

Medway Planning and Economic Development Board Meeting
January 18, 2022 – 7:00 PM
Town Hall - Sanford Hall
155 Village Street

Present: Matthew Hayes, Chair; Richard Di Iulio, Clerk; Jessica Chabot, Member

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Susy Affleck-Childs, Planning and Economic Development Coordinator; Barbara Saint Andre, Community and Economic Development Director

Other Participants:

Medway Select Board - Maryjane White, Chair; Dennis Crowley, Vice-Chair; Frank Rossi, Clerk; John Foresto, Member; Glenn Trindade Member.

Ann Sherry, Affordable Housing Trust (AHT) Chair;

Via Zoom: Sarah Raposa, PEDB Candidate; Jenn Goldson, JM Goldson consultant.

At 7:08 PM Mr. Hayes called the PEDB meeting to order. It is noted that the PEDB was attending the meeting of the Medway Select Board for several items of mutual interest.

Appointment Consideration: Planning and Economic Development Board – Sarah Raposa

The Board reviewed the candidate's request for appointment. See attached.

Ms. Affleck-Childs introduced Ms. Raposa who stated her interest in serving on the PEDB. This is a vacancy created by the resignation of Andy Rodenhiser. She has been on the Master Plan and Capital Improvement Planning Committees and is currently the Town Planner in Medfield. Ms. Raposa stated she was on the team for affordable housing design in Sudbury, remains involved in the 495 Partnership, and would like to assist the PEDB.

Mr. Foresto moved that the Select Board appoint Sarah Raposa to the Planning and Economic Development Board for a term expiring on May 17, 2022. Mr. Trindade seconded. It was voted by roll call: Crowley aye, Foresto aye, Rossi aye, Trindade aye, White aye. No Discussion. VOTE: 5-0-0

Mr. Hayes moved that the PEDB appoint Sarah Raposa to the Planning and Economic Development Board for a term expiring on May 17, 2022. Mr. Di Iulio seconded. It was voted by roll call: Chabot aye, Di Iulio aye, Hayes aye. No Discussion. Vote 3-0-0.

Presentation: Housing Production Plan (HPP)

The Board reviewed the (1) draft housing production plan, and (2) PowerPoint presentation. See attached.

Mr. Boynton reported that every five years, the Town is obligated to develop a housing production plan in order to remain eligible for Safe Harbor status. He commended the work of the Affordable Housing Committee, AHT, and PEDB on their efforts.

Ms. Goldson provided a PowerPoint presentation. She stated there is a standard format for the HPP provided by the MA Department of Housing and Community Development (DHCD). The standard sections to be included are: (1) a comprehensive housing needs assessment, (2) development of constraints analysis, (3) implementation capacity, (4) 5-year goals and strategies, and (5) action plans.

She then reviewed Medway's subsidized housing inventory noting that Medway:

- is now at 11.5% affordable based on the 2010 census population
- will unofficially be at 11.6% based on the 2020 census
- have an official total of 529 affordable housing units but we are saying it is 573 units by including Glen Brook Phase 2.

She then reviewed the draft goals and strategies including: (1) maintaining at least 10% affordable housing, (2) addressing local housing needs with a greater mix of housing types, including small apartments, accessible housing, and starter homes, (3) distribution of new housing options in strategic locations and through reuse opportunities to meet local housing needs and comply with the State's new Housing Choice legislation, (4) supporting residents in need to help them afford to remain in Medway, and (5) increasing Medway's capacity to implement housing initiatives thorough enhanced local and regional coordination.

Ms. Goldson next reviewed the three strategy categories as well as a few action items within each including:

- planning, policies, zoning tools,
- local initiatives and programmatic strategies,
- capacity, education, and coordination.

She noted the HPP is not a blueprint but a menu of choices. She noted that this is a tool and none of the goals/strategies are binding on the Town to perform. Its primary purpose is the ability to maintain Safe Harbor status. She then referenced a GIS analysis map for parcels eligible for Medway's current Infill by-law to potentially create private affordable units. She noted this would need to be investigated further as only a few lots currently comply to allow for affordable units to be developed. She noted that the AHT could look at purchasing these lots, put out an RFP, and secure a developer like Habitat for Humanity to build affordable units. She stated the HPP team spent a lot of time discussing how to support the modernization and rebuilding of the existing Housing Authority properties. She also stated that it is helpful to designate who has local oversight of this HPP, i.e., the Select Board.

