review appear consistent with the requirements of Section 4.a. of the Guidelines.

2. The District is affected by multiple local historic districts and historic resources, including the Fair Oaks, Lexington Central Business, Concord Road Area, and East Village districts.

3. The District is minimally affected by the National Flood Insurance (NFI) overlay District. Since the overlap of the NFI overlay district and the District is minimal, and the District meets approval criteria without including the capacity of the affected parcels, EOHLC did not review the flood zone permitting process to determine whether it is consistent with the as of right zoning requirements of Section 3A.

Please note that continued district compliance is subject to the following requirements:

1. Permitting decisions made in connection with **additional factors** 1-3 above must not effectively reduce the estimated as of right multi-family unit capacity of the District. If permitting decisions do reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Lexington's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

2. Lexington must notify EOHLC in writing of any proposed zoning amendment that affect the 3A Districts, or of any other by-law, ordinance, rule, regulation, policy, or municipal action that limits the development of multi-family housing in the District. Such notification must be sent to the following email address: EOHLC3A@mass.gov .

3. EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

4. EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance if information submitted in the application was inaccurate, if the Town failed to notify EOHLC of a zoning amendment that affects the District, if the Town takes other action that causes the District to no longer comply with Section 3A, or if the Town's transit category changes because of new MBTA service or stations. Section 10 of the Guidelines describes recissions in further detail.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

enc. Email from Abigail McCabe, May 15, 2024

cc: Senator Cindy F. Friedman
Senator Michael Barrett
Representative Michelle L. Ciccolo

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via email: sbartha@lexingtonma.gov

August 8, 2025

Steve Bartha
Town Manager
1625 Massachusetts Avenue
Lexington, MA 02420

Re: Lexington – Confirmation of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Bartha:

The Executive Office of Housing and Livable Communities (EOHLC) received a request to review zoning amendments adopted at Lexington Town Meeting on April 28, 2025, for compliance with Section 3A. The request for review included warrant articles 2 and 34 from Special Town Meeting 2025-1, which amended the zoning bylaw and map for the "Village Overlay District" (District), which EOHLC previously determined is compliant with Section 3A. After careful review and analysis, EOHLC determined that Lexington remains **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Lexington to meet the requirements of the MBTA Communities Law.

Lexington is designated as an adjacent community with 12,310 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,231 units. At least half of the district must be comprised of contiguous lots of land.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **89.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,314 units.**
3. The gross density of the District is estimated at **15.1 dwelling units per acre**.
4. At least fifty percent (50%) of the District is one contiguous land area.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The Economic Feasibility Analysis previously submitted by the Town in connection with Lexington's inclusionary zoning requirements demonstrates feasibility for a reasonable variety of multi-family housing types based on the amended District.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **previously used for Lexington's compliance determination**, and estimates as **determined** by EOHLC following its review of the zoning amendments:

	Required	**Previous compliance determination**	**Determined**
Land area (acres)	50	228.2	89.6
Multi-family unit capacity (units)	1,231	12,546	1,314
Gross density (units per acre)	15.00	57.92	15.1
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is subject to the following requirements:

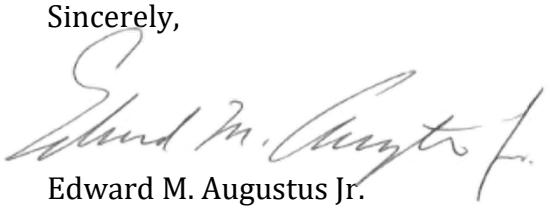
- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator Michael Barrett, mike.barrett@masenate.gov
Senator Cindy Friedman, cindy.friedman@masenate.gov
Representative Michelle Ciccolo, michelle.ciccolo@mahouse.gov
Representative Kenneth Gordon, ken.gordon@mahouse.gov
Abby McCabe, Town of Lexington, amccabe@lexingtonma.gov

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Via Email: higginst@lincolntown.org

September 30, 2024

Timothy Higgins, Town Administrator
Town of Lincoln
16 Lincoln Road
Lincoln, MA 01773

Re: Lincoln - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Higgins:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Lincoln's multi-family zoning which is comprised of four subdistricts (District). After careful review and analysis, EOHLC has determined that Lincoln is **compliant** with Section 3A, as it finds that Lincoln meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Lincoln for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Lincoln is designated as a Commuter Rail Community with 2,771 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 42 acres, and a minimum multi-family unit capacity of 635 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **64.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **648 units.**
3. The gross density of the District is estimated at **16.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The Town submitted an Economic Feasibility Analysis (EFA); however, it did not demonstrate that multi-family development is feasible under the District's Inclusionary Zoning that requires any project of 6 or more units have 15% of those units be affordable to households earning 80% or less of the Area Median Income (AMI). The smallest project modeled in the EFA was for 24 units, yet 80% of the parcels in the District would produce fewer than 24 units according to the Compliance Model. Should the Town wish to revisit the EFA analysis, please reach out to the EOHLC MBTA Communities team. The Town's underlying zoning provides for 10% of units to be affordable at 80% AMI, which does not require EFA approval from EOHLC.
9. Twenty-five (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" area pursuant to Section 5c of the Guidelines.
10. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	42	64.5	64.5
Multi-family unit capacity (units)	635	648	648
Gross density (units per acre)	15	16.8	16.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to site plan review pursuant to Section 17 of Lincoln's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Lincoln's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Carmine Gentile, Carmine.Gentile@mahouse.gov
Representative Alice Peisch, Alice.Peisch@mahouse.gov
Paula Vaughn-MacKenzie, Town of Lincoln, vaughnp@lincolntown.org

Via Email: JDuggan@LittletonMA.org

April 9, 2025

James Duggan, Town Administrator
Town of Littleton
37 Shattuck Street
Littleton, MA 01460

Re: Littleton – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Duggan,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Littleton's zoning amendments related to Section 3A of the Zoning Act (collectively, "District"). After careful review and analysis, EOHLC has determined that Littleton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Littleton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Littleton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Littleton is designated as Commuter Rail community with 3,889 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units. At least twenty percent (20%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **76.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,233 units.**
3. The gross density of the District is estimated at **16.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. At least **twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	76.9	76.9
Multi-family unit capacity (units)	750	1,233	1,233
Gross density (units per acre)	15	16.7	16.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Littleton's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Sections 175-221 through 175-226, regarding the "VC" district, appear to limit ground floor uses to commercial uses. There are two smaller parcels located in the VC district, adjacent to the larger "KSC" district, that were submitted for review. While these parcels may be affected by the provision limiting ground floor uses, EOHLC did not review any potential impact on unit capacity because the District satisfies all requirements without them.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- This determination relies on an interpretation of potential development within the King Street Crossing Zoning District submitted to EOHLC by Innes Associated on September 6, 2024. The response titled "Littleton Response to HLC Questions Innes Associates; Harrington Heep; Town Planner" details a permitting path forward for as-of-right development within the King Street Crossing Zoning District. EOHLC cautions the Town against applying special permit processes or criteria to otherwise as of right multi-family developments proposed in the District.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Littleton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative James Arciero, James.Arciero@mahouse.gov
Maren Toohill, Town of Littleton, MToohill@LittletonMA.org

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Via Email: tomgolden@lowellma.gov

September 30, 2024

Thomas A. Golden Jr., City Manager
City of Lowell
375 Merrimack Street
Lowell MA 01852

Re: Lowell - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear City Manager Golden:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Lowell's multi-family zoning which is comprised of three subdistricts (District). After careful review and analysis, EOHLC has determined that Lowell is **compliant** with Section 3A, as it finds that Lowell meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Lowell for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Lowell is designated as a Commuter Rail Community with 43,482 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 6,522 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **291.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **34,589 units.**
3. The gross density of the District is estimated at **118.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	291.4	291.4
Multi-family unit capacity (units)	6,522	34,589	34,589
Gross density (units per acre)	15	118.7	118.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- We caution the City not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Ed Kennedy, Edward.Kennedy@masenate.gov
Representative Rodney Elliott, Rodney.Elliott@mahouse.gov
Representative Vanna Howard, Vanna.Howard@mahouse.gov
Representative Rady Mom, Rady.Mom@mahouse.gov
Mayor Daniel Rourke, mayordanrourke@lowellma.gov
Francesca Cigliano, City of Lowell, fcigliano@lowellma.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jwarren@lunenburgma.gov

February 13, 2026

Jennifer Warren-Dyment, Town Manager
Town of Lunenburg
17 Main Street
Lunenburg, Massachusetts 01462

Re: Lunenburg - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Warren-Dyment:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Lunenburg's *Multi-family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Lunenburg is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Lunenburg to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Lunenburg for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Lunenburg is designated an Adjacent Small Town with 4,805 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 240 units and a gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **9.3 acres.**
2. As of right multi-family unit capacity for the District is estimated at **240 units**.
3. The gross density of the District is estimated at **25.9 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	9.2	9.3
Multi-family unit capacity (units)	240	336	240
Gross density (units per acre)	15	36.5	25.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the **submitted land area, unit capacity and gross density metrics**:

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) areas in the District, pursuant to the definition of Gross Density in G.L. c.40A Section 1A. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab in the Compliance Model. This change increased the land area from 9.2 to 9.3 acres. This also contributed to a change in the District's Gross Density, detailed below.

- Unit capacity: The Compliance Model submitted did not reflect the density restriction of 26.1 units/acre allowed in the District. To account for this, EOHLC adjusted the Compliance Model, which reduced the unit capacity from 336 units to 240 units.

- Gross density: Accounting for the adjusted land area and unit capacity reduced the gross density from 36.5 units per acre to 25.9 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 250-4.19B.2 of the District allows the Planning Board to modify any conflicting dimensional or design standards if the standards would reduce the District's (gross) density below 26.1 units per acre. EOHLC advises the Town to review proposed projects in a nondiscretionary manner consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in the site plan review and development standards sections of Lunenburg's zoning bylaw lean toward discretionary criteria, which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria and development standards criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Lunenburg's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, john.cronin@masenate.gov
Representative Margaret Scarsdale, Margaret.Scarsdale@mahouse.gov
Representative Michael Kushmerek, Michael.Kushmerek@mahouse.gov
Stephen Wallace, Town of Lunenburg, swallace@lunenburgma.gov

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Via Email: jared.nicholson@lynnma.gov

May 12, 2025

The Honorable Mayor Jared Nicholson
City of Lynn
3 City Hall Square
Lynn, MA 01901

Re: Lynn - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Nicholson,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Lynn's "CBD, R4, and R5 zoning districts" (District). After careful review and analysis, EOHLC has determined that Lynn is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Lynn to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Lynn for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Lynn is designated as a Commuter Rail Community with 36,782 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 5,517 units. At least forty percent (40%) of the City's requirements must be met within ½ miles of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **257.4 acres**.
2. As of right multi-family unit capacity for the district is estimated at **9,429.**
3. The gross density of the District is estimated at **52.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to Section 72.05(1)(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	257.4	257.4
Multi-family unit capacity (units)	5,517	8,050	9,429
Gross density (units per acre)	15	52.8	52.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted unit capacity and gross density metrics:

- The City of Lynn's district compliance application appropriately recognized that the unit capacity generated from its MMU district is distinct from its MBTA communities district. For the sake of simplicity, EOHLC's practice is to include MMU unit capacity in its determinations, resulting in 1,379 units **more** than what was submitted. Since the MMU area is not included in gross density calculations, the gross density number remains the same.

Please note that continued district compliance is **subject to** the following requirements:

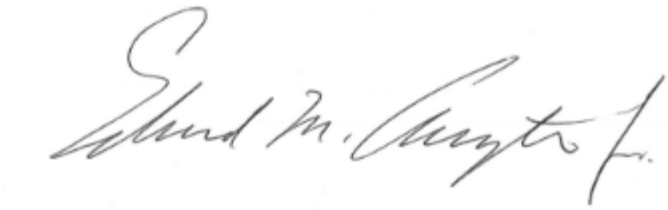
- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Brendan Crighton, Brendan.Crighton@masenate.gov
Representative Daniel Cahill, Daniel.Cahill@mahouse.gov
Representative Jennifer Balinsky Armini, Jennifer.Armini@mahouse.gov
Representative Sean Reid, Sean.Reid@mahouse.gov
Representative Donald Wong, Donald.Wong@mahouse.gov
Lauren Drago, City of Lynn, Lauren.Drago@LynnMA.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: rdolan@town.lynnfield.ma.us

June 9, 2025

Town Administrator Robert Dolan
Lynnfield Town Hall
55 Summer Street
Lynnfield, MA 01940

Re: Lynnfield –Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Dolan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Lynnfield's "Multifamily Overlay District" (District) with three subdistricts. After careful review and analysis, EOHLC determined that Lynnfield is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Lynnfield to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Lynnfield for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Lynnfield is designated as an Adjacent community with 4,773 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 40 acres, and a minimum multi-family unit capacity of 607 units.

EOHLC conducted a thorough review of the application, and makes the following preliminary determinations:

1. The District comprises **40.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **629 units.**
3. The gross density of the District is estimated at **21.6 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	40	40.6	40.6
Multi-family unit capacity (units)	607	629	629
Gross density (units per acre)	15	21.6	21.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 9.1 of Lynnfield's zoning bylaw requires a special permit for development in the Flood Plain District. Since the overlap between the District and the Flood Plain District is excluded land, the interpretation used for this determination is that the affected area does not contribute towards unit capacity because it is already excluded. If the Flood Plain District changes, EOHLC may revisit this compliance determination.

- The standards set forth in the site plan review section of Lynnfield's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

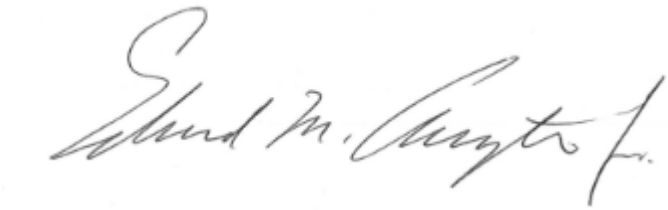
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Lynnfield's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Brendan Crighton, Brendan.Crighton@masenate.gov
Representative Bradley Jones, Bradley.Jones@mahouse.gov
Emilie Cademartori, Town of Lynnfield, ECademartori@town.lynnfield.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayor@cityofmalden.org

June 11, 2025

Mayor Gary Christenson
Malden City Hall
215 Pleasant Street
Malden MA 02148

Re: Malden – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Honorable Mayor Christenson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the materials provided by the City of Malden in response to EOHLC's determination of conditional compliance dated November 8, 2024, for the MBTA Communities Multi-Family Overlay District and Mandatory Mixed-use Overlay District (together, "District"). After careful review and analysis, EOHLC determined that Malden is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Malden to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Malden for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Malden is designated as a Rapid Transit Community with 27,721 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 31 acres, and a minimum multi-family unit capacity of 6,930 units. At least fifty percent (50%) of the District's minimum requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **162.20 acres**.
2. As of right multi-family unit capacity for the District is estimated at **6,932 units.**
3. The gross density of the District is estimated at **45.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area as currently configured.

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5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. For projects 8 units and over, the District contains an Inclusionary Zoning requirement that required support from an Economic Feasibility Analysis pursuant to Section 72.04(1)(b)1b. **EOHLC determined that the Economic Feasibility Analysis and the supplemental information provided by the City support the feasibility of multi-family housing development in the district**.
7. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to Section 72.05(1)(c) of the Regulations.
8. The multi-family housing allowed in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
9. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
10. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the district compliance application as revised, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	31	162.5	162.2
Multi-family unit capacity (units)	6,930	6,932	6,932
Gross density (units per acre)	15	43.6	45.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted unit capacity and gross density metrics:

- EOHLC reduced the District land area by 0.3 acres in connection with mapping changes adopted in response to EOHLC's determination of conditional compliance.

- EOHLC adjusted the gross density calculation to reflect the change in land area described above, and to remove the MMU portion of the District from the calculation

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Representative Paul Donato, Paul.Donato@mahouse.gov
Representative Kate Lipper-Garabedian, Kate.Lipper-Garabedian@mahouse.gov
Representative Steven Ultrino, Steven.Ultrino@mahouse.gov
Deborah Burke, City of Malden, dburke@cityofmalden.org
Michelle Romero, City of Malden, mromero@cityofmalden.org

Via Email: townadministrator@manchester.ma.us

August 6, 2025

Antonio Barletta, Town Administrator
Town of Manchester-by-the-Sea
10 Central Street
Manchester, MA 01944

Re: Manchester-by-the-Sea - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Barletta,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Manchester-by-the-Sea's Community Housing Overlay District (District). After careful review and analysis, EOHLC determined that Manchester-by-the-Sea is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Manchester-by-the-Sea to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Manchester-by-the-Sea for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Manchester-by-the-Sea is designated as a Commuter Rail Community with 2,433 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 37 acres and a minimum multi-family unit capacity of 559 units. At least forty percent (40%) of the Town's requirements must be met within ½ miles of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **39.72 acres**.
2. As of right multi-family unit capacity for the district is estimated at **586 units.**
3. The gross density of the District is estimated at **15.1 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District contains an Inclusionary Zoning requirement of 20% of units for projects 5 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the submitted Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	37	39.72	39.72
Multi-family unit capacity (units)	559	586	586
Gross density (units per acre)	15	15.1	15.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following additional factor that could affect as of right multi-family housing development in the District:

- The standards set forth in the design standards, site plan review and aesthetic standards sections of Manchester-by-the-Sea's zoning bylaw lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions Manchester-by-the-Sea against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

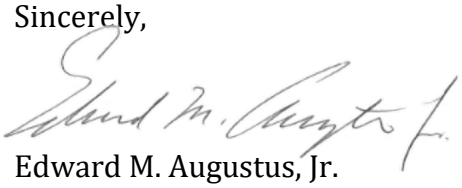
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Manchester-by-the-Sea's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Ann-Margaret Ferrante, Ann-Margaret.Ferrante@mahouse.gov
Marc Resnick, Town of Manchester-by-the-Sea, ResnickM@manchester.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via email: townmanager@mansfieldma.com

January 16, 2026

Josh Reinke, Acting Town Manager
Town of Mansfield
Six Park Row
Mansfield, MA 02048

Re: Mansfield – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Reinke,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the updated district compliance application for the Town of Mansfield's "Mansfield Station Revitalization Overlay District" ("District"). After careful review and analysis, EOHLC determined that Mansfield is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Mansfield to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Mansfield for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Mansfield is designated as a Commuter Rail community with 9,282 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 1,392 units, a minimum land area of 50 acres, and a gross density of at least 15 dwelling units per acre. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **77 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,441 units.**
3. The gross density of the District is estimated at **18.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	70.1	77
Multi-family unit capacity (units)	1,392	1,464	1,441
Gross density (units per acre)	15	21.9	18.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The above determined estimates are based on the updated materials submitted to EOHLC by the Town of Mansfield on December 10, 2025.
- A parcel in District 2 of the Compliance Model (F_732303_2838263) appears to have been added in error. EOHLC has removed the parcel from the Compliance Model, reducing the unit capacity and gross density for the District.
- The submitted District did not include right of way (ROW) areas in the District's land area input in the Compliance Model. The adjustments increased the District's land area and reduced the gross density.
- Unit capacity: Accounting for the removal of the parcel (F_732303_2838263) reduced the unit capacity from 1,464 to 1,441.
- Land Area: Adjustments to the ROW area in the District increased the land area from 70.1 acres to 77 acres.
- Gross Density: Accounting for the adjustment to the land area reduced the gross density from 21.9 units per acre to 18.7 units per acre.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Mansfield's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, Paul.Feeney@masenate.gov
Representative Michael Chaisson, Michael.Chaisson@mahouse.gov
Representative Edward Philips, Edward.Philips@mahouse.gov
Representative Adam Scanlon, Adam.Scanlon@mahouse.gov
Sarah Raposa, Town of Mansfield, SRaposa@mansfieldma.com

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayor@marlborough-ma.gov

June 26, 2025

The Honorable Mayor J. Christian Dumais
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Marlborough - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Dumais,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Marlborough's "Multi-Family MBTA Housing Overlay District" (District) which is comprised of three subdistricts. After careful review and analysis, EOHLC determined that Marlborough is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Marlborough to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Marlborough for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Marlborough is designated as an Adjacent Community with 17,547 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,755 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **112.4 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,779 units.**
3. The gross density of the District is estimated at **17.9 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	112.4	112.4
Multi-family unit capacity (units)	1,755	1,779	1,779
Gross density (units per acre)	15	17.9	17.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- Developments in the District are subject to Section 270-2 of the General Code. The standards set forth in these reviews lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the City against applying the review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multi-family housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Marlborough's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator James B. Eldridge, James.Eldridge@masenate.gov
Representative Carmine Gentile, Carmine.Gentile@mahouse.gov
Representative Danielle Gregoire, Danielle.Gregoire@mahouse.gov
Jason Grossfield, City of Marlborough, jgrossfield@marlborough-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: gjohnson@townofmaynard.net

November 25, 2024

Gregory Johnson
Town Administrator
Town of Maynard
195 Main Street
Maynard, MA 01754

Re: Maynard - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Johnson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Maynard's Powder Mill Overlay District (District). After careful review and analysis, EOHLC has determined that Maynard is **compliant** with Section 3A, as it finds that Maynard meets, or exceeds, the requirements of Section 3A and its Compliance Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Maynard for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Maynard is designated as an Adjacent community with 4,741 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 21 acres, a minimum multi-family unit capacity of 474 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **37 acres**.
2. As of right multi-family unit capacity for the District is estimated at **615 units.**
3. The gross density of the District is estimated at **17.5 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	21	37	37
Multi-family unit capacity (units)	474	615	615
Gross density (units per acre)	15	17.5	17.5
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the Affordable Housing Requirements set forth in Section 9.7.6 of the zoning bylaw. Section 9.7.6 sets the required percentage of deed restricted units available to households earning up to eighty percent of area median income at 20%, or the highest amount "allowable" by EOHLC. Maynard submitted an Economic Feasibility Analysis, and EOHLC finds that the analysis supports feasibility of multi-family development with the following affordability requirements:

  - For projects 6-12 units: 10%
  - For projects 13-17 units: 12%
  - For projects 18-20 units: 15%
  - For projects 21 or more units: 18%

  EOHLC determined that the Economic Feasibility Analysis supports feasibility at those above-listed percentages. EOHLC recommends that Maynard codify those requirements in Section 9.7.6 so that the requirements of the zoning bylaw are clear.

