MBTA Communities

Pre-Adoption Letters

As of August 13, 2026

Municipalities Listed Alphabetically

1. Abington
2. Ashburnham
3. Belmont
4. Berkley
5. Billerica
6. Bourne
7. Boxford
8. Burlington
9. Canton
10. Carver
11. Chelmsford
12. Concord
13. Danvers
14. Dover
15. Dracut
16. Duxbury
17. Easton
18. Fitchburg
19. Franklin
20. Freetown
21. Halifax
22. Hamilton
23. Hanover
24. Hanson
25. Holden
26. Hopkinton
27. Hull
28. Ipswich
29. Kingston
30. Lancaster
31. Leominster
32. Lincoln
33. Lynn
34. Manchester
35. Mansfield
36. Marblehead
37. Melrose
38. Merrimac
39. Middleton
40. Millbury
41. Millis
42. Milton
43. Needham
44. New Bedford
45. Newburyport
46. North Andover
47. North Attleborough
48. North Reading
49. Norwell
50. Norwood
51. Rehoboth
52. Scituate
53. Sherborn
54. Shrewsbury
55. Sterling
56. Stow
57. Sudbury
58. Sutton
59. Tewksbury
60. Topsfield
61. Townsend
62. Tyngsborough
63. Wakefield
64. Waltham
65. Wellesley
66. West Bridgewater
67. West Newbury
68. Westborough
69. Westford
70. Westminster
71. Wilmington
72. Winthrop
73. Wrentham

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

Sent via email to lshea@abingtonma.gov

March 26, 2024

Elizabeth Shea
Assistant Town Planner
500 Gliniewicz Way
Abington, MA 02351

Re: Town of Abington: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Shea:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Abington on December 27, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Abington's proposed district called the "Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Abington is designated as a Commuter rail community with 6,811 existing housing units per the 2020 United States Decennial Census and 307 acres of developable area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,022 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. There are several discrepancies between the submitted compliance model and draft zoning, including the minimum lot size, setbacks and dwelling units per acre. When applying for district compliance, please ensure that the compliance model is consistent with the zoning requirements of the District.

2. The GIS shapefiles provided fail to show 75 Progress Street within the boundaries of the district. This parcel was included in the submitted compliance model as "District 2." Please ensure that all parcels within the District are present within the district boundaries.

3. At least one parcel in the District appears to lack sufficient frontage, specifically 1015 Plymouth Street. No documentation in the application shows that this parcel has sufficient frontage to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them.

4. A zoning map showing Sections 175-24: Watershed Protection District and 175-35 Flood Plain and Wetlands Protection District was not submitted for this review. If the District overlaps with these overlay districts, the compliance model may need to be adjusted to reflect the special permit and development restrictions in Section 175-24 and 175-35.

5. EOHLC recommends reviewing Section 175-40A.G and H, Site Development Standards and MFOD Development Plan Approval to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

6. Section 174-40A.F does not specify the Area Median Income (AMI) used for the affordable housing required in this section. If the AMI required is less than 80%, an economic feasibility analysis will be required.

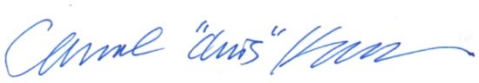
7. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Abington. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator John F. Keenan
Representative Alyson M. Sullivan-Almeida

Via email: jgibbons@ashburnham-ma.gov

August 14, 2025

Jennifer Gibbons
Executive Assistant
Town of Ashburnham
32 Main Street, Second Floor
Ashburnham, MA 01430

Re: Ashburnham - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Gibbons,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Ashburnham, requesting that EOHLC review the Town's proposed "Multi-Family Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Ashburnham is designated as 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 gross density of at least 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. The compliance model included a maximum dwelling units per acre limit of 17 units/acre, which is not reflected in the zoning. Removing this limit brings the unit capacity up to 411 units, and the gross density to 32.8 units/acre. Please ensure that the compliance model submitted for district compliance reflects the zoning accurately.
2. The Town has requested an override of 17 Central Street, also known as the Department of Public Works (DPW) yard. Per updated materials from the Town, we understand the DPW yard will likely remain in the legal zoning district, but will not be included in the parcels submitted used for 3A compliance. If the DPW yard is used for 3A compliance, EOHLC recommends sending additional materials establishing a more specific timeline leading up to the parcel's redevelopment, as well as materials showing that the entirety of the parcel would be available for the as-of-right development of multifamily housing.
3. It is unclear whether Section 5.8 Developmental Rate Limitation applies to the District. If it applies, EOHLC has concerns that this would create a requirement for a special permit. When submitting for district compliance, please include documentation on the applicability of this section, or exempt the District from this special permit requirement.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Ashburnham. It does not constitute a representation that resolution of the identified issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

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

Sent via email to cryan@belmont-ma.gov

October 11, 2024

Christopher Ryan
Director of Planning and Building
Homer Municipal Building
19 Moore St, 2nd Floor
Belmont, MA 02478

Re: Town of Belmont: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Ryan:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Belmont on August 9, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "Multifamily Housing Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

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 multi-family unit capacity of 1,632 units, a minimum land area of 27 acres and a gross density of at least 15 dwelling units per acre. At least fifty percent of the District's minimum required land area and unit capacity must be located in transit station areas.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The District requires a special permit for retaining walls that are at least 4 feet high. EOHLC considers special permits triggered by routine site work to be violative of Section 3A's requirement for allowing multi-family housing as of right.
2. EOHLC recommends adding the Chapter 40A definition of "multi-family housing" to Section 1.4 of the zoning bylaw or to Section 9.4 for clarification.
3. EOHLC cautions that the definition of "family" in Section 1.4 of the zoning bylaw could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does not allow for zoning-based caps on unit occupancy.
4. EOHLC recommends clarifying if the building heights described in Section 9.5C supersede the height limitations set forth in 9.5B.
5. EOHLC did not receive a compliance model workbook for the MXDZ4 subdistrict (mandatory mixed use) portions of the District. We did confirm that the zoning requirements in the MXDZ4 subdistrict meet the requirements in Section 5c of the Compliance Guidelines, and are confident that the Town will be able to demonstrate that it meets its minimum unit capacity requirement when it submits for District Compliance.
6. As acknowledged in this application, the inclusionary zoning requirements in Section 6.10 of the zoning bylaw will require an economic feasibility analysis if they remain applicable to the District.

This feedback is applicable to both versions of the proposed District submitted for review. For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Belmont. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator William Brownsberger
Representative David Rogers

Via email: selectmen@berkleyma.us

November 13, 2025

Matthew Chabot, Town Administrator
Town of Berkley
1 North Main Street
Berkley, MA 02779

Re: Berkley - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Chabot,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Berkley, requesting that EOHLC review the Town's proposed zoning district "Residential Development Overlay District" ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

EOHLC appreciates the hard work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss these technical details with you and your staff, should you so desire.

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 identified the following issues, which may affect the District's compliance with Section 3A:

1. EOHLC identified a discrepancy between the land area of 76 County Way in the submitted data (10.08 acres), and in local assessors' records (7.68 acres). Since a GIS shapefile was not submitted in this pre-adoption review application, EOHLC could not determine the

cause of discrepancy. If 76 County Way is 7.68 acres, and not 10.08 acres, then the District's unit capacity could be at risk of falling below minimum requirements.

2. 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.

3. 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.

4. 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.

5. The geography provided does not include rights of way (County Street) as part of the district geometry. The definition of gross density in G.L. Chapter 40A, Section 1A requires that rights of way are included for district compliance. Therefore, these areas must be included in district even if local practice is to not include them in zoning districts.

6. GIS data, consistent with EOHLC's GIS Data Submittal Standards, must be submitted to EOHLC with any future District Compliance Application.

EOHLC recommends that the Town address the issues above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Berkley. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this feedback, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

Sent via email to ejerram@town.billerica.ma.us

March 15, 2024

Erika Jerram
Director of Planning and Community Development
365 Boston Road
Billerica Town Hall
Billerica, MA 01821

Re: Town of Billerica: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Jerram:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Billerica on December 17, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Billerica's proposed district called the "MBTA Communities Multifamily Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Billerica is designated as a Commuter Rail community with 15,485 existing housing units per the 2020 United States Decennial Census and 308 acres of developable area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 2,323 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Section 5.E.12.F: Site Plan Review and Section 6: Site Plan Approval to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that these sections align with the existing case law concerning site plan review for as of right uses.

2. The submitted compliance model indicates that there is overlap with the District and a Wetlands Overlay District and a Water Conservation/Wellhead Protection Area. These overlay districts were not found in the submitted zoning bylaw, and so were not reviewed for compliance with Section 3A. Please consider the extent to which these overlay districts may affect the unit capacity of the parcels within these districts.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Billerica. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Community Services Division

cc: Senator Cindy F. Friedman
Representative Marc T. Lombardo

Via email: jcopeland@townofbourne.com

June 18, 2025

Jennifer Copeland
Town Planner
24 Perry Ave
Bourne, MA 02532

Re: Bourne - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Copeland,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Bourne, requesting that EOHLC review the Town's proposed changes to the Downtown District (the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. Thank you for making changes to the compliance model after our initial feedback meeting in January. After careful review and analysis of the updated compliance model and full zoning submitted in April, as well as the proposed zoning changes originally submitted, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Bourne is designated as an Adjacent small town community 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.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. There are discrepancies between the inputs in the compliance model and the zoning. When applying for district compliance, please ensure the compliance model matches the zoning bylaw. These discrepancies include:
    a. The lot area in the compliance model does not match the zoning bylaw
    b. The zoning bylaw requires lot square footage per unit, this is not reflected in the compliance model

c. The compliance model contains a limit of 15 units per acre which does not appear to be in the zoning bylaw

2. Only parcel level GIS data was provided. The district compliance application requires submission of a GIS shapefile showing each district or subdistrict as single polygons. This is used in spatial analysis to confirm that requirements such as land area, contiguity, and gross density are met. Contiguity and parcel examination could not be assessed during this analysis. The GIS submission provided with a District Compliance Application will need to adhere to the submission standards posted on mass.gov/mbtacommunities.

3. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

4. Section 2600: Development Scheduling appears to conflict with the as of right requirement of Section 3A. Multi-family development in the District may need to be exempted from these requirements in order to meet the as of right requirements of Section 3A.

5. EOHLC recommends reviewing Section 1230: Site Plan Review Special Permit to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses. The section appears to require a special permit, which would conflict with the as of right requirements of Section 3A.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Bourne. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Dylan Fernandes, Dylan.Fernandes@masenate.gov
Representative David Vieira, David.Vieira@mahouse.gov
Representative Steven Xiarhos, Steven.Xiarhos@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: rpovenmire@town.boxford.ma.us

May 13, 2025

Ross Povenmire
Planning & Conservation Agent
7A Spofford Road
Boxford, MA 01921

Re: Boxford - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Povenmire,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Boxford, requesting that EOHLC review the Town's proposed "MBTA Communities Multifamily Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

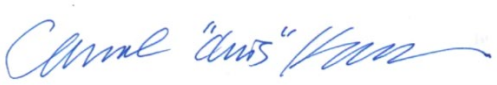
1. The parcels included in the District (LOC_ID: M_232387_942599, M_232221_942680, M_232157_942740, and M_232095_942794) appear to lack sufficient frontage and access. It appears that these parcels would only have access and frontage through an adjacent municipality. When submitting the district compliance application, please submit written clarification that these parcels meet the minimum frontage requirement and have as of right access in the District.
2. As acknowledged in the Pre-Adoption Application by the Town, Subdistrict B is less than 5 acres in land area, and therefore cannot contribute toward the minimum size requirements. Subdistrict A still meets all of the basic compliance requirements when Subdistrict B is removed.

3. The proposed District does not specify the Area Median Income (AMI) used for the affordable housing required in "G. Affordability Requirements". If the maximum income allowed for households to qualify for occupancy is less than 80%, an economic feasibility analysis will be required.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Boxford. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Representative Tram Nguyen, tram.nguyen@mahouse.gov

Via email: rpovenmire@town.boxford.ma.us

August 5, 2025

Ross Povenmire
Planning & Conservation Agent
7A Spofford Road
Boxford, MA 01921

Re: Boxford - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Povenmire,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Boxford, requesting that EOHLC review three proposed locations for the Town's "MBTA Communities Multifamily Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

- Endicott Road District
    - Portions of the Endicott Road District appear to overlap with a flood hazard areas. Section 196-12 of the bylaw may prohibit new residential construction within Flood

hazard areas. Furthermore, Section 196-22.1 "Floodplain District" does not list multi-family housing as a permitted use. Please review this section to ensure that the as-of-right development of multi-family housing could occur in these areas.
    - The GIS shapefiles provided show that the Topsfield Road District excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

- Andrew's Farm District
    - Portions of the Andrew's Farm District appear to overlap with a flood hazard areas. Section 196-12 of the bylaw may prohibit new residential construction within Flood hazard areas. Furthermore, Section 196-22.1 "Floodplain District" does not list multi-family housing as a permitted use. Please review this section to ensure that the as-of-right development of multi-family housing could occur in these areas.
    - Many of the parcels in the Andrew's Farm District have a narrow lot width and depth. As a result, the setback requirements may trigger variances for development in this district. EOHLC recommends reviewing these requirements to ensure they will facilitate as of right development of multifamily housing.

- Topsfield Road District
    - The GIS shapefiles provided show that the Topsfield Road District excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Boxford. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Representative Tram Nguyen, tram.nguyen@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: mcoogan@boxfordma.gov

October 2, 2025

Matt Coogan
Town Administrator
7A Spofford Road
Boxford, MA 01921

Re: Boxford - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Coogan,

The Executive Office of Housing and Livable Communities (EOHLC) received the third pre-adoption review application from the Town of Boxford, requesting that EOHLC review the Town's proposed "MBTA Communities Multifamily Overlay District" ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff continue to be available to work through these technical details with you and your staff.

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 identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

- There are discrepancies in the district acreage between the proposed zoning language, the GIS shapefile and the Checklist District ID and District 1 tabs of the compliance model. Please

ensure that district acreage is consistent across all materials when submitting for district compliance.

EOHLC recommends that the Town address this issue before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Boxford. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review it's existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Representative Tram Nguyen, tram.nguyen@mahouse.gov

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

Sent via email to ebonventre@burlington.org

October 31, 2024

Elizabeth Bonventre, Planning Director
29 Center Street
Office of the Select Board
Burlington, MA 01803

Re: Town of Burlington: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Bonventre:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Burlington on March 5, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Burlington's proposed district called the "MBTA Communities Multi-family Overlay District (MCMOD)," (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines). This written feedback is being provided following a discussion relaying informal feedback in May of 2024.

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Burlington is designated as 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 multi-family unit capacity of 1,043 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Section 8.6.8: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.
2. EOHLC recommends reviewing Section 8.6.8: Site Plan Review to ensure consistency between existing site plan review modules within Burlington's Zoning Bylaws as well as the Burlington Planning Board's *Site Plan Rules & Regulations*.
3. EOHLC recommends reviewing the proposed zoning for consistency in numeration and correct internal references, if being used as intrinsic aids, or guidance for permitting and understanding the bylaw.
4. The definition of multi-family dwelling may need to be clarified. It currently reads: "A building designed and used as living quarters and habitation by four (4) or more families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters. From this definition it appears that multi-family buildings are classified starting at four (4) dwelling units; M.G.L. Ch. 40a §3A defines multi-family housing as "…a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building".
5. The minimum open space requirement mentioned in section 8.8.7(6) of the proposed zoning should be clarified as to a definition and a minimum or maximum requirement, if any.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Burlington. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Cindy F. Friedman
Representative Kenneth I. Gordon

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

February 1, 2024

Taylor Torres
Town Planner
801 Washington Street
Canton, MA 02021

Re: Town of Canton: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Torres:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Canton submitted electronically on November 3, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Canton's proposed district called the "Canton Center Economic Opportunity District Area C" ("District") based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that these subdistricts will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant.

Canton is designated as a Commuter Rail community with 9,930 existing housing units per the 2020 United States Decennial Census and 451 acres of developable land within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,490 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. At least 50 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC may require more information to determine whether the requested developable square footage overrides are permissible. Additionally, please note that an override that is based on publicly owned land would not override the non-public excluded land areas of any affected parcel.

2. The compliance model indicates that some of the District is within the Groundwater Protection Overlay District (GPOD). Due to the requirement of a special permit in the GPOD, the unit capacity of the parcels that are within the GPOD must be removed from the compliance model. Additional alternatives include (a) analyzing the affected parcels as a separate "subdistrict" in the compliance model that to reflect the impervious surface limitation in the GPOD, or (b) revising the zoning to exempt the District from the special permit requirement of the GPOD (but retaining the GPOD's substantive requirements).

3. There are some components of the zoning that need clarification, revisions, or amendments to ensure compliance:

   - Section 9.8.35 has a definition for Affordable Housing that references section 9.10. Section 9.10 does not appear in the submitted zoning language. Also, Workforce Housing appears in 9.8.40 as a defined term but there was no definition provided.
   - Section 9.8.36 exempts special permit projects from the requirements of the underlying zoning district, but does not specifically exempt multi-family housing, which is and must be a use allowed as of right.
   - Section 9.8.42 references a definition for Common Open Land in section 9.10.2. Section 9.10.2 does not appear in the submitted zoning language.
   - Section 7.4.3 requires a special permit for earth removal operations. Please provide written clarification if the exception in 7.4.6 applies to developments in the District and whether a special permit would be required for depositing material in connection with a development in the District. If a special permit were required in the District, then this section does not comply with the as of right requirement.
   - Section 10.5.8 states "The Zoning Board of Appeals (ZBA), as a condition of granting a permit…" If the use of the word permit in this section is intended to be a discretionary approval, this would not comply with the as of right requirement.
   - Site Plan Review includes procedures and standards from Sections 6.7, 10.5 and 10.7. EOHLC recommends reviewing the site plan review, design review, and performance standards with town counsel to ensure that those sections align with the existing case law concerning site plan review for as of right uses.