Mr. Foresto stated the idea to use Community Preservation Act (CPA) funding for the pre-development work for the Housing Authority properties makes sense. Mr. Crowley asked if the Town does some of this pre-development work using CPA funds for Federal and State housing, is it more likely that Federal and State funds would be available to further these projects for construction. Ms. Goldson stated this would be not easy noting the biggest challenge that MHA Director Haley Fetrow noted was to obtain the pre-development work funding and that would then leverage other public funding. Mr. Crowley asked about the affordable housing % based on the 2010 census. Mr. Boynton clarified that the 11.5% is using today's numbers and we were not at that percentage of affordability in 2010.

Mr. Crowley requested actionable ideas be provided at a later date as to what the Town can do to help residents who can't afford to stay in the Town. He thanked Ms. Goldson for the data noting it looked like school enrollment was going down but he believes it is actually going up. He asked that she relook at that data as well as adding school enrollment data from more recent years. He also asked that the data on the increase in population in the past 20 years be relooked at and that all graphs be updated

with more recent years' information. Mr. Trindade noted there is more Federal and State funding for housing right now and stated if we don't address the Housing Authority properties now, we may be missing out on these funding opportunities. Mr. Boynton noted that Mr. Crowley's points are correct and commended the efforts of the HPP team. He noted that the decades where we had significant population growth were the result of mostly single family housing growth. One of the biggest challenges is understanding the type of market being developed and the service and infrastructure impacts on the community and municipal budget. He stated he agrees there is a need to address the Housing Authority locations as we have a moral responsibility to address this for these residents. Mr. Foresto stated that even if the Town puts CPA funds into Housing Authority locations, there is no guarantee that Medway residents would end up in this housing. He further stated if we use zoning to increase housing production, we have to do this carefully based on past experience. Mr. Boynton agreed.

Mr. Rossi asked if this document is just a draft or do we need to vote this tonight. Ms. Goldson stated that tonight's meeting was the first phase of presenting this to the Select Board and PEDB and requested that both Boards submit any other comments to her; they will do their best to incorporate the feedback from tonight, update the plan and submit it back to the Select Board and PEDB for a vote. She indicated it will most likely be ready next month. Ann Sherry thanked the Board for the support noting the AHT and Affordable Housing Committee went over this in detail and support the contents of what was presented tonight.

Discussion: Housing Choice Multifamily Guidelines

The Board reviewed the (1) memo from Barbara Saint Andre, (2) map from Fran Hutton-Lee showing high-density multi-family developments either existing or under construction in Medway (3) General Laws chapter 40A, §3, (4) e-mail from the Department of Housing and Community Development (DHCD) regarding the draft guidelines, (5) DHCD draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act. See Attached.

Ms. Saint Andre stated the recent Housing Choice legislation resulted in the establishment of a minimum amount of "by right" multifamily housing that MBTA and MBTA adjacent communities have to allow in order to be able to access three specific grant programs - MassWorks, Housing Choice, and Local Capital Projects. DHCD was tasked with creating the guidelines for communities and is accepting comments on these guidelines which are due by March 31st. She stated that many municipal organizations will also be submitting comments to DHCD. To be eligible for this year's grant funding, the two requirements include: (1) holding a briefing of the Select Board about these guidelines, and (2) providing an information form to DHCD by May 2nd. To remain in compliance after this year, the two requirements include: (1) passing zoning that complies with the new state guidelines, or (2) submitting an action plan to DHCD to describe how the Town would come into compliance. This would be due by year end (December 2022).

Ms. St. Andre then explained the density requirement of this legislation which is to have by right zoning that would allow for 15 multifamily units per acre in a multifamily housing zoning district. She noted that the biggest issue is that the zoning district must be of "reasonable" size which DHCD has determined to be at least 50 acres of land. With the 15 units/acre requirement, Medway would have to create zoning that would provide the zoning capability to allow for at least 750 units. She stated that we are at the minimal amount of units as we are an MBTA adjacent Tow vs. a higher percentage requirement for communities with commuter rail stations, subway stops, etc. She explained the formula for determining the amount of housing required as 10% of the community's total number of housing units. Medway has a total of 4836 housing units, so 10% would be 483 units but more are

needed but since DHCD set a minimum of 50 acres with 15 units/acre that translates to 750 units for Medway. She reviewed the map that shows where the existing multifamily housing is located and where we could potentially incorporate existing multi-family housing that meets the density requirement (Glen Brook, 39 Main Street) noting this data was received from the Assessors. There was further discussion and explanation on density and type of housing included noting this legislation does not state that the multifamily housing must include affordable housing.