- Developments in the District are subject to site plan review requirements set forth in Section 10.5 of Maynard's zoning bylaw. The approval criteria could be considered discretionary criteria and may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to

EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

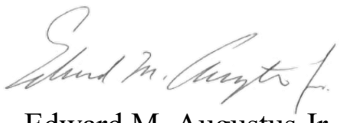
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Maynard's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator James Eldrige, James.Eldridge@masenate.gov
Representative Kate Hogan, Kate.Hogan@mahouse.gov
Bill Nemser, Town of Maynard, bnemser@townofmaynard.net

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: ktrierweiler@medfield.net

September 30, 2024

Kristine Trierweiler, Town Administrator
Town of Medfield
459 Main St
Medfield MA 02052

Re: Medfield - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Trierweiler:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Medfield's multi-family zoning which is comprised of 3 districts (District). After careful review and analysis, EOHLC has determined that Medfield is **compliant** with Section 3A, as it finds that Medfield meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Medfield for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Medfield is designated as an Adjacent Community with 4,450 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **51.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **862 units.**
3. The gross density of the District is estimated at **18.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	750	51.3	51.3
Multi-family unit capacity (units)	50	862	862
Gross density (units per acre)	15	18.4	18.4
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Rebecca Rausch, Becca.Rausch@masenate.gov
Representative Denise Garlick, Denise.Garlick@mahouse.gov
Representative. Marcus Vaughn, Marcus.Vaughn@mahouse.gov
Maria De La Fuente, Town of Medfield, mdelafuente@medfield.net

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Via Email: blungokoehn@medford-ma.gov

September 30, 2024

Mayor Breanna Lungo-Koehn
City of Medford
85 George P. Hassett Drive
Medford, MA 02155

Re: Medford - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Honorable Mayor Lungo-Koehn:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Medford's Wellington Station Multifamily Overlay District (WSMOD) (District). After careful review and analysis, EOHLC has determined that Medford is **compliant** with Section 3A, as it finds that Medford meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Medford for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Medford is designated as a Rapid Transit Community with 25,770 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 35 acres, and a minimum multi-family unit capacity of 6,443 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **136.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **6,921 units.**
3. The gross density of the District is estimated at **51.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	35	136.0	136.0
Multi-family unit capacity (units)	6,443	6,921	6,921
Gross density (units per acre)	15	51.7	51.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to site plan review. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- The City's site plan review appears to require a traffic impact and access plan and transportation demand management plan for most multi-family development in the District. These studies and plans may affect as of right development in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of

additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If site plan review, or reductions in projects based on traffic capacity reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Medford's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patricia Jehlen, Patricia.Jehlen@masenate.gov
Representative Christine Barber, Christine.Barber@mahouse.gov
Representative Paul Donato, Paul.Donato@mahouse.gov
Representative Sean Garballey, Sean.Garballey@mahouse.gov
Danielle Evans, City of Medford, devans@medford-ma.gov

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Via Email: mboynton@townofmedway.org

May 7, 2025

Michael Boynton, Town Manager
Town of Medway
155 Village Street
Medway, MA 02053

Re: Medway - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Boynton:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Medway's Multifamily Overlay District (District). After careful review and analysis, EOHLC has determined that Medway is **compliant** with Section 3A, as it finds that Medway meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this determination of compliance by EOHLC qualifies Medway for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Medway is designated an Adjacent Community with 4,826 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **50.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **805 units**.
3. The gross density of the District is estimated at **22.2 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.

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5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	50.2	50.2
Multi-family unit capacity (units)	750	805	805
Gross density (units per acre)	15	22.2	22.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The District is significantly affected by Medway's Zoning Bylaw Section 5.6.1: Flood Plain District. Upon review of the Flood Plain District and the District application, the interpretation used for this determination of compliance is that the District is the underlying zoning district and therefore the uses permitted in the District are allowed in the Flood Plain District.

- The standards set forth in the development plan review section of Medway's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Medway's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Karen Spilka, Karen.Spilka@masenate.gov
Representative Michael Soter, Michael.Soter@mahouse.gov
Representative Jeffrey Roy, Jeffrey.Roy@mahouse.gov
Jeremy Thompson, Town of Medway, jthompson@townofmedway.org

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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jgrigoraitis@cityofmelrose.org

September 22, 2025

The Honorable Mayor Jennifer Grigoraitis
City of Melrose
562 Main Street
Melrose, MA 02176

Re: Melrose – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Grigoraitis,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Melrose's Rail Corridor Overlay District, Smart Growth Overlay District, Urban Residential D District, and Medical Business District (collectively, "District"). After careful review and analysis, EOHLC determined that Melrose is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Melrose to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Melrose for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Melrose is designated a Commuter Rail community with 12,614 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 25 acres and a minimum multi-family unit capacity of 1,892 units. At least seventy-five percent (75%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **120.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,205 units.**
3. The gross density of the District is estimated at **15.3 units per acre**.
4. **At least seventy-five percent (75%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by two "Mandatory Mixed Use" (MMU) areas, called the Business A-1 and Business A-2 subdistricts, pursuant to Section 72.05(c) of the Regulations.
9. The District contains an Inclusionary Zoning requirement for 15% of units to be set aside for households earning 80% or less of Area Median Income for projects containing five or more dwelling units. EOHLC determined that the submitted Economic Feasibility Analysis supports the feasibility of multi-family development in the District.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	25	107.7	120.7
Multi-family unit capacity (units)	1,892	1,976	2,205
Gross density (units per acre)	15	15.0	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancy** from the submitted unit capacity, land area, and density metrics:

- The above determined estimates are based on updated materials submitted to EOHLC by the City of Melrose.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit

capacity of the District, EOHLC may revisit Melrose's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Representative Kate Lipper-Garabedian, kate.lipper-garabedian@mahouse.gov
Lori Massa, City of Melrose, lmassa@cityofmelrose.org

Via Email: selectman2@townofmerrimac.com

January 22, 2026

Chris Manni, Select Board Chair
Town of Merrimac
2 School Street
Merrimac, MA 01860

Re: Merrimac - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Select Board Chair Manni:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Merrimac's *MBTA Communities Multifamily Overlay District* (the "District"). After careful review and analysis, EOHLC determined that Merrimac is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Merrimac to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Merrimac for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Merrimac is designated an Adjacent Small Town community with 2,761 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 138 units, and a minimum gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **16.98 acres**.
2. As of right multi-family unit capacity for the District is estimated at **250 units**.
3. The gross density of the District is estimated at **18.6 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	n/a	16.65	16.98
Multi-family unit capacity (units)	138	250	250
Gross density (units per acre)	15	19	18.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the **submitted area, unit capacity and gross density metrics:**

- Land area: EOHLC edited the GIS shapefile to include right of way (ROW) areas in the District, pursuant to the definition of Gross Density in M.G.L. c. 40A Section 1A. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change resulted in the land area increasing from 16.7 acres to 16.98 acres. This also contributed to a change in the District's Gross Density, detailed below.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model to reflect the land area that is used as the denominator for calculating Gross Density. This, in combination with the increase in land area to reflect ROW areas, reduced the Gross Density from 19 units per acre to 18.6 units per acre.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Merrimac's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Merrimac's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Barry Finegold, Barry.Finegold@masenate.gov
Representative Dawne Shand, Dawne.Shand@mahouse.gov
Denise McClure, Town of Merrimac, ds.mcclure@verizon.net

Via Email: dbeauregard@ci.methuen.ma.us

August 15, 2025

Mayor David Beauregard
City of Methuen
41 Pleasant Street, Room 303
Methuen, MA 01844

Re: Methuen - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Beauregard,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Methuen's Multi-family Overlay District (District). After careful review and analysis, EOHLC determined that Methuen is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Methuen to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Methuen for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Methuen is designated as an Adjacent Community with 20,194 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 2,019 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **111.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **2,495 units.**
3. The gross density of the District is estimated at **23.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	110.9	111.5
Multi-family unit capacity (units)	2,019	2,495	2,495
Gross density (units per acre)	15	24.4	23.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The submitted District did not include rights of way in the district area calculation for the Riverside A and B subdistricts. EOHLC included the rights of way and increased the District land area by 0.6 acres, from the submitted 110.9 acres to 111.5 acres.

- EOHLC adjusted the gross density calculation to reflect the change in land area described above, from the submitted 24.4 units per acre to 23.8 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in section II: Definitions of Methuen's zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in Sections XII: Site Plan Approval and V.X.9: Site Plan Approval of Methuen's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Methuen's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Pavel Payano, pavel.payano@masenate.gov
Representative Ryan Hamilton, ryan.hamilton@mahouse.gov
Representative Francisco Paulino, francisco.paulino@mahouse.gov
Representative Estela Reyes, estela.reyes@mahouse.gov
Kathleen Bradley-Colwell, City of Methuen, kbcolwell@ci.methuen.ma.us

Via Email: kclark@millburyma.gov

September 15, 2025

Karyn Clark, Town Manager
Millbury Town Hall
127 Elm Street
Millbury, MA 01527

Re: Millbury - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Clark,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Millbury's "Multi-family Housing Overlay District (MHOD)" (District), which consists of two subdistricts. After careful review and analysis, EOHLC determined that Millbury is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Millbury for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Millbury is designated as an Adjacent Community with 5,987 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **76.7 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,089 units.**
3. The gross density of the District is estimated at **16.1 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	76.7	76.7
Multi-family unit capacity (units)	750	1,089	1,089
Gross density (units per acre)	15	16.1	16.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to Millbury's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria, which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose "Design Standards" and additional application materials on certain development projects, including, but not limited to: Preservation of Landscape; Relation of Building to Environment; Open Space; Ground Water Recharge and Quality Preservation; Advertising; Landscaping Within the Setbacks; Curbing; Parking Area Landscaping; Interior Walkways and Pedestrian Paths; Outdoor Lighting, and; Other Site Features. EOHLC cautions the Town against applying any review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

- Millbury's *Water Body Protection* provision, found in Section 35.2 of Millbury's zoning bylaw, may require a special permit for certain developments. The District and the regulated area may have minimal, or no overlap and it does not appear to affect the estimated unit capacity. However, EOHLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- This Determination of Compliance relies on the Town's representation that Section 30.2, *Applicability*, of the bylaw exempts dimensionally conforming multi-family housing within the District from any special permit requirements of the underlying district and/or

applicable overlay districts. Therefore, special permit requirements found elsewhere in the bylaw, including, but not limited to: Section 35.6, *Vegetation Removal*; Section 35.7, *Fences*; Section 36.3, *Floodplain District*; Section 47 *Aquifer and Watershed Protection Overlay District*; and other environmental regulations must not apply to or interfere with as of right multi-family housing in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or design standards result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Millbury's compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative Paul Frost, Paul.Frost@mahouse.gov
Conor McCormack, Town of Millbury, cmccormack@millburyma.gov

Via Email: mguzinski@millisma.gov

May 7, 2025

Michael Guzinski, Town Administrator
Town of Millis
900 Main Street, Room 220
Millis, MA 02054

Re: Millis – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Guzinski,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Millis' Multifamily Overlay District (District). After careful review and analysis, EOHLC has determined that Millis is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Millis to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Millis for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Millis is designated as an Adjacent Community with 3,412 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **55.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **918 units.**
3. The gross density of the District is estimated at **17.2 dwelling units per acre**.

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4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
7. The inclusionary zoning applicable to the District requires 15 percent of units to be deed restricted affordable in projects of at least ten units. In connection with Section 72.04(1)(b), Millis submitted an Economic Feasibility Analysis. EOHLC determined that the analysis demonstrates that a reasonable variety of multi-family housing types can be feasibly developed at the required affordability levels for projects adding ten or more units.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	55.3	55.3
Multi-family unit capacity (units)	750	918	918
Gross density (units per acre)	15	17.2	17.2
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

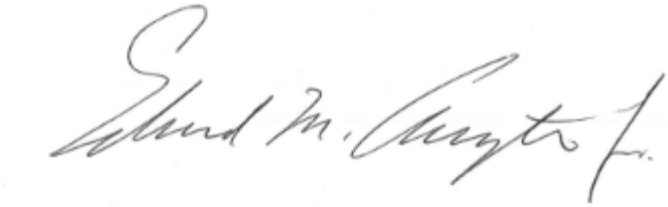
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Marcus Vaughn, Marcus.Vaughn@mahouse.gov
Representative James Arena-DeRosa, James.Arena-DeRosa@mahouse.gov
Robert Weiss, Economic Development & Planning Director, Town of Millis

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: nmilano@townofmilton.org

September 2, 2025

Nicholas Milano, Town Administrator
Town of Milton
Milton Town Hall
525 Canton Ave
Milton, MA 02186

Re: Milton – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Milano:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Milton's "MBTA Communities Multi-Family Overlay District", which is comprised of nine subdistricts (together, "District"). After careful review and analysis, EOHLC determined that Milton is compliant with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies the Town for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Milton is designated as a Rapid Transit Community with 9,844 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 2,461 units, a minimum land area of 50 acres, and a gross density of at least 15 dwelling units per acre. At least fifty percent (50%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **131.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,467 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	131.8	131.8
Multi-family unit capacity (units)	2,461	2,467	2,467
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to site plan review pursuant to Milton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- The frontage and access for the majority of parcels in the "Randolph Ave East" subdistrict rely on common ownership of these parcels with frontage and access on "Access Road". This determination relies on the Town's representation that there is legal frontage and access for these parcels from "Access Road".

- The "Paper Mill Site" subdistrict contains a single parcel that has challenging access to the buildable portion of the parcel. This determination relies on the Town's representation that there is legal and practical access to the buildable portion of parcel.

- The "Granite Ave North" subdistrict consists of a single, isolated parcel surrounded by marsh and bounded by the Neponset River and limited-access highway. Although the subdistrict does not meet the five contiguous acre minimum set forth in Section 72.05(1)(a)3 of the Regulations, EOHLC acknowledges that there is no feasible option for expanding it to an adjacent developable area. Therefore, based upon the impossibility of meeting this requirement, EOHLC finds that this subdistrict complies with Section 72.05(1)(a)3.

Please note that continued district compliance is **subject to** the following requirements:

- The District's inclusionary zoning requires that at least fifteen percent of units in developments containing eight or more units be set aside as affordable to households earning up to eighty percent of Area Median Income, unless EOHLC determines in writing that the requirement is not feasible, in which case the requirements shall be ten percent of units at eighty percent of area median income, in projects of ten or more units. EOHLC understands that an economic feasibility analysis (EFA) pursuant to Section 72.04(1)(b)1b is underway. The Town must submit the EFA by December 31, 2025, for EOHLC's review.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a Determination of Compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review, flood plains, or traffic capacity effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Milton's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this Compliance Determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Richard Wells, Richard.Wells@mahouse.gov
Representative Brandy Fluker-Reid, Brandy.FlukerReid@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: anieto@nahant.org

January 22, 2026

Alison Nieto, Town Administrator
Town of Nahant
334 Nahant Road
Nahant, MA 01908

Re: Nahant - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Nieto,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Nahant's *MBTA Communities Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Nahant is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Nahant for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Nahant is designated an Adjacent Small Town with 1,680 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 84 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **8.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **84 units**.
3. The gross density of the District is estimated at **15.9 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	8.3	8.3
Multi-family unit capacity (units)	84	84	84
Gross density (units per acre)	15.0	15.9	15.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancy** from the submitted mapping data:

- The GIS data submitted with Nahant's district compliance application did not include right-of-way areas abutting each of the subdistricts. EOHLC staff adjusted the data and the compliance model to account for right-of-way areas, which resulted in no adjustment to the gross density or land area of the District.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan approval section of Nahant's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Nahant's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Brendan Crighton, Brendan.Crighton@masenate.gov
Representative Sean Reid, Sean.Reid@mahouse.gov
Sheila Hambleton, Town of Nahant, shambleton@nahant.org

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jerrickson@natickma.org

September 26, 2025

James Errickson, Town Administrator
13 East Central Street
Natick, MA 01760

Re: Natick - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Errickson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Natick's Center Gateway, Downtown Mixed Use, and Residential General zoning districts (together, the "District"). After careful review and analysis, EOHLC determined that Natick is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Natick to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Natick for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Natick is designated a Commuter Rail community with 15,680 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,352 units. At least seventy-five percent (75%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **266.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **4,293 units**.
3. The gross density of the District is estimated at **19 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to 72.05(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	309.7	266.2
Multi-family unit capacity (units)	2,352	6,551	4,293
Gross density (units per acre)	15	29.2	19
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the **submitted area, unit capacity and gross density metrics**:

- The final compliance model submitted by the Town included all parcels being used for the District, including those subjected to MMU. EOHLC removed the MMU parcels from the submitted compliance model and analyzed those parcels in a separate MMU compliance model as required by the Regulations.

- Unit capacity: The submitted compliance model included parcels in the Residential General district that were being used for compliance in other districts or subdistricts. EOHLC corrected the parcel data in each district or subdistrict according to the submitted zoning map. Due to these corrections, the estimated unit capacity decreased from 6,551 units to 4,293 units.

- Gross density: Accounting for the changes in unit capacity, the gross density decreased from 29.2 units per acre to 19 units per acre.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Section III-J Historic Preservation of Natick's zoning bylaws requires a special permit for "re-use, construction, and occupancy of buildings, and structures relating to qualifying buildings" where there is a determination by the State Historical Commission "that the building or structure is eligible for nomination on the National Register of Historic Places, or is already included in such." This requirement introduces the possibility of multi-family housing development in the District requiring a special permit. EOHLC cautions the Town against subjecting multi-family housing in the District to special permit requirements and advises

the Town to review proposed projects in a nondiscretionary manner consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Natick's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senate President Karen Spilka, Karen.Spilka@masenate.gov
Representative David Linsky, David.Linsky@mahouse.gov
Amanda Loomis, Town of Natick, aloomis@natickma.org

Via Email: kking@needhamma.gov

September 2, 2025

Katie King, Town Manager
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

Re: Needham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager King:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Needham's Multi-family Overlay District (District). After careful review and analysis, EOHLC has determined that Needham is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Needham to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Needham for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.govwith questions.