4. The zoning as written will require an economic feasibility analysis to support the affordability requirements, due to the requirement for 10% of units to be affordable at 80% AMI, and an additional 10% of units to be affordable at 80-110% AMI. The total percentage of units required to be restricted triggers the requirement for an economic feasibility analysis.

5. Most lots in the proposed district do not meet the minimum lot size requirement. The Guidelines encourage neighborhood scale, transit-oriented zoning. EOHLC likewise encourages the Town of Canton to establish dimensional zoning standards for multifamily housing that render most or all of the lots in the district dimensionally conforming and that are consistent with the purpose of the MBTA Communities law.

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Canton. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Paul R. Feeney
Representative William C. Galvin

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

Via email: sean.lewis@carverma.gov

July 29, 2026

Sean Lewis, Town Planner
Town of Carver
108 Main Street
Carver, MA 02330

Re: Carver - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Lewis,

The Executive Office of Housing and Livable Communities (HLC) received a pre-adoption review application from the Town of Carver, requesting that HLC review the Town's proposed zoning district entitled *North Main Street Smart Growth Overlay District* ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

HLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, HLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of any technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss any technical details with you and your staff, should you so desire.

Carver is designated as an Adjacent Small Town with 4,701 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 235 units and a gross density of 15 dwelling units per acre.

HLC identified the following issues, which may affect the District's compliance with Section 3A:

1. The submitted compliance model indicates that the District requires a minimum of 25% of a developed site to be set aside as open space. This requirement is not found in the text of the submitted zoning amendment. HLC staff does not see an issue with this requirement, as the amendment limits site coverage to 60% of a developed lot, which would limit the impact of a 25% open space minimum requirement. HLC recommends reconciling the requirement in the text with the compliance model metric prior to submitting a District Compliance application.

2. The zoning proposal contains a provision limiting the number of units per building to seventy-two. While the text does allow for more than one building per lot, the current parcel configuration limits the District to one "lot". HLC cautions the Town against imposing a restriction that may limit the

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

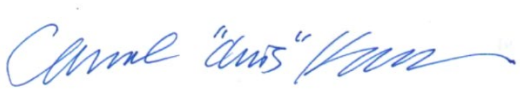
development of multi-family housing within the District. Additionally, where multiple buildings on a single lot are concerned, the Town may wish to reflect that buildings used as Multi-Family Housing, as defined in the Regulations, are considered a Principal Building or Structure, or Principal Use, to ensure that certain buildings or structures are not considered accessory uses or structures.

For the foregoing reasons, HLC recommends that the Town address the issues above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by or on behalf of the Town of Carver. It does not constitute a representation that resolution of the issues would result in a compliant zoning district. HLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at HLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Undersecretary, Livable Communities Division

cc: Glenn Cannon, Town of Carver, glenn.cannon@carverma.gov
Senator Kelly Dooner, kelly.dooner@masenate.gov
Representative John R. Gaskey, John.Gaskey@mahouse.gov
Lily Kramer, Barrett Planning Group, lily@barrettplanningllc.com
Judi Barrett, Barrett Planning Group, judi@barrettplanningllc.com

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

Sent via email to pcohen@chelmsfordma.gov

March 18, 2024

Paul Cohen
Town Manager
50 Billerica Road
Chelmsford, MA 01824

Re: Town of Chelmsford: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Cohen:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Chelmsford on December 7, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Chelmsford's proposed district called the "MBTA Communities Multi-Family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 1,477 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. Section 195-xx3B allows multi-family dwellings, greater than 3 dwelling units. This language appears to disallow 3-unit developments. If this is the case, please ensure that the compliance model accurately reflects this restriction.
2. Section 195-xx4E: Recreation and Open Space requires the following: "Twenty-five percent (25%) of the total lot area for multifamily dwellings shall be set aside as recreational and open space. At least seventy-five percent (75%) of the required open space must be usable defined as not including wetlands as defined by MGL chapter 131 section 40." This requirement is not reflected

in the submitted compliance model, and could affect the calculations on some parcels, including 189 Littleton Road #U-15. There are multiple ways to approach this requirement in the compliance model, and EOHLC staff would be happy to discuss the different options.

3. EOHLC recommends reviewing Section 195-xx8: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.
4. Section 195-xx2C.1 appears to exempt the District from all special permit requirements. When applying for district compliance, please provide written clarification that this exemption applies to the special permit requirements of Article X: Earth Removal, Article XIV: Aquifer Protection District, and Article XV: Floodplain District. If the District is not exempt, due to the requirements in these Articles for special permits and restrictions on development residential development, the unit capacity of any parcels within the districts may need to be adjusted in the compliance model to reflect these restrictions.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined above before putting the District to a legislative vote.

In addition to the above, EOHLC is aware that the UML West Multi-family district may be subject to a development agreement. An MBTA community cannot impose conditions on development through a development agreement that directly negates the unit capacity, gross density or other zoning metrics captured in the Compliance Model, or that otherwise would not be allowed in the zoning district. EOHLC recommends that the Town of Chelmsford ensure that any restrictions set forth in a development agreement on that district are captured in the Compliance Model and disclosed in a compliance application.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Chelmsford. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael J. Barrett
Representative James Arciero
Mike Asciola, Senior Planner NMCOG

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

Sent via email to ehughes@concordma.gov

June 28, 2024

Elizabeth Hughes
Town Planner
22 Monument Square
Concord, MA 01742

Re: Town of Concord: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Hughes:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Concord on February 16, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Concord's proposed district called the "MBTA Communities Multi-Family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Concord is designated as a Commuter Rail community with 7,295 existing housing units per the 2020 United States Decennial Census and 519 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. At least 50 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. There are discrepancies between the zoning restrictions in the draft zoning and the submitted compliance model, including requirements for setbacks and lot coverage. Please ensure that the compliance model matches the requirements in the District when applying for District Compliance.

2. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

3. The submitted District does not meet the contiguity requirements of Guidelines section 5.A.

4. Due to the special permit requirement in Section 7.2: Floodplain Conservancy District, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Another option would be revising the zoning to exempt the District from the special permit requirement of the Floodplain Conservancy District (but retaining the Floodplain Conservancy District's other substantive requirements), or the excluded land of the affected parcels could be revised to reflect the overlap with the Floodplain Conservancy District.

5. EOHLC recommends reviewing Section 7.11.6 Site Plan Review ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

6. Section 6.2.2: Minimum Lot Area requires that 50% of the lot area required for zoning compliance be land outside of the Floodplain and Wetlands Conservancy Districts. Please review the District in light of this requirement to ensure that the parcels in the District are compliant with this requirement. If there are parcels that are found to be non-conforming, please adjust the compliance model accordingly.

7. Section 7.5.3: Removal or filling of earth subject to Board approval may conflict with the as-of-right requirement of Section 3A due to the special permit requirement when more than 1,000 cubic feet of earth is removed or filled. Any conflict with the as-of-right requirement will be determined during the district compliance review process.

8. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Concord. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael J. Barrett
Representative Carmine Lawrence Gentile

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

January 4, 2024

Brian Szekely
Planning Director
1 Sylvan Street
Danvers, MA 01923

Re: Town of Danvers: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Szekely:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Danvers submitted electronically on October 6, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Danvers' proposed subdistricts called Downtown Core, Downtown Live Work, High Street Mixed Use and Maple Square 40R 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 the Application submitted does not demonstrate that these subdistricts will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope these comments will assist the Town in creating zoning that can be deemed compliant.

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 multi-family unit capacity of 1,176 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. EOHLC identified the following issues which may affect the subdistricts' compliance with Section 3A:

1. There appears to be an inconsistency between the compliance model and the zoning language which needs resolution. Table 18.7 indicates that multi-family housing requires a minimum of 20% open amenity space. The compliance model needs to be revised to include this requirement in the zoning parameters. does not include a minimum open space requirement.

2. It is unclear whether the stepback requirements as described in 18.6.E are accounted for in the compliance model. Please ensure that these requirements are accurately represented in the compliance model, and include a description of this representation with the district compliance application.

3. 10 Webb Street is not contiguous with any other portion of any subdistrict. The parcel is less than 5 acres, thus the land area and unit capacity from this parcel cannot be included in the compliance

calculations.

4. Additionally, there are some points in the zoning that need clarification and/or amendment to ensure that the requirements of compliance are met.
   - Section 18.D, Development Types, appears to apply to all multi-family developments, per 18.D.3 General Residential Development, "A development project containing one or more residential building types…". If Section 18.D applies to all developments that include one or more multi-family buildings, the compliance model must be corrected to reflect the zoning parameters of this development type, which has a 10,000 square foot minimum lot size. If Section 18.D does not apply to developments that contain only one building, please clarify that interpretation in writing.
   - Table 18-8 states that multi-family buildings are allowed by right in the HSMUC; however, Table 21-1 states that multi-family buildings are allowed only by special permit. Table 21-1 would need to be corrected to meet compliance requirements.
   - Table 18-8 defines Multi-Family Building as a building with 3 or more dwelling units. Table 18-7 #4 defines Multi-Family Building as a building with 4 or more dwelling units. Please ensure that the definition of Multi-Family Building is consistent throughout the bylaw. If this remains inconsistent, the compliance model will need to be corrected to reflect the more restrictive definition.
   - 19.2A and 21.2A state "Pedestrian-oriented and active ground floor uses shall be required along these designated frontages consistent with Section 18.8.D.2." Section 18.8.D.2 does not exist, and Section 18.8.D.1.a encourages mixed use but does not require mixed use. If the requirement for mixed use in 19.2A and 21.2A is no longer effect, the language should be corrected. If the requirement remains in effect, the compliance model must be adjusted to remove those subdistricts.
   - If 18.11 Transportation Management applies to projects that do not require special permits, this would not be acceptable for an "as of right" designation. To comply, the language of Section 18.11 should be revised to clarify that it does not apply to projects that do not require special permits.
   - If Section 30.2.B, Land Disturbance of One Acre or More, applies to projects that undergo site plan review, this special permit requirement would not be acceptable for an "as of right" designation. To comply, the language of Section 30.2.B should be revised.

5. Please submit the dates of adoption and approval of the 40R district being used for compliance when the district compliance application is completed.

6. The submitted Economic Feasibility Analysis (EFA) does not support the feasibility of the inclusionary zoning as written. The EFA does provide sufficient evidence to support the feasibility of 10+ unit developments at 12.5% affordability and 60% AMI. However, Section 29, Affordable Housing Provisions requires payments or affordable units for projects of fewer than 10 units. The submitted EFA does not consider the feasibility of these smaller projects, despite the fact that 78% of the parcels in the subdistricts have a unit capacity of 9 or less. If the EFA is resubmitted with the district compliance application showing that a smaller project is feasible, the EFA may support the inclusionary zoning requirements.

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the subdistricts will comply with Section 3A as proposed. The Town must correct the compliance model and revise the zoning language as noted above.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Danvers. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Acting Director, Community Services Division

cc: Representative Sally P. Kerans
Senator Joan B. Lovely

Via email: clisbon@doverma.gov

June 27, 2025

Carol Lisbon
Planning Board Chair
Town of Dover
5 Springdale Avenue
Dover, MA 02030

Re: Dover - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Lisbon,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Dover, requesting that EOHLC review the Town's proposed zoning district "MBTA Communities Multi-Family Overlay District" (District), based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss any technical details with you and your staff, should you so desire.

Dover is designated as 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 gross density of 15 dwelling units per acre.

EOHLC identified the following issue, which may affect the District's compliance with Section 3A:

1. The District is subject to a special permit requirement found in § 185-38. *Material removal*. This section states: "[w]here the removal of soil, loam or gravel, as stated above in Subsection A(1)(a) and (2) exceeds 1,000 cubic yards, a Special Permit shall be obtained

from the Board of Appeals." The Town could resolve this issue with a clarifying amendment is exempt multi-family housing in the District from this requirement, or by removing the special permit requirement.

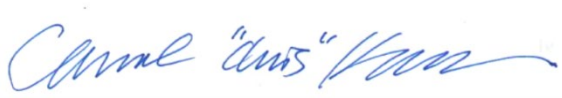
2. The standards set forth in the site plan review section of zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent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

For the foregoing reasons, EOHLC recommends that the Town address the issue above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Dover. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Joshua Tarsky, Joshua.Tarsky@mahouse.gov
Michael Blanchard, Town of Dover, mblanchard@doverma.gov
Jeff Davis, Horsley Witten Group, jdavis@horsleywitten.com

Sent via email to amanugian@dracutma.gov

October 11, 2024

Alison Manugian
Community Development Director
Town Hall
62 Arlington Street
Dracut, MA 01826

Re: Town of Dracut: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Manugian:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Dracut on June 24, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "MBTA Communities Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

Dracut is designated as an Adjacent community with 12,325 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 1,233 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. We recommend reviewing Section 2.4, Site Plan Review, especially the Board's authority to disapprove site plans, with Town Counsel for consistency with case law for as of right uses.

2. We recommend addressing Section 3, District regulations, and Section 5, Overlay Districts, to include, by reference and addition respectively, the new District.
3. Before applying for District Compliance, please see the GIS Submission standards at www.mass.gov/doc/mbta-communities-gis-submittal-format/download.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Dracut. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

Cc: Senator Ed Kennedy
Representative Colleen Garry

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

November 18, 2024 Via email

Rebecca Roughley
Interim Planning Director
878 Tremont St.
Duxbury, MA 02332

Re: Town of Duxbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Roughley:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Duxbury on October 25, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed subdistricts "Public Transit Overlay Districts" (PTOD-1 and PTOD-2) and "Mixed Use Public Transit Overlay District" (MUPTOD) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the Districts' compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas (specifically ROW across Avenue and Kingston Way) must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

2. If the MUPTOD is to be included in the application as a mandatory mixed-use district, contributing to the overall unit capacity, then the following steps must be taken before or at the time of applying for District Compliance:
    a. Please fill out a mixed-use location determination form, available here: https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials-
    b. The unit capacity for the mixed-use district must be calculated using the mixed-use district offset compliance model, available here: https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials-
    c. The compliance model for the 3A-compliant district should not include the parcels that are within the mixed-use district. Please refer to Section 5c of the guidelines to ensure that the mixed-use zoning aligns with the requirements for a mandatory mixed-use district.

3. EOHLC cautions that the definition of "family" in Section 302 of the zoning bylaw could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does not allow for zoning-based caps on unit occupancy.

4. When applying for District Compliance, please provide an updated Zoning Map that includes the 3A districts used for compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Duxbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Patrick O'Connor

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

Sent via email to rroughley@duxbury-ma.gov

June 6, 2025

Rebecca Roughley
Interim Planning Director
878 Tremont St.
Duxbury, MA 02332

Re: Duxbury: Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Roughley:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Duxbury on April 30, 2025. The application requested that EOHLC conduct a pre-adoption review for the Town's "MBTA Communities Overlay District" (District) based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations). EOHLC provided pre-adoption feedback in a letter dated May 30, 2025, and met with Town staff and counsel June 5, 2025 to discuss that feedback.

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, and consideration of additional information provided by the Town during the aforementioned meeting on June 5, and in a follow-up memorandum from the Metropolitan Area Planning Council provided on behalf of the Town, EOHLC has the following remaining technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections and recommendations will assist the Town in adopting zoning that can be deemed compliant. The MBTA Communities program staff remains available to work through these technical details with you and the Town's staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

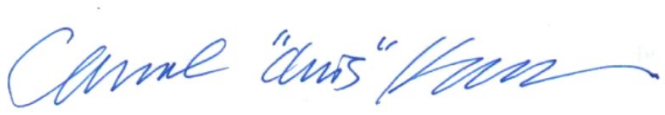
EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. There are several application related issues the Town should address when applying for District compliance in the future:
    - There are discrepancies between the land areas of the submitted GIS shapefile and the submitted compliance model. Please ensure that the GIS shapefile and compliance model match.
    - The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the right of way was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas (specifically rights of way across Avenue and Kingston Way) must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.
    - The GIS shapefile submitted for district compliance will need to adhere to the submittal standards posted on https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities.
    - Please provide an updated Zoning Map that includes the 3A districts used for compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined when applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this feedback, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Patrick O'Connor, Patrick.OConnor@masenate.gov
Representative Kenneth Sweezey, Ken.Sweezey@mahouse.gov

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

February 12, 2024

Stephanie Danielson
Director of Planning & Economic Development
136 Elm Street
Easton, MA 02356

Re: Town of Easton: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Danielson:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Easton submitted electronically on November 14, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Easton's proposed district called the "Community Housing Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of these technical corrections will assist the Town in creating zoning that can be deemed compliant.

Easton is designated as an 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 multi-family unit capacity of 913 units, a minimum land area of 50 acres and a gross density of 15 units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Section 235:40C: Procedures and Regulations, and Section 235:57: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

2. There are two inclusionary zoning sections in the zoning bylaw, Sections 235:40E and 235:45. If both sections apply to the District, an Economic Feasibility Analysis (EFA) will be required due to the affordability requirement of 20% of units in Section 235:45. In the submitted draft zoning, the

affordability requirements were unspecified in Section 235:40E. If the requirements are greater than 10% of units at 80% are median income, an EFA will be required per Guidelines section 4b.

3. Due to the restriction in Section 235-47: Floodplain Overlay District for residential development within the floodplain, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Additional alternatives include (a) removing the affected parcels from consideration in the compliance model, or, if Section 235:47.E.2 requires a special permit (b) revising the zoning to exempt the District from the special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).

4. Section 235:46: Aquifer Protection Overlay District (APOD) limits residential density to a density not greater than that allowed in Article IV. Please ensure that Article IV reflects the density allowed in the District, or that the density allowed in the District is permitted in the APOD.

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Easton. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Walter F. Timilty
Representative Carol A. Doherty

Sent via email to dmarsh@dreamcollaborative.com

October 24, 2024

Diana Marsh
Dream Collaborative
6 Liberty Sq.
Boston, MA 02109

Re: City of Fitchburg: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Marsh:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted on behalf of the City of Fitchburg on June 26, 2024. The application requested that EOHLC conduct a pre-adoption review for the City's Downtown Smart Growth Zoning District and University District (collectively, "District") based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the City's staff.