Needham is designated a Commuter Rail community with 11,891 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,784 units. At least ninety percent (90%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **104 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,870 units**.
3. The gross density of the District is estimated at **18.6 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District contains an Inclusionary Zoning requirement of 12.5% of units for projects 6 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC determined that the Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	104	104
Multi-family unit capacity (units)	1,784	1,870	1,870
Gross density (units per acre)	15	18.6	18.6
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	90	100	100
Land area to be located in a transit station area (%)	90	100	100

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Needham's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Needham's zoning ordinance lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Needham's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Joshua Tarsky, Joshua.Tarsky@mahouse.gov
Lee Newman, Town of Needham, lnewman@needhamma.gov

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Via Email: jon.mitchell@newbedford-ma.gov

April 9, 2025

Mayor Jon Mitchell
City of New Bedford
133 William Street
New Bedford, MA 02740

Re: New Bedford – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Mitchell:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of New Bedford's King's Highway Transit-Oriented Development Overlay District (District). After careful review and analysis, EOHLC has determined that New Bedford is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of New Bedford to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies New Bedford for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

New Bedford is designated as a Commuter Rail Community with 44,588 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 6,688 units. At least seventy-five percent (75%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **272.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **14,374 units.**
3. The gross density of the District is estimated at **67.1 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. **At least seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Preliminarily Determined**
Land area (acres)	50	272.7	272.7
Multi-family unit capacity (units)	6,688	14,374	14,374
Gross density (units per acre)	15	67.1	67.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Household in the zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- Developments in the District are subject to site plan review pursuant to Section 5400, Site Plan Review. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of conditional district compliance or require changes to the District to remain in conditional compliance as per Section 72.10 of the Regulations if it becomes aware of additional information not identified in this conditional compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit New Bedford's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Mark Montigny, Mark.Montigny@masenate.gov
Antonio Cabral, Antonio.Cabral@mahouse.gov
Chris Hendricks, chris.hendricks@mahouse.gov
Christopher Markey, Christopher.Markey@mahouse.gov
Steven Ouellette, Steve.Ouellette@mahouse.gov
Mark Sylvia, Mark.Sylvia@mahouse.gov
Jennifer Carloni, jennifer.carloni@newbedford-ma.gov

Commonwealth of Massachusetts
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Via Email: administrator@townofnewbury.org

January 29, 2025

Tracy Blais, Town Administrator
Newbury Town Offices
12 Kent Way
Newbury, MA 01922

Re: Newbury – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Blais:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Newbury's MBTA Communities Multi-family Overlay District's two subdistricts (District). After careful review and analysis, EOHLC determined that Newbury is **compliant** with Section 3A, as it finds that Newbury meets, or exceeds, the requirements of Section 3A and the Regulations.

Please note that this Determination of Compliance by EOHLC qualifies Newbury for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Newbury is designated as an Adjacent Small Town with 3,072 existing housing units per the 2020 United States Decennial Census. The Town is required to zone for a minimum of 154 multi-family dwelling units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **35.2 acres of land.**
2. As of right multi-family unit capacity for the District is estimated at **433 units.**
3. The gross density of the District is estimated at **15.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	35.2	35.2
Multi-family unit capacity (units)	154	433	433
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The District overlaps with Newbury's Water Supply Protection District. EOHLC cautions the Town against applying the rules of the Water Supply Protection District in a manner that would trigger a special permit requirement for multifamily housing or would reduce the District's capacity below the estimates submitted for compliance with Section 3A.

- The standards set forth in the site plan review and design standards lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or design standards effectively reduce the estimated multi-family unit

capacity of the District, EOHLC may revisit Newbury's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Kristen Grubbs, Town of Newbury, planningdirector@townofnewbury.org

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Via Email: sreardon@newburyportma.gov

March 7, 2025

Mayor Sean Reardon
60 Pleasant Street
Newburyport, MA 01950

Re: Newburyport – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Reardon:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Newburyport's "Smart Growth Districts" (District). After careful review and analysis, EOHLC has determined that Newburyport is **compliant** with Section 3A. EOHLC recognizes the diligent work performed by the City of Newburyport to meet the requirements of the MBTA Communities Law.

Please note that this determination by EOHLC qualifies Newburyport for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Newburyport is designated a Commuter Rail Community with 8,615 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 35 acres, and a minimum multi-family unit capacity of 1,292 units. At least twenty percent (20%) of the City's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **64.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,341 units.**
3. The gross density of the District is estimated at **20.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00 (the Regulations).

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	35	64.9	64.9
Multi-family unit capacity (units)	1,292	1,489	1,341
Gross density (units per acre)	15	30.1	20.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC agrees with the following **discrepancies from the submitted area, unit capacity and density metrics** noted by the City**:**

- The City submitted a modified compliance model with its application. This model recognizes Newburyport's density limit definition, which is based on developable land. This alternative metric results in less gross density and multi-family unit capacity within the district. However, the City exceeds both the gross density requirement and the City's multi-family unit capacity after accounting for this differing definition of density.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Newburyport's Zoning Ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Newburyport's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Dawne Shand, Dawne.Shand@mahouse.gov
Andy Port, City of Newburyport, aport@newburyportma.gov

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Via Email: fuller@newtonma.gov

February 28, 2025

Mayor Ruthanne Fuller
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Newton – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Fuller:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Newton, which is comprised of three districts Multi Residence Transit (MRT), Village Center 3 (VC3) and Village Center 2 (VC2) (District). After careful review and analysis, EOHLC has determined that Newton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Newton to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Newton for the MBTA Communities Catalyst Fund which was announced by Governor Healey last June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov.

Newton is designated as a Rapid transit community with 33,320 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 8,330 units. At least ninety percent of the district's minimum requirements must be met within one half mile of transit stations.

EOHLC conducted a thorough review of the application, and makes the following determinations:

1. The District comprises **223 acres**.
2. As of right multi-family unit capacity for the District is estimated at **8,399 units.**
3. The gross density of the District is estimated at **37.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. For projects 7 units and over, the District contains an Inclusionary Zoning requirement as follows: 7 to 20 units = 15%, 21-99 units = 17.5%, and 100+ units = 20% must be deed restricted affordable to households at or below 80% of Area Median Income (AMI) for ownership projects and an average of 65% of AMI for rental projects. EOHLC finds the Economic Feasibility Analysis provided by the City supports the feasibility of multi-family development.
7. The multi-family housing allowed in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
8. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
9. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Preliminarily Determined**
Land area (acres)	50	223	223
Multi-family unit capacity (units)	8,330	8,532	8,399
Gross density (units per acre)	15	38.3	37.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics:**

- Unit capacity: The VC3 district set forth lower height limits for buildings within 50' of a "residential district". EOHLC estimates that this additional dimensional restriction removes 133 units of capacity from the District.

- Gross density: Accounting for the loss of unit capacity in connection with the above reduces the estimated gross density to 37.7 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 9.2.6.A.7.b. requires a special permit for retaining walls of eight (8) feet in height or greater that are used to enable access to surface parking, and requires a special permit for retaining walls of four (4) feet in height or more anywhere else on a lot. If these requirements prove to require discretionary permitting for routine site work or for accessing parking areas that are necessary for meeting the zoning's minimum parking requirements, EOHLC could revisit its determination of compliance.

- The MRT district has a maximum building footprint of only 1500 square feet and requires a special permit for multiple buildings per lot. These dimensional limitations are not reflected in the Compliance Model submitted by the City. EOHLC recognizes the additional permissiveness

of adaptive reuse in the MRT and will not require the City to revise this area of its zoning. However, EOHLC encourages the City to consider increasing the maximum building footprint for new development and eliminating the special permit trigger for multiple buildings per lot in the MRT, and will monitor whether the current requirements prevent the development of multi-family housing as of right in the MRT.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Newton's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Cynthia Stone Creem, cynthia.creem@masenate.gov
Representative Amy Sangiolo, amy.sangiolo@mahouse.gov
Representative Greg Schwartz, greg.schwartz@mahouse.gov
Representative John Lawn, john.lawn@mahouse.gov
Jennifer Caira, City of Newton jcaira@newtonma.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: jcasanovadavis@norfolk.ma.us

April 2, 2025

Justin Casanova-Davis, Town Administrator
Town of Norfolk
1 Liberty Lane
Norfolk, MA 02056

Re: Norfolk – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Casanova-Davis,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Norfolk's "Town Hill/Pondville MBTA Communities Multi-family Overlay District (District). After careful review and analysis, EOHLC determined that Norfolk is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Norfolk to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Norfolk for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Norfolk is designated as Commuter Rail community with 3,601 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **80.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,176 units.**
3. The gross density of the District is estimated at **15.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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6. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and other requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	81	81
Multi-family unit capacity (units)	750	1,176	1,176
Gross density (units per acre)	15	15.3	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review and design review sections of Norfolk's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review or design review standards or criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Since the District caps each building footprint at 15,000 square feet footprints, this determination relies on the interpretation that multiple buildings per lot are allowed. Without multiple buildings per lot, EOHLC would need to reevaluate the unit capacity estimates used in this determination.

- This determination relies on the interpretation that the District itself is not considered a "residential district" as it pertains to additional side setback and "green belt" screening and buffer requirements.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Norfolk's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Marcus Vaughn, marcus.vaughn@mahouse.gov
Richard McCarthy, Town of Norfolk, rmccarthy@nofolk.ma.us

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Via Email: MRodrigues@northandoverma.gov

December 10, 2024

Melissa Rodrigues, Town Manager
Town of North Andover
120 Main Street
North Andover, MA 01845

Re: North Andover - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Rodrigues:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of North Andover's "MBTA Multi-Family Housing Overlay District" which is comprised of two subdistricts. After careful review and analysis, EOHLC has determined that North Andover is **compliant** with Section 3A, as it finds that North Andover meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies North Andover for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the MBTA Communities Catalyst Fund, and EOHLC will contact your staff with details once the Notice of Funding Availability (NOFA) and application materials are available.

North Andover is designated as an Adjacent Community with 11,914 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,191 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **87.6 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,365 units.**
3. The gross density of the District is estimated at **15.6 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	87.6	87.6
Multi-family unit capacity (units)	1,191	1,365	1,365
Gross density (units per acre)	15	15.6	15.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to North Andover's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

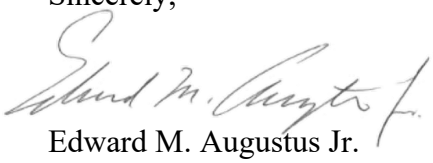
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit North Andover's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator Barry Finegold, Barry.Finegold@masenate.gov
Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrienne Ramos, Adrianne.Ramos@mahouse.gov
Representative Tram Nguyen, tram.nguyen@mahouse.gov
Jean Enright, Town of North Andover, jenright@northandoverma.gov

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Via Email: mborg@nattleboro.com

August 13, 2025

Michael Borg, Town Manager
Town of North Attleborough
43 South Washington Street
North Attleborough, MA 02760

Re: North Attleborough - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Borg,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of North Attleborough's Multi-Unit Residence Overlay Districts (District). After careful review and analysis, EOHLC determined that North Attleborough is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of North Attleborough to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies North Attleborough for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

North Attleborough is designated as an Adjacent Community with 12,551 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 1,255 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **76.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,339 units.**
3. The gross density of the District is estimated at **24.5 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	76.3	76.5
Multi-family unit capacity (units)	1,255	1,339	1,339
Gross density (units per acre)	15	24.6	24.5
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The submitted District did not include rights of way in the district area calculation for the Route 1 North subdistrict. EOHLC included the rights of way and increased the District land area by 0.28 acres, from the submitted 76.3 acres to 76.5 acres.

- EOHLC adjusted the gross density calculation to reflect the change in land area described above, from the submitted 24.6 units per acre to 24.5 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in section 290-54 Definitions of North Attleborough's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in Sections 290-10.I: Site Plan Review, 290-26: Site Plan Reviews and 290-30: Development Impact Statement of North Attleborough's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification

must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit North Attleborough's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, paul.feeney@masenate.gov
Representative Adam Scanlon, adam.scanlon@mahouse.gov
Gil Hilario, Town of North Attleborough, ghilario@nattleboro.com

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Via Email: mgilleberto@northreadingma.gov

October 3, 2025

Michael Gilleberto, Town Manager
North Reading Town Hall
235 North Street
North Reading, MA 01864

Re: North Reading - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Gilleberto,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of North Reading's "Lowell Road Multi-Family Zoning Overlay District" (District). Through a combination of zoning districts in North Reading and the newly adopted District, EOHLC determined that North Reading is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies the Town for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

North Reading is designated as an Adjacent Community with 5,875 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **97.98 acres**.
2. As of right multi-family unit capacity for the district is estimated at **2,143 units.**
3. The gross density of the District is estimated at **31.5 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	79	97.98
Multi-family unit capacity (units)	750	812	2,143
Gross density (units per acre)	15	41.6	31.5
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted zoning metrics:

- The Town of North Reading's district compliance model, as submitted, captured floodplain area within Excluded Land for the district. Floodplain is not considered Excluded Land, as defined in 760 CMR 72.00, and, when included in the Density Denominator, results in a Gross Density below 15 units per acre. North Reading has an additional zoning district that allows multi-family development, known as the Multi-Family Housing Overlay District (MFHOD). When analyzed in conjunction with the Lowell Road Multi-Family Zoning Overlay District, the district compliance model results in compliant zoning metrics.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to North Reading's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose environmental restrictions, performance standards, special permits for, and additional application materials on certain development projects, including, but not limited to: historic preservation; lot slope requirements; development within a floodplain; and aquifer protection. EOHLC cautions the Town against applying review criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

- This Determination of Compliance relies on the Town's representation that Section 200-174, *Effect of overlay district*, of the bylaw exempts dimensionally conforming multi-family housing within the District from any special permit requirements of the underlying district and/or applicable overlay districts. Therefore, special permit requirements found elsewhere in the bylaw and other environmental regulations must not apply to or interfere with as of right multi-family housing in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.
- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or performance standards result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit North Reading's compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Bradley Jones, Bradley.Jones@mahouse.gov
Danielle McKnight, Town of North Reading, dmcknight@northreadingma.gov

Commonwealth of Massachusetts
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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: sbacon@town.northborough.ma.us

December 10, 2024

Stephanie Bacon, Town Administrator
Town of Northborough
63 Main Street
Northborough, MA 01532

Re: Northborough - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Bacon:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Northborough's "Multifamily Development Overlay District" which is comprised of two subdistricts. After careful review and analysis, EOHLC has determined that Northborough is **compliant** with Section 3A, as it finds that Northborough meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Northborough for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the MBTA Communities Catalyst Fund, and EOHLC will contact your staff with details once the Notice of Funding Availability (NOFA) and application materials are available.

Northborough is designated as an Adjacent Community with 5,897 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59.2 acres**.
2. As of right multi-family unit capacity for the district is estimated at **886 units.**
3. The gross density of the District is estimated at **16.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	59.2	59.2
Multi-family unit capacity (units)	750	886	886
Gross density (units per acre)	15	16.3	16.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as-of-right multi-family housing development in the District:

- Developments in the District are subject to Section 7-07-050D of the zoning bylaw which includes both a Design Review and a Site Plan Review. The standards set forth in these reviews lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying the review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Developments in the District may be subject to Section 7-09-010, *Land clearing and grading*. EOHLC cautions the Town against holding developments clearing more than 20,000 square feet of land subject to a special permit for as-of-right projects located in the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

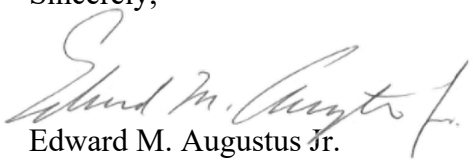
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Northborough's

compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator Robyn Kennedy, Robyn.Kennedy@masenate.gov
Representative Kate Donaghue, Kate.Donaghue@mahouse.gov
Representative Meghan Kilcoyne, meghan.kilcoyne@mahouse.gov
Laurie Connors, Town of Northborough, lconnors@town.northborough.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: agaudette@northbridgemass.org

September 30, 2024

Adam Gaudette, Town Manager
Town of Northbridge
7 Main Street
Whitinsville, MA 01588

Re: Northbridge - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Gaudette:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Northbridge multi-family zoning which is comprised of the Residential Five district (District). After careful review and analysis, EOHLC has determined that Northbridge is **compliant** with Section 3A, as it finds that Northbridge meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Northbridge for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Northbridge is designated as an Adjacent Community with 6,691existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **81.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,275 units.**
3. The gross density of the District is estimated at **15.6 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	81.6	81.6
Multi-family unit capacity (units)	750	1,275	1,275
Gross density (units per acre)	15	15.6	15.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to restrictive Development Standards that trigger a special permit requirement for proposed projects with even minimal deviations. We caution the town to review projects in a nondiscretionary manner, and to avoid subjecting multifamily housing proposals to special permit requirements, consistent with the requirements of G.L. Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in thes District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the

permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Brookline's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Ryan Fattman, Ryan.Fattman@masenate.gov
Representative David Muradian, David.Muradian@mahouse.gov
Jane Wyrick, Central Massachusetts Planning Commission, jwyrick@cmrpc.org

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: myunits@nortonmaus.com

July 9, 2025

Michael Yunits, Town Manager
Norton Town Hall
72 East Main Street
Norton, MA 02766

Re: Norton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Yunits,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Norton's "Multi-Family Mixed-Use Overlay District (MMOD)" (District), which consists of two subdistricts. After careful review and analysis, EOHLC determined that Norton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Norton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Norton is designated as an Adjacent Community with 6,971 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **54.7 acres**.
2. As of right multi-family unit capacity for the district is estimated at **784 units.**
3. The gross density of the District is estimated at **15.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	54.7	54.7
Multi-family unit capacity (units)	750	784	784
Gross density (units per acre)	15	15.8	15.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Norton's Floodplain Overlay District, found in Section 175-13.4. of Norton's zoning bylaw, may require a special permit for certain developments. However, the District and the floodplain have minimal overlap, and it does not appear to affect the estimated unit capacity. Although the overlap with the District is minor, EOHLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- Future developments within the District may be required to comply with Section 175-6.1.E., calculation of a lot shape factor. This determination relies on the District's provision that existing lots may be developed for multi-family housing as of right within the District without being subject to the standards and procedures for underlying districts. EOHLC cautions the Town against applying this provision to any future division of land that may restrict the use of land for multi-family housing development that must be permitted as of right within the District.

- Developments in the District may be subject to the requirements of site plan review pursuant to Norton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Several sections of the Town's zoning bylaw impose "performance standards" and additional application materials on certain development projects, including, but not limited to: landscape plans; lighting plans; level of service (LOS) studies; design or aesthetic studies, and parking reports. EOHLC cautions the Town against applying any review

criteria in a discretionary manner, or requiring burdensome application material, in a manner inconsistent with as of right zoning requirements of G.L. c. 40A Sections 1A and 3A.

- This Determination of Compliance relies on the Town's representation that Section 175-23.2, *Establishment and Applicability*, of the District exempts dimensionally conforming multi-family housing within the District from "any special permit requirements of the underlying district and/or applicable overlay districts." Therefore, special permit requirements found elsewhere in the bylaw, including, but not limited to: movement of earth materials; water resource protection; wetland protection; buildings exceeding 10,000 square feet in area; and other environmental regulations, must not apply to or interfere with as of right multi-family housing in the District.

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or performance standards result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Norton's compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, paul.feeney@masenate.gov
Representative Michael Chaisson, Michael.Chaisson@mahouse.gov
Representative Steven Howitt, Steven.Howitt@mahouse.gov
Paul DiGiuseppe, Town of Norton, pdigiuseppe@nortonmaus.com

Via Email: DSullivan@townofnorwell.net

May 29, 2025

Darleen Sullivan, Town Administrator
Town of Norwell
345 Main Street
Norwell, MA 02061

Re: Norwell - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Sullivan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Norwell's "MBTA Adjacent Community Overlay District" (District). After careful review and analysis, EOHLC determined that Norwell is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Norwell to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Norwell for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Norwell is designated an Adjacent Community with 3,805 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **114.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **775 units**.
3. The gross density of the District is estimated at **15.4 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	114.4	114.4
Multi-family unit capacity (units)	750	775	775
Gross density (units per acre)	15	15.4	15.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This determination relies on an interpretation of lot area as described in a memorandum provided by the Town dated May 28, 2025. The memorandum clarifies that the definition of lot area in Section 201-9.2 does not apply to the District because it is more restrictive than the requirements in the District.

- The requirement of Section 201-28.6Y for parking to be located at the rear of buildings and the requirement for a waiver in Section 201-28.6EE to have a driveway in a side setback may lead to frequent requirements for waivers. EOHLC cautions the Town against denying waivers for parking for multi-family housing developments proposed in the District.

- The standards set forth in the site plan review section of Norwell's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- Section 201-28-6H of Norwell's zoning bylaw sets forth a maximum density of 10 multi-family housing units per acre in the District. This limit may cause confusion with Section 3A's minimum gross density requirement of 15 units per acre. EOHLC recognizes that Norwell's density limit controls *net* density, and the *net* density limit produces an estimated *gross* density of 15.4 units per acre.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or required parking waivers result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Norwell's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Patrick Kearney, Patrick.Kearney@mahouse.gov
Representative David DeCoste, David.DeCoste@mahouse.gov
Ilana Quirk, Town of Norwell, IQuirk@townofnorwell.net

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: tmazzucco@norwoodma.gov

January 27, 2025

Tony Mazzucco
Town of Norwood
566 Washington Street
Norwood, MA 02062

Re: Norwood - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear General Manager Mazzucco,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Norwood's "MBTA Communities Multi-family Overlay District" which is comprised of three subdistricts. After careful review and analysis, EOHLC has determined that Norwood is **compliant** with Section 3A, as it finds that Norwood meets, or exceeds, the requirements of Section 3A and the Regulations (760 CMR 72.00).

Please note that this Determination of Compliance by EOHLC qualifies Norwood for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Norwood is designated as a Commuter Rail community with 13,634 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,045 units. At least ninety percent (90%) of the requirements must be met within one half mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **91 acres**
2. As of right multi-family unit capacity for the district is estimated at **3,737 units.**
3. The gross density of the District is estimated at **44.8 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **ninety percent (90%)** of the District's minimum land area and unit capacity requirements are met within transit station areas.

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6. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	91	91
Multi-family unit capacity (units)	2,045	3,737	3,737
Gross density (units per acre)	15	44.8	44.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Section 7.4 of the Town's Zoning Bylaws requires special permits for projects that meet the definition of "Major Project". This determination of compliance relies on conversations with Town staff on December 16, 2024, and a letter from Town counsel received December 17, 2024, opining that the District supersedes the requirements of Section 7.4 and that multi-family housing developed in the District will not be subject to special permits even if the project otherwise meets the definition of "Major Project". EOHLC cautions the Town against subjecting multi-family housing in the District to special permit requirements.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated

multi-family unit capacity of the District, EOHLC may revisit Norwood's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rush, Mike.Rush@masenate.gov
Representative John Rogers, John.Rogers@mahouse.gov
Sarah Dixon, Town of Norwood, sdixon@norwoodma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Jennifer D. Maddox, Interim Secretary

Via email: rbirkbeck@paxtonma.gov

March 6, 2026

Robert Birkbeck, Town Administrator
Town of Paxton
697 Pleasant Road
Paxton, MA 01612

Re: Paxton – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Birkbeck,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Paxton's "MBTA Communities Multi-family Overlay District" ("District"). After careful review and analysis, EOHLC determined that Paxton is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Paxton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Paxton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Paxton is designated as an Adjacent Small Town with 1,689 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 84 units and a minimum gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **6.6 acres**.
2. As of right multi-family unit capacity for the district is estimated at **186 units.**
3. The gross density of the District is estimated at **28.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	6.6	6.6
Multi-family unit capacity (units)	84	186	186
Gross density (units per acre)	15	28.3	28.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review and design standards lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

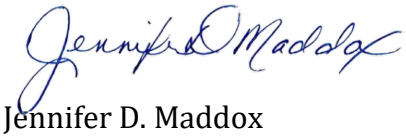
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Paxton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Jennifer D. Maddox
Interim Secretary

cc: Senator Peter Durant, peter.durant@masenate.gov
Representative Kimberly Ferguson, kimberly.ferguson@mahouse.gov
Peter Bogren Jr., Select Board Chair Town of Paxton, pbogren@paxtonma.gov

Via Email: edward.bettencourt@peabody-ma.gov

April 18, 2025

Edward Bettencourt, Mayor
City of Peabody
24 Lowell Street
Peabody, MA 01960

Re: Peabody - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Bettencourt:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Peabody's "Multi-family Overlay District", which is comprised of two subdistricts (District). After careful review and analysis, EOHLC has determined that Peabody is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Peabody to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Peabody for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Peabody is designated as an Adjacent Community with 23,191 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,319 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **121.3 acres**.
2. As of right multi-family unit capacity for the district is estimated at **2,336 units.**
3. The gross density of the District is estimated at **20.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	121.3	121.3
Multi-family unit capacity (units)	2,319	2,336	2,336
Gross density (units per acre)	15	20.9	20.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Peabody's zoning ordinance. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- EOHLC cautions the City against enforcing zoning-based occupancy limits on the number of people occupying a dwelling unit as described in the definition of Family in the zoning ordinance. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A."

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Peabody's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Joan Lovely, Joan.Lovely@masenate.gov
Representative Thomas Walsh, Thomas.Walsh@mahouse.gov
Representative Sally Kerans, Sally.Kerans@mahouse.gov
Curt Bellavance, City of Peabody, curt.bellavance@peabody-ma.gov

Via Email: wchenard@townofpembrokemass.org

March 6, 2025

William Chenard, Town Manager
Town of Pembroke
100 Center Street
Pembroke, MA 02359

Re: Pembroke – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Chenard,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Pembroke, which is comprised of two subdistricts, Industrial A and Industrial B (the District). After careful review and analysis, EOHLC has determined that Pembroke is **compliant** with Section 3A. EOHLC recognizes the diligent work by the Town of Pembroke to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Pembroke for the MBTA Communities Catalyst Fund, which was announced by Governor Healey in June. You can learn more about the program at the web page MBTA Communities Catalyst Fund, which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Pembroke is designated as an Adjacent Community with 7,007 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **386.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **13,350 units.**
3. The gross density of the District is estimated at **40.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

100 Cambridge Street, Suite 300
Boston, Massachusetts 02114
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6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement. Please see below for details on this comment.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00 (the Regulations).

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	386.7	386.7
Multi-family unit capacity (units)	750	15,097	13,350
Gross density (units per acre)	15	46.3	40.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted unit capacity and density metrics:**

- The parcel identified as LOC_ID F_854373_2866740, also known as 334 Old Oak Street in the Town of Pembroke, lacks frontage on an adequate way in Pembroke; frontage only exists via limited access highway (Route 3, a.k.a Pilgrim Highway). The access to this parcel exists only through the Town of Marshfield. As such, the unit capacity for this parcel has been removed from the Town's submitted multi-family unit capacity for the District, which also diminishes the gross density of the District. However, Pembroke exceeds both the gross density requirement and the Town's multi-family unit capacity after accounting for the removal of the parcel in question.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Pembroke's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- Future developments within the District may be required to comply with Section V, *Special Provisions, Standards and Procedures* of Pembroke's Zoning Bylaw, specifically the Lot Characterization Number (LCN). This determination relies on a representation by Pembroke staff that the provision applies only to newly created lots within the District and that existing lots may be developed for multi-family housing as of right. EOHLC cautions the Town against applying this provision to any future division of land that may restrict the use of land for multi-family housing development in an as-of-right fashion within the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Pembroke's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Dylan Fernandes, dylan.fernandes@masenate.gov
Representative Kathleen LaNatra, kathleen.lanatra@mahouse.gov
Representative Kenneth Sweezey, Ken.Sweezey@mahouse.gov
Susan Glauben, Town of Pembroke, SGlauben@townofpembrokemass.org

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Jennifer D. Maddox, Interim Secretary

Via Email: dbrindisi@plymouth-ma.org

March 19, 2026

Derek Brindisi, Town Manager
Town of Plymouth
26 Court Street
Plymouth, MA 02360

Re: Plymouth - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Brindisi:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Plymouth's *Multifamily Overlay District (MOD)*, which is comprised of four subdistricts (together, "District"). After careful review and analysis, EOHLC determined that Plymouth is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work by the Town of Plymouth to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Plymouth for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Plymouth is designated as an Adjacent Community with 28,074 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 2,807 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **181.8 acres**.
2. As of right multi-family unit capacity for the district is estimated at **3,238 units.**
3. The gross density of the District is estimated at **18.3 dwelling units per acre**.
4. The District contains one contiguous land area that is at least fifty percent (50%) of the total district land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	181.8	181.8
Multi-family unit capacity (units)	2,807	3,238	3,238
Gross density (units per acre)	15	18.3	18.3
One 50% contiguous area	Yes	No	No

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Plymouth's zoning bylaw. The standards set forth in the site plan review, and the requirements of the Planning Board Design Guidelines, lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section 206-2, *Floodplain Overlay District*, of the Town's zoning bylaw may require a special permit for development in the District. EOHLC cautions the Town against subjecting any multifamily housing proposals in the District to special permit requirements, to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A. EOHLC also recommends that Plymouth consider a bylaw amendment to handle floodplain development in the District through site plan review or administratively.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Plymouth's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Jennifer D. Maddox
Interim Secretary

cc: Senator Dylan Fernandes, dylan.fernandes@masenate.gov
Representative Kathleen LaNatra, kathleen.lanatra@mahouse.gov
Representative Michelle Badger, Michelle.Badger@mahouse.gov
Lee Hartmann, Town of Plymouth, LHartmann@plymouth-ma.gov

Via Email: TownAdmin@plymptontown.org

September 15, 2025

Elizabeth Dennehy, Town Administrator
Plympton Town Hall
5 Palmer Rd
Plympton, MA 02367

Re: Plympton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Dennehy,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Plympton's "Residential Development Overlay District" (District). After careful review and analysis, EOHLC determined that Plympton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities law.

Please note that this determination of compliance by EOHLC qualifies Plympton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Plympton is designated as an Adjacent Small Town with 1,068 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 53 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **4.3 acres**.
2. As of right multi-family unit capacity for the district is estimated at **68 units.**
3. The gross density of the District is estimated at **16.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, and gross density requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	4.3	4.3
Multi-family unit capacity (units)	53	68	68
Gross density (units per acre)	15	16.3	16.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District may be subject to the requirements of site plan review pursuant to Plympton's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review result in special permit requirements for multifamily housing proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Plympton's

compliance with Section 3A and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Dylan Fernandes, dylan.fernandes@masenate.gov
Representative Kathleen LaNatra, kathleen.lanatra@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mayorkoch@quincyma.gov

September 30, 2024

Mayor Thomas Koch
City of Quincy
1305 Hancock Street
Quincy, MA 02169

Re: Quincy - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Honorable Mayor Koch:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Quincy's MBTA Communities zoning which is comprised of two subdistricts, West Quincy and North Quincy zoning districts (District). After careful review and analysis, EOHLC has determined that Quincy is **compliant** with Section 3A, as it finds that Brookline meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Quincy for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Quincy is designated as a Rapid Transit Community with 47,009 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 11,752 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **160.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **11,949 units.**
3. The gross density of the District is estimated at **74.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	160.0	160.0
Multi-family unit capacity (units)	11,752	13,985	11,949
Gross density (units per acre)	15	104.4	74.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics.**

- The city's unit capacity estimate was reduced as follows: 1,713 units were removed from the West Quincy district and 323 units were removed from the North Quincy district. The reason for these reductions is that excluded land owned by the MBTA was inappropriately included. Excluded land within the District is not removed from the overall acreage of the district.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Much of the District is within a Flood Plain Overlay District which requires a Special Permit for development in a flood zone. However, the Special Permit review criteria are mostly clear and objective standards. Since Section 3A requires that development of multi-family housing in the District be permitted without **any** special permit requirement, the City should pursue a zoning amendment to address the substantive criteria of the flood zone overlay district in an as of right zoning procedure.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If denial of flood plain special permits reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Quincy's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Speaker Ronald Mariano, Ronald.Mariano@mahouse.gov
Senator John Keenan, John.Keenan@masenate.gov
Representative Bruce Ayers, Bruce.Ayers@mahouse.gov
Representative Tackey Chan, Tackey.Chan@mahouse.gov
Joeseph King, City of Quincy, jking@quincyma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: bhoward@randolph-ma.gov

September 30, 2024

Brian Howard, Town Manager
Town of Randolph
41 South Main Street
Randolph, MA 02368

Re: Randolph - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Howard:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Randolph which is comprised of three subdistricts (District). After careful review and analysis, EOHLC has determined that Randolph is **compliant** with Section 3A, as it finds that Randolph meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Randolph for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Randolph is designated as a Commuter Rail Community with 12,901 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 48 acres, and a minimum multi-family unit capacity of 1,935 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **144.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,134 units.**
3. The gross density of the District is estimated at **20.8 dwelling units per acre**.
4. At least **twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	48	144.2	144.2
Multi-family unit capacity (units)	1,935	2,134	2,134
Gross density (units per acre)	15	20.8	20.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If restrictions on unrelated persons reduce the estimated multi-family unit capacity of the District, EOHLC may

revisit Randolph's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Brady, Michael.Brady@masenate.gov
Senator Walter Timilty, Walter.Timilty@masenate.gov
Representative William Driscoll, William.Driscoll@mahouse.gov
Representative Bruce Ayers, bruce.ayers@mahouse.gov
Michelle Tyler, Town of Randolph, mtyler@randolph-ma.gov

Via Email: gbarnes@town.raynham.ma.us

November 21, 2025

Gregory Barnes, Town Administrator
Town of Raynham
558 South Main St
Raynham, MA 02767

Re: Raynham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Barnes:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Raynham's Multifamily Development Overlay District ("District"). After careful review and analysis, EOHLC determined that Raynham is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Raynham to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Raynham for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Raynham is designated an Adjacent Community with 5,749 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **54.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **764 units**.
3. The gross density of the District is estimated at **15.1 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	53.7	54.7
Multi-family unit capacity (units)	750	764	764
Gross density (units per acre)	15	15.4	15.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted area and density metrics:

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) in the subdistricts, pursuant to the definition of Gross Density in the Regulations. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change increased the land area from 53.7 acres to 54.7 acres. This also affected the District's gross density, detailed below.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model which was input with density denominator *deductions* only. This correction, in combination with the increase in land area to reflect ROW area, reduced the gross density from 15.4 units per acre to 15.1 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 350-8 of Raynham's zoning bylaw requires a special permit for all new construction within the Flood Hazard Protective Overlay District. However, the District and the Flood Hazard Protective Overlay District have minimal overlap, and it does not appear to affect the estimated unit capacity. Although the overlap with the District is minor, EOHLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Raynham's zoning ordinance lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in

whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Raynham's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Kelly Dooner, kelly.dooner@masenate.gov
Representative Dennis Gallagher, Dennis.Gallagher@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mkraunelis@readingma.gov

May 27, 2025

Matthew Kraunelis, Town Manager
Town of Reading
16 Lowell Street
Reading, MA 01867

Re: Reading - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Manager Kraunelis,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Reading's Apartment-80 and Downtown Smart Growth Districts (District). After careful review and analysis, EOHLC has determined that Reading is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Reading to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Reading for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Reading is designated as a Commuter Rail Community with 9,952 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 43 acres and a minimum multi-family unit capacity of 1,493 units. At least forty percent (40%) of the Town's requirements must be met within ½ miles of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **87.6 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,526.**
3. The gross density of the District is estimated at **17.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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8. The District contains an Inclusionary Zoning requirement of 12.5% of units for projects 13 units and over which must be affordable to households at or below 80% of Area Median Income (AMI) in the Apartment-80 subdistricts. EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	43	87.6	87.6
Multi-family unit capacity (units)	1,493	1,526	1,526
Gross density (units per acre)	15	17.4	17.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following additional factor that could affect as of right multi-family housing development in the District:

- The standards set forth in the design standards and site plan review section of Reading's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Reading against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

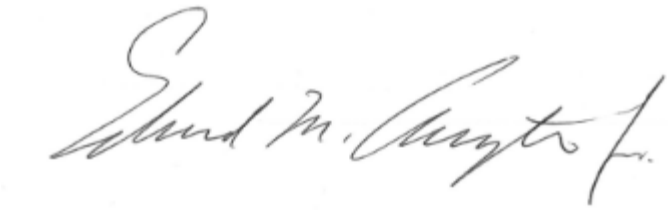
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Reading's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you

have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Representative Richard Haggerty, Richard.Haggerty@mahouse.gov
Representative Bradley Jones, Bradley.Jones@mahouse.gov
Andrew MacNichol, Town of Reading, AMacNichol@readingma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Juana B. Matias, Secretary

Via Email: spimental@rehobothma.gov

August 12, 2026

Susan Pimental, Town Administrator
Town of Rehoboth
340 Anawan Street
Rehoboth, MA 02769

Re: Rehoboth - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Pimental:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Rehoboth's *Multi-Family Overlay District* ("District"). After careful review and analysis, HLC determined that Rehoboth is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Rehoboth for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Rehoboth is designated an Adjacent Small Town with 4,611 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 231 units and a minimum gross density of 15 units per acre.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **20 acres.**
2. As of right multi-family unit capacity for the District is estimated at **320 units**.
3. The gross density of the District is estimated at **26.2 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Table 1: Compliance Metrics

Compliance Metric	Required	Submitted	Determined
Land area (acres)	N/A	20	20
Multi-family unit capacity (units)	231	231	320
Gross density (units per acre)	15.0	18.9	26.2
One 50% contiguous area	Yes	Yes	Yes

HLC identified the following **discrepancies** from the submitted unit capacity and density metrics:

- Unit capacity: HLC removed a Cap on Maximum Dwelling Units per District from the Compliance Model, as no restriction was found in the text of the zoning bylaw or adopted amendment(s).

- Gross density: HLC adjusted the Maximum Dwelling Units per Acre in the Compliance Model from 15 units per acre to 16 units per acre to accurately reflect the adopted zoning amendment creating the District. Accounting for the changes in unit capacity increases the estimated gross density of the District to 26.2 units per acre from 18.9.

- HLC removed a floor area ratio limitation, shown as 2.00 in the compliance model, as there is no floor area ratio restriction shown as 2.00 in the adopted zoning amendment.

HLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The zoning contains a provision found in § 270-4.11.B.(2), which states "The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MOD." This determination relies on HLC's interpretation that any special permit requirements or development limitations imposed by the Ground Water Protection District or Flood Plain District, are superseded by the District through the aforementioned provision.

- The standards set forth in the site plan approval section of Rehoboth's zoning bylaw lean towards discretionary criteria, including a provision allowing denial of a site plan, which may affect As of right approvals for development proposals in the District. HLC cautions the Town against applying site plan approval criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- The zoning contains a provision for fire exits. The Town should consult with Town Counsel to determine if this provision conflicts with either the state Building Code (780 CMR) or the state Fire Code (527 CMR).

- The zoning includes several "Development Standards" and other general development standards that may be construed as subjective or discretionary. HLC cautions the Town against applying any

design standards, guidelines, or architectural criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- The District lies within Rehoboth's Groundwater Protection District, which could limit as of right development. This determination relies on HLC's interpretation that the provision found in § 270-4.5.E.(3)(b)[9][c] of the Groundwater Protection District text, which states: "The following shall be exempt from this subsection: [f]oundations for residential or business or industrial structures;" allows multi-family housing to be permitted as of right within the District.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Rehoboth's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senator Kelly Dooner, kelly.dooner@masenate.gov
Representative Steven Howitt, Steven.Howitt@mahouse.gov
Derek Roach, Town of Rehoboth, droach@rehobothma.gov

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Via Email: pkeefe@revere.org

September 30, 2024

Mayor Patrick Keefe
City of Revere
281 Broadway
Revere, MA 02151

Re: Revere - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Honorable Mayor Keefe:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Revere which is comprised of seven districts (District). After careful review and analysis, EOHLC has determined that Revere is **compliant** with Section 3A, as it finds that Revere meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Revere for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Revere is designated as a Rapid Transit Community with 24,539 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 27 acres, and a minimum multi-family unit capacity of 6,135 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **153.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **6,677 units.**
3. The gross density of the District is estimated at 43.44 **dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	27	153.7	153.7
Multi-family unit capacity (units)	6,135	6,677	6,677
Gross density (units per acre)	15	43.44	43.44
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- We caution the City not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- We caution the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If site plan review or limitations on occupancy reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Revere's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Lydia Edwards, Lydia.Edwards@masenate.gov
Representative Jessica Giannino, Jessica.Giannino@mahouse.gov
Representative Jeffrey Turco, Jeffrey.Turco@mahouse.gov
Tom Skwierawski, City of Revere, tskwierawski@revere.org

Via Email: cdurant@townofrochester.com
February 24, 2025

Cameron Durant, Town Administrator
Town of Rochester
1 Constitution Way
Rochester, MA 02770

Re: Rochester - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Durant:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Rochester's "Cranberry Highway Smart Growth Overlay District" (CHSGOD). After careful review and analysis, EOHLC has determined that Rochester is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Rochester to meet the requirements of the MBTA Communities Law.

Please note that this Determination of Compliance by EOHLC qualifies Rochester for the MBTA Communities Catalyst Fund which was announced by Governor Healey last June. Learn more about the program at the web page MBTA Communities Catalyst Fund. The web page has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Rochester is designated as an Adjacent Small Town with 2,105 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 105 units.