Fitchburg is designated as 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 multi-family unit capacity of 2,618 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre. At least seventy-five (75%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC included the City's Mixed-Use District Location Determination Form in this pre-adoption review and concluded that the proposed locations for the MMU portions of the District satisfy the criteria set forth in Section 5c(1) of the Guidelines.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC cautions that the definition of "Family" in Section 181.10 of the zoning ordinance could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does not allow for zoning-based caps on unit occupancy.

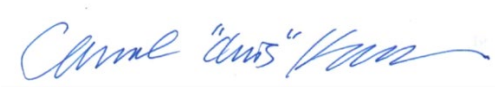
2. EOHLC recommends reviewing Section 181.95: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the City to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator John J. Cronin, john.cronin@masenate.gov
Representative Michael P. Kushmerek, michael.kushmerek@mahouse.gov

Via email: mzelaya@franklinma.gov

January 5, 2026

Morena Zelaya
Director of Planning & Community Development
355 East Central Street
Franklin, MA 02038

Re: Franklin - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Zelaya,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Franklin, requesting that EOHLC review the Town's proposed amendments to General Residential V and Commercial I districts (together, "District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

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 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.

EOHLC reviewed updated materials for a pre-adoption review application in connection with an ongoing review of the District Compliance application originally submitted by the Town of Franklin on December 16, 2024. The purpose of this pre-adoption review is to provide feedback regarding whether the proposed amendments will be sufficient for Franklin to achieve a Determination of Compliance.

EOHLC did not identify any items in the proposed amendments that conflict with the requirements of Section 3A or the Regulations. The proposed changes appear to address the

technical zoning items previously discussed in connection with the District Compliance review. Thank you for your diligent work to resolve those items.

Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Franklin. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Jeffrey Roy, Jeffrey.Roy@mahouse.gov

Sent via email to planning@freetownma.gov

July 11, 2024

Victoria Alfaro Duran
Planning and Land Use Administrator
3 North Main Street
Assonet, MA 02702

Re: Town of Freetown: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Alfaro Duran:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Freetown on March 5, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Freetown's proposed district called the "Planned Development 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Freetown is designated as a Commuter Rail community with 3,485 existing housing units per the 2020 United States Decennial Census and 346 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. There are discrepancies between the parcels in the submitted district boundary shapefile and the submitted compliance model. Please ensure that the compliance model matches the boundary shapefile when applying for District Compliance.

2. If Section 11.25: South Main Street Corridor Overlay District applies to development within the District, the special permit requirements of this overlay district may conflict with the as of right requirement of Section 3A. The compliance model may need to be adjusted to remove the parcels affected by the overlay district.

3. A zoning map showing Section 11.11: Floodplain Overlay District was not submitted for this review. If the District overlaps with these overlay districts, the compliance model may need to be adjusted to reflect the development restrictions in this section.

4. EOHLC recommends reviewing Section 11.23: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Freetown. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael Rodrigues
Representative Carole Fiola
Representative Paul Schmid

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

Sent via email to cody.haddad@halifax-ma.org

July 11, 2024

Cody Haddad
Town Administrator
499 Plymouth Street
Halifax, MA 02764

Re: Town of Halifax: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Haddad:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Halifax on March 25, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Halifax's proposed district called the "Halifax Multi-Family Housing Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Halifax is designated as a Commuter Rail community with 3,107 existing housing units per the 2020 United States Decennial Census and 300 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. There are discrepancies between the zoning restrictions in the draft zoning and the submitted compliance model, including requirements for building height and building coverage. Please ensure that the compliance model matches the requirements in the District when applying for District Compliance.

3. Some parcels in the District appear to lack sufficient frontage and access, specifically 597 Twin Lakes Drive. No documentation in the application shows that this parcel has sufficient frontage or access to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for this parcel must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them. Alternatively, if as of right access exists, please submit supporting documentation with the district compliance application to demonstrate this access.

4. EOHLC recommends reviewing Section F: Site Plan Review and Section 167-28: Site Plan Requirements to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Halifax. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael Brady
Representative Kathleen LaNatra

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

Via email: mconnors@hamiltonma.gov

May 29, 2025

Mark Connors
Planning Director
650 Asbury Street
P.O. Box 429
Hamilton, MA 01982

Re: Hamilton - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Connors,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hamilton, requesting that EOHLC review the Town's proposed "Willow Street Mixed Use District," "Bay Road Mixed Use District," "Downtown Residential District," and "Asbury Street 3A Multi-family Overlay District," (together, the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Hamilton staff and consultants last week to discuss this feedback in detail. This letter serves as the formal notice of EOHLC comments.

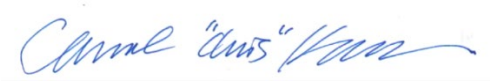
Hamilton is designated as Commuter Rail community with 2,925 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 731 units, a minimum land area of 49 acres and a gross density of at least 15 dwelling units per acre. At least twenty percent of the district's minimum unit capacity and land area requirements must be met within one half mile of Hamilton's commuter rail station.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. EOHLC recommends reviewing Section 10.6: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov
Joseph J. Domelowicz Jr., Town of Hamilton, jdomelowicz@hamiltonma.gov

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

Sent via email to joseph.stack@hanover-ma.gov

April 22, 2025

Joseph Stack, Town Planner
550 Hanover Street
Hanover, MA 02339

Re: Town of Hanover: Pre-Adoption Review Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Stack:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted for the Town of Hanover on February 10, 2025. The application requested that EOHLC conduct a pre-adoption review for the Town's Multi-Family Overlay District ("District") based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections and recommendations will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the Town's staff.

Hanover is designated as 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 and a minimum land area of 50 acres.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. When applying for district compliance, please include a brief statement about how the Town changed the parcel record to reflect the Aquifer Protection Zone.

2. The GIS shapefiles provided show a district that excludes street rights of way for Washington Street and Mill Street. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district

shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

3. EOHLC recommends reviewing Section 10 Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

Sent via email to tdefrias@hanson-ma.gov

May 1, 2024

Antonio De Frias
Town Planner
542 Liberty Street
Hanson, MA 02341

Re: Town of Hanson: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. De Frias:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hanson on February 1, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Hanson's proposed district called the "MBTA Communities Multi-Family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Hanson is designated as a Commuter Rail community with 3,960 existing housing units per the 2020 United States Decennial Census and 218 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. At least 20 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC also received a request for location determination for a mandatory mixed-use district on January 17, 2024. The area described as the **Main Street Mandatory Mixed Use District (MMU District) has**

been reviewed and approved for inclusion in our review and determination of compliance with Section 3A. Please note that our approval of the MMU District is limited to the MMU District location and is not an approval of the MMU District zoning language or other compliance materials that may have been submitted to EOHLC. To that end, the following feedback on the pre-adoption application does not contemplate inclusion of the MMU District for compliance, and using the MMU District to contribute towards unit capacity may affect other compliance requirements that the 3A-compliant District must demonstrate such as gross density and district land area.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. There are discrepancies between the zoning restrictions in the draft zoning and the submitted compliance model, including requirements for lot size by building type, stepbacks and lot coverage. Please ensure that the compliance model matches the requirements in the District when applying for District Compliance.

2. Some parcels in the District appear to lack sufficient frontage and access, specifically 1101-#1 Main Street and 22 Foster Street. No documentation in the application shows that these parcels have sufficient frontage or access to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them.

3. A zoning map showing Section VI-F: Aquifer and Well Protection District was not submitted for this review. If the District overlaps with these overlay districts, the compliance model may need to be adjusted to reflect the development restrictions in Section VI-F.3: Use Regulations.

4. EOHLC recommends reviewing Section [X]-I: Site Plan Review and Section VII-G: Site Plan Review ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. In Section II: Definitions, the definition of Lot Area requires that 90% of the lot area required for zoning compliance be land other than that classified as wetlands. Please review the District in light of this requirement to ensure that the parcels in the District are compliant with this requirement. If there are parcels that are found to be non-conforming, please adjust the compliance model accordingly.

6. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Hanson. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael D. Brady
Representative David F. DeCoste

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

Via email: dgeorge@holdenma.gov

January 8, 2026

David George, Town Planner
Town of Holden
1196 Main Street
Holden, MA 01520

Re: Holden - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. George,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Holden, requesting that EOHLC review the Town's proposed MBTA Communities Multi-family Overlay Districts Bylaw ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff and will meet with you to discuss these comments at your earliest convenience.

Holden is designated as an Adjacent community with 7,439 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.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The District text references "Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act". The Compliance Guidelines were replaced with Regulations, 760 CMR 72.00: Multi-Family Zoning Requirement for MBTA Communities. Any proposed reference to the Compliance Guidelines should be replaced with reference to the Regulations.

2. Section 9.5.2 of the District text attempts to summarize the limitations on district non-contiguity set forth in Section 72.05(1)(a)3 of the Regulations. However, the text of Section 9.5.2. incorrectly summarizes the rule. A local bylaw cannot be inconsistent with state law. Notwithstanding the incorrect summary of the rule in question, the proposed mapping of the District does appear consistent with Section 72.05(1)(a)3. EOHLC recommends eliminating any summaries of the Regulations from the District text and further suggests referencing its "Sample Zoning" for MBTA Communities found at the following link: https://www.mass.gov/doc/mbta-communities-sample-zoning/download.

3. Section V of the submitted document proposes to amend Section 3.2 of Holden's zoning bylaw, its Table of Use Regulations, to add "MBTA Communities Multi-family Overlay Districts" as an allowed "use" in the R-40, R-1, and IQ zoning districts. EOHLC recommends that if the Table of Use Regulations is amended to reflect the District, then it should be amended by adding the District as a column, not a row, and reflecting Multi-Family Housing as a permitted use in that column.

4. Section 9.5.9 (Table of Dimensional Standards) Note 1 sets forth a maximum frontage of sixty feet and a maximum of two access points. These restrictions could conflict with the as-of-right zoning requirement of Section 3A and could be construed to prevent any portion of 2077 Main Street from being developable as of right. EOHLC believes that the intent of this provision is achieved by the proposed mapping on this parcel. Furthermore, EOHLC recommends that the Town should review the mapped area for the District to make sure it satisfies the minimum frontage requirement of 60 feet.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Holden. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Peter Durant, peter.durant@masenate.gov
Representative Kimberly Ferguson, kimberly.ferguson@mahouse.gov
Peter Lukes, Town of Holden, plukes@holdenma.gov

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

Sent via email to jgelcich@hopkintonma.gov

June 28, 2024

John Gelcich
Principal Planner
18 Main Street, 2nd Floor
Hopkinton , MA 01748

Re: Town of Hopkinton: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Gelcich:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hopkinton on February 26, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Hopkinton's proposed district called the "MBTA Communities 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Hopkinton officials prior to your Town Meeting last month to discuss this feedback in detail. This letter serves as the formal notice of EOHLC comments.

After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a subdistrict that excludes street and rail right of way areas, the Upper Cedar Street subdistrict. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. EOHLC recommends reviewing Article XX: Site Plan Review and Article XXI: Design Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

3. Per the discussion with EOHLC staff on May 6, 2024, the overlap of the District and the Water Resource Protection District is with the subdistrict WRPOD-1, which does not require a special permit, thus no changes to the compliance model are required for this overlap.

4. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Hopkinton. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Karen E. Spilka
Representative James C. Arena-DeRosa

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

Sent via email to cdilorio@town.hull.ma.us

May 1, 2024

Chris Dilorio
Director of Community Development & Planning
Hull Town Hall
253 Atlantic Avenue
Hull, MA 02045

Re: Town of Hull: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Dilorio:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Hull on February 1, 2024. The application requested that EOHLC review the proposed expansion of three base zoning districts (together, "District"), submitted for feedback on whether the District might satisfy the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in achieving compliance. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 586 units, a minimum land area of 7 acres, and a minimum gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. Several definitions in the zoning bylaw, including "Dwelling Unit", and "Dwelling, Multifamily" reference a definition of "Family", which limits households to groups not exceeding four persons who are not related by blood. The Town should amend its definitions to remove references to families and avoid a conflict with Section 7 of the Compliance Guidelines which prohibits zoning from capping the number of occupants in a unit.

2. EOHLC recommends reviewing Section 410-4.1, Site Plan Review, with legal counsel to ensure that the standards and criteria set forth are objective and nondiscretionary and that this section aligns with the existing case law concerning site plan review for as of right uses.

3. This pre-adoption review assumes adoption of Section 410-3.8 Floodplain District provided on 10/4/2023. EOHLC previously opined that the proposed district did not require a special permit or other discretionary review.

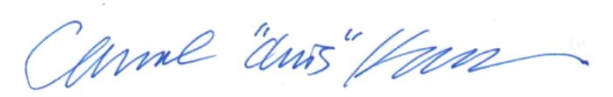
4. The inclusionary zoning requirements applicable to the District require an Economic Feasibility Analysis to support affordability requirements.

5. This feedback relies on EOHLC's interpretation that the requirements of the Nantasket Beach Overlay District are inapplicable to multifamily developments proposed in accordance with the District reviewed herein.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Hull. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Patrick M. O'Connor
Representative Joan Meschino

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

Sent via email to jfiala@mapc.org

October 22, 2024

Josh Fiala
Land Use Division Manager
25 Green Street
Ipswich, MA 01938

Re: Town of Ipswich: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Fiala:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted on behalf of the Town of Ipswich on July 19, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed "Section 3A Multifamily Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the Town's staff.

Ipswich is designated as 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 multi-family unit capacity of 971 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre. At least forty (40%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC included the Town's Mixed-Use District Location Determination Form in this pre-adoption review and concluded that the proposed location for the MOD-4 subdistrict satisfies the criteria set forth in Section 5c(1) of the Guidelines.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

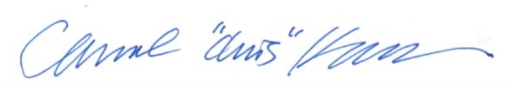
1. The inclusionary zoning requirements in Section I ("Inclusionary Housing Requirements") of the Town's zoning bylaw will require an economic feasibility analysis if they remain applicable to the District.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Ipswich. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Kristin Kassner, Kristin.Kassner@mahouse.gov

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

Sent via email to vmassard@kingstonma.gov

October 25, 2024

Valerie Massard
Town Planner
26 Evergreen Street
Kingston, MA 02364

Re: Town of Kingston: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Massard:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application for the Town of Kingston on July 8, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "MBTA Communities Multi-family Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

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 multi-family unit capacity of 805 units, a minimum land area of 50 acres and a gross density of at least 15 dwelling units per acre. At least forty (40%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends clarifying that the inclusionary zoning requirements of Section 9.8, while applicable to projects of ten or more units in the District, do not require a special permit process.

2. EOHLC recommends reviewing Section 10.3, Site Plan Review, with Town Counsel to ensure that the procedures and standards are objective and nondiscretionary and are consistent with case law for as of right uses.

EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided the Town of Kingston. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Susan Moran
Representative Kathleen LaNatra

Via email: bkeating@lancasterma.gov

October 24, 2025

Brian Keating, Planning Director
Town of Lancaster
701 Main Street
Lancaster, MA 01523

Re: Lancaster - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Keating,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Lancaster, requesting that EOHLC review the Town's North Lancaster Smart Growth Overlay District zoning district ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations"). EOHLC recognizes that the District was adopted by the Town of Lancaster on November 14, 2022, although the District was submitted for "pre-adoption" review.

EOHLC appreciates the hard work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in submitting zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss these technical details with you and your staff, should you so desire.

Lancaster is designated as an Adjacent Small Town with 2,788 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 identified the following issues, which may affect the District's compliance with Section 3A:

1. The Compliance Model submitted with the application analyzes the zoning for the residential components allowed as of right within Mixed Use Developments. As provided by the

definition of Multi-family Housing set forth in G.L. c. 40A Section 1A, and clarified in Section 72.04(1)(c), as of right multi-family housing cannot have a mandatory non-residential component. However, the District also allows multiple two and three unit building per lot as of right. Therefore, a revised Compliance Model should analyze the District's unit capacity with two and three unit buildings. EOHLC is available to assist Lancaster planning staff with changes to the compliance model.

2. Section 220-89 of the zoning bylaw requires that, absent a waiver, at least twenty-five percent of rental dwelling units constructed in rental developments are set aside as deed restricted affordable. To encourage financial feasibility, Section 72.04(1)(b)2 of the Regulations caps the percentage of dwelling units that must be set aside as deed restricted affordable at twenty percent, for smart growth zoning districts adopted after August 10, 2022.

3. Some parcels in the district may lack frontage or access necessary for as of right development. Since parcels that contribute towards unit capacity must be developable as of right, 0 McGovern Blvd may need to be removed from unit capacity contributions.

For the foregoing reasons, EOHLC recommends that the Town address the issues above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Lancaster. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this feedback, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator John Cronin, john.cronin@masenate.gov
Representative Meghan Kilcoyne, Meghan.Kilcoyne@mahouse.gov

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

Sent via email to dmazzarella@leominster-ma.gov.

October 28, 2024

The Honorable Dean Mazzarella
Mayor of Leominster
25 West Street
Leominster, MA 01851

Re: City of Leominster: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mayor Mazzarella:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted for the City of Leominster on August 22, 2024. The application requested that EOHLC conduct a pre-adoption review for the City's Multi-Family Overlay 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").

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the City's staff.

Leominster is designated as 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 multi-family unit capacity of 2,810 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre. At least forty (40%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC cautions that the definition of "Family" in Section 22-4 of the zoning ordinance could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does not allow for zoning-based caps on unit occupancy.

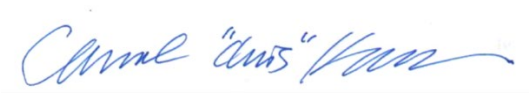
2. EOHLC recommends reviewing Section 22-57: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the City to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator John Cronin
Representative Natalie Higgins

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

January 12, 2024

Paula Vaughn-MacKenzie
Director of Planning and Land Use
Town of Lincoln
16 Lincoln Road
Lincoln, MA 01773

Re: Town of Lincoln: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Vaughn-MacKenzie,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Lincoln submitted electronically on October 17, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Lincoln's proposed "Multi-family and Mixed-Use Overlay Districts" ("3A 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 the Application as submitted does not demonstrate that the 3A District will meet the requirements of Section 3A and the Guidelines if it is adopted.** We hope these comments will assist the Town in creating zoning that can be deemed compliant and EOHLC staff is ready to review the findings of this review with you at your convenience.