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EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **10.4 acres**.
2. As of right multi-family unit capacity for the district is estimated at **208 units.**
3. The gross density of the District is estimated at **20 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	-	10.4	10.4
Multi-family unit capacity (units)	105	208	208
Gross density (units per acre)	15	20	20
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of Section 21.60 Plan Approval pursuant to Rochester's zoning bylaw. The standards set forth in the plan approval must be adhered to in an "as of right" fashion for development proposals in the District, specifically with respect to Section 13, *Decision*. EOHLC cautions the Town against applying plan approval criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Rochester's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rodrigues, Michael.Rodrigues@masenate.gov
Representative Mark Sylvia, mark.sylvia@mahouse.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: dlapp@rockland-ma.gov

September 30, 2024

Doug Lapp, Town Manager
Town of Rockland
242 Union Street
Rockland MA 02370

Re: Rockland - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Lapp:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Rockland multi-family zoning which is comprised MBTA Communities Mixed-Use Development District, MUDD (District). After careful review and analysis, EOHLC has determined that Rockland is **compliant** with Section 3A, as it finds that Rockland meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Rockland for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Rockland is designated as an Adjacent Community with 7,263 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 47 acres, and a minimum multi-family unit capacity of 726units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **72.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,264 units.**
3. The gross density of the District is estimated at **20.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	47	72.8	72.8
Multi-family unit capacity (units)	726	1,264	1,264
Gross density (units per acre)	15	20.9	20.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to regulations that are not included in the zoning bylaw such as the MUDD Rules and Regulations and possibly Advisory Design Guidelines for Development in the Mixed-Use Development District. EOHLC has not had an opportunity to review these regulations, so we caution the Town against applying standards or criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting

processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Rockland's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Keenan, John.Keenan@masenate.gov
Representative David DeCoste, David.DeCoste@mahouse.gov
Allyson Quinn, Town of Rockland, aquinn@rockland-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mvieira@rockportma.gov

September 17, 2025

Mitchell Vieira , Town Administrator
Town of Rockport
34 Broadway
Rockport , MA 01966

Re: Rockport –Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Vieira:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for Town of Rockport's "MBTA Communities Multifamily Overlay District", which is comprised of three subdistricts. After careful review and analysis, EOHLC determined that Rockport is **compliant** with Section 3A. EOHLC recognizes the diligent work by Rockport to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Rockport for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Rockport is designated as a Commuter Rail Community with 4,380 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 32 acres, and a minimum multi-family unit capacity of 657 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **53.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **746 units.**
3. The gross density of the District is estimated at **15.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the district is suitable for families with children.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity, other than the items identified as conditions below.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Preliminarily Determined**
Land area (acres)	32	53.3	53.3
Multi-family unit capacity (units)	657	746	746
Gross density (units per acre)	15	15.3	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Rockport's zoning bylaw. The standards set forth in the site plan review must be nondiscretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Rockport's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Ann-Margaret Ferrante, Ann-Margaret.Ferrante@mahouse.gov
Jason Shaw, Town of Rockport, jshaw@rockportma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Juana B. Matias, Secretary

Via Email: debbie@townofrowley.org

June 30, 2026

Deborah Eagan, Town Administrator
Town of Rowley
139 Main Street
Rowley, MA 01969

Re: Rowley –Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Eagan,

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of Rowley's *MBTA Communities Multifamily Overlay District* ("District"). After careful review and analysis, HLC determined that Rowley is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work by the Town of Rowley to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies Rowley for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Rowley is designated as a Commuter Rail Community with 2,405 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 40 acres, and a minimum multi-family unit capacity of 601 units. At least twenty percent (20%) of the District's requirements must be met within transit station areas.

HLC conducted a thorough review of the application, and made the following preliminary determinations:

1. The District comprises **48.55 acres**.
2. As of right multi-family unit capacity for the District is estimated at **715 units.**
3. The gross density of the District is estimated at **15.9 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
6. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.

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7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	40	47.85	48.55
Multi-family unit capacity (units)	601	715	715
Gross density (units per acre)	15.0	16.2	15.9
Transit Station Area Minimum	20%	Yes	Yes
One 50% contiguous area	Yes	Yes	Yes

HLC identified the following discrepancies from the submitted area, unit capacity, and gross density metrics:

- Land area: The submitted compliance model did not appropriately include right of way areas (ROW) in the district area calculation. HLC adjusted the district acreage and density denominator in Table 4: Acreage Calculations of the Checklist District ID. This change increased the land area from 47.85 to 48.55 acres and contributed to a change in the District's gross density, from 16.2 units per acre to 15.9 units per acre.

HLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Rowley's Floodplain Overlay District requires a special permit for developing Multi-Family Housing. However, the District and the Floodplain Overlay District have minimal overlap and it does not appear to affect the estimated unit capacity. Although the overlap with the District is minor, HLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies on the interpretation described in a letter dated May 14, 2026, from the Rowley Zoning Officer that Section 4.11 Municipal Water Supply Protection District does not apply to the Multi-family housing proposals in the District. HLC supports the Town's intention to amend the zoning to clarify this language.

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to

EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require the Town to make changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate Rowley's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Juana B. Matias
Secretary

cc: Senator Bruce Tarr, bruce.tarr@masenate.gov
Representative Kristin Kassner, kristin.kassner@mahouse.gov
Kirk Baker, Town of Rowley kirk.baker@townofrowley.org

Commonwealth of Massachusetts
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September 8, 2023

Mayor Dominick Pangallo
City of Salem
Salem City Hall
93 Washington Street
Salem, MA 01970

Re: Salem - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Mayor Pangallo:

The Executive Office of Housing and Livable Communities (EOHLC) received a district compliance application from the City of Salem submitted electronically on May 25, 2023. The application requested that EOHLC grant a determination of compliance for the City of Salem's "Central Business (BS)" zoning district (District), based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines). After careful review and analysis, EOHLC has determined that Salem is **compliant** with Section 3A, as it finds that Salem meets, or exceeds, the requirements of Section 3A and the Guidelines.

Salem is designated as a commuter rail community with 20,349 existing housing units per the 2020 United States Decennial Census, and 266 acres of developable land within one half mile of MBTA transit stations. The City is required to have a district with a minimum land area of 41 acres, and a minimum multi-family unit capacity of 3,052 units. At least 40 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC has conducted a thorough review of the application, and has made the following determinations:

1. The district comprises **129.26 acres.**
2. As of right multi-family unit capacity for the district is estimated at **3,414 units.**
3. The gross density of the District is estimated at **27.18 dwelling units per acre.**
4. **One hundred (100%) percent** of the land area and multi-family unit capacity for the District is located within transit station areas.
5. At least **fifty (50%) percent** of the District is one contiguous land area.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, land area within transit station area (acres), multi-family unit capacity within transit station area (units), and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	41.	90.8	**129.26**
Multi-family unit capacity (units)	**3,052**	4,953	**3,414**
Gross density (units per acre)	**15**	55.9	**27.18**
Land area within transit station areas (acres)	**16.4**	86.8	**129.26**
Multi-family unit capacity within transit station areas (units)	**1,221**	4,953	**3,414**
One 50% contiguous area	**Yes**	Yes	**Yes**

EOHLC determinations differ from the application estimates for the following reasons:

1. The land area submitted **(90.8 acres)** did not include rights of way areas in the District, which must be included in land area for gross density calculations. Including those rights of way areas produces a larger land area **(129.26 acres).**

2. EOHLC removed multi-family unit capacity from all parcels that appeared to be substantially affected by the Flood Hazard Overlay District. Since the submitted District meets approval criteria without including the capacity of the affected parcels, EOHLC did not review the flood zone permitting process to determine whether it is consistent with the as of right zoning requirements of Section 3A.

3. EOHLC approved an override request to include unit capacity at 24 Charter St, a parcel that has been transferred to private ownership and is available for as of right development of multi-family housing. It did not approve override requests for 252 Bridge Street, or 32-34 Federal Street. However, the decision not to approve 252 Bridge Street or 32-34 Federal Street was not a conclusive determination that they could not qualify for an override. EOHLC did not make a determination because the submitted District meets approval criteria without including the capacity of those parcels, and it was not immediately evident that the parcels have been or will be made available for as of right development of multi-family housing.

E0H LC made the following additional observations that could affect as of right multi-family housing development in the District:

1. Developments of six or more units are subject to site plan review pursuant to Section 9.5 of Salem's zoning ordinance. The criteria set forth in the site plan review are consistent with the requirements of Section 4.a. of the Guidelines.

2. The District is affected by multiple local historic districts and historic resources.

Permitting decisions made in connection with the above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting decisions do reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Salem's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

Based on the information provided in the Application, EOHLC has determined that Salem meets or exceeds the requirements set forth by Section 3A and the Guidelines and is currently **compliant** with Section 3A of M.G.L. c. 40A.

Please note that continued district compliance is **conditioned** upon the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward J. Augustus, r.
Secretary

cc: Senator Joan B. Lovely
Representative Manny Cruz

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: nharrington@salisburyma.gov

February 9, 2026

Neil Harrington, Town Manager
Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Re: Salisbury –Determination of Compliance with Section 3A of the Zoning Act

Dear Town Manager Harrington:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Salisbury's *MBTA Communities Multifamily Overlay District* ("District"). After careful review and analysis, EOHLC determined that Salisbury is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work by the Town of Salisbury to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance qualifies Salisbury for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Salisbury is designated as an Adjacent Community with 5,305 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **52.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **752 units.**
3. The gross density of the District is estimated at **20.6 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. There are dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement, these requirements require amendment.

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6. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

7. EOHLC approved an override request to include unit capacity at 3 Main Street, a town-owned parcel that is under agreement to be sold for private development of multi-family housing permitted as of right.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	52.2	52.2
Multi-family unit capacity (units)	750	752	752
Gross density (units per acre)	15	20.6	20.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- This determination relies on EOHLC's interpretation that any special permit requirements or development limitations imposed by the Water Resource District or Flood Plain District, if applicable to the District's geography, are superseded by the District.

Please note that continued district compliance is **subject to** the following requirements:

- If the pending sale of the Town's 3 Main Street property for development of multi-family housing permitted as of right in the District, does not close within one year of the date of this letter, EOHLC will revisit this compliance determination.

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

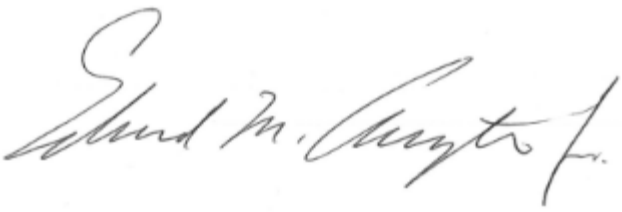
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Salisbury's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Dawne Shand, Dawne.Shand@mahouse.gov
Lisa Pearson, Town of Salisbury, lpearson@salisburyma.gov

Via Email: scrabtree@saugus-ma.gov

December 12, 2025

Scott Crabtree, Town Manager
Town of Saugus
298 Central Street, Suite 1
Saugus, MA 01906

Re: Saugus - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Crabtree:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Saugus's Multi-family Overlay District (District). After careful review and analysis, EOHLC determined that Saugus is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Saugus to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Saugus for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Saugus is designated an Adjacent Community with 11,303 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,130 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **82.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,237 units**.
3. The gross density of the District is estimated at **15.9 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	82.8	82.9
Multi-family unit capacity (units)	1,130	1,442	1,237
Gross density (units per acre)	15	18.6	15.9
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the submitted area and density metrics:

- Unit capacity: The submitted compliance model included one parcel identified as F_785778_2997308 (0 Rear Broadway). The Town noted that the parcel has been subdivided into the following two parcels: F_785857_2997646 (728 Broadway) and F_785657_2996828 (732 Broadway). The District only includes F_785857_2997646, so EOHLC corrected the parcel record to accurately reflect the included parcel's geography. This change decreased the District's unit capacity from 1,442 units to 1,237 units.

- Land area: EOHLC edited the GIS shapefiles to include right of way (ROW) areas in the subdistricts, pursuant to the definition of gross density G.L c.40A Section 1A. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change increased the land area from 82.8 acres to 82.9 acres. This also contributed to a change in the District's gross density, detailed below.

- Gross Density: Due to the above corrections to unit capacity and land area, the gross density of the District changed from 18.6 units per acre to 15.9 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Saugus's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- EOHLC identified a multi-family housing moratorium in Section 2.4 of Saugus's zoning bylaw. This determination relies on EOHLC's knowledge that the moratorium has lapsed. Additionally, EOHLC cautions the Town against any future moratoria on multi-family housing because it would conflict with Section 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with

Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Saugus's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Brendan Crighton, Brendan.Crighton@masenate.gov
Representative Jessica Giannino, Jessica.Giannino@mahouse.gov
Representative Donald Wong, Donald.Wong@mahouse.gov
Jesse Schomer, Town of Saugus, jschomer@daintorpy.com

Via Email: jboudreau@scituatema.gov

April 18, 2025

James Boudreau, Town Administrator
Town of Scituate
600 Chief Justice Cushing Highway
Scituate, MA 02066

Re: Scituate - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Boudreau:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Scituate's Outer Village subdistrict in the North Scituate Village District, and the North River Residential Neighborhood, Greenbush Village Center, and Gateway Business subdistricts of the Greenbush-Driftway Gateway District (all together, District). After careful review and analysis, EOHLC has determined that Scituate is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Scituate to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Scituate for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Scituate is designated as a Commuter Rail Community with 8,260 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,239 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **109.2 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,296 units.**
3. The gross density of the District is estimated at **15.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by two "Mandatory Mixed Use" (MMU) areas, called the North Scituate Village District's Village Center subdistrict and Greenbush-Driftway Gateway District's New Driftway Transit Village subdistrict, pursuant to Section 72.05(c) of the Regulations.
8. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	109.2	109.2
Multi-family unit capacity (units)	1,239	1,321	1,296
Gross density (units per acre)	15	15.6	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the land area and gross density metrics:

- Unit capacity: EOHLC removed unit capacity from parcels subject to the Floodplain and Watershed Protection Districts where multi-family housing may not be permitted as of right. Additionally, parking was adjusted from 1.5 spaces to 1.6 spaces in the compliance model to more accurately reflect the parking requirements. As a result, the District's estimated unit capacity decreased to 1,296 units from 1,321 units.

- Gross density: Accounting for the changes in unit capacity decreases the estimated gross density of the District to 15.3 units per acre from 15.6.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Patrick Kearney, Patrick.Kearney@mahouse.gov
Karen Joseph, Town of Scituate, kjoseph@scituatema.gov

Via Email: scadime@seekonk-ma.gov

August 15, 2025

Shawn Cadime, Town Administrator
Town of Seekonk
100 Peck Street
Seekonk, MA 02771

Re: Seekonk - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Cadime:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Seekonk's Multi-family Development Overlay District (District). After careful review and analysis, EOHLC determined that Seekonk is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Seekonk to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Seekonk for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Seekonk is designated as an Adjacent Community with 6,057 existing housing units per the 2020 United States Decennial Census. The Town is required to have a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **96.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,437 units**.
3. The gross density of the District is estimated at **21.3 units per acre.**

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4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	96.2	96.5
Multi-family unit capacity (units)	750	1,437	1,437
Gross density (units per acre)	15	21.4	21.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the land area and gross density metrics:

- Land area: To account for the right of way (ROW) that was not included in the GIS map and the Compliance Model, EOHLC adjusted the district acreage and density denominator in Table 4: Acreage Calculations of the Checklist District ID tab. This change resulted in the land area increasing from the submitted 96.2 acres to 96.5 acres.

- Gross density: Accounting for the adjusted land area in connection with the above reduced the estimated gross density to 21.3 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Section 1.3 of Seekonk's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Seekonk's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Seekonk's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact Regional Planner Emma Snellings at emma.snellings@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Kelly Dooner, kelly.dooner@masenate.gov
Representative Steven Howitt, Steven.Howitt@mahouse.gov
John Aubin, Town of Seekonk, jaubin@seekonk-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: fturkington@townofsharon.org

September 30, 2024

Frederic Turkington, Town Administrator
Town of Sharon
90 South Main St
Sharon MA 02067

Re: Sharon - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Turkington:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Sharon which is comprised of two subdistricts (District). After careful review and analysis, EOHLC has determined that Sharon is **compliant** with Section 3A, as it finds that Sharon meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Sharon for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Sharon is designated as a Commuter Rail Community with 6,581 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 987 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **64.65 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,428 units.**
3. The gross density of the District is estimated at **21.3 dwelling units per acre**.
4. At least **forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	67.01	64.65
Multi-family unit capacity (units)	987	1,952	1,428
Gross density (units per acre)	15	29.1	21.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics.**

- Land Area: EOHLC review of GIS shapefiles returned a total land area of 64.65 instead of submitted 67.01.
- Unit capacity: The Compliance Model submitted used 1.5 parking spaces per unit, but the zoning requires 2.0 spaces for 2 bedroom units which is the standard that should have been used. Additionally, the Compliance Model submitted did not reflect a 5,000 gross floor area limitation in the BA District. We note that the revised unit capacity remains well above the requirement.
- Gross density: This calculation was changed to reflect revised land area and unit capacity.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in site plan review and the design guidelines lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or design guidelines effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Sharon's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Paul Feeney, Paul.Feeney@masenate.gov
Representative Ted Philips, Edward.Philips@mahouse.gov
Sonal Pai, Town of Sharon, SPai@townofsharon.org

Via Email: jmarsette@sherbornma.org

July 21, 2025

Jeremy Marsette
Town Administrator
Town of Sherborn
19 Washington Street
Sherborn, MA 01770

Re: Sherborn - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Marsette:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Sherborn's Multi-family Overlay District (District). After careful review and analysis, EOHLC determined that Sherborn is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Sherborn to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Sherborn for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Sherborn is designated an Adjacent Small Town community with 1,562 existing housing units per the 2020 United States Decennial Census. The Town is required to have a minimum multi-family unit capacity of 78 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **21.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **90 units**.

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3. The gross density of the District is estimated at **15 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	21.2	21.2
Multi-family unit capacity (units)	78	90	90
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Section 240-5.4 Material Removal of the Town's zoning bylaw limits earth removal to up to 500 cubic yards incidental to the lawful construction or alteration of a building or structure. EOHLC cautions the Town against strictly applying this provision in a manner that affects the District's ability to meet its unit capacity requirement

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Sherborn's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact Regional Planner Emma Snellings at emma.snellings@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative James Arena-DeRosa, james.arena-derosa@mahouse.gov
Heidi Doyle, Town of Sherborn, hdoyle@sherbornma.org

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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: bsawyer@shirley-ma.gov

April 25, 2025

Bryan Sawyer
Town Administrator
7 Keady Way
Shirley, MA 01464

Re: Shirley - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Sawyer:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Shirley's Multi-Family Overlay District and its three subdistricts (District). After careful review and analysis, EOHLC determined that Shirley is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Shirley to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Shirley for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Shirley is designated a Commuter Rail community with 2,599 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 43 acres, and a minimum multi-family unit capacity of 650 units. At least forty percent (40%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **46 acres**.
2. As of right multi-family unit capacity for the District is estimated at **664 units**.
3. The gross density of the District is estimated at **16.2 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	43	46	46
Multi-family unit capacity (units)	650	664	664
Gross density (units per acre)	15	16.2	16.2
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	40	100	100
Land area to be located in a transit station area (%)	40	100	100

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Shirley's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies on the understanding that Section 2.9.4 of Shirley's bylaw, limiting the number of foundation permits that can be issued per year is expired and will not be applied to the District now or in the future.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Shirley's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, John.Cronin@masenate.gov
Representative Danillo Sena, Danillo.Sena@mahouse.gov
Bryan Sawyer, Town of Shirley, bsawyer@shirley-ma.gov

Via Email: kmizikar@shrewsburyma.gov

September 15, 2025

Kevin Mizikar, Town Manager
Town of Shrewsbury
100 Maple Ave
Shrewsbury, MA 01545

Re: Shrewsbury – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Mizikar,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Shrewsbury's "Transit Oriented Development Overlay District" (District). After careful review and analysis, EOHLC determined that Shrewsbury is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Shrewsbury to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Shrewsbury for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Shrewsbury is designated an Adjacent community with 14,966 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 1,497 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **101.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,512 units.**
3. The gross density of the District is estimated at **15.2 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. The District imposes an inclusionary zoning requirement for 15% of units in projects of at least 5 units to be deed restricted as affordable to households earning at or below 80% of Area Median Income (AMI). EOHLC determined that the submitted Economic Feasibility Analysis supports the feasibility of multi-family development in the District.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	100.9	101.5
Multi-family unit capacity (units)	1,497	1,512	1,512
Gross density (units per acre)	15	15.3	15.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted land area and gross density metrics**:

- EOHLC adjusted the land area of the submitted District to resolve a contiguity issue with a parcel comprised of two geographically separate areas, at 409 South Street. This change did not affect the District's unit capacity and resulted in a minor change to gross density.