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 multi-family unit capacity of 635 units, a minimum land area of 42 acres, and a minimum gross density of 15 dwelling units per acre. At least twenty percent of the district's minimum unit capacity and land area requirements must be met within one half mile of Lincoln's commuter rail station.

EOHLC identified the following issues which may affect the 3A District's compliance with Section 3A:

1. Only parcel level GIS data was provided. The district compliance application requires submission of a GIS shapefile showing each district or subdistrict as single polygons. This is used in spatial analysis to confirm that requirements such as land area, contiguity, and gross density are met.

2. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

3. Some parcels in the 3A District appear to lack frontage, and possibly access, especially m214532-907035 and m214570-906978. No documentation in the application shows that these parcels have sufficient frontage to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them.

4. The 3A District appears to be within Aquifer Protection & Watershed Protection Overlay Districts. These districts require special permits for rendering impervious more than 15 percent of a lot, or 2500 square feet of land, whichever is greater. Section 3A requires that development of multi-family housing can proceed without the need for a special permit or other discretionary zoning approval. EOHLC recommends that the Town of Lincoln consider amendments to allow multi-family housing and mixed use developments to proceed in the 3A Districts by satisfying the substantive criteria required by the Aquifer Protection & Watershed Protection Overlay Districts without "special permits" or discretionary zoning approvals. EOHLC may issue additional guidance on this topic in the future.

5. The Village Center Overlay District, which was put forward as the Town's mixed-use development district, contains language suggesting that parking can be required for non-residential uses, including the language "Parking for non-residential uses shall be per the approved Site Plan" and "For Mixed-Use Developments under this section, the applicant shall demonstrate that the proposed parking is sufficient to meet the needs of the development." Section 5c(vii) of the Guidelines prohibits minimum parking requirements associated with the non-residential uses allowed as of right. The purpose of mixed-use development districts in connection with Section 3A is to preserve pedestrian access to amenities in an existing village-style or downtown development.

6. The proposed 3A District requires 10% of units to be restricted as affordable. However, an Economic Feasibility Analysis was included for a 15% of units requirement. EOHLC has not yet reviewed the Economic Feasibility Analysis, but can do so at your request, should the town want to include a requirement for more than 10% of units to be affordable.

For the foregoing reasons, EOHLC determined that the application submitted does not fully demonstrate that the 3A District will comply with Section 3A as proposed. The Town must address items 1-5 while ensuring that the resulting zoning district retains the minimum numerical requirements of Section 3A and the Guidelines.

Please note that scope of this pre-adoption review is limited to the specific issues identified at this stage, based on materials provided by the Town of Lincoln. This review did not include a full review of the Town's zoning bylaw and does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. The complete zoning bylaw, including site plan review procedures, and any applicable planning board regulations or design guidelines will be reviewed with a district compliance application to ensure that it does not contain provisions that reduce the scale at which the 3A District permits multi-family housing as of right.

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,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Michael J. Barrett
Representative Carmine Lawrence Gentile

Sent via email to Lauren.Drago@LynnMA.gov

April 10, 2024

Lauren Drago
Associate Planning Director
3 City Hall Square
Lynn, MA 01901

Re: City of Lynn: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Drago:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the City of Lynn on January 11, 2024. The application requested that EOHLC conduct a pre-adoption review for the City of Lynn's proposed districts called the "R4 district" and "R5 district" (collectively, the "District") based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the city has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Lynn is designated as a Commuter rail community with 36,782 existing housing units per the 2020 United States Decennial Census and 637 acres of developable area within one half mile of MBTA transit stations. The City is required to have a district with a minimum multi-family unit capacity of 5,517 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. At least 75 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The submitted application does not demonstrate that the access and frontage requirements for some parcels, including 60 Granite Street, are sufficient for as-of-right development. When submitting the district compliance application, please submit written clarification that the access and frontage requirements can be satisfied without compromising the as-of-right nature of the potential development.

2. The submitted compliance model does not include an open space requirement, while the draft zoning has a 10% open space requirement for apartment houses. Please ensure that the compliance model accurately reflects the zoning when applying for district compliance.

3. When applying for district compliance, please submit two compliance models, one for the 3A-compliant districts and one for the mandatory mixed-use district.

4. EOHLC recommends reviewing Section 16: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with city solicitor to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. It is not clear whether the variance and order of condition requirements of Section 20: Floodplain District conflict with the as-of-right requirements of Section 3A. If a variance is required for residential development, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Another option would be revising the zoning to exempt the District from the variance requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements). When applying for district compliance, please provide written clarification of the permitting process for the Floodplain District.

6. As submitted, the affordability requirements of the District require an Economic Feasibility Analysis (EFA).

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the City of Lynn. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the city to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Brendan P. Crighton
Representative Daniel Cahill

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

Sent via email to resnickm@manchester.ma.us

September 30, 2024

Mark Resnick
Director of Land Management
10 Central Street
Manchester-by-the-Sea, MA 01944

Re: Town of Manchester-by-the-Sea: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Resnick:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Manchester-by-the-Sea on June 28, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed districts, collectively called the "Community Housing Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 559 units, a minimum land area of 37 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. We caution against requiring Special Permits for uses or structures accessory to multi-family housing, including pools, fitness centers, or community rooms that are typical of the larger scale

developments made possible in the Beaver Dam Road subdistrict, or the accessory structures for the accessory uses allowed as of right in the other subdistricts.

2. In the Beaver Dam Road subdistrict, which consists of a single "landlocked" parcel, we recognize the Town's foresight in eliminating a minimum frontage requirement but note that the Town must demonstrate that the parcel has the benefit of appurtenant rights of access in perpetuity when it submits a District Compliance Application.

3. As acknowledged in the Town's application, the inclusionary zoning requirements will trigger the requirement for submission of an Economic Feasibility Analysis (EFA) that supports feasibility for developing multi-family housing at the scale allowed by the District. This EFA will need to include sample projects representing the 100 units that the zoning allows in the Beaver Dam Road subdistrict, and the smaller multi-family developments allowed in the other subdistricts, including at the threshold of 5 units.

4. We acknowledge that a data error caused some EOHLC publications or tools to incorrectly list the Town's minimum required unit capacity as 585 units. The correct number, as previously stated, is 559 units.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Manchester-by-the-Sea. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr
Representative Ann-Margaret Ferrante

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

Sent via email to sraposa@mansfieldma.com

July 11, 2024

Sarah Raposa
Director of Planning and Development
Six Park Row
Mansfield, MA 02048

Re: Town of Mansfield: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Raposa:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Mansfield on February 14, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Mansfield's proposed district called the "Mansfield Station Revitalization Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Mansfield is designated as a Commuter Rail community with 9,282 existing housing units per the 2020 United States Decennial Census and 327 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. Some parcels in the District appear to lack sufficient frontage and access, specifically the Morrow Street parcel. No documentation in the application shows that these parcels have sufficient frontage or access to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them. Alternatively, if as of right access exists, please submit supporting documentation with the district compliance application to demonstrate this access.

3. A zoning map showing Section 230-5.1: Floodplain District and Section 230-5.4: Surface and Groundwater Resource Protection District was not submitted for this review. If the District overlaps with these overlay districts, the compliance model may need to be adjusted to reflect the development restrictions in the Surface and Groundwater Resource Protection District, and the special permit requirements in the Floodplain District.

4. EOHLC recommends reviewing Section J: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Mansfield. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Paul Feeney
Representative Adam Scanlon
Representative Fred Jay Barrows
Representative Ted Philips

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

Via email: sraposa@mansfieldma.com

October 1, 2025

Sarah Raposa
Director of Planning & Development
Six Park Row
Mansfield, MA 02048

Re: Mansfield - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Raposa,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Mansfield, requesting that EOHLC review the Town's proposed amendments to the "Mansfield Station Revitalization Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

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 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 reviewed this pre-adoption review application in connection with its ongoing review of the District Compliance application originally submitted by the Town of Mansfield on June 26, 2024. The purpose of this pre-adoption review is to provide feedback regarding whether the proposed amendments will be sufficient for Mansfield to achieve a Determination of Compliance. EOHLC determined that adopting the proposed amendments will position the Town well to achieve compliance, and offers the following application formalities as feedback:

- While the GIS shapefile provided shows a district that includes street and rail right of way areas, the district acreages submitted in the compliance model do not appear to include right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires

including right of way areas in calculations. Therefore, these areas must be included in Table 4. Acreage Calculations even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

- Before applying for District Compliance, please ensure that the submitted GIS shapefiles adhere to EOHLC's GIS Submittal Standards at http://www.mass.gov/doc/mbta-communities-gis-submittal-format/download . The parcels included in the GIS shapefile for the District must directly correspond to the parcels included in the Compliance Model.

Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Mansfield. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

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

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

Via email: sraposa@mansfieldma.com

October 24, 2025

Sarah Raposa
Director of Planning & Development
Six Park Row
Mansfield, MA 02048

Re: Mansfield - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Raposa,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Mansfield, requesting that EOHLC review the Town's proposed amendments to the "Mansfield Station Revitalization Overlay District" ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

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 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 reviewed updated materials for a pre-adoption review application in connection with an ongoing review of the District Compliance application originally submitted by the Town of Mansfield on June 26, 2024. The purpose of this pre-adoption review is to provide feedback regarding whether the proposed amendments will be sufficient for Mansfield to achieve a Determination of Compliance.

EOHLC did not identify any items that conflict with the requirements of the Regulations. Thank you for working to resolve the feedback identified in the last pre-adoption review conducted earlier last month.

Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Mansfield. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

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

Via email EitlerA@marblehead.org

March 20, 2025

Alex Eitler
Town Planner
7 Widger Road
Marblehead, MA 01945

Re: Town of Marblehead: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Eitler:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Marblehead, requesting that EOHLC conduct a pre-adoption review for the Town's proposed subdistricts "3A Tioga Way District" (MCMOD 1), "3A Pleasant Street District" (MCMOD 2), and "3A Broughton Road District" (MCMOD 3), (together, "District") based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Marblehead is designated as an Adjacent Community with 8,965 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 897 units, a minimum land area of 27 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the Districts' compliance with Section 3A:

1. EOHLC cautions the Town not to impose limits on the unit size as stated in Section F of the proposed bylaw ("Prohibited uses or activities in the 3A"), as such limits potentially reduce the unit capacity of the district.
2. EOHLC recommends revising Section H.5, Off-Street parking, to specifically define the number of spaces required for "additional visitor parking." Alternatively, the Town could exempt multifamily housing

development in the District from this provision. If the Town chooses to do the former, the Compliance Model should be updated to reflect the new parking requirement.

3. § 200-26. Earth removal requires a Special Permit for earth removal. EOHLC recommends that the Town exempt the District from this requirement and avoid subjecting multifamily housing proposals to special permit requirements, consistent with the requirements of G.L. Sections 1A and 3A.
4. Section I of the proposed bylaw requires all applications to comply with the Town of Marblehead Smart Growth Overlay District design standards as approved by DHCD on May 1, 2009. 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.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Marblehead. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Brendan P. Crighton, brendan.crighton@masenate.gov
Representative Jennifer Balinsky Armini, Jennifer.Armini@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: callahanb@marbleheadma.gov

January 8, 2026

Brendan Callahan
Director of Planning and Community Development
7 Widger Road
Marblehead, MA 01945

Re: Marblehead - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act

Dear Mr. Callahan:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Marblehead, requesting that EOHLC conduct a pre-adoption review for the Town's proposed "3A Multi-family Overlay District," (the "District") based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the "Regulations").

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. **The MBTA Communities program staff are available to work through these technical details with you and your staff and will meet with you and/or your consultant to discuss these comments at your earliest convenience.**

Marblehead is designated as an Adjacent Community with 8,965 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 897 units, a minimum land area of 27 acres and a Gross Density of at least 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. Section 200-27. Equipment Noise requires a Special Permit for the installation of exterior venting air conditioners, ventilators, blowers and similar equipment if the noise produced by such equipment will be in excess of 60 decibels at 20 feet in any direction, or the distance to the nearest

building having a residential use, whichever is the lesser. This special permit requirement conflicts with the as-of-right requirement of Section 3A. EOHLC recommends exempting the District from this requirement, or any other special permit requirement in the zoning bylaw.

2. Section F of the bylaw ("Prohibited uses or activities in the 3A"), restricts the size of units, in conflict with Section 72.07 of the Regulations and potentially reduces the unit capacity of the District. EOHLC recommends eliminating this requirement.

3. 202-204 Tedesco Street appears to lack sufficient frontage and access on a public way in the Town of Marblehead. EOHLC recommends ensuring that the lot does have frontage and access on a way in Marblehead, and submitting supporting documentation with the district compliance application to demonstrate it. If 202-204 Tedesco does lack sufficient frontage and/or access on a way in the Town of Marblehead, then it cannot be developed as of right and could not contribute unit capacity towards compliance with Section 3A.

4. Section H.5, Off-Street Parking Requirements, creates discretion in the number of parking spaces required for "additional visitor parking." The Town could exempt multi-family housing development in the District from this provision. If the Town chooses to do so, the Compliance Model should be updated to reflect the new parking requirement.

5. EOHLC identified a discrepancy between the minimum lot size requirement in Table G. Dimensional and Density Requirements, and the Compliance Model. Please ensure that this minimum lot size requirement is consistent across all application materials when submitting for District Compliance review.

6. EOHLC recommends reviewing Section I. Design Standards of the proposed bylaw to ensure that the design standards set forth are objective and nondictionary. Section I of the proposed bylaw also requires all applications to comply with the Town of Marblehead Smart Growth Overlay District design standards as approved by DHCD on May 1, 2009. EOHLC cautions the Town against applying any review criteria in a discretionary manner that is inconsistent with G.L. c.40A Sections 1A and 3A.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Marblehead. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Brendan P. Crighton, brendan.crighton@masenate.gov
Representative Jennifer Balinsky Armini, jennifer.armini@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: callahanb@marbleheadma.gov

February 5, 2026

Brendan Callahan
Director of Planning and Community Development
7 Widger Road
Marblehead, MA 01945

Re: Marblehead - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act

Dear Mr. Callahan:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Marblehead, requesting that EOHLC conduct a pre-adoption review for the Town's proposed *3A Multi-family Overlay District*, (the "District") based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the "Regulations").

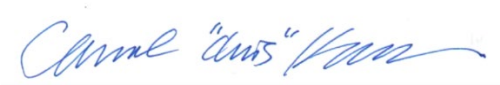
Marblehead is designated as an Adjacent Community with 8,965 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 897 units, a minimum land area of 27 acres and a Gross Density of at least 15 dwelling units per acre.

EOHLC did not identify any items that conflict with the requirements of the Regulations. Thank you for working to resolve the feedback identified in the last pre-adoption review conducted earlier this year. Adoption of the proposed District will put Marblehead in a good position for compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Marblehead. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review it's existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Undersecretary, Livable Communities Division

cc: Senator Brendan P. Crighton, brendan.crighton@masenate.gov
Representative Jennifer Balinsky Armini, jennifer.armini@mahouse.gov

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

Sent via email to dgaffey@cityofmelrose.org

April 22, 2024

Denise M. Gaffey
Director and City Planner
Melrose City Hall – Second Floor
562 Main Street
Melrose, MA 02176

Re: City of Melrose: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Gaffey:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the City of Melrose on January 23, 2024. The application requested that EOHLC revie w several existing zoning districts in the City (together, "District"), submitted for feedback on whether the District might satisfy the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in achieving compliance. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Melrose is designated as 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 multi-family unit capacity of 1,892 units, a minimum land area of 25 acres and a minimum gross density of 15 dwelling units per acre. At least 75 percent of the minimum land area and unit capacity requirements must be provided within one half mile of transit stations.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The SGD district includes restrictions such as designated "SGD Landmark Buildings" that are prohibited from demolition and may be prohibited from alterations or additions, in a manner that could impact unit capacity estimates. A district compliance application will require the City to disclose these kinds of restrictions that affect unit capacity, and will require that the restrictions be accounted for in the Compliance Model when possible.

2. The UR-D district has minimum frontage and lot size requirements that render the vast majority of the parcels in this district as non-conforming, and therefore unable to be developed as of right. There is no requirement for every parcel in a district to be conforming. However, in a review for district compliance, EOHLC will consider whether the proportion of non-conforming lots is so high as to jeopardize the UR-D's contributions to minimum land area and contiguity requirements. EOHLC recommends that the City consider reducing minimum lot size and frontage requirements to reflect the lots that exist in this district.

3. Much of the unit capacity generated in the UR-D district is on three parcels in the downtown historic district that are Coolidge school historic buildings. A district compliance application will require the City to disclose any restrictions that affect unit capacity, and will require that any such restrictions be accounted for in the Compliance Model when possible.

4. EOHLC recommends reviewing Section 235-16.1: Site Plan Review with legal counsel to ensure that the standards and criteria set forth are objective and nondiscretionary and that this section aligns with the existing case law concerning site plan review for as of right uses.

5. EOHLC recommends reviewing mandatory financial "contributions" in the SGD (for the City's open space fund) and RCOD (to the City's Streetscape Improvement Fund) with legal counsel to consider whether these payments constitute fees.

6. The inclusionary zoning requirements applicable to the District require an Economic Feasibility Analysis to support affordability requirements.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the City of Melrose. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Jason M. Lewis
Representative Kate Lipper-Garabedian

Via email: ds.mcclure@verizon.net

August 11, 2025

Denise McClure
Town Planning Consultant
Town of Merrimac
2 School Street
Merrimac, MA 01860

Re: Merrimac - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. McClure,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Merrimac, requesting that EOHLC review the Town's proposed "MBTA Communities Multi-Family Overlay District" (the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Merrimac is designated as 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.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. Due to the impervious area requirements in Article 14 Water Resource Protection District, the unit capacity of any parcels within the Water Resource Protection District may need to

be adjusted in the compliance model by capping the lot coverage at 15%. Please ensure that these requirements are accurately represented in the compliance model, and include a description of this representation with the district compliance application.