- To account for the right of way (ROW) that was included in the GIS map but not in the Compliance Model, EOHLC adjusted the district acreage and density denominator in Table 4: Acreage Calculations of the Checklist District ID tab. This change did not affect the unit capacity.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Shrewsbury's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative Hannah Kane, Hannah.Kane@mahouse.gov
Christopher McGoldrick, Town of Shrewsbury, cmcgoldrick@shrewsburyma.gov

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Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: kballantyne@somervillema.gov

September 30, 2024

Mayor Katjana Ballantyne
City of Somerville
93 Highland Avenue
Somerville, MA 02143

Re: Somerville - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Honorable Mayor Ballantyne:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Somerville's Neighborhood Residence District (District). After careful review and analysis, EOHLC has determined that Somerville is **compliant** with Section 3A, as it finds that Somerville meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Somerville for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA).

Somerville is designated as a Rapid Transit Community with 36,269 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 24 acres, and a minimum multi-family unit capacity of 9,087 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **approximately 1,070 acres**.
2. As of right multi-family unit capacity for the District is estimated at **24,261 units.**
3. The gross density of the District is estimated at **22.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	24	1,070.3	1,074.3
Multi-family unit capacity (units)	9,087	59,474	24,261
Gross density (units per acre)	15	55.6	22.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted area, unit capacity and density metrics.**

- Unit capacity: The Compliance Model submitted by City staff did not include the limitation of 3 units per lot in checklist parameters. We note that the revised unit capacity remains more than double Somerville's minimum unit capacity requirement.

- Gross density: Accounting for the 3 dwelling units per lot limitation, reduces the estimated gross density of the District.

- Somerville's zoning ordinance establishes transit station areas based on a ½ mile walkshed, particularly as it relates to minimum parking requirements. However, the GIS analysis submitted used ½ radii as the crow flies. EOHLC recognizes that the discrepancy would not impact Somerville's compliance with Section 3A and did not quantify the numerical impact of this discrepancy.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of

additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Patricia Jehlen, Patricia.Jehlen@masenate.gov
Representative Christine Barber, Christine.Barber@mahouse.gov
Representative Mike Connolly, Mike.Connolly@mahouse.gov
Representative Erika Uyterhoeven, Erika.Uyterhoeven@mahouse.gov
Daneil Bartman, City of Somerville, dbartman@somervillema.gov

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Via Email: MPurple@SouthboroughMA.com

April 18, 2025

Mark Purple, Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772

Re: Southborough – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Purple,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Southborough's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC determined that Southborough is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Southborough to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Southborough for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Southborough is designated as a Commuter Rail Community with 3,763 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units. At least 20 percent of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **55.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **828 units.**
3. The gross density of the District is estimated at **16.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **twenty percent (20%)** of the required land area and estimated unit capacity is located within transit station areas.

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6. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	59.2	55.7
Multi-family unit capacity (units)	750	828	828
Gross density (units per acre)	15	15.2	16.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the land area and gross density metrics:

- Land area: Right of way (ROW) areas were included in separate cells in the District tabs of the Compliance Model. Because ROW was already included in Table 4: Acreage Calculations of the Checklist District ID tab, EOHLC removed the extra ROW in District tabs 1, 2, and 3. As a result, the District's land area decreased to 55.7 acres from 59.2.

- Gross density: Accounting for the removal of ROW areas in connection with the above increases the estimated gross density to 16.2 units per acre from 15.2.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as Site Plan Review effectively reduce the estimated multi-family unit capacity of the District or prove to be zoning barriers to developing multi-

family housing permitted as of right, EOHLC may revisit Southborough's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Kate Donaghue, kate.donaghue@mahouse.gov
Colleen Stansfield, Town of Southborough, CStansfield@SouthboroughMA.com

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Via email: bcaldwell@sterling-ma.gov

January 22, 2026

Bill Caldwell, Town Administrator
Town of Sterling
1 Park Street
Sterling, MA 01564

Re: Sterling - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Caldwell,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Sterling's *Multi-Family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Sterling is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Sterling for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Sterling is designated an Adjacent Small Town with 3,117 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 156 units, and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **11.3 acres**.
2. As of right multi-family unit capacity for the District is estimated at **168 units**.
3. The gross density of the District is estimated at **15.1 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	N/A	11.2	11.3
Multi-family unit capacity (units)	156	168	168
Gross density (units per acre)	15.0	15.1	15.1
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- EOHLC adjusted the determined land area to reflect rounding

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Sterling's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Sterling's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Peter Durant, Peter.Durant@masenate.gov
Representative Meghan Kilcoyne, Meghan.Kilcoyne@mahouse.gov
Stephen Wallace, Town of Sterling, swallace@sterling-ma.gov

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Via Email: DSheehan@stoneham-ma.gov

September 30, 2024

Dennis Sheehan, Town Administrator
Town of Stoneham
35 Central Street
Stoneham, MA 02180

Re: Stoneham - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Sheehan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Stoneham which is comprised of the Fallon Road Mixed Use District and the North Main Mixed Use Residential Overlay (District). After careful review and analysis, EOHLC has determined that Stoneham is **compliant** with Section 3A, as it finds that Stoneham meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Stoneham for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Stoneham is designated as an Adjacent Community with 10,159 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 27 acres, and a minimum multi-family unit capacity of 1,016 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **39.33 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,838 units.**
3. The gross density of the District is estimated at **68.7 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The District contains an Inclusionary Zoning requirement of 12% of units for projects 8 units and over and 15% for projects 30 units and over both of which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	27	39.33.	39.33
Multi-family unit capacity (units)	1,016	1,838	1,838
Gross density (units per acre)	15	68.7	68.7
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as discretionary site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Stoneham's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Representative Michael Day, Michael.Day@mahouse.gov
Erin Wortman, Town of Stoneham, EWortman@stoneham-ma.gov

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Via Email: twnmgr@stoughton-ma.gov

November 25, 2024

Thomas Coulter, Town Manager
Town of Stoughton
10 Pearl Street
Stoughton MA 02072

Re: Stoughton - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Coulter:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Stoughton's "core" and "flex" subdistricts within its Stoughton Center District (District). After careful review and analysis, EOHLC has determined that Stoughton is **compliant** with Section 3A, as it finds that Stoughton meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Stoughton for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Stoughton is designated as a Commuter Rail Community with 11,739 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 1,761 units, and a minimum gross density of 15 units per acre. At least forty percent of Stoughton's minimum requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **2,767 units.**
3. The gross density of the District is estimated at **47.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	59.5	59.5
Multi-family unit capacity (units)	1,761	2,767	2,767
Gross density (units per acre)	15	47.2	47.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the thresholds, procedures, and standards of site plan review pursuant to Section 10.6 of Stoughton's zoning bylaw. The standards set forth in the site plan review and the numerous assessment studies that are required lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- The definition of Family in Section 11.1 of Stoughton's zoning bylaw could be construed as an impermissible cap on the number of "unrelated" persons occupying a dwelling unit pursuant to G.L. c. 40A Sections 1A and 3A. We caution the Town not to impose these occupancy limits and encourage the Town to rely on the State sanitary code to prevent overcrowding in dwelling units.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

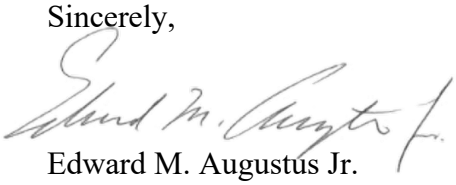
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional

information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Stoughton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus Jr.
Secretary

cc: Senator Walter Timilty, Walter.Timilty@masenate.gov
Representative William Galvin, William.Galvin@mahouse.gov
Representative Ted Phillips, Edward.Philips@mahouse.gov
William Roth, Town of Stoughton, wroth@stoughton-ma.gov

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Via email: townadministrator@stow-ma.gov

March 13, 2026

Denise Dembkoski, Town Administrator
Town of Stow
380 Great Rd
Stow, MA 01775

Re: Stow – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Dembkoski,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Stow's *Multifamily Housing Overlay District (*"District"). After careful review and analysis, EOHLC determined that Stow is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Stow to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Stow for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Stow is designated as an Adjacent Small Town with 2,770 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 139 units and a gross density of at least 15 dwelling units per acre.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **14 acres**.
2. As of right multi-family unit capacity for the district is estimated at **188 units.**
3. The gross density of the District is estimated at **15.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	-	14	14
Multi-family unit capacity (units)	139	188	188
Gross density (units per acre)	15.0	15.4	15.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Dwelling Unit in Stow's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Section 7.3.3.3 requires additional parking for units with more than five bedrooms, as well as "sufficient off-street parking" for visitors. This determination relies upon the interpretation that Section 7.3.3.3 does not apply to multi-family housing in the District.

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

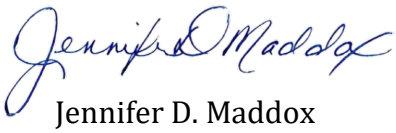
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Stow's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Jennifer D. Maddox
Interim Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Kate Hogan, Kate.Hogan@mahouse.gov
Valerie Oorthuys, Town of Stow, planning@stow-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: sheehana@sudbury.ma.us

March 28, 2025

Andrew J. Sheehan
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

Re: Sudbury - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Sheehan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Sudbury's "Multi-Family Housing Overlay District" which is comprised of two subdistricts (District). After careful review and analysis, EOHLC has determined that Sudbury is **compliant** with Section 3A, as it finds that Sudbury meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this Determination of Compliance by EOHLC qualifies Sudbury for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the MBTA Communities Catalyst Fund, and EOHLC will contact your staff with details once the Notice of Funding Availability (NOFA) and application materials are available.

Sudbury is designated as an Adjacent Community with 6,556 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **55.1 acres**.
2. As of right multi-family unit capacity for the district is estimated at **789 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty (50%) percent** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

100 Cambridge Street, Suite 300
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	Required	Submitted	Determined
Land area (acres)	50	55.1	55.1
Multi-family unit capacity (units)	750	789	789
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in Section 7110 of Sudbury's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- Developments in the District are subject to the requirements of site plan review pursuant to Sudbury's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

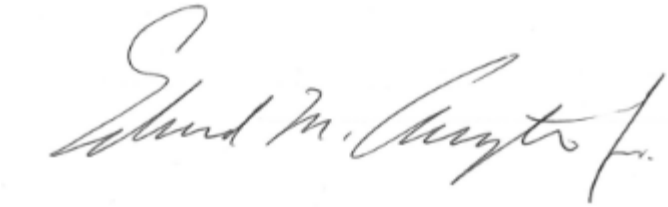
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Sudbury's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Carmine Gentile, carmine.gentile@mahouse.gov
Adam Burney, burneya@sudbury.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via email: a.cyganiewicz@town.sutton.ma.us

January 16, 2026

Austin Cyganiewicz, Town Manager
Town of Sutton
4 Uxbridge Road
Sutton, MA 01590

Re: Sutton – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Cyganiewicz,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Sutton's "MBTA Multifamily Overlay District" ("District"). After careful review and analysis, EOHLC determined that Sutton is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Sutton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Sutton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Sutton is designated as an Adjacent Small Town with 3,612 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 181 units and a minimum gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **16.1 acres**.
2. As of right multi-family unit capacity for the district is estimated at **241 units.**
3. The gross density of the District is estimated at **15.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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Boston, Massachusetts 02114
www.mass.gov
617.573.1100

7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	16.1	16.1
Multi-family unit capacity (units)	181	241	241
Gross density (units per acre)	15	15.4	15.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review and design standards lean towards discretionary criteria which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit

capacity of the District, EOHLC may revisit Sutton's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Ryan Fattman, ryan.fattman@masenate.gov
Representative Joseph McKenna, joseph.mckenna@mahouse.gov
Jennifer Hager, Town of Sutton, j.hager@town.sutton.ma.us

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: sfitzgerald@swampscottma.gov

September 30, 2024

Sean Fitzgerald, Town Administrator
Town of Swampscott
22 Monument Avenue
Swampscott, MA 01907

Re: Swampscott - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Fitzgerald:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Swampscott which is comprised of the Essex Street and Vinnin Square overlay districts (District). After careful review and analysis, EOHLC has determined that Swampscott is **compliant** with Section 3A, as it finds that Swampscott meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Swampscott for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Swampscott is designated as a Commuter Rail Community with 6,362 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 20 acres, and a minimum multi-family unit capacity of 954 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **47.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,148 units.**
3. The gross density of the District is estimated at **24.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	20	47.9	47.9
Multi-family unit capacity (units)	954	1,148	1,148
Gross density (units per acre)	15	24.0	24.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the zoning bylaw as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Brendan Crighton, Brendan.Crighton@masenate.gov
Representative Jennifer Balinsky Armini, Jennifer.Armini@mahouse.gov
Melissa Meaney, Town of Swampscott, mmeaney@swampscottma.gov

Commonwealth of Massachusetts
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Via Email: SOconnell@Taunton-ma.gov

September 30, 2024

Mayor Shauna O'Connell
City of Taunton
15 Summer St
Taunton MA 02780

Re: Taunton - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Honorable Mayor O'Connell:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Taunton which is comprised of the Transit Oriented Development district (District). After careful review and analysis, EOHLC has determined that Taunton is **compliant** with Section 3A, as it finds that Taunton meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Taunton for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Taunton is designated as a Commuter Rail Community with 24,965 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 3,745 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **428.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **7,365 units.**
3. The gross density of the District is estimated at **21.6 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	428.5	428.5
Multi-family unit capacity (units)	3,745	7,365	7,365
Gross density (units per acre)	15	21.6	21.6
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity

of the District, EOHLC may revisit Taunton's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Marc Pacheco, Marc.Pacheco@masenate.gov
Representative Carol Doherty, Carol.Doherty@mahouse.gov
Representative Patricia Haddad, Patricia.Haddad@mahouse.gov
Representative Norman Orrall, Norman.Orrall@mahouse.gov
Jay Pateakos, City of Taunton, jpateakos@taunton-ma.gov

Via Email: kharutunian@topsfield-ma.gov

June 24, 2025

Kevin Harutunian, Town Administrator
Town of Topsfield
8 West Common Street
Topsfield, MA 01983

Re: Topsfield – Determination of Compliance under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Harutunian:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Topsfield's "MBTA Communities Multi-family Overlay District" (District). After careful review and analysis, EOHLC has determined that Topsfield is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Topsfield to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Topsfield for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Topsfield is designated an Adjacent Small Town with 2,358 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 118 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **15.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **199 units**.
3. The gross density of the District is estimated at **15.4 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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Boston, Massachusetts 02114
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The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	15.8	15.8
Multi-family unit capacity (units)	118	199	199
Gross density (units per acre)	15	15.4	15.4
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Sally Kerans, Sally.Kerans@mahouse.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Lynne Bermudez, Town of Topsfield, lbermudez@topsfield-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: kmeehan@townsendma.gov

February 9, 2026

Kieran Meehan, Interim Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469

Re: Townsend - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Interim Town Administrator Meehan:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Townsend's *Multi-family Overlay District* ("District"). After careful review and analysis, EOHLC determined that Townsend is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Townsend to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Townsend for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Townsend is designated an Adjacent Small Town with 3,566 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 178 units and a minimum gross density of 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **12.2 acres.**
2. As of right multi-family unit capacity for the District is estimated at **183 units**.
3. The gross density of the District is estimated at **15.0 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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Boston, Massachusetts 02114
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617.573.1100

7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	12.2	12.2
Multi-family unit capacity (units)	178	183	183
Gross density (units per acre)	15	15.0	15.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the development standards in Section 145-54.2.E. of Townsend's zoning bylaw lean toward discretionary criteria, which may affect "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying development standards criteria in a discretionary manner, or requiring burdensome application material, that is inconsistent with G.L. c.40A Sections 1A and 3A.

- EOHLC recommends reviewing the District for consistent use of the defined term "Apartments/Multifamily Housing" and making corrective changes in the future for clarity.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware

of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Townsend's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, John.Cronin@masenate.gov
Representative Margaret Scarsdale, Margaret.Scarsdale@mahouse.gov
Beth Faxon, Town of Townsend, bfaxon@townsendma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: cloiselle@tyngsboroughma.gov

September 30, 2024

Colin Loiselle, Town Manager
Town of Tyngsborough
25 Bryant Lane
Tyngsborough, MA 01879

Re: Tyngsborough - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Loiselle:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Tyngsborough which is comprised of three multi-family districts (District). After careful review and analysis, EOHLC has determined that Tyngsborough is **compliant** with Section 3A, as it finds that Tyngsborough meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Tyngsborough for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA).

Tyngsborough is designated as an Adjacent Community with 4,669 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **54.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **821units.**
3. The gross density of the District is estimated at **15.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The District contains an Inclusionary Zoning requirement of 12.5% of units for projects 8 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	54.8	54.8
Multi-family unit capacity (units)	750	821	821
Gross density (units per acre)	15	15.3	15.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or special permit requirements for multifamily housing

projects proposed in the District, effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Tyngsborough's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Ed Kennedy, Edward.Kennedy@masenate.gov
Representative Colleen Garry, Colleen.Garry@mahouse.gov
Michael Asciola, Northern Middlesex Council of Governments, masciola@nmcog.org

Via Email: jlaydon@uptonma.gov

June 24, 2025

Joseph Laydon, Town Manager
Town of Upton
1 Main Street
Upton, MA 01628

Re: Upton - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Laydon:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Upton's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC determined that Upton is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Upton to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Upton for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Upton is designated an Adjacent Small Town community with 2,995 existing housing units per the 2020 United States Decennial Census. The Town is required to have a minimum multi-family unit capacity of 150 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **15.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **216 units**.
3. The gross density of the District is estimated at **15 units per acre.**

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4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	15.5	15.5
Multi-family unit capacity (units)	150	216	216
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Upton's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Upton's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Ryan Fattman, Ryan.Fattman@masenate.gov
Representative David Muradian, David.Muradian@mahouse.gov
Michael Antonellis, Town of Upton, mantonellis@uptonma.gov

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Via Email: smaio@wakefield.ma.us

March 31, 2025

Stephen Maio
Town Administrator
1 Lafayette St
Wakefield, MA 01880

Re: Wakefield - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Maio:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Wakefield's MBTA Communities Overlay District (District). After careful review and analysis, EOHLC has determined that Wakefield is **compliant** with Section 3A, as it finds that Wakefield meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00 (the Regulations).

Please note that this Determination of Compliance by EOHLC qualifies Wakefield for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Wakefield is designated a Commuter Rail community with 11,305 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 36 acres, and a minimum multi-family unit capacity of 1,696 units. At least seventy-five percent (75%) of the required land area and estimated unit capacity must be within a half mile of transit stations.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **49.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,704 units**.
3. The gross density of the District is estimated at **48.1 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy five percent (75%)** of the required land area and estimated unit capacity is within transit station areas.

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6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by a "Mandatory Mixed Use" (MMU) area pursuant to Section 72.05(1)(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	36	49.8	49.8
Multi-family unit capacity (units)	1,696	1,704	1,704
Gross density (units per acre)	15	48.1	48.1
One 50% contiguous area	Yes	Yes	Yes
Unit capacity to be located in a transit station area (%)	75	90	75
Land area to be located in a transit station area (%)	75	75	100

EOHLC identified the following **discrepancies from the submitted metrics:**

- Transit station percentages in the District are affected by the use of an MMU area. EOHLC adjusted these results based on its review but determined that the District still meets its transit station area requirements.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Article V requires a special permit for development in the Floodplain District. A portion of subdistrict MOD – HRR is covered by the Floodplain District. The geography of this overlapping area does not appear to affect the capacity of the District. If the special permit requirement does affect as of right development, or if the Floodplain District map changes, EOHLC may need to reevaluate this item.

- The standards set forth in the site plan review section of Wakefield's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in the Section 190-

4.B of Wakefield's zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or floodplains effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Wakefield's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Representative Kate Lipper-Garabedian, kate.lipper-garabedian@mahouse.gov
Representative Donald Wong, Donald.Wong@mahouse.gov
Erin Kokinda, Town of Wakefield, ekokinda@wakefield.ma.us
Samantha Elliott, Town of Wakefield, selliott@wakefield.ma.us

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Via Email: jjohnson@walpole-ma.gov

September 30, 2024

James Johnson, Town Administrator
Town of Walpole
135 School Street
Walpole MA 02081

Re: Walpole - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Johnson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Walpole which is comprised Central Core District and Outer Core District (District). After careful review and analysis, EOHLC has determined that Walpole is **compliant** with Section 3A, as it finds that Walpole meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Walpole for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Walpole is designated as a Commuter Rail Community with 10,042 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,506 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **78.0 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,575 units.**
3. The gross density of the District is estimated at **21.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	78.0	78.0
Multi-family unit capacity (units)	1,506	1,575	1,575
Gross density (units per acre)	15	21.2	21.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- We caution the Town not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the zoning bylaw as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of

additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review standards effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Walpole's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rush, Mike.Rush@masenate.gov
Representative Paul McMurtry, Paul.McMurtry@mahouse.gov
Representative Ted Philips, Edward.Philips@mahouse.gov
Representative John Rogers, John.Rogers@mahouse.gov
Representative Marcus Vaughn, Marcus.Vaughn@mahouse.gov
Patrick Deschenes, Town of Walpole, pdeschenes@walpole-ma.gov

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Via Email: mayor@cityofwaltham.ma.us

May 14, 2025

The Honorable Mayor Jeannette McCarthy
City of Waltham
610 Main Street
Waltham, MA 02452

Re: Waltham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor McCarthy,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the City of Waltham's "MBTA Communities Multi-Family Overlay District" (District). After careful review and analysis, EOHLC has determined that Waltham is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the City of Waltham to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Waltham for the MBTA Communities Catalyst Fund. You can learn more about this program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Waltham is designated as a Commuter Rail Community with 26,545 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 3,982 units. At least fifty percent (50%) of the City's requirements must be met within ½ miles of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **80.5 acres**.
2. As of right multi-family unit capacity for the district is estimated at **4,066.**
3. The gross density of the District is estimated at **50.5 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	80.5	80.5
Multi-family unit capacity (units)	3,982	4,066	4,066
Gross density (units per acre)	15	50.5	50.5
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- **Waltham must submit an Economic Feasibility Analysis consistent with the requirements of Section 72.04(1)(b)1b of the Regulations no later than 180 days after the date of this letter.** If Waltham does not submit an Economic Feasibility Analysis within this timeframe, EOHLC will determine in writing that Waltham has not shown its Affordable Housing Provisions to be feasible, pursuant to Section 8.87 of the ordinance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, mike.barrett@masenate.gov
Representative John Lawn john.lawn@mahouse.gov
Representative Thomas Stanley, Thomas.stanley@mahouse.gov
Katherine Laughman, City of Waltham, klaughman@city.waltham.ma.us

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Via Email: gproakis@watertown-ma.gov

April 9, 2025

George Proakis, City Manager
City of Watertown
149 Main Street
Watertown, MA 02472

Re: Watertown – Determination of Compliance under Section 3A of the Zoning Act (Section 3A)

Dear City Manager Proakis:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Watertown's Transit Oriented Development Overlay District (District). After careful review and analysis, EOHLC has determined that Watertown is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the City of Watertown to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Watertown for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Watertown is designated an Adjacent Community with 17,010 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 24 acres, and a minimum multi-family unit capacity of 1,701 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **53 acres**.
2. As of right multi-family unit capacity for the District is estimated at **3,754 units**.
3. The gross density of the District is estimated at **62.8 units per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The City submitted an Economic Feasibility Analysis (EFA). EOHLC determined that the submitted Economic Feasibility Analysis (EFA) supports feasibility of multi-family housing development in the District.
8. Twenty-five percent (25%) or less of the minimum unit capacity requirement is satisfied by "Mandatory Mixed Use" (MMU) areas (WSQ2_TODO_Active_Frontage and WSQ3_TODO_Active_Frontage subdistricts) pursuant to Section 72.05(1)(c) of the Regulations.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	24	61.2	53
Multi-family unit capacity (units)	1,701	4,056	3,754
Gross density (units per acre)	15	66.27	62.8
One 50% contiguous area	Yes	Yes	Yes

EOHLC determinations differ from the application estimates for the following reasons:

- Land area: EOHLC removed the 8.2 acres of land area derived from the MMU subdistricts from the total land area of the District, resulting in 53 acres. MMU districts do not contribute towards land area requirements.

- Unit capacity: The cumulative unit capacity from the application includes the total unit capacity of the MMU subdistricts. The MMU subdistricts can offset the minimum unit capacity requirement by only up to 25%. EOHLC added 425 units from the MMU subdistricts (25% of Watertown's minimum unit capacity requirement of 1,701) to the 3,329 units from the WSQ1, WSQ2, and WSQ3 subdistricts, resulting in a unit capacity of 3,754.

- Gross density: This calculation was changed to reflect the land area and unit capacity of only the WSQ1, WSQ2, and WSQ3 subdistricts as the MMU subdistrict are not included in the gross density calculation.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Watertown's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the City against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or design guidelines effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Watertown's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator William Brownsberger, William.Brownsberger@masenate.gov
Representative Steven Owens, Steven.Owens@mahouse.gov
Representative John Lawn, John.Lawn@mahouse.gov
Gideon Schreiber, City of Watertown, gschreiber@watertown-ma.gov
Larry Field, City of Watertown, lfield@watertown-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mmccall@wayland.ma.us

September 30, 2024

Michael McCall, Town Manager
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Wayland - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager McCall:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Wayland which is comprised of four subdistricts (District). After careful review and analysis, EOHLC has determined that Wayland is **compliant** with Section 3A, as it finds that Wayland meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Wayland for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Wayland is designated as an Adjacent Community with 5,926 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **50.1 acres**.
2. As of right multi-family unit capacity for the District is estimated at **835 units.**
3. The gross density of the District is estimated at **19.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. The District contains an Inclusionary Zoning requirement of 15% of units for projects 10 units and over which must be affordable to households at or below 80% of Area Median Income (AMI). EOHLC finds the Economic Feasibility Analysis supports the feasibility of multi-family development.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	50.1	50.1
Multi-family unit capacity (units)	750	835	835
Gross density (units per acre)	15	19.2	19.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Article 27 requires a Development and Use Plan that references regulations that may be outside the Zoning Bylaw which EOHLC has not reviewed. We caution the Town against applying any review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Article 5 includes a Special Permit requirement for removing 1,500 cubic yards of earth material on lots 40,000 square feet and larger. We caution the town to review projects in a nondiscretionary manner, and to avoid subjecting multifamily housing proposals to special permit requirements, consistent with the requirements of G.L. Sections 1A and 3A.

- Article 5 references a Design Review Board that must render an advisory opinion on certain development projects. We caution the Town against applying any review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as specific site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Wayland's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Carmine Gentile, Carmine.Gentile@mahouse.gov
Representative David Linsky,David.Linsky@mahouse.gov
Roberta Hummel, Town of Wayland, rhummel@wayland.ma.us

Via Email: mjop@wellesleyma.gov

March 28, 2025

Meghan Jop, Executive Director
Town of Wellesley
525 Washington Street
Wellesley, MA 02482

Re: Wellesley – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Jop,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Wellesley's zoning amendments related to Section 3A of the Zoning Act (collectively, "District"). After careful review and analysis, EOHLC has determined that Wellesley is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Wellesley to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Wellesley for the MBTA Communities Catalyst Fund, which was announced by Governor Healey in June. You can learn more about the program at the web page MBTA Communities Catalyst Fund, which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov.

Wellesley is designated as Commuter Rail community with 9,282 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,392 units. At least ninety percent (90%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **112.2 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,628 units.**
3. The gross density of the District is estimated at **17.3 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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617.573.1100

6. The Town's zoning contains some special permit requirements that may hinder "as of right" development of multi-family housing. Please see below for details on this finding.
7. At least **ninety percent (90%)** of the required District land area and estimated unit capacity is within transit station areas.
8. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
9. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	112.2	112.2
Multi-family unit capacity (units)	1,392	1,628	1,628
Gross density (units per acre)	15	14.5	17.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the submitted gross density metric:**

- The gross density submitted on Wellesley's application does not meet Section 3A's gross density requirement, as EOHLC has not allowed for rounding. EOHLC acknowledges that the Town removed the unit capacities of 162-200 Linden Street and 161-231 Linden Street, located in the "Wellesley Square Linden" subdistrict, due to a restrictive Development Agreement (DA) already in place. EOHLC removed these parcels from the density denominator within the compliance model, and recalculated the District's gross density at 17.3 units per acre. Since the parcels are nevertheless in the District, and could be developed with multi-family housing if the DA is modified or extinguished in the future, the parcels may contribute towards land area and contiguity requirements.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of Wellesley's zoning ordinance lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

- Section 5.14 requires a special permit for retaining walls over 4 feet high within lot setbacks and any retaining wall over fifteen (15) feet in height. This requirement could require a special permit for many development proposals, as retaining walls are often part of routine site work for multi-family housing. EOHLC cautions Wellesley against requiring compliance with this provision for otherwise as of right multi-family housing and further recommends exempting

otherwise as of right multi-family housing developments within Section 3A districts from this provision in Wellesley's zoning bylaw.

- Section 3.6.1 of Wellesley's zoning bylaw, titled Wellesley Park Smart Growth Overlay, was submitted showing an 850 unit cap for the district overall with an amendment approved by Wellesley's Town Meeting in September of 2024 allowing for continued development within the district above the unit cap at a maximum density of 15 units per acre. This determination accepts the Town's inclusion of 850 units as the capacity for the district, as long as the Town retains its amendment allowing development at fifteen units per acre regardless of the overall cap.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- This determination relies on an interpretation of Floor Area Ratio (FAR) discussed with Wellesley's staff as it relates to the Wellesley Park Smart Growth Overlay. It is understood that, if housing is constructed with the Park, the construction of housing is exempt from the FAR limit imposed on other types of development within the Park.

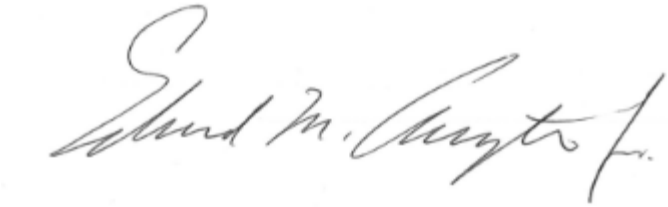
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Wellesley's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Cynthia Creem, Cynthia.Creem@masenate.gov
Representative Alice Peisch, Alice.Peisch@mahouse.gov
Eric Arbeene, Town of Wellesley, earbeene@wellesleyma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: hbutler@westboylston-ma.gov

April18, 2025

Heather Butler, Town Administrator
Town of West Boylston
140 Worcester Street
West Boylston, MA 01583

Re: West Boylston - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Butler:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of West Boylston's "MBTA Residence District" (District). After careful review and analysis, EOHLC has determined that West Boylston is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of West Boylston to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies West Boylston for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

West Boylston is designated as an Adjacent Community with 3,052 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 39 acres, and a minimum multi-family unit capacity of 587 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **43.8 acres**.
2. As of right multi-family unit capacity for the district is estimated at **657 units.**
3. The gross density of the District is estimated at **15.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	39	43.8	43.8
Multi-family unit capacity (units)	587	657	657
Gross density (units per acre)	15	15.2	15.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of West Boylston's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This Determination relies on the interpretation that the limitation described in Section 4.3 of the bylaw (Modifications to Dimensional Requirements), that establishes a minimum lot area per dwelling unit, does not apply to the District, as stated in Section 3.14(3) of the bylaw.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan effectively reduce the estimated multi-family unit capacity of the

District, EOHLC may revisit West Boylston's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Robyn Kennedy, Robyn.Kennedy@masenate.gov
Representative James O'Day, James.O'Day@mahouse.gov
Charlie Blanchard, Town of West Boylston, cblanchard@westboylston-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant. Governor ◆ Juana B. Matias, Secretary

Via Email: dgagne@westbridgewater.gov

June 9, 2026

David Gagne, Town Administrator
Town of West Bridgewater
65 North Main Street
West Bridgewater, MA 02379

Re: West Bridgewater - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Gagne:

Congratulations! The Executive Office of Housing and Livable Communities (HLC) reviewed the district compliance application for the Town of West Bridgewater's *MBTA Multi-Family Housing District* ("District"). After careful review and analysis, HLC determined that West Bridgewater is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). HLC recognizes the diligent work by the Town of West Bridgewater to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by HLC qualifies West Bridgewater for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

West Bridgewater is designated an Adjacent Small Town with 2,898 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 145 units.

HLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **9.1 acres**.
2. As of right multi-family unit capacity for the District is estimated at **150 units**.
3. The gross density of the District is estimated at **26.2 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by HLC following its review:

Metrics	Required	Submitted	Determined
Land area (acres)	n/a	8.3	9.1
Multi-family unit capacity (units)	145	150	150
Gross density (units per acre)	15	36.5	26.2
One 50% contiguous area	Yes	Yes	Yes

HLC identified the following discrepancies from the **submitted area, unit capacity, and gross density metrics:**

- Land area: The submitted compliance model did not appropriately include right of way areas (ROW) in the district area calculation. HLC adjusted the district acreage and density denominator in Table 4: Acreage Calculations of the Checklist District ID. This change increased the land area from 8.3 to 9.1 acres and contributed to a change in the District's gross density, from 36.5 units per acre to 26.2 units per acre.

HLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Section 4.7.2 sets forth a district-wide unit cap of 150. District-wide caps on multiple-parcel districts risk conflict with Section 3A's as of right zoning requirement. However, HLC recognizes that West Bridgewater's cap is highly unlikely to apply in practice. HLC cautions the Town against enforcing this limit against any future "as of right" projects proposed in the District.

- HLC cautions the Town that the provisions for Earth Removal found in Section 9.0 of the Town's zoning bylaws must not subject otherwise as of right multi-family housing developments to the special permit provision contained within said section.

- HLC cautions the Town against imposing limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the zoning bylaw as such limits conflict with the prohibition on the limitations of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in the site plan review section of West Bridgewater's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. HLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify HLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

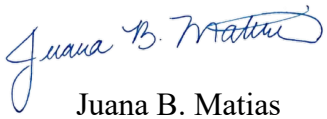
- HLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- HLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, HLC may reevaluate West Bridgewater's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, HLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Juana B. Matias
Secretary

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Bridget Plouffe, Bridget.Plouffe@mahouse.gov
Tracy Altrich, Town of West Bridgewater, taltrich@westbridgewater.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Jennifer D. Maddox, Interim Secretary

Via Email: townmanager@wnewbury.org

March 19, 2026

Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

Re: West Newbury - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Jennings:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of West Newbury's MBTA Communities Multi-family Overlay District ("District"). After careful review and analysis, EOHLC determined that West Newbury is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of West Newbury to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies West Newbury for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

West Newbury is designated an Adjacent Small Town with 1,740 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 87 units and a gross density of at least 15 units per acre.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **7.9 acres.**
2. As of right multi-family unit capacity for the District is estimated at **102 units**.
3. The gross density of the District is estimated at **15 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.

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7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	7.9	7.9
Multi-family unit capacity (units)	87	102	102
Gross density (units per acre)	15	15	15
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the site plan review section of West Newbury's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

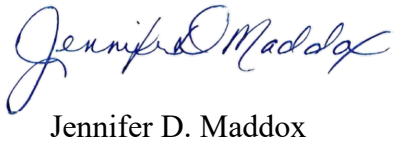
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate West Newbury's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Jennifer D. Maddox
Interim Secretary

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov

Via Email: kwilliams@westboroughma.gov

November 18, 2024

Kristi Williams, Town Manager
Town of Westborough
43 West Main Street
Westborough, MA 01581

Re: Westborough - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Williams:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Westborough which is based on the Town's MBTA Overlay District (District). After careful review and analysis, EOHLC has determined that Westborough is **compliant** with Section 3A, as it finds that Westborough meets the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Westborough for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Westborough is designated as a Commuter Rail Community with 8,334 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,250 units. At least twenty percent (20%) of the District's minimum requirements must be met within transit station area.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **95.59 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,572 units.**
3. The gross density of the District is estimated at **17.2 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.

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5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	128.60	128.60
Multi-family unit capacity (units)	1,250	1,572	1,572
Gross density (units per acre)	15	17.2	17.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Developments in the District are subject to the requirements of site plan review pursuant to Westborough's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

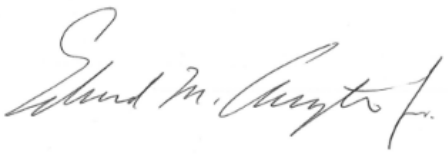
- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative Kate Donaghue, Kate.Donaghue@mahouse.gov
Representative Hannah Kane, Hannah.Kane@mahouse.gov
Jenny Gingras, Westborough Director of Planning, jgingras@westboroughma.gov

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Via Email: klas@westfordma.gov

September 30, 2024

Kristen Las, Town Manager
Town of Westford
55 Main Street
Westford MA 01886

Re: Westford - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Las:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Westford which is comprised of the MBTA Communities Multi-family Overlay District, MCMOD (District). After careful review and analysis, EOHLC has determined that Westford is **compliant** with Section 3A, as it finds that Westford meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Westford for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Westford is designated as an Adjacent Community with 9,327 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 924 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **327.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **4,915 units.**
3. The gross density of the District is estimated at **18 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	327.6	327.6
Multi-family unit capacity (units)	924	4,915	4,915
Gross density (units per acre)	15	18	18
One 50% contiguous area	Yes	Yes	Yes

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator John Cronin, John.Cronin@masenate.gov
Representative James Arciero, James.Arciero@mahouse.gov
Jeffrey Morrissette, Town of Westford, jmorrissette@westfordma.gov

Commonwealth of Massachusetts
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Via email: slahtinen@westminster-ma.gov

December 12, 2025

Stephanie Lahtinen, Town Administrator
Town of Westminster
11 South Street
Westminster, MA 01473

Re: Westminster – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Lahtinen,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Westminster's "Multi-Family Overlay District" ("District"). After careful review and analysis, EOHLC determined that Westminster is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Westminster to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Westminster for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Westminster is designated as an Adjacent Small Town with 3,301 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 165 units.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **29.3 acres**.
2. As of right multi-family unit capacity for the district is estimated at **165 units.**
3. The gross density of the District is estimated at **15 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children pursuant to Section 72.07 of the Regulations.

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www.mass.gov
617.573.1100

6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	0	25.8	29.3
Multi-family unit capacity (units)	165	165	165
Gross density (units per acre)	15	15.0	15.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies** from the submitted land area and gross density metrics:

- The submitted District did not include right of way (ROW) areas in the District's land area input in the Compliance Model. The adjustments increased the District's land area from 25.8 acres to 29.3 acres.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- Section 205-9.1 "Multi-Family Overlay District" (G. Parking) requires at least 1.5 parking spaces per dwelling units, while also limiting each parking area to no more than one parking space per bedroom per unit. This requirement could be interpreted to limit the number of one-bedroom units in a multi-family housing development. EOHLC cautions the Town against applying this requirement in a manner that is inconsistent with G.L. c. 40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

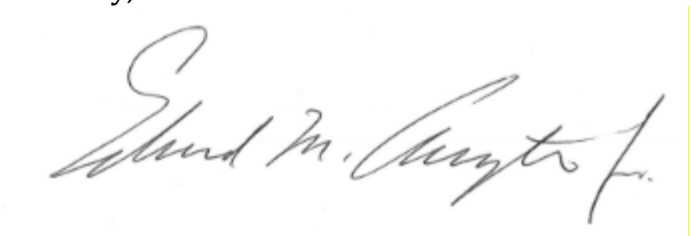
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduces the estimated multi-family unit capacity of the District, EOHLC may revisit Westminster's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Peter Durant, Peter.Durant@masenate.gov
Representative Kimberly Ferguson, Kimberly.Ferguson@mahouse.gov
Ryan Doherty, Town of Westminster, rdoherty@westminster-ma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: Gaumond.l@westonma.gov

December 1, 2025

Leon Gaumond, Town Administrator
Town of Weston
11 Town House Road
Weston, MA 02493

Re: Weston - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Gaumond,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Weston's *MBTA 3A Mutlifamily Overlay District* ("District"). After careful review and analysis, EOHLC determined that Weston is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Weston for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Weston is designated a Commuter Rail Community with 4,043 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, a minimum multi-family unit capacity of 750 units, and a minimum gross density of 15 units per acre. Additionally, at least forty percent (40%) of the district must be within a half-mile of a transit station.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **104.8 acres**.
2. As of right multi-family unit capacity for the District is estimated at **750 units**.
3. The gross density of the District is estimated at **17.8 units per acre.**
4. At **least fifty percent (50%)** of the District is one contiguous land area.
5. At **least forty percent (40%)** of the required land area and estimated unit capacity is within transit station areas.