2. EOHLC recommends reviewing Article 19 Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Merrimac. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Barry Finegold, Barry.Finegold@masenate.gov
Representative Dawne Shand, Dawne.Shand@mahouse.gov

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

November 20, 2024 Via Email

Justin Sulzbach
Town Administrator
48 South Main Street
Middleton, MA 01949

Re: Town of Middleton: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Sulzbach:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Middleton submitted electronically on October 30, 2024, as revised in a memorandum provided by Innes Associates on November 19, 2024 and attached herein for reference. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed "MBTA Communities Multi-Family Overlay District" (MCMOD) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

Middleton is designated as an Adjacent community with 3,359 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 15 dwelling units per acre.

EOHLC did not identify any items that conflict with the requirements of the Guidelines.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Middleton and/or its consultants. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

Cc: Senator Bruce Tarr
Representative Bradley Jones
Representative Sally Kerans

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

Via Email: cmccormack@millburyma.gov

April 22, 2025

Conor McCormack
Director of Planning & Development
127 Elm Street
Millbury, MA 01527

Re: Town of Millbury: Pre-Adoption Review Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. McCormack:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Millbury submitted electronically on February 6, 2025. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed "Multi-family Housing Overlay District" (District) based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections and recommendations will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and with the Town's staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

- Section 30.6 Inclusionary Zoning subjects 10% of units to an affordable housing restriction that is currently undefined in the Town's zoning bylaw. If the cap on the incomes of families or individuals who are eligible to occupy the Affordable units is less than eighty percent of area

median income, Millbury's District Compliance application will require an Economic Feasibility Analysis.

- The District includes two parcels, Worcester-Providence Pike (F_584601_2890816) in the Route 146 Subarea, and 2 Rhodes Street in the Bramanville Subarea, that fall short of the Town's minimum frontage requirements. No documentation in the application shows that these parcels have sufficient frontage to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. When submitting the district compliance application, please submit written clarification that the frontage requirements can be satisfied for as of right development of multi-family housing.

- The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Millbury and/or its consultants. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

Cc: Senator Michael Moore, Michael.Moore@masenate.gov
Representative Paul Frost, Paul.Frost@mahouse.gov

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

Sent via email to jcruz@mapc.org

October 25, 2024

John Cruz
Senior Housing and Land Use Planner, MAPC
60 Temple Pl
Boston, MA 02111

Re: Town of Millis: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Cruz:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application you submitted on behalf of the Town of Millis on June 27, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "Multifamily Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the Town's staff.

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 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.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends clarifying that multi-family housing in the District is not subject to the requirements of Section XIII B.

2. The inclusionary zoning requirements applicable to the District require an Economic Feasibility Analysis pursuant to Section 4b of the Guidelines.

3. The GIS Submission provided with a District Compliance Application will need to adhere to the submission standards posted on mass.gov/mbtacommunities.

EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by MAPC on behalf of the Town of Millis. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Rebecca Rausch
Representative Marcus Vaughn
Representative James Arena-DeRosa

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

June 11, 2025

Nicholas Milano
Town Administrator
Town of Milton
525 Canton Avenue
Milton, MA 02186

Re: Town of Milton: Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act

Dear Administrator Milano,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Milton requesting that EOHLC review the proposed zoning district submitted via Citizen's Petition to Milton's Town Meeting, "MBTA Communities Multi-Family Overlay District", which is comprised of nine subdistricts (District), based on the criteria set forth in G.L. c.40A, § 3A (Section 3A) and 760 CMR 72.00 (the Regulations). EOHLC is aware that an additional zoning amendment to meet the requirements of an Adjacent Community and submitted by the Town's Planning Board, will be before Milton's Town Meeting on June 16, 2025; the proposed Planning Board amendment does not meet the criteria of G.L. c.40A, § 3A or 760 CMR 72.00.

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in adopting zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss any technical details with you and your staff, should you so desire.

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 and a gross density of 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 identified the following issues, which may affect the District's compliance with Section 3A:

1. The "Milton Station East" subdistrict shows a density of 44 dwelling units per acre allowable in the submitted compliance model, however, the proposed bylaw only allows 40 dwelling units per acre as of right. If the bylaw figure of 40 units per acre is accurate Milton would not meet its minimum unit capacity

requirement. The bylaw should be revised to reflect the 44 dwelling units per acre submitted in the compliance model prior to submitting for district compliance.

2. The subdistrict known as the "Paper Mill Site" contains a single parcel that has challenging access to the buildable portion of the parcel. EOHLC is relying on the Town's representation that there is legal access to the site.
3. The "Mattapan Station" subdistrict has a Maximum Floor Area Ratio (FAR) of 1.10 per the proposed bylaw, however, a FAR of 1.20 was input into the submitted compliance model for the FAR limitation. The compliance model submitted with any future district compliance application should reflect the language from the adopted zoning bylaw.
4. 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". EOHLC is relying on the Town's representation that there is legal frontage and access for the parcels in question from "Access Road."
5. The affordability requirements found in the section of the proposed bylaw titled "Provision of Affordable Housing" will require an Economic Feasibility Assessment (EFA) to be submitted. Please note that the town may submit an EFA after the July 14, 2025 deadline if necessary.

For the foregoing reasons, EOHLC recommends that the Town address the issues above before Town Meeting and applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Milton. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Richard Wells, Richard.Wells@mahouse.gov
Representative Brandy Fluker Oakley, Brandy.FlukerOakley@mahouse.gov
Cheyenne Frazier, Town of Milton, cfrazier@townofmilton.org

Sent via email to lnewman@needhamma.gov

August 1, 2024

Lee Newman
Director of Planning and Community Development
1471 Highland Avenue
Needham, MA 02492

Re: Town of Needham: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Newman:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Needham on May 1, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Needham's proposed district called the "Multifamily Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Needham is designated as 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 multi-family unit capacity of 1,784 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. There are discrepancies between the district labels in the Compliance Model, the application, and the zoning by-law. For District Compliance, please ensure these abbreviations and district names

are consistent.

2. In Section 3.17.5, a lot partially within an underlying zoning district cannot have a building or structure for multifamily residential use within 110 feet of the lot line of an abutting lot containing an existing single family residential structure. Depending on the uses surrounding the district, this may affect its unit capacity.

3. The affordable housing requirement (12.5% of all units) would require an Economic Feasibility Analysis (EFA) because it is over 10% per Section 4B of the 3A Guidelines. However, if using the 10% figure suggested in the by-law, there is no requirement for an EFA.

4. The definition of "family" in the zoning bylaw (Section 1.3 Definitions) may be interpreted as a cap on occupancy, as it relates to occupancy of "dwellings units" : *"(3) not more than three unrelated individuals per dwelling unit living as a single housekeeping unit. The Board of Appeals may issue a special permit for up to two additional individuals per dwelling unit."* Please ensure that residential dwelling units permitted in the District are not subject to this cap.

5. For the "Neighborhood Plan Option," under Checklist Parameters in the Compliance Model, there is a maximum of 48 dwelling units per acre listed for the B subdistrict, which is not reflected in the zoning.

6. The submitted GIS shapefiles are missing required fields. Please ensure that the resubmitted shapefiles adhere to the following guidelines linked here and attached to this email.

7. EOHLC recommends that the Town review its Site Plan Review with counsel to ensure that the standards set forth are objective, nondiscretionary, and consistent with case law for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Needham. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Rebecca Rausch
Representative Denise Garlick

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

Sent via email to jennifer.carloni@newbedford-ma.gov

October 31, 2024

Jennifer Carloni
Director of City Planning
133 William Street, Room 303
New Bedford, MA 02740

Re: City of New Bedford: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Carloni:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the City of New Bedford on August 5, 2024. The application requested that EOHLC conduct a pre-adoption review of the City's Kings Highway Transit Oriented Development District Overlay ("District") based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act ("Guidelines").

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the City's staff.

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 multi-family unit capacity of 6,688 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre. At least seventy-five (75%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC cautions that the definition of "Family" in Section 1200 of the zoning ordinance could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does

not allow for zoning-based caps on unit occupancy. MBTA communities may rely on the state sanitary code to prevent overcrowding of dwelling units.

2. Some of the high-capacity parcels in the District may lack frontage or access. Since the District as proposed comfortably exceeds the City's minimum unit capacity requirement, this is not a compliance issue. EOHLC cautions that if the proposed District is reduced in scale prior to adoption, those parcels could become relevant to compliance.

3. EOHLC recommends reviewing the City's Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the City to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Mark Montigny
Representative William Strauss
Representative Christopher Markey
Representative Antonio F.D. Cabral

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

December 10, 2024 Via Email

Andrew Port
Director of Planning & Development
60 Pleasant Street
Newburyport, MA 01950

Re: City of Newburyport: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Port:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the City of Newburyport submitted electronically on August 15, 2024. The application requested that EOHLC conduct a pre-adoption review for the City's existing, and proposed expansions to, Newburyport Smart Growth 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).

Newburyport is designated as 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 multi-family unit capacity of 1,292 units, a minimum land area of 35 acres, and a minimum gross density of 15 dwelling units per acre. At least twenty percent of the District's minimum land area and unit capacity requirements must be met within one half mile of transit stations.

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the City in achieving compliance. We hope the descriptions of technical corrections will assist the City in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the City's staff.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

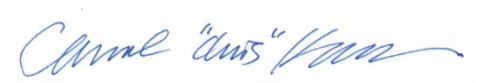
1. The density requirements in the District are calculated using developable land as locally defined. This is a dimensional restriction not captured in the Compliance Model. However, EOHLC also reviewed Newburyport's separately submitted model that estimates capacity based on that restriction and finds that the methodology is reasonable and consistent with the approach used in the standard model.

2. The District requires that the safe pedestrian crossings are in operation across State Street and US Route 1 are established before six parcels in the District can have certificates of occupancy approved for developments. The City must confirm that this condition has been satisfied.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the City of Newburyport. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

Cc: Senator Bruce Tarr
Representative Dawne Shand

Sent via email to jenright@northandoverma.gov

April 3, 2024

Jean Enright
Planning Director
120 Main Street
North Andover, MA 01845

Re: Town of North Andover: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Enright:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of North Andover on January 4, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of North Andover's proposed district called the "MBTA Multi-family Housing Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

North Andover is designated as an Adjacent community with 11,194 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 1,191 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas

in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. The submitted compliance model has a building coverage requirement of 40%, while the draft zoning has a building coverage requirement of 30%. When applying for district compliance, please ensure that the compliance model is consistent with the zoning requirements of the District.

3. Due to the special permit requirement in Article 4 Part 5: Watershed Protection District, the unit capacity of the parcels within this district must be removed from the compliance model, or the zoning could be revised to exempt the District from the special permit requirement of the Groundwater Protection District (but retaining the Groundwater Protection District's other substantive requirements).

4. It is not clear whether the permit requirements of Article 4 Part 6: Floodplain District conflict with the as-of-right requirements of Section 3A. If the permit is handled as a special permit, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Another option would be revising the zoning to exempt the District from the special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements). When applying for district compliance, please provide written clarification of the permitting process for the Floodplain District.

5. EOHLC recommends reviewing Article 8 Part 3: Site Plan Review and Sections 19.37-42 concerning development project review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses, especially whether a disapproval under Section 19.41(A3) conforms with as of right uses.

6. EOHLC recommends reviewing the District for overlap with Article 8 Part 9: Lot/Slope Requirements. If there is overlap, the unit capacity of the parcels affected by the Lot/Slope Requirements must be removed from the compliance model, or the zoning could be revised to exempt the District from the special permit requirement of Article 8 Part 9.

7. Due to the requirement in Article 8 Part 13: Inclusionary Housing Requirement for 15% of units to meet affordability criteria, an Economic Feasibility Analysis is required.

8. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of North Andover. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We

encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Barry R. Finegold
Representative Adrianne Pusateri Ramos

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

Sent via email to ghilario@nattleboro.com

November 15, 2024

Gil Hilario
Town Planner
43 South Washington Street
North Attleborough, MA 02760

Re: Town of North Attleborough: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Hilario:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of North Attleborough on September 9, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "Multi-Unit Residence Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

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 multi-family unit capacity of 1,255 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The Districts permits a use entitled "multi-unit housing" that is not defined. The definitions section of the District does define "multi-family housing". The Town should make sure that both terms use the same name.

2. The minimum frontage requirement in the District is sixty feet. The Town should make sure that the minimum frontage requirement will allow the existing parcels in the District to be conforming so that they can be developed as of right. It appears that 637 S. Washington may have insufficient frontage.

3. EOHLC cautions the Town against adopting any design guidelines that could conflict with Section 3A by reducing the scale of permitted development below what the dimensional zoning allows or requiring discretionary criteria. As drafted, Section B would allow design guidelines to control "the scale and proportion of buildings" and to establish "required items".

4. EOHLC recommends reviewing Section 290.26, Site Plan Review, with Town Counsel to ensure that its standards are objective and nondiscretionary and are consistent with case law for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of North Attleborough. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Paul Feeney
Representative Adam Scanlon

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

Sent via email to dmcknight@northreadingma.gov

February 23, 2024

Danielle McKnight
Town Planner
235 North Street
North Reading, MA 01864

Re: Town of North Reading: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. McKnight:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of North Reading on November 27, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of North Reading's proposed district called the "Lowell Road Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Article XVII: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses, especially whether a disapproval under Section 200-96C conforms with as of right uses.
2. Due to the special permit requirements in Section 200-44: Floodplain District for residential development within the floodplain, the unit capacity of the parcels within the floodplain may need to be adjusted in the compliance model by removing the floodplain area from developable land

with an override. Although the 3A land maps classify flood zones as "sensitive", they must be excluded when they trigger a special permit requirement. Alternatively, the Town can revise the zoning to exempt the District from the special permit requirement of the Floodplain District (while retaining the Floodplain District's substantive requirements).

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

While EOHLC appreciates the work of the Town of North Reading, a Housing Choice Community, to develop the two completed projects that comprise the proposed District, we encourage the Town to reconsider its strategy for compliance with Section 3A by proposing a district location where it will be possible to develop new as of right multi-family housing.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of North Reading. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage to town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Community Services Division

cc: Senator Bruce E. Tarr
Representative Bradley H. Jones, Jr.

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

Sent via email to iquirk@townofnorwell.net

April 12, 2024

Ilana Quirk
Director of Planning and Community Development
345 Main Street
Norwell, MA 02061

Re: Town of Norwell: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Quirk:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Norwell on January 16, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Norwell's proposed district called the "MBTA Adjacent Community Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Norwell is designated as 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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The requirement of Section 201-28.6Y for parking to be located at the rear of the building, and the requirement for a waiver in Section 201-28.6EE to have a driveway in a side setback seems to set up a requirement for a waiver for parking in most or all circumstances. When applying for district

compliance, please provide written clarification on how these parking requirements can be applied while maintaining the as-of-right requirements of Section 3A, or amend the zoning to ensure the as-of-right requirement is clearly met.

2. EOHLC recommends reviewing Section 201-28.5: Site Plan Approval and Section 201-3.4B ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

3. It is not clear whether the 10% affordability requirement in Section 201-28.7 requires "Moderate Affordable Units," "Low Income Affordable units" or "Community Housing Units," as defined in Section 201-28.3B. If the 10% requirement includes units that meet the "Low Income Affordable Units" definition, an Economic Feasibility Analysis is required.

4. EOHLC recommends reviewing the District for overlap with Section 15: Building Demolition. If there is overlap, the permit requirements of Section 15 may conflict with the as-of-right requirement of Section 3A. One possible solution is to remove the unit capacity of the parcels affected by the Building Demolition permit requirements from the compliance model, or the zoning could be revised to exempt the District from the permit requirements of Section 15.

5. EOHLC would like to discuss the 10 unit per acre maximum in Section 201-28.6H with the Town and its consultants, in anticipation of making a determination of whether this density cap complies with the statute.

6. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Norwell. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Patrick M. O’Connor
Representative David F. DeCoste

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

Sent via email to sdixon@norwoodma.gov

March 18, 2024

Sarah Dixon
Director of Community Development
566 Washington Street
Norwood, MA 02062

Re: Town of Norwood: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Dixon:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Norwood on December 19, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Norwood's proposed district called the "MBTA Communities Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Norwood is designated as a Commuter rail community with 13,634 existing housing units per the 2020 United States Decennial Census and 861 acres of developable area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 2,045 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. At least 90 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. Only parcel level GIS data was provided. The district compliance application also requires submission of a GIS shapefile showing each district or subdistrict as single polygons. This is used in spatial analysis to confirm that requirements such as land area, contiguity, and gross density are met.

2. The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicates that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

3. The "Required Lot Width through Building or Structure" dimensional requirement is a requirement that is not analyzed in the compliance model. This requirement will be reviewed during the district compliance review to ensure that the requirement does not have a substantial impact on as of right unit capacity. If there are parcels that are affected by this requirement, and the Town would like to adjust the compliance model calculations before applying for district compliance, EOHLC staff would be happy to discuss how to make those changes in the compliance model.

4. At least one parcel in the District appears to lack frontage, and possibly access, specifically 150-58 65 Lenox Street. No documentation in the application shows that this parcel has sufficient frontage to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or proposed zoning requirements changed, to allow for as of right development of multi-family housing on them.

5. Section 9.1: Floodplain Overlay District may conflict with the as of right requirement of 3A compliance. EOHLC recommends consulting with town counsel to ensure this section aligns with as of right uses. EOHLC will review and determine whether the requirement for an order of conditions is consistent with as of right development during the district compliance review. The unit capacity of the parcels within the floodplain may need to be adjusted in the compliance model by removing the floodplain area from developable land.