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Boston, Massachusetts 02114
www.mass.gov
617.573.1100

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. There was no Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirement, adopted above the maximum threshold of ten percent (10%) of units being set aside as affordable to households earning up to eighty percent of Area Median Income.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	104.8	104.8
Multi-family unit capacity (units)	750	750	750
Gross density (units per acre)	15	17.8	17.8
Land area within transit station areas (acres)	20	69.7	69.7
Multi-family unit capacity within transit station areas (units)	300	480	480
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This Determination of Compliance relies on the Town's representation that Section 13, *MBTA 3A Multifamily Overlay District*, exempts dimensionally conforming multi-family housing within the District from "any special permit requirements of the underlying district and/or applicable overlay districts." Therefore, special permit requirements found elsewhere in the bylaw, including, but not limited to: movement of earth materials; water resource protection; wetland protection; and other environmental regulations, must not apply to or interfere with as of right multi-family housing in the District. EOHLC is relying on the same representation, found in Section 13.C., which allows for the control of all dimensional standards and uses to be governed solely by the provisions and standards found in Section 13.

- The standards set forth in the site plan approval section of Weston's zoning ordinance lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- The District's inclusionary zoning requires that at least fifteen percent (15%) of units in developments containing ten or more units be set aside as affordable to households earning up to eighty percent of Area Median Income, unless EOHLC determines in writing that the

requirement is not feasible, in which case the requirements shall be ten percent of units at eighty percent of area median income, in projects of ten or more units. EOHLC awaits the submission of an economic feasibility analysis (EFA) pursuant to Section 72.04(1)(b)1b. The Town must submit the EFA within 180 days of receipt of this letter, for EOHLC's review.

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Weston's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov.
If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Alice Peisch, Alice.Peisch@mahouse.gov
Imaikalani Aiu, Town of Weston, aiu.i@westonma.gov

Commonwealth of Massachusetts
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Via Email: ccoleman@westwoodma.gov

May 29, 2025

Christopher Coleman, Town Administrator
Town of Westwood
580 High Street
Westwood, MA 02090

Re: Westwood - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Coleman,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Westwood's "Mixed-Use Multi-Family Residential Overlay District" (District). After careful review and analysis, EOHLC determined that Westwood is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Westwood to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Westwood for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Westwood is designated as a Commuter Rail community with 5,801 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 870 units. At least fifty percent (50%) of the Town's requirements must be met within ½ mile of transit stations.

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Boston, Massachusetts 02114
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617.573.1100

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **69.0 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,046 units.**
3. The gross density of the District is estimated at **17.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.
6. At least **fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. EOHLC reviewed the Economic Feasibility Analysis submitted by the Town in connection with 72.04(1)(b)(1)(b). The analysis demonstrates that a reasonable variety of multi-family housing types cannot be feasibly developed under a requirement that 15% of units to be set aside as affordable.
9. The District submitted includes a Mandatory Mixed Use (MMU) area. However, the MMU zoning does not meet the requirements of 72.05(1)(c)(2)(g) because it sets forth minimum parking requirements for nonresidential uses. In addition, the MMU units are not necessary to meet Westwood's unit capacity requirement. For these reasons, EOHLC removed the unit capacity of the MMU from the determined unit capacity.
10. The Town's application requested a developable land override for 90-100 Brigham Way, to change the excluded land to developable land. The request cited inaccurate ownership information; however, the parcel must remain excluded because its current owner uses it for institutional use. The Town may request an override for this parcel in the future if it is no longer used for institutional use. The unit capacity created by the requested override is not necessary to meet the Town's minimum unit capacity requirement. Therefore, EOHLC removed the units generated by the parcel override.
11. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	69.0	69.0
Multi-family unit capacity (units)	870	1,147	1,046
Gross density (units per acre)	15	18.4	17.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the unit capacity and gross density metrics:

- Unit capacity: EOHLC removed the unit capacity attributable to the MMU because the MMU does not meet the criteria set forth in Section 72.05(1)(C)(2). This reduces the estimated unit

capacity to 1,109 from 1,147. EOHLC has also removed the unit capacity of the requested override of 90-100 Brigham Way, reducing the estimated unit capacity to 1,046 from 1,109.

- Gross density: Accounting for the adjusted unit capacity in connection with the above reduced the estimated gross density to 17.4 units per acre from 18.4.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of people occupying a dwelling unit as described in the definition of Family in the zoning bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

- The standards set forth in 9.9.14 MUMFROD-EIDR Approval Decision & Conditions of Westwood's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. Furthermore, 760 CMR 72.04(1)(c) prohibits requirements imposed on multi-family housing that are not generally applicable to other uses (such as single-family housing, which is exempted from the requirements of 9.9.14). EOHLC cautions the Town against applying environmental impact review standards or criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This compliance determination relies on EOHLC's interpretation that the effective minimum set aside pursuant to Section 9.9.10, "Affordability Requirements", is 10% because the submitted Economic Feasibility Analysis did not demonstrate that a reasonable variety of multi-family housing is feasible.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review or development standards result in special permit requirements for multifamily housing projects proposed in the District, and/or the

permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Westwood's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Rush, Mike.Rush@masenate.gov
Representative Paul McMurty, Paul.McMurtry@mahouse.gov
Nora Loughnan, Town of Westwood, nloughnane@westwoodma.gov

Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: rhedlund@weymouth.ma.us

May 19, 2025

The Honorable Robert Hedlund, Mayor
Town of Weymouth
75 Middle Street
Weymouth, MA 02189

Re: Weymouth – Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mayor Hedlund,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Weymouth's Jackson Square Overlay District and the Naval Air Station's Mixed Use Overlay District (together, "District"). After careful review and analysis, EOHLC determined that Weymouth is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Weymouth to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Weymouth for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Weymouth is designated as Commuter Rail community with 25,419 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 3,813 units. At least seventy-five percent (75%) of the Town's requirements must be met within ½ mile of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **285.5 acres**.
2. As of right multi-family unit capacity for the District is estimated at **6,042 units.**

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3. The gross density of the District is estimated at **22 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the district is suitable for families with children.
6. At least **seventy-five percent (75%)** of the required District land area and estimated unit capacity is within transit station areas.
7. There are no dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement.
8. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and other requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	297.3	285.5
Multi-family unit capacity (units)	3,813	36,723	6,042
Gross density (units per acre)	15	N/A	22
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the land area, unit capacity and gross density metrics:

- Land Area: EOHLC adjusted the land area in both areas of the District. The application included both the Upper and Lower Jackson Square subdistricts of the Jackson Square Overlay District. EOHLC's review determined that Upper Jackson Square allows mixed-use development, but not multi-family housing, as of right, so the land area of that subdistrict was removed. Additionally, the submitted compliance model captured parcels that are not within the boundaries of the Lower Jackson Square subdistrict, so these parcels were removed.
- Unit Capacity: EOHLC adjusted the unit capacity estimate for both areas of the District. The unit capacity change reflects the land area adjustment in the Lower Jackson Square subdistrict. Additionally, the unit capacity of parcels affected by the Floodplain District were removed due to the special permit requirement of the Floodplain District. The Naval Air Station Mixed Use Development District's unit capacity was limited to 6,000 units, reflecting the unit limit described in a December 16, 2024, Certificate of the Secretary of Energy and Environmental Affairs on the Final Supplemental Environmental Impact Report.
- Gross Density: The application did not include a calculated gross density. EOHLC calculated the District gross density to reflect the changes in land area and unit capacity above.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

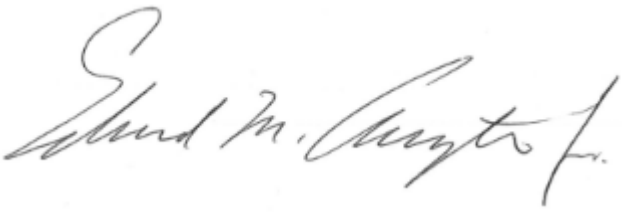
- This determination relies on the interpretation that the Lower Jackson Square District allows multi-family housing as of right and does not require a commercial component for a development. If the Lower Jackson Square District does not allow multi-family development as of right, EOHLC may adjust this compliance determination.
- This determination relies on the application of a 6,000 unit cap as described in the December 16, 2024, letter entitled "Certificate of the Secretary of Energy and Environmental Affairs on the Final Supplemental Environmental Impact Report." EOHLC interprets this unit limit as available for development and not subject to any other additional unit capacity restrictions including from development agreements. If this cap is reduced or its method of application changed, EOHLC may revisit Weymouth's compliance with 3A.
- The standards set forth in the site plan review section of Weymouth's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review or design review standards or criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.
- EOHLC cautions the Town against enforcing zoning-based occupancy limits on the number of persons occupying a dwelling unit as described in the definition of Family in both the Weymouth zoning bylaw and the Naval Air Station bylaw. Zoning based occupancy caps conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A."

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action, or change to the Naval Air Station, that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations.
- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes result in special permit requirements for multifamily housing projects proposed in the District, and/or the permitting processes effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Weymouth's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Patrick O'Connor, patrick.oconnor@masenate.gov
Representative Ronald Mariano, ronald.mariano@mahouse.gov
Representative James Murphy, james.murphy@mahouse.gov
Robert Luongo, Town of Weymouth, rluongo@weymouth.ma.us
Eric Schneider, Town of Weymouth, eschneider@weymouth.ma.us

Via Email: MCarter@whitman-ma.gov

June 24, 2025

Mary Beth Carter, Town Administrator
Town of Whitman
P.O. Box 426
Whitman, MA 02382

Re: Whitman - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Administrator Carter,

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Whitman's "MBTA Communities Overlay District" (District). After careful review and analysis, EOHLC determined that Whitman is **compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work performed by the Town of Whitman to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Whitman for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Whitman is designated as a Commuter Rail Community with 5,984 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 37 acres and a minimum multi-family unit capacity of 898 units. At least twenty percent (20%) of the Town's requirements must be met within ½ miles of transit stations.

EOHLC conducted a thorough review of the application and made the following determinations:

1. The District comprises **75.9 acres**.
2. As of right multi-family unit capacity for the district is estimated at **1,017.**
3. The gross density of the District is estimated at **16.4 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. At least **twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the district is suitable for families with children.

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7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	37	75.9	75.9
Multi-family unit capacity (units)	898	1,165	1,017
Gross density (units per acre)	15	18.8	16.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC determinations differ from the application estimates for the following reasons:

- Unit capacity: Three parcels that are partially within the District were missing information in the compliance model. EOHLC re-calculated the data for these partial parcels. Additionally, EOHLC adjusted the submitted parking space per unit 1.5 to 2 to more accurately estimate the range of parking spaces required per number of bedrooms. Finally, EOHLC removed the unit capacity from 66 Pond Street because the lot does not meet the frontage requirements of the District. As a result of these changes, the unit capacity of the District was reduced from 1,165 to 1,017.

- Gross density: EOHLC recalculated the gross density to reflect the unit capacity changes described above.

EOHLC identified the following **additional factor** that could affect as of right multi-family housing development in the District:

- The standards set forth in the environmental performance standards and site plan review section of Whitman's zoning bylaw lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. EOHLC cautions Whitman against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 72.10 of the Regulations.

- Permitting conducted in connection with the additional factor listed above must not effectively reduce the estimated multi-family unit capacity of the District. If those factors reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Whitman's compliance with Section 3A, and could require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District; please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Michael Brady, Michael.Brady@masenate.gov
Representative Alyson Sullivan, Alyson.Sullivan@mahouse.gov
Kathleen Keefe, Town of Whitman, KKeefe@whitman-ma.gov

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Via Email: brudolph@winchester.us

February 6, 2025

Beth Rudolph, Town Manager
71 Mt. Vernon Street
Winchester, MA 01890

Re: Winchester - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Rudolph:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Winchester's MBTA Overlay District (District). After careful review and analysis, EOHLC has determined that Winchester is **compliant** with Section 3A, as it finds that Winchester meets, or exceeds, the requirements of Section 3A and 760 CMR 72.00.

Please note that this Determination of Compliance by EOHLC qualifies Winchester for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Winchester is designated a Commuter Rail community with 8,135 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 37 acres, a minimum multi-family unit capacity of 1,220 units, and a minimum gross density of 15 units per acre. Additionally, at least fifty percent (50%) of the district must be within a half-mile of a transit station.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **47.9 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,396 units**.
3. The gross density of the District is estimated at **30.4 unit per acre**.
4. **At least fifty percent (50%)** of the District is one contiguous land area.

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5. **At least fifty percent (50%)** of the required land area and estimated unit capacity is within transit station areas.
6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 72.07 of the Regulations.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The Economic Feasibility Analysis submitted in support of the District's inclusionary zoning requirements demonstrates that a reasonable variety of multi-family housing types can be feasibly developed.
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and 760 CMR 72.00.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	37	47.8	47.9
Multi-family unit capacity (units)	1,220	1,420	1,396
Gross density (units per acre)	15	30.7	30.4
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Development in the District is subject to the requirements of Section 9.5 Site Plan Review pursuant to Winchester's zoning bylaw. The standards set forth in the site plan review lean towards discretionary criteria which may affect the "as of right" approvals for development proposals in the District. We caution the town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Senator Jason Lewis, Jason.Lewis@masenate.gov
Senator Patricia Jehlen, patrica.jehlen@masenate.gov
Representative Michelle Ciccolo, michelle.ciccolo@mahouse.gov
Representative Michael Day, Michael.Day@mahouse.gov
Taylor Herman, Town of Winchester, therman@winchester.us

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Via Email: citymanager@worcesterma.gov

September 30, 2024

Eric Batista, City Manager
City of Worcester
455 Main St
Worcester, MA 01608

Re: Worcester - District Compliance Determination for MBTA Communities under Section 3A of the Zoning Act (Section 3A)

Dear City Manager Batista:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the City of Worcester which is comprised of BG-6.0, Business General & Commercial Corridors Overlay District - Downtown Parking Subarea, CCOD-D (District). After careful review and analysis, EOHLC has determined that Worcester is **compliant** with Section 3A, as it finds that Worcester meets, or exceeds, the requirements of Section 3A and the Guidelines.

Please note that this Determination of Compliance by EOHLC qualifies Worcester for the MBTA Communities Catalyst Fund which was announced by Governor Healey in June. Learn more about the program at the web page MBTA Communities Catalyst Fund which has a link to the Notice of Funding Availability (NOFA). While housing production is not required, EOHLC is eager to hear about multi-family developments in your MBTA Communities District, please share permit activity with us at EOHLC3A@mass.gov.

Worcester is designated as a Commuter Rail Community with 84,281 existing housing units per the 2020 United States Decennial Census. The City is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 12,642 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **423.6 acres**.
2. As of right multi-family unit capacity for the District is estimated at **43,616 units.**
3. The gross density of the District is estimated at **103.0 dwelling units per acre**.
4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least forty percent (40%)** of the required District land area and estimated unit capacity is within transit station areas.

6. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7 of the Guidelines.
7. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
8. The District contains an Inclusionary Zoning requirement offering proponents of residential projects 12 units or more to choose between 15% of units that must be affordable to households at or below 80% of Area Median Income (AMI) OR 10% of units affordable to households making 60% AMI. Worcester submitted an Economic Feasibility Analysis that supports the feasibility of multi-family development for projects up to 25 units. Projects of 50 or 100 units were found to be infeasible using standard assumptions about cost and expected returns. EOHLC finds that smaller project feasibility is acceptable and notes below that the City should monitor larger scale project feasibility as economic factors change (such as reduction in interest rates).
9. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Guidelines.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	423.6	423.6
Multi-family unit capacity (units)	12,642	43,616	43,616
Gross density (units per acre)	15	103.0	103.0
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- We caution the City not to impose limits on the number of unrelated persons occupying a dwelling unit as stated in the definition of Family in the Zoning Ordinance as such limits conflict with the prohibition on the limitation of occupants in G.L. c.40A Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If the Inclusionary Zoning requirements effectively reduce the estimated multi-family unit capacity of the District, EOHLC may revisit Worcester's compliance with Section 3A, and could require the City to remedy any deficiency with amendments to its zoning.

If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Mayor Joseph M. Petty, mayor@worcesterma.gov
Senator Peter Durant, Peter.Durant@masenate.gov
Senator Robyn Kennedy, Robyn.Kennedy@masenate.gov
Senator Michael Moore, Michael.Moore@masenate.gov
Representative Daniel Donahue, Daniel.Donahue@mahouse.gov
Representative Mary Keefe, Mary.Keefe@mahouse.gov
Representative David LeBoeuf, David.LeBoeuf@mahouse.gov
Representative John Mahoney, John.Mahoney@mahouse.gov
Representative James O'Day, James.O'Day@mahouse.gov
Michelle Smith, City of Worcester, smithm@worcesterma.gov

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EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: mking@wrentham.gov

December 12, 2025

Michael King, Town Manager
Town of Wrentham
79 South St
Wrentham, MA 02093

Re: Wrentham - Determination of Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager King:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Wrentham's MBTA Communities Multi-Family Overlay District ("District"). After careful review and analysis, EOHLC determined that Wrentham is **compliant** with Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes the diligent work performed by the Town of Wrentham to meet the requirements of the MBTA Communities Law.

Please note that this determination of compliance by EOHLC qualifies Wrentham for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Wrentham is designated an Adjacent community with 4,620 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres and a minimum multi-family unit capacity of 750 units.

EOHLC conducted a thorough review of the application, and made the following determinations:

1. The District comprises **59.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **760 units**.
3. The gross density of the District is estimated at **15.2 units per acre.**
4. **At least fifty percent (50%)** of the District is one contiguous land area.
5. The multi-family housing allowed as of right in the District is suitable for families with children pursuant to Section 3A and Section 7.07 of the Regulations.

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6. There are no dimensional zoning requirements not captured by the compliance model that are likely to substantially affect the District's estimated multi-family unit capacity.
7. Taken as a whole, the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Determined**
Land area (acres)	50	58.9	59.7
Multi-family unit capacity (units)	750	760	760
Gross density (units per acre)	15	15.4	15.2
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following discrepancies from the **submitted area, unit capacity and gross density metrics:**

- Land area: EOHLC edited the GIS shapefile to include right of way ("ROW") areas in the District, pursuant to the definition of Gross Density in G.L. c. 40A Section 1A. To account for this increased district acreage, EOHLC adjusted the district acreage in Table 4: Acreage Calculations of the Checklist District ID tab. This change increased the District's land area from 58.9 acres to 59.7 acres.

- Gross Density: EOHLC corrected the density denominator in the Compliance Model to reflect the land area that is used for calculating Gross Density. This, in combination with the increase in land area to reflect ROW areas, reduced the Gross Density from 15.4 units per acre to 15.2 units per acre.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- This determination relies on the interpretation that Section 390-22.2 exempts multi-family housing in the District from any special permit requirements of Section 390-5 Watershed Protection District and Section 390-16 Floodplain District. EOHLC cautions the Town against subjecting any multi-family housing proposals in the District to special permit requirements to remain consistent with the requirements of G.L. c. 40A Sections 1A and 3A.

- The standards set forth in the site plan review section of Wrentham's zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

Please note that continued district compliance is **subject to** the following requirements:

- This determination relies upon the approval by the Municipal Law Unit in the Office of the Attorney General of any adopted zoning amendments that are necessary for compliance with

Section 3A. If the Office of the Attorney General disapproves any zoning amendment in whole or in part, EOHLC may require remedies or may rescind a determination of district compliance.

- Municipalities must notify EOHLC in writing of any proposed or active zoning amendment that affects the district, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District. This notification must be sent to EOHLC3A@mass.gov prior to any planning board public hearing on the proposed zoning amendment.

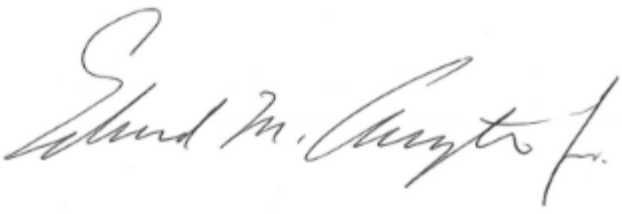
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of district compliance or require changes to the District to remain in compliance pursuant to Section 72.10 of the Regulations, or if it becomes aware of additional information not identified in this compliance review that would render the District noncompliant with Section 3A.

- Any permitting conducted in connection with the additional factors listed above must not effectively reduce the estimated multi-family unit capacity of the District. If permitting processes such as site plan review effectively reduce the estimated multi-family unit capacity of the District, EOHLC may reevaluate Wrentham's compliance with Section 3A, and may require the Town to remedy any deficiency with amendments to its zoning.

While housing production is not required, EOHLC is eager to hear about multi-family developments in your District. Please share permit activity with us at EOHLC3A@mass.gov. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Marcus Vaughn, Marcus.Vaughn@mahouse.gov
Rachel Benson, Town of Wrentham, rbenson@wrentham.gov