6. EOHLC recommends reviewing Section 10.5: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

7. As submitted, the affordability requirements of the District require an Economic Feasibility Analysis (EFA).

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Norwood. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Michael F. Rush
Representative John H. Rogers

Via email: droach@rehobothma.gov

March 3, 2026

Derek Roach, Town Planner
Town of Rehoboth
340 Anawan Street
Rehoboth, MA 02769

Re: Rehoboth - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Roach,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Rehoboth, requesting that EOHLC review the Town's proposed zoning district *MBTA Multi-Family Housing District* ("District"), based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the "Regulations").

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The **MBTA Communities program staff are available to discuss any technical details** with you and your staff, should you so desire.

Rehoboth is designated as 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 gross density of 15 dwelling units per acre.

EOHLC identified the following issue, which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included

in district shapefiles even if local practice is to not include them in zoning districts. Including these areas may affect the district's land area and gross density calculation.

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. The proposed amendment contains a definition of "Compliance Guidelines" relating to the previous iteration of what are now regulations found in 760 CMR 72.00. The Town may wish to insert the correct citation prior to a vote of Rehoboth's Town Meeting.

4. The zoning proposal includes several "Development Standards" and other general development standards that may be construed as subjective or discretionary. EOHLC cautions the Town against applying any design standards, guidelines, or architectural criterion in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

5. The Town may wish to amend the definition of Multi-family housing to include two unit dwellings. The current Regulations allow for a two unit typology when more than one two unit dwelling is allowed per lot. The definition in the Regulations reads: "a building with three or more Residential dwelling units or two or more buildings on the same Lot with more than one Residential dwelling unit in each building."

6. The submitted compliance model includes a district cap on the overall number of units allowed in the district, which does not appear to be in the zoning. District unit caps are impermissible in multi-parcel districts and should not be included if the intent is to allow one unit cap for multiple parcels.

7. The zoning proposal 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).

For the foregoing reasons, EOHLC recommends that the Town address the issue above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Rehoboth. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Undersecretary, Livable Communities Division

cc: Deborah Arruda, Town of Rehoboth, darruda@rehobothma.gov

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

Sent via email to kjoseph@scituatema.gov

April 26, 2024

Karen Joseph
Town Planner
600 Chief Justice Cushing Way
Scituate, MA 02066

Re: Town of Scituate: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Joseph:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Scituate on January 4, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Scituate's proposed district called the "Village Center and Neighborhood District," specifically the North Scituate Village – Outer Village subdistrict and the Greenbush-Driftway Gateway – North River Residential Neighborhood, Greenbush Village Center and Gateway Business subdistricts (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Scituate officials prior to your Town Meeting last month to discuss this feedback in detail. Congratulations on the successful passage of the amendments at Town Meeting. This letter serves as the formal notice of EOHLC comments.

After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Scituate is designated as a Commuter rail community with 8,260 existing housing units per the 2020 United States Decennial Census and 373 acres of developable area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,239 units,

a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. 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 identified the following issues which may affect the District's compliance with Section 3A:

1. The submitted application does not demonstrate that the access and frontage requirements for some parcels, including 335 Gannett Road, are sufficient for as-of-right development. When submitting the district compliance application, please submit written clarification that the access and frontage requirements can be satisfied without compromising the as-of-right nature of the potential development.

2. The restrictions on new development in Section 470: Flood Plain and Watershed Protection District appear to conflict with the as-of-right requirements of Section 3A. If new development is not allowed, the unit capacity of the parcels within the Flood Plain and Watershed Protection District must be removed from the compliance model.

3. Due to the variance requirement for lot coverage over 15% in Section 520: Water Resource Protection District, the unit capacity of the parcels within this district must be removed from the compliance model. Additional alternatives include (a) capping the affected parcels below the square footage/lot coverage requirement for a variance or (b) revising the zoning to exempt the District from the variance requirement of the Water Resource Protection District (but retaining the Water Resource Protection District's other substantive requirements).

4. The restrictions on development in Section 460: Saltmarsh and Tideland Conservation District appear to conflict with the as-of-right requirements of Section 3A. If new development is not allowed as-of-right, the unit capacity of the parcels within the Saltmarsh and Tideland Conservation District must be removed from the compliance model.

5. EOHLC recommends reviewing the District for parcels that are affected by Section 610.1B: Lot Area and Width Requirements. The unit capacity of any parcels affected by this dimensional requirement must be removed from the compliance model, or the zoning could be revised to exempt the District from this requirement.

6. It is unclear whether the stepback requirements as described in Section 750: Design Review for Business, Commercial, Mixed Use and Multi-Family Development are accounted for in the compliance model. Please ensure that these requirements are accurately represented in the compliance model, and include a description of this representation with the district compliance application.

7. EOHLC recommends reviewing Section 750: Design Review and Section 770: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for

as of right uses, especially whether a disapproval under Section 770.8.D conforms with as of right uses.

8. The Compliance Model workbook should use 1.6 parking spaces per dwelling unit to reflect the District's requirement for 2 parking spaces per 3 bedroom dwelling unit in Section 760.8: Business and Mixed Use District Parking Requirements and Waivers.

9. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for district compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Scituate. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Patrick M. O'Connor
Representative Patrick Joseph Kearney

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

Sent via email to hdoyle@sherbornma.org

February 9, 2024

Heidi Doyle
Town Planner
19 Washington Street
Sherborn, MA 01770

Re: Town of Sherborn: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Doyle:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sherborn submitted electronically on November 11, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Sherborn's proposed district called the "Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of these technical corrections will assist the Town in creating zoning that can be deemed compliant.

Sherborn is designated as 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 district with a minimum multi-family unit capacity of 78 units with a gross density of 15 units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The submitted compliance model does not include all of the parcels described in the application, such as the Kendall Ave subdistrict. Please ensure that the compliance model includes all parcels being used to demonstrate compliance.
2. The compliance model needs to accurately reflect the dimensional restrictions in the zoning. The submitted compliance model is missing some zoning restrictions, including lot size. Additionally, the maximum height requirement in the compliance model does not match the zoning. Please

ensure that the compliance model is consistent with the zoning, as these restrictions affect the calculation of unit capacity and gross density.

3. Subdistricts need to be divided into separate districts within the compliance model if the dimensional restrictions differ in the zoning. For example, since the Kendall Ave subdistrict has an open space requirement that differs from the rest of the District, please include the Kendall Ave subdistrict as its own district in the compliance model so that zoning restriction will be accurately reflected across the district.

4. As submitted, it is not clear whether the parcels that are in both the District and the business districts that require mixed use are intended to be evaluated as mandatory mixed-use districts. If the intention is to use the business district parcels as a mandatory mixed-use district, the following steps will need to be taken:
    a. A mixed use location determination is required, available here: https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials-
    b. The unit capacity for the mixed use district must be calculated using the mixed use district offset compliance model, available here: https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials-
    c. The compliance model for the 3A-compliant district should not include the parcels that are within the mixed-use district.
    d. Please refer to Section 5 of the guidelines to ensure that the mixed-use zoning aligns with the requirements for a mandatory mixed use district. As written, it appears that the business districts currently have parking requirements for commercial uses, which would not meet the Guideline requirements.

5. There are two inclusionary zoning sections in the zoning bylaw, Sections 5.7.8 and 4.9. If both sections apply to the District, an Economic Feasibility Analysis (EFA) will be required due to the affordability requirement of 15% of units.

6. Since the district includes a partial parcel, please ensure that Section 2.4 allows the development of the partial parcel in the District, and that any restrictions on partial parcels are accurately reflected in the compliance model.

7. Due to residential development not being allowed in Section 5.5 Floodplain District, the unit capacity of any parcels within the floodplain must be removed from the compliance model. Additional alternatives include (a) removing the affected parcels from consideration in the compliance model, or (b) revising the zoning to exempt the District from the residential restrictions and special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Sherborn. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact Regional Planner Emma Snellings, at emma.snellings@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Becca L. Rausch
Representative James C. Arena-DeRosa

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

Sent via email to cmcgoldrick@shrewsburyma.gov

October 10, 2024

Christopher McGoldrick
Director of Planning and Economic Development
100 Maple Ave.
Shrewsbury, MA 01545

Re: Town of Shrewsbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. McGoldrick:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Shrewsbury on June 5, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed district, called the "Transit Oriented Development Overlay 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).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

Shrewsbury is designated as 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 multi-family unit capacity of 1,497 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. Please review the District's requirement for an "Adaptive Reuse Analysis" for any restrictions on the as of right development of multi-family housing.

2. We recommend reviewing Article VII, Section F: Site Plan of the Town's zoning bylaw and 12: Site Plan Review of the District to ensure that the standards set forth are objective and nondiscretionary, and consulting with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.
3. We recommend revising Section II.D, Off-Street Parking and Loading Regulations to specifically define the number of spaces required for "sufficient off-street parking for visitors and employers." Alternatively, the Town could exempt multifamily housing development in the District from this provision. If the Town chooses to do the former, the Compliance Model should be updated to reflect the new parking requirement.
4. We recommend revising the zoning bylaw's definition of Family. The current family definition restricts occupancy to five unrelated individuals or family related by blood or marriage. Section 3A prohibits zoning from limiting or restricting the number of occupants per unit in the multi-family housing.
5. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Shrewsbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael Moore
Representative Hannah Kane

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

November 27, 2023

Stephen Wallace
Town Planner
1 Park Street
Butterick Municipal Building
Sterling, MA 01564

Re: Town of Sterling: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Wallace:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sterling submitted electronically on August 29, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Sterling's proposed "Multi-Family Overlay District" (MFOD) 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 the Application submitted does not demonstrate that the MFOD will meet the requirements of Section 3A and the Guidelines if it is adopted.**

Sterling is designated as 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 gross density of 15 dwelling units per acre. There is no minimum land area or district location requirement for Adjacent small towns.

EOHLC identified the following issues which may affect the MFOD's compliance with Section 3A:

1. The MFOD overlaps the exact boundaries of a single parcel that appears as three parcels on Sterling's online assessors' maps. EOHLC required MBTA Communities to submit fully up to date GIS shapefiles of local assessors' parcels in 2022. EOHLC requests confirmation that the assessors maps were fully up to date at the time they were provided. The Compliance Model used to estimate unit capacity relies on accurate parcel data.

2. The MFOD requires a minimum lot size of 5 acres. The proposed area currently is shown as three separate parcels on the local assessors maps. At least one of these three parcels as shown on the local assessors maps does not meet the minimum lot size requirement. Multi-family housing cannot be developed as of right on a non-conforming lot. Since the compliance model provided by the Town in the pre-adoption application treated the district as a single lot, it is not clear how the lot pattern might affect unit capacity. Please note: the Guidelines require that each "district" be a minimum of 5 acres, they do not require a minimum parcel size of 5 acres.

3. The MFOD requires a minimum frontage of 200 linear feet. No documentation in the application shows that any of the parcels in the district has sufficient, or any, frontage. Multi-family housing cannot be developed as of right on a non-conforming lot.

4. Section 301-3.4.1 of Sterling's zoning bylaw requires buildable lots to have street access. A street is defined as "An existing way providing access to the premises in question if that way is either shown on an approved definitive subdivision plan or on the Sterling Official Map as adopted pursuant to MGL c. 41, §§ 81E through 81H, as a public way." The submitted application does not demonstrate that any parcel in the district meets this requirement.

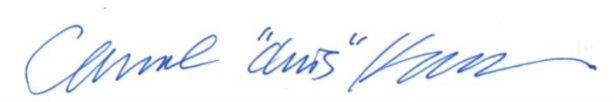
5. Section 301-3.4.2 requires a special permit for driveways that serve more than two lots. If the district consists of three lots as shown on local assessors maps, it appears that a shared driveway cannot be used to provide access to all three lots as of right.

6. MBTA Communities may require non-discretionary site plan review for multi-family housing in Section 3A-compliant zoning districts if the scope of review is within the parameters established by Massachusetts case law for as of right uses, and does not unreasonably delay projects or impose conditions that make them infeasible or impractical. At this time, EOHLC does not opine on whether every criterion listed in Section 301-6.4.6 is within the permissible scope of site plan review, but does recommend that Sterling consult with local counsel for an opinion.

For the foregoing reasons, EOHLC determined that the application submitted does not demonstrate that the MFOD will comply with Section 3A as proposed. The Town must clarify how many lots are in the district and address the frontage and access issues as appropriate based on the correct lot configuration which is needed in order to apply the Town's zoning rules in the compliance model, which relies on accurate lot information. EOHLC encourages the Town of Sterling to continue its diligent efforts to identify a suitable location for a zoning district that allows multifamily housing as of right, consistent with the MBTA Communities law. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Sterling. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district

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,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: State Rep. Meg Kilcoyne

Via email: bcaldwell@sterling-ma.gov

September 16, 2025

Bill Caldwell, Town Administrator
Town of Sterling
1 Park Street
Sterling, MA 01564

Re: Sterling - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Administrator Caldwell,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sterling, requesting that EOHLC review the Town's proposed zoning district "Multi-Family Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates the hard work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss these technical details with you and your staff, should you so desire.

Sterling is designated as 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 gross density of at least 15 dwelling units per acre.

EOHLC identified the following issues, which may affect the District's compliance with Section 3A:

1. The Compliance Model submitted with the application used a net density input of 16 dwelling units per acre, producing a gross density of 15.2 dwelling units per acre. However, the zoning text caps net density at only 15 dwelling units per acre, which would reduce the District's gross density below 15. The Town should resolve this discrepancy. EOHLC

recommends that the net density cap in the zoning text be changed to match the input in the Compliance Model in order to ensure that the District's metrics match the numbers submitted with this application.

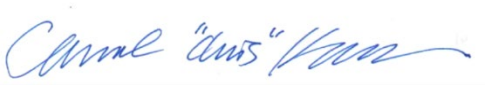
2. Section G.4. of the draft bylaw requires that roads or driveways serving twelve or more dwelling units have at least 150 feet visibility in each direction and be separated from all other driveways or intersecting streets by at least 150 feet. This requirement could be construed as a conflict with Section 72.04(1)(c) of the Regulations, which prohibits requirements on multi-family uses that are not applicable to other uses (such as single family housing). Furthermore, this requirement may be difficult or impossible for a development to meet based on existing lot configurations and driveways. EOHLC does not require that this provision be removed, but recommends clarifying in the proposed text to ensure that its implementation will not conflict with as of right permitting.

For the foregoing reasons, EOHLC recommends that the Town address the issues above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Sterling. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this feedback, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Peter Durant, Peter.Durant@masenate.gov
Representative Meghan Kilcoyne, Meghan.Kilcoyne@mahouse.gov
Stephen Wallace, Town of Sterling, swallace@sterling-ma.gov

Via email: planning@stow-ma.gov

June 27, 2025

Valerie Oorthuys
Planning Director
380 Great Road
Stow, MA 01775

Re: Stow - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Oorthuys,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Stow, requesting that EOHLC review the Town's proposed "Multifamily Housing Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of

way areas in calculations. Therefore, these areas must be included in district shapefile and compliance model even if local practice is to not include them in zoning districts.

For the foregoing reasons, EOHLC recommends that the Town address the issue outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Stow. It does not constitute a representation that resolution of the identified issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Kate Hogan, Kate.Hogan@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: planning@stow-ma.gov

August 29, 2025

Valerie Oorthuys
Planning Director
380 Great Road
Stow, MA 01775

Re: Stow - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Oorthuys,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Stow, requesting that EOHLC review the Town's proposed "Multifamily Housing Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

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 did not identify any items that conflict with the requirements of the Regulations. Thank you for working to resolve the feedback identified in the last pre-adoption review conducted earlier this year. Adoption of the proposed District will put Stow in a good position for compliance.

Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Stow. It does not constitute a representation that resolution of the identified issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Kate Hogan, Kate.Hogan@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: planning@stow-ma.gov

October 9, 2025

Valerie Oorthuys
Planning Director
380 Great Road
Stow, MA 01775

Re: Stow - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Oorthuys,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Stow on September 25, 2025, requesting that EOHLC review the Town's proposed "Multifamily Housing Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

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 did not identify any items that conflict with the requirements of the Regulations. Thank you for working to resolve the feedback identified in the last pre-adoption review conducted earlier this year. Adoption of the proposed District will put Stow in a good position for compliance.

Please note that this pre-adoption review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Stow. It does not constitute a representation that resolution of the identified issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator James Eldridge, James.Eldridge@masenate.gov
Representative Kate Hogan, Kate.Hogan@mahouse.gov

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

Sent via email to BurneyA@sudbury.ma.us

June 28, 2024

Adam Burney
Director of Planning and Community Development
278 Old Sudbury Rd
Sudbury, MA 01776

Re: Town of Sudbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Burney:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sudbury on February 20, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Sudbury's proposed district called the "Multifamily Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. MBTA Communities staff at EOHLC were pleased to meet with Sudbury officials prior to your Town Meeting last month to discuss this feedback in detail. Congratulations on the successful passage of the amendments at Town Meeting. This letter serves as the formal notice of EOHLC comments.

After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. Some parcels in the District appear to lack sufficient frontage and access, specifically Subdistrict 1. No documentation in the application shows that these parcels have sufficient frontage or access to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for those parcels must be removed, or supporting materials showing that as of right development of multi-family housing is possible on them must be submitted with the district compliance application.

3. EOHLC recommends reviewing Section 4700C.G: Site Plan Review and Section 6300: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

4. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Sudbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator James B. Eldridge
Representative Carmine Lawrence Gentile

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

Via email: j.hager@town.sutton.ma.us

August 11, 2025

Jennifer Hager
Community Development Director
4 Uxbridge Road
Sutton, MA 01590

Re: Sutton - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Hager,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sutton, requesting that EOHLC review the Town's proposed "Sutton Multifamily Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 gross density of at least 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. EOHLC recommends reviewing Section 7: Site Plan Review and Section 8. Design Standards to ensure that the standards set forth are objective and nondiscretionary and consult with

town counsel to ensure that these sections align with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issue outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Sutton. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Ryan Fattman, Ryan.Fattman@masenate.gov
Representative Joseph McKenna, joseph.mckenna@mahouse.gov

Sent via email to alowder@tewksbury-ma.gov

February 28, 2024

Alexandra Lowder
Community/Economic Development Planner
1009 Main Street
Tewksbury, MA 01876

Re: Town of Tewksbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Lowder:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Tewksbury on November 30, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Tewksbury's proposed district called the "MBTA Communities Multifamily Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Tewksbury is designated as an Adjacent community with 12,139 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 1,214 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Section 3.6: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses, especially whether a disapproval under Section 3.6.5 conforms with as of right uses.
2. The District section on Floodplain District seems to exempt the District from the permit requirements of Section 5.5: Floodplain District. However, it is not clear whether Section 5.5.8(A) would take precedence over this exemption. If the District is not exempt, due to the requirements

in Section 5.5: Floodplain District for residential development within the floodplain, the unit capacity of the parcels within the floodplain may need to be adjusted in the compliance model by removing the floodplain area from developable land.

3. Due to the impervious area requirements in Section 5.6: Groundwater Protection District for residential development within the groundwater protection district, the unit capacity of any parcels within the Groundwater Protection District may need to be adjusted in the compliance model by capping the lot coverage at 15%. Alternatively, the Town can revise the zoning to exempt the District from the special permit requirement of the Groundwater Protection District (while retaining the Groundwater Protection District's substantive requirements). It may be helpful to clarify how proposed developments will be permitted as of right in the Groundwater Protection District section of the District.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Tewksbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage to town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Community Services Division

cc: Senator Barry R. Finegold
Representative David Allen Robertson

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

Via email: rmaynard@tewksbury-ma.gov

August 12, 2026

Robert Maynard, Assistant Town Manager
Town Of Tewksbury
1009 Main Street
Tewksbury, MA 01876

Re: Tewksbury – Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Maynard,

The Executive Office of Housing and Livable Communities (HLC) received a pre-adoption review application from the Town of Tewksbury, requesting that HLC review the Town's proposed *MBTA Communities Multifamily Overlay District* ("District"), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the "Regulations").

HLC appreciates all the work the Town has done to prepare for compliance with Section 3A. HLC's review is limited to the materials submitted by the Town, which did not include GIS shapefiles of the District. After careful review and analysis, HLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff and will meet with you to discuss these comments at your earliest convenience.

Tewksbury is designated as an Adjacent community with 12,139 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 1,214 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

HLC identified the following issue, which may affect the District's compliance with Section 3A:

1. HLC's pre-adoption feedback dated February 28, 2024 identified conflicts with the District's overlap with the Floodplain District and Groundwater Protection District, particularly the District's exemption from Section 5.5 Floodplain District being unclear and Section 5.6 Groundwater Protection District's impervious area requirements affecting the District. The Town's newly submitted materials indicate the District changed geographies. While the Town did not provide GIS shapefiles of the updated District location, HLC reviewed the submitted subdistrict zoning maps. Both subdistricts do not appear to overlap with the Floodplain District or Groundwater Protection District, so these issues identified in the previous pre-adoption review should no longer apply. HLC will be able to confirm this upon receipt of updated GIS shapefiles of the District.

Please note that this review is limited to the specific issue identified at this stage of review and is based on materials provided by the Town of Tewksbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. HLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

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,



Caroline "Chris" Kluchman
Undersecretary, Livable Communities Division

cc: Senator Barry Finegold, barry.finegold@masenate.gov
Representative Vanna Howard, vanna.howard@mahouse.gov
Representative Tram Nguyen, tram.nguyen@mahouse.gov
Representative David Robertson, david.robertson@mahouse.gov
John Curran, Town of Tekwsbury, jcurran@tewksbury-ma.gov
Alexandra Lowder, Town of Tewksbury, alowder@tewksbury-ma.gov

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

February 6, 2024

Lynn Bermudez
Admin. Assistant – Planning and Zoning
8 West Common Street
Topsfield, MA 01983

Re: Town of Topsfield: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Bermudez:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Topsfield submitted electronically on November 8, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Topsfield's proposed district called the "MBTA Communities Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of these two technical corrections will assist the Town in creating zoning that can be deemed compliant.

Topsfield is designated as an Adjacent Small Town community 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 with a gross density of 15 units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing the Article IX: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses, especially whether a disapproval under Section 9.05.d.ii conforms with as of right uses.

2. Due to the requirement in Article VI: Floodplain District for a special permit for residential development within the floodplain, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Additional alternatives include (a) removing the affected

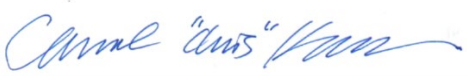
areas of the parcels from consideration in the compliance model, or (b) revising the zoning to exempt the District from the special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Topsfield. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Bruce E. Tarr
Representative Sally P. Kerans

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

Via email: nmui@townsendma.gov

August 5, 2025

Nelson Mui, Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469

Re: Townsend - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Administrator Mui,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Townsend, requesting that EOHLC review the Town's proposed zoning district "Multi-Family Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss any technical details with you and your staff, should you so desire.

Townsend is designated as 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 gross density of 15 dwelling units per acre.

EOHLC identified the following issues, which may affect the District's compliance with Section 3A:

- 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 geography found in the shapefiles submitted for review does not account for the right-of-way abutting the District, which is required to estimate the District's gross density as defined in G.L. c.40A Section 1A. EOHLC recommends ensuring that including appropriate right-of-way areas does not reduce the gross density of the district below the minimum requirement of fifteen (15) dwelling units per acre.

- The proposed amendment contains a definition of "Compliance Guidelines" relating to the previous iteration of what are now regulations found in 760 CMR 72.00. The Town may wish to insert the correct citation prior to a vote of Townsend's Town Meeting.

- EOHLC cautions the Town against applying any development standards, found in proposed Section 145-54.2.E., 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.

For the foregoing reasons, EOHLC recommends that the Town address the issue above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Townsend. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

Sent via email to esalerno@tyngsboroughma.gov

March 14, 2024

Eric Salerno
Town Planner
25 Bryant Lane
Tyngsborough, MA 01879

Re: Town of Tyngsborough: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Salerno:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Tyngsborough on December 15, 2023 and revised on March 5, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Tyngsborough's proposed district called the "MBTA Communities Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

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 multi-family unit capacity of 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

As submitted, the affordability requirements of the District require an Economic Feasibility Analysis (EFA). EOHLC staff finds that the EFA submitted with this application is acceptable, and supports the affordability requirements in connection with this pre-adoption application. This determination is based on the materials submitted with this review. If any of the materials change when submitted for the District Compliance Review, EOHLC will re-review the EFA.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The submitted compliance model does not reflect the requirement for a minimum of 8 units in a multi-family development. Please ensure this requirement is included in the Checklist Parameters tab, line 105. Since all the parcels yield unit capacity greater than 8, no other changes are needed at this time. However, if changes are made to the district that yield smaller unit capacities per parcel, please ensure that the 8 unit minimum is accurately reflected in the compliance model.
2. The submitted application does not demonstrate that the access and frontage requirements for the split zoned parcels in the NW Middlesex Road subdistrict and the PLM Parking Area subdistrict are sufficient for as-of-right development. When submitting the district compliance application, please submit written clarification that the access and frontage requirements can be satisfied through another zoning district without compromising the as-of-right nature of the potential development.
3. EOHLC recommends reviewing Section X.I: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses. As submitted, it is not clear which parts of Section 2.8 apply to the District.
4. A zoning map showing Sections 10.2 and 10.3, Wetlands District and the Floodplain and Floodway Districts, was not submitted for this review. If the District overlaps with these overlay districts, the compliance model may need to be adjusted to reflect the special permit and development restrictions in Section 10.2 and 10.3.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Tyngsborough. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Community Services Division

cc: Senator Edward J. Kennedy
Representative Colleen M. Garry
Mike Asciola, Senior Planner NMCOG

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

Sent via email to ekokinda@wakefield.ma.us

April 3, 2024

Erin Kokinda
Community and Economic Development Director
1 Lafayette Street
Wakefield, MA 01880

Re: Town of Wakefield: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Kokinda:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Wakefield on January 4, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Wakefield's proposed district called the "MBTA Communities Multi-Family Overlay District (MCMOD)" (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Wakefield is designated as a Commuter rail community with 11,305 existing housing units per the 2020 United States Decennial Census and 630 acres of developable land area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,696 units, a minimum land area of 36 acres and a minimum gross density of 15 dwelling units per acre. At least 75 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The definition of multi-family housing (termed "Multifamily dwelling" in Wakefield) should more closely mirror the language in M.G.L. c.40A Section 1A, which defines a building type and does not describe families or living situations. It is still permissible to limit multi-family housing to buildings of three or four units.

2. The bylaw provides that a lot that is not 100% within the District as drawn in the Zoning Map shall be excluded from the District. The GIS shapefiles had slight deviations from parcel boundaries, for example on Crescent Street. Please ensure that the adopted map does not inadvertently exclude any parcels from the District that are included in the Compliance Model workbook. This observation is distinct from the intentional exclusion of parcels on Main Street and North Ave.

3. Development Standard 5a prohibits surface parking from being located between the building and any lot line adjacent to the public right-of-way. Since the district only allows three and four unit buildings, please clarify that this requirement does not apply to driveways. EOHLC is aware that this language is in its sample zoning bylaw.

4. EOHLC recommends reviewing Site Plan Review Sections C through E to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses. Since Site Plan review relies extensively on site plan review regulations, EOHLC may require submission of those regulations in connection with a district compliance application.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Wakefield. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Jason M. Lewis
Representative Kate Lipper-Garabedian

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

Sent via email to pazadi@city.waltham.ma.us

November 4, 2024

Patricia Azadi
First Assistant City Solicitor
Waltham City Hall
610 Main Street
Waltham, MA 02452

Re: City of Waltham: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Attorney Azadi:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted for the City of Waltham on July 26, 2024 which was amended with additional districts in October 2024. The application requested that EOHLC conduct a pre-adoption review for the City's proposed "MBTA Communities Multi-Family Overlay District" ("MCMOD") based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act ("Guidelines"). This letter also provides feedback in connection with the City's existing Business C ("BC") and Hope Avenue Redevelopment District 1 ("HR1") zoning districts based on additional materials you provided October 10, 2024, and memorializes verbal feedback previously shared with you and discussed over many collaborative virtual meetings in the past year.

EOHLC appreciates all the work the City has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following feedback to aid the City in achieving compliance. We hope the contents of this feedback will assist the City in creating zoning that can be deemed compliant.

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 multi-family unit capacity of 3,982 units, a minimum land area of 50 acres, and a gross density of 15 dwelling units per acre. At least fifty (50%) percent of the District's minimum land area and unit capacity requirements must be met within transit station areas.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The BC district does not permit multi-family housing, as defined in G.L. c. 40A Section 1A. Footnote (1) to Section 3.4 Table of Uses restricts residential uses to floors two through five. Therefore, the BC district permits mixed-use development, not multi-family housing. The City could remedy this issue by allowing residential uses on all floors, or it could use some capacity from the BC district as a "mandatory mixed use" district.

2. If the City intends to use the BC district as a "mandatory mixed use" component of its compliance with Section 3A, then it must meet the requirements of Section 5c. of the Guidelines. These requirements include:

    a. Submitting a Mixed Use District Location Determination Form to EOHLC and receiving EOHLC's approval of the proposed location;

    b. Submitting a Mixed-Use District Offset Compliance Model to EOHLC;

    c. Ensuring that the BC district allows a broad mix of non-residential uses as of right on the ground floor of mixed-use development projects (Guidelines Section 5c.(vi));

    d. Eliminating minimum parking requirements for the non-residential uses allowed as of right in the BC district (Guidelines Section 5c.(vii)); and

    e. Capping the purported unit capacity of the BC district at no more than twenty-five (25%) percent of the City's minimum unit capacity requirement under Section 3A.

3. EOHLC recommends clarifying Section 3.618 to make clear that multi-family housing is allowed as of right in the HR1 district and the MCMOD, and to resolve the conflict between this Section and Section 3.4 footnote (1) regarding multi-family housing in the BC district.

4. Section 8.841 of the MCMOD caps the number of dwelling units allowed per building at only four units and adds a minimum distance of twenty feet separating each building. These restrictions were not automatically accounted for in the compliance models submitted by the City. As discussed in past meetings, EOHLC must account for this restriction in unit capacity estimates and has done so by assuming that developers can site four unit buildings with the most efficient layout that is physically possible, however unlikely that level of efficiency may be in practice. Accounting for the land area that the MCMOD requires to separate each four unit building reduces the MCMOD's estimated unit capacity to 1,505 units from 4,043 units. EOHLC recognizes that the City identified an option to generate additional unit capacity in the MCMOD by reducing minimum parking requirements below 2 spaces per dwelling unit. A reduction to 1 space per dwelling unit would increase the capacity of the MCMOD to 2,377 units from 1,505.

5. Section 5a. of the Guidelines requires that at least half of the adopted multi-family zoning district comprises contiguous lots of land. The District as submitted does not demonstrate an area that meets this requirement. Conversations between EOHLC and Waltham staff have identified some possible paths to meeting this requirement with the districts submitted in this review.

6. Section 8.87 of the MCMOD draft zoning is "[RESERVED]". EOHLC reviewed the City's inclusionary zoning requirements set forth in Article IX. EOHLC cautions that if those

requirements were applicable to as of right multi-family housing in a district submitted for compliance with Section 3A, they would exceed the limitations set forth in Section 4b. of the Guidelines. The Guidelines allow an MBTA community to require that up to ten (10%) percent of units in a project are deed restricted as affordable to households earning up to eighty (80%) percent of area median income. They also allow MBTA communities to require that up to twenty (20%) percent of units are deed-restricted, and/or are affordable to households earning up to a cap of less than eighty (80%) percent of area median income, if those requirements are supported by an economic feasibility analysis.

7. EOHLC recommends that Section 3.4, Table of Uses, is amended to add or reference the new MCMOD overlay district.

8. Section 4.215 or the MCMOD should clarify that the restrictions of one principal building per lot and the prohibition on residential and nonresidential buildings occupying the same lot are inapplicable in the MCMOD.

9. EOHLC recommends adding a definition of Lot Coverage so that in the BC and HR1 districts, it is clear that only building and accessory building areas (and not, for example, parking) apply to lot coverage limits.

10. EOHLC recommends redrafting Section 8.82 of the MCMOD, "Purpose and objectives" to describe a legitimate planning purpose serving the needs of current and future Waltham residents.

11. When the City submits a district compliance application, it must provide all required materials including GIS shapefiles that meet the MBTA Communities GIS Data submittal standards. EOHLC also respectfully requests that written materials submitted in the future be submitted in a format that allows users to search text and that has consistent page orientations.

For the foregoing reasons, EOHLC recommends that the City address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the City to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Mayor, Jeannette A. McCarthy
Senator Michael Barrett
Representative Thomas Stanley
Representative John Lawn

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

Sent via email to mjop@wellesleyma.gov

March 20, 2024

Meghan Jop
Executive Director of General Government Services
888 Worcester Street
Wellesley, MA 02482

Re: Town of Wellesley: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Jop:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Wellesley on December 21, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Wellesley's zoning districts described in the application as the Wellesley Square, Wellesley Office Park, and Wellesley Hills subdistricts, and proposed together as the district designated for compliance with the MBTA Communities law ("District")." The pre-adoption review is based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act ("Guidelines").

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following feedback to aid the Town in achieving compliance. We hope the descriptions of issues identified in this review will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Wellesley is designated as a Commuter rail community with 9,282 existing housing units per the 2020 United States Decennial Census and 921 acres of developable area within one half mile of MBTA transit stations. 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 15 dwelling units per acre. At least 90 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which will affect the District's compliance with Section 3A:

1. At least eleven parcels in the Wellesley Hills subdistrict are split between zoning districts, but the parcels were included in the GIS shapefiles and compliance model workbook in their entirety. The submitted zoning bylaw did not appear to indicate whether the District can be applied to the entire parcel. If these parcels are to be included in the submitted District, the Town must identify evidence in the zoning bylaw that permits the rules of the District to be applied to the whole parcels.
2. The application did not demonstrate fulfillment of the contiguity requirement. Section 5a of the Guidelines requires that "at least half of the multi-family zoning district land areas comprise[s] contiguous lots of land." Since the District is approximately 76 acres, it requires one contiguous area of at least 38 acres. The largest contiguous area is the Wellesley Park subdistrict at 28.4 acres according to GIS shapefiles.
3. The Wellesley Square and Wellesley Hills subdistricts require a maximum floor area ratio ("FAR") of 0.3 that was not entered on the Compliance Model. Although the zoning bylaw applies some FAR relief to lots that had existing buildings in 2004, all lots are treated as vacant for the purposes of unit capacity estimates in MBTA communities' compliance efforts. This zoning requirement must be entered into the compliance model.
4. The minimum lot size in the Wellesley Square and Wellesley Hills subdistricts should be entered as 7500 square feet, not 2500 square feet in the compliance model, because the district requires 2500 square feet of lot area per dwelling unit, and only lots that allow at least three units can allow multi-family housing as of right. This correction reduces the capacity of the District.
5. Some parcels in the Wellesley Square subdistrict appear to be subject to the Water Supply Protection district as well. Since the Water Supply Protection district requires a special permit, the compliance model must be adjusted to account for the limitation. Alternatively, the District could be exempted from the special permit requirement, with the substantive criteria retained.
6. The Wellesley Park subdistrict contains multiple impermissible density and dimensional caps imposed district-wide. These include a district-wide unit cap of 850 units, a district-wide density cap of 20 units per acre, and a district-wide cumulative height cap of 575 feet. These caps are impermissible in zoning districts used for 3A compliance because when the caps are reached, the other areas of the District are unavailable for development of multi-family housing as of right. We note that these caps would also be impermissible in a 3A district if they were to be imposed by a development agreement.
7. EOHLC recommends that the Town revisit its approach to defining an "MBTA Community Project" in its Definitions section. The MBTA communities law requires multi-family zoning districts of reasonable size. There are complications in trying to apply zoning district requirements at an individual project level that could create challenges in implementing requirements.
8. EOHLC recommends that the Town review the following zoning sections with counsel to ensure that the standards set forth are objective, nondiscretionary, and consistent with case law for as of right uses: Site Plan Review, Design Guidelines, Drainage Review, Retaining Wall Review, Tree Protection Review.

9. As submitted, the affordability requirements of the District require an Economic Feasibility Analysis (EFA). EOHLC has received an Economic Feasibility Analysis but cannot complete a review of that analysis until there is a corresponding zoning district that more closely aligns with the requirements of Section 3A.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Wellesley. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Cynthia Creem
Leader Alice Peisch

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

Sent via email to taltrich@westbridgewater.gov

April 22, 2025

Tracy Altrich, Town Planner
65 North Main Street
West Bridgewater, MA 02379

Re: Town of West Bridgewater: Pre-Adoption Review Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Altrich:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application that you submitted for the Town of West Bridgewater on January 31, 2025. The application requested that EOHLC conduct a pre-adoption review for the Town's MBTA Multi-Family Housing District ("District") based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections and recommendations will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and the Town's staff.

West Bridgewater is designated as an Adjacent Small Town community 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.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street rights of way for North Main Street. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

2. 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.

3. EOHLC recommends reviewing Section 4.7.10: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consulting with counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the applicant. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Bridget Plouffe, Bridget.Plouffe@mahouse.gov

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

Sent via email to townplanner@wnewbury.org

April 2, 2024

Susan Brown
Town Planner
381 Main Street
West Newbury, MA 01985

Re: Town of West Newbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Brown:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of West Newbury on January 3, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of West Newbury's proposed district called the "MBTA Communities Multi-family Housing Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

West Newbury is designated as an Adjacent small town community 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 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. When applying for district compliance, please include a brief statement about how development at the density and scale of 3A requirements is allowed, and include the calculated density denominator in that statement.

3. Section 8.4.3 includes, in the definition for "Building Type, Stacked Flats," a "medium sized residential building." EOHLC recommends defining the unit count range of a medium sized building to avoid confusion and align the definition with descriptions of other size residential buildings.

4. Section 8.4.5 requires a plan submission, but does not specify to whom the plan is submitted. EOHLC recommends clarifying this requirement to avoid confusion.

5. EOHLC recommends reviewing Sections 8.4.11 and 11.3, Site Plan Review, to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

6. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of West Newbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce E. Tarr
Representative Adrianne Pusateri Ramos
Dillon Sussman, Dodson Flinker

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@wnewbury.org

August 22, 2025

Angus Jennings
Town Manager
381 Main Street
West Newbury, MA 01985

Re: West Newbury - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Jennings,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of West Newbury, requesting that EOHLC review three proposed locations for the Town's "MBTA Communities Multi-family Housing Overlay" (the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After meeting with town officials and conducting a careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

West Newbury is designated as an Adjacent Small Town community 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 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

- 902 Main District
    - It appears that the Town intends to use a "development area" approach, to provide potential developers with flexibility on identifying a building site that may be developed at 15 units per acre. EOHLC recommends that the zoning bylaw more clearly specify an acreage that may serve as a building site.

- When applying for district compliance, please clarify the application of the minimum open space requirement in Section 8.4.6 Dimensional Standards to the designated protected open space in the development area.

- Housing Authority District
  - If the Town chooses to pursue the Housing Authority District, it must provide evidence that the land is available for development to justify an override in the Compliance Model for the Town-owned parcel at 0 Main St (M_241886_950013). The evidence must demonstrate that the parcel meets the definition of "Developable Public Land" in the Regulations.
  - The following parcels included in the Housing Authority District appear to lack sufficient frontage and access: LOC_ID M_241886_950013 (0 Main Street) and LOC_ID M_241812_950079 (379 Main Street). No documentation in the application shows that this parcel has sufficient frontage or access to meet the District's minimum requirement, and multi-family housing cannot be developed as of right on a non-conforming lot. Therefore, the unit capacity for these parcels must be removed, or proposed zoning requirements must allow for as of right development of multi-family housing on them. Additionally, if as of right access exists, please submit supporting documentation with the district compliance application to demonstrate this access.

- Brake Hill District
  - The Town must provide evidence that the land is available for development to justify an override in the Compliance Model for the Town-owned parcel at 0 Main St (M_240405_947759). The evidence must demonstrate that the parcel meets the definition of "Developable Public Land" in the Regulations.
  - It appears that the Town edited the land map parcel data for 0 Main St (M_240405_947759) in the Brake Hill District. Please use the override column to model this parcel as developable land.
  - It appears that the Town intends to use a "development area" approach, to provide potential developers with flexibility on identifying a building site that may be developed at 15 units per acre. EOHLC recommends that the zoning bylaw more clearly specify an acreage that may serve as a building site.
  - When applying for district compliance, please clarify the application of the minimum open space requirement in Section 8.4.6 Dimensional Standards to the designated protected open space in the development area.

- Applicable to all three proposed locations for the District
  - The GIS shapefiles provided show that the District excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. The development area and the legal zoning district do not need to include right-of-way, but it does need to be included in the district acreage for compliance purposes.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of West Newbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC

encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Wendy Reed, Town of West Newbury, wreed@wnewbury.org
Rebecca Ambra, Town of West Newbury, exec.assistant@wnewbury.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: townmanager@wnewbury.org

September 26, 2025

Angus Jennings
Town Manager
381 Main Street
West Newbury, MA 01985

Re: West Newbury - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Mr. Jennings,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of West Newbury, requesting that EOHLC review the proposed "Housing Authority" location for the Town's "MBTA Communities Multi-family Housing Overlay" (the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After conducting a careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

West Newbury is designated as an Adjacent Small Town community 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 dwelling units per acre.

EOHLC reviewed the supplemental materials submitted as evidence of as of right access to interior portions of the District and believes they will be sufficient when submitted with a district compliance application in the future.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

- There are discrepancies between the land areas of the submitted compliance model and the submitted GIS shapefile. When applying for district compliance, please ensure that the compliance model matches the GIS shapefile.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of West Newbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Bruce Tarr, Bruce.Tarr@masenate.gov
Representative Adrianne Pusateri Ramos, Adrianne.Ramos@mahouse.gov
Wendy Reed, Town of West Newbury, wreed@wnewbury.org
Rebecca Ambra, Town of West Newbury, exec.assistant@wnewbury.org

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

Sent via email to jgingras@westboroughma.gov

April 4, 2024

Jenny Gingras
Director of Planning
34 West Main Street
Westborough, MA 01581

Re: Town of Westborough: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Gingras:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Westborough on January 8, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Westborough's proposed district called the "MBTA Multi-family Zoning Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Westborough is designated as a Commuter rail community with 8,334 existing housing units per the 2020 United States Decennial Census and 194 acres of developable area within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,250 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. At least 20 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. The submitted compliance model shows a minimum parking requirement of 2 spaces per unit, while the draft zoning has a maximum parking requirement of 2 spaces per unit. The compliance model does not contemplate parking maximums, so this zoning restriction can be removed from the compliance model.

3. If the special permit requirement in Section 4.3: Aquifer and Watershed Protection District applies to multi-family housing, the unit capacity of the parcels within this district must be removed from the compliance model, or the zoning could be revised to exempt the District from the special permit requirement of the Aquifer and Groundwater Protection District (but retaining the Aquifer and Groundwater Protection District's other substantive requirements).

4. EOHLC recommends reviewing Section 3: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

5. The bedroom requirement in Section 6.1B does not meet the Section 3A requirement of suitability for families with children. EOHLC recommends exempting the District from this requirement, or removing the requirement from the bylaw.

6. EOHLC has received the economic feasibility analysis for the District, and will be sending approval or feedback on the economic feasibility analysis soon.

7. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Westborough. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC was pleased to meet with Westborough officials prior to your Town Meeting last month to discuss the foregoing feedback. This letter serves as the formal notice of EOHLC comments. 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,



Caroline "Chris" Kluchman
Director, Livable Communities Division

cc: Senator Michael O. Moore
Representative Kate Donaghue

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

Sent via email to jmorrissette@westfordma.gov

March 26, 2024

Jeffrey Morrissette
Director of Land Use Management
55 Main Street
Westford, MA 01886

Re: Town of Westford: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Morrissette:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Westford on January 5, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of Westford's proposed district called the "MBTA Communities Multi-Family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA communities program staff are available to work through these technical details with you and your staff.

Westford is designated as an Adjacent community with 9,237 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 924 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The table of Dimensional Standards set forth in Section 8.10.6 limits gross density to 15 units per acre. Gross density is a measurement of neighborhood density, defined in G.L. c. 40A Section 1A, and attempting to apply it at the parcel level presents complications that could result in a district-wide gross density calculation of less than 15 units per acre. The compliance model workbook that was submitted calculated **net** density on each parcel based on the 15 units per acre limit in the District, and used that calculation to demonstrate a district-wide gross density above 15 units per acre. Therefore, the dimensional standards should be changed to limit the net density per parcel, not the gross density.

2. The Compliance Model workbook should use 1.6 parking spaces per dwelling unit to reflect the District's requirement for one guest space per every ten units.

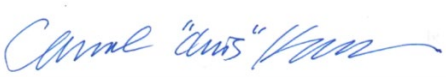
For the foregoing reasons, EOHLC recommends that the Town address the issue outlined before putting the District to a legislative vote.

There are some dimensional controls, including the impact of maximum block lengths in general development standards, and a district transitional buffer, that impose limits not captured by the compliance model. Since the submitted materials were comfortably above minimum requirements, EOHLC believes that these controls would not jeopardize the satisfying of minimum requirements if they were accounted for. If the District geography is reduced at Town Meeting, the changes would first affect the gross density calculation, and if it is scaled back significantly, EOHLC would need to revisit some numerical impacts like the general development standards.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Westford. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Director, Community Services Division

cc: Senator John Cronin
Representative James Arciero

Via email: slahtinen@westminster-ma.gov

September 11, 2025

Stephanie Lahtinen, Town Administrator
Town of Westminster
11 South Street
Westminster, MA 01473

Re: Westminster - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Administrator Lahtinen,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Westminster, requesting that EOHLC review the Town's proposed zoning district "Multi-Family Overlay District" (District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss these technical details with you and your staff, should you so desire.

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 and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues, which may affect the District's compliance with Section 3A:

1. EOHLC is relying on the representation found in the proposed amendment to Article IX Section 205-33, *Apartments and attached dwellings*, which reads "[s]tructures located within the Multi-Family Overlay District do not apply to this section" as superseding the requirements of Section 205-33. This amendment is in reference to both the requirement of a

special permit for the construction of "Apartments" within the Town, as well as the requirement to set aside 25% of the units constructed in "Apartments", per Section 205-33, as deed-restricted affordable housing.

2. The Town should consider amending Section 205-13, *Minimum building requirements,* as there is currently a provision that reads, "there shall be not more than one principal building on any lot". This restriction may limit potential development of as-of-right multi-family housing within the District.

3. The submitted compliance model lists the same measurement for both the District acreage and the District density denominator. The model should be corrected to include the acreage of the full parcels, broken out into subdistricts, for the District acreage.

4. The proposed amendment contains a definition of "Compliance Guidelines" relating to the previous iteration of what are now regulations found in 760 CMR 72.00. The Town may wish to insert the correct citation prior to a vote of Westminster's Town Meeting.

5. While EOHLC understands that the definition of "Family" may be amended at an upcoming Town Meeting, we caution 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.

6. Section 209-5, *Floodplain District*, of the Town's zoning bylaw requires a special permit for development in the Floodplain District. Although there may be limited or no current overlap with 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.

7. 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.

For the foregoing reasons, EOHLC recommends that the Town address the issues above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Westminster. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this feedback, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline "Chris" Kluchman
Director, Livable Communities Division

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

Sent via email to vgingrich@wilmingtonma.gov

February 7, 2024

Valerie Gingrich
Director of Planning and Conservation
121 Glen Road
Wilmington, MA 01887

Re: Town of Wilmington: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Ms. Gingrich:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Wilmington submitted electronically on November 9, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Wilmington's proposed district called the "MBTA Communities Multi-family Overlay 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).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant.

Wilmington is designated as a Commuter Rail community with 8,320 existing housing units per the 2020 United States Decennial Census and 538 acres of developable land within one half mile of MBTA transit stations. The Town is required to have a district with a minimum multi-family unit capacity of 1,248 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre. At least 50 percent of each minimum requirement (acreage and unit capacity) must be located within one half mile of transit stations ("transit station areas").

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The Mixed Use Location Determination for the Main Street Mixed Use Sub-district was not approved by EOHLC. Due to this determination, the compliance model as submitted does not

demonstrate sufficient unit capacity to meet the minimum requirement. The compliance model shows a unit capacity of 1,074 units, and the minimum requirement is 1,248 units.

2. The compliance model as submitted does not meet the minimum land area requirement of 50 acres, instead showing 41.6 total acres. As the District is expanded to meet this requirement, please stay mindful of the contiguity requirements found in Section 5 of the Guidelines.

3. An economic feasibility analysis will be required to support the requirement of Section 6.11.5.1 that 15% of units be affordable.

4. There are some components of the zoning that need clarification, revisions, or amendments to ensure compliance:

    a. Due to the requirement in Section 6.2: Floodplain District for a special permit for residential development within the floodplain, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Another option would be revising the zoning to exempt the District from the special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).
    b. EOHLC recommends reviewing Section 6.5: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses, especially whether a disapproval under Section 6.5.3 conforms with as of right uses.
    c. Due to the requirement in Section 6.6: Groundwater Protection District for a special permit for residential development, the unit capacity of the parcels within this district must be removed from the compliance model. Additional alternatives include (a) capping the affected parcels below the square footage/lot coverage requirement of Section 6.6.7.7 for a special permit or (b) revising the zoning to exempt the District from the special permit requirement of the Groundwater Protection District (but retaining the Groundwater Protection District's other substantive requirements). We recognize that the first approach was already undertaken at 335 Main Street.
    d. Due to the requirement in Section 6.11: Inclusionary Housing for a special permit for developments over 6 units, the unit capacity of parcels in the compliance model must be capped at 5 units. Alternatively, the District could be exempted from the requirement for a special permit.
    e. In Section 6.12.6, the Burlington Ave and West Street subdistricts require ground floor as-of-right uses to use the minimum parking requirements in Section 6.4.1.1. It appears that multi-family housing is a ground floor as-of-right use, thus the units on the ground floor of a development would need to follow the minimum parking requirements of Section 6.4.1.1, which are greater than the parking requirements described in 6.12.6. Please ensure that the parking requirements are accurately shown in the compliance model.

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Wilmington. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline "Chris" Kluchman
Acting Director, Community Services Division

cc: Senator Barry R. Finegold
Representative David Allen Robertson

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

Sent via email to amarino@town.winthrop.ma.us

October 23, 2024

Anthony Marino
Town Manager
1 Metcalf Square
Winthrop, MA 02152

Re: Town of Winthrop: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act

Dear Mr. Marino:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Winthrop on September 12, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town's proposed Multi-family Overlay District (MFOD) and its existing Center Business district, (collectively District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff is available to work through these technical details with you and your staff.

Winthrop is designated as an Adjacent community with 8,821 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 882 units, a minimum land area of 12 acres and a gross density of at least 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends adding the Chapter 40A definition of "multi-family housing" to Section 17.54.030 of the overlay district for clarification and to avoid conflicts with the definition of "multi-family dwelling" in Section 17.04.050.
2. EOHLC cautions that the definition of "family" in Section 17.04.050 of the zoning bylaw could be construed as an impermissible cap on the number of occupants per dwelling unit. Section 3A does not allow for zoning-based caps on unit occupancy.
3. EOHLC recommends reviewing Sections 17.44 Administrative Project Review and 17.50 Special Provisions applicable to the Center Business District with counsel to ensure that all standards, criteria, and procedures for permitting are objective and nondiscretionary and align with case law for as of right uses.
4. This review relies on EOHLC's assumption that Sections 17.24.030 and 17.24.040 Environmental Design Review by Zoning Board of Appeals and Environmental Design Review by the Planning Board will not apply to multi-family housing proposed in the District (including mixed-use development projects proposed in the CB) because the MFOD does not require special permits.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Winthrop. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,

Caroline "Chris" Kluchman
Director, Livable Communities Division

Cc: Senator Lydia Edwards
Representative Jeffrey Turco

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

Via email: rbenson@wrentham.gov

June 18, 2025

Rachel Benson
Director of Planning & Economic Development
79 South Street
Wrentham, MA 02762

Re: Wrentham - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Benson,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Wrentham, requesting that EOHLC review the Town's proposed "MBTA Communities Multi-Family Overlay District (the District), based on the criteria set forth in Section 3A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates all the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

Wrentham is designated as 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 multi-family unit capacity of 750 units and a minimum land area of 50 acres.

EOHLC identified the following issues which may affect the District's compliance with Section 3A and the Regulations:

1. Section 390-22.8 Design Standards of the Town's zoning bylaws requires all roadways within the District to be private. When applying for the district compliance, please submit written clarification that these parcels meet the minimum frontage requirement and have as of right access in the District.

2. Section 390-22.2 appears to exempt the District from all special permit requirements. When applying for district compliance, please provide a brief clarification that this exemption applies to the special permit requirements of Section 390-5 Watershed Protection District and Section 390-16 Floodplain District. If

the District is not exempt, due to the requirements in these Sections for special permits and restrictions on residential development, the unit capacity of any parcels within the District may need to be adjusted in the compliance model to reflect these restrictions.

3. Only parcel level GIS data was provided. The district compliance application requires submission of a GIS shapefile showing each district or subdistrict as single polygons. This is used in spatial analysis to confirm that requirements such as land area, contiguity, and gross density are met. The District shapefiles must show a district that includes some right of way in order to meet the definition of gross density in G.L. Chapter 40A, Section 1A. The GIS Submission provided with a District Compliance Application will need to adhere to the submission standards posted on mass.gov/mbtacommunities. Our team will meet with you to provide assistance on this matter should you need assistance.

4. EOHLC recommends reviewing Section 390-22.9 Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before applying for District Compliance. Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of Wrentham. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. 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,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Marcus Vaughn, Marcus.Vaughn@mahouse.gov