Mr. Crowley explained an example of a potential location which would include using the 39 Main property, extending the area (easterly) to the Brick Apartments, and going back into the Cassidy fields. Ms. Saint Andre stated we are not required to build 750 units but are required to have zoning that would allow that amount. She noted that the Town does not have to own the land. Mr. Di Iulio stated he has a problem with by right as we will end up being as dense as Framingham if we go with this. Mr. Crowley asked for confirmation this is legislation that has already passed, that DHCD has put out the draft guidelines and asked communities to look at these and make comments. Ms. Saint Andre confirmed. Mr. Boynton noted DHCD took extensive liberties in what they included in the draft guidelines, specifically the minimum 50 acres including within that at least one area of 25 contiguous acres. He noted local concerns about the ability of a municipality to provide appropriate infrastructure, stormwater issues, as well as the question if the Legislature has created an unfunded mandate.

Ms. Chabot had three questions: (1) is this considered an overlay district? Ms. Saint Andre stated an overlay could be included; (2) if we do an overlay in Oak Grove, could part of that be included? Ms. Saint Andre stated the density of 15units/acre must be included, and (3) must this be voted by Town Meeting? Ms. Saint Andre confirmed that Town Meeting approval would be needed and that a majority vote would be required.

Ms. White asked what the negative effect is if we do not comply. Ms. Saint Andre stated we would not be eligible for the aforementioned grants. She noted that DHCD had put additional language in the guidelines that state they can take a community's compliance into consideration for other grants and not just those three specific grants specified noted in the legislation.

Mr. Rossi asked if there is a group effort with other Towns submitting comments. Ms. Saint Andre confirmed noting the Massachusetts Municipal Association and Massachusetts Municipal Lawyers Association will be submitting comments as well.

Mr. Boynton stated DHCD knows the politics related to this as larger cities will have already met this density requirement, so we need to go back to DHCD and explain the flaws in the Guidelines. He noted that Ms. Saint Andre created a memo with specific points, and he would like to craft a letter from both the Select Board and PEDB to be sent to DHCD and our legislators. Mr. Crowley asked if we have received any comments from other Towns. Ms. Saint Andre stated many smaller cities and towns are concerned about this, some have decided not to comply, and some are working on compliance.

There was further discussion on potential ways to comply with the density requirements. Ms. Affleck-Childs noted her issue with the 25 contiguous acres and that this seems biased toward large developments. She stated this topic has been discussed at a prior South West Advisory Planning Committee (SWAP) meeting and there will be special SWAP meeting at the beginning of February on this topic. Secretary of Housing and Economic Development Mike Kennealy will be zooming into this meeting. The Select Board requested that this meeting information be provided to the Board.

Mr. Di Iulio requested that the PEDB receive the letter to review ahead of time. Mr. Boynton confirmed noting the plan is for it to be ready for signature at the February 7th Select Board meeting and then provide it to the PEDB for their signature. Mr. Crowley suggested that this letter be shared with surrounding Towns noting he shared Ms. Saint Andre's memo with the Millis Select Board for discussion at their meeting tonight.

At 8:23 PM Ms. Chabot motioned to adjourn. Mr. Di Iulio seconded. It was voted by roll call: Chabot aye, Di Iulio aye, Hayes aye. VOTE: 3-0-0.

Respectfully submitted,
Liz Langley
Executive Assistant
Town Manager's Office

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

SARAH L. RAPOSA, AICP
14 SANFORD ST # 1 ✦ MEDWAY, MA
SLRAPOSA@GMAIL.COM ✦ (508) 360-7207

December 18, 2021

Select Board
Planning & Economic Development Board
Town of Medway
155 Village Street
Medway MA 02053
via email: sachilds@townofmedway.org

RE: Planning & Economic Development Board – Vacancy

Dear Board Members:

I write to express my interest in appointment to the Planning & Economic Development Board. I have lived in Medway since 2013 and am a member of the Capital Improvement Planning Committee and Master Plan Committee.

I am a certified planner and have familiarity with the statutory authority and regulatory framework associated with planning boards with a solid working knowledge of site plans, stormwater, and other forms of technical review. Though I'm not familiar with the current policies and priorities of the PEDB, I am certain I can quickly get up to speed. A good board member will balance the many important and competing needs of the Town and also requires strong communication amongst staff, town departments, and the public, as required. In my work with the Town of Medfield, I am responsible for providing professional and technical support in the evaluation of land use, demographic, economic and other data relating to the built and natural environment for a variety of planning related boards and committees.

I welcome the opportunity to speak with you in person. Thank you for your time and consideration.

Sincerely,



Sarah Raposa

EDUCATION

- ✦ Masters Certificate in Local Government Leadership and Management, Suffolk University, Boston MA; May 2017
- ✦ Masters in Regional Planning, University of Massachusetts, Amherst, MA; September 2011
- ✦ Certificate in Coastal Zone Management and Certificate in Geographic Information Systems, Cape Cod Community College, West Barnstable, MA; May 2006
- ✦ B.S. in Geology, St. Lawrence University, Canton, NY; May 1997
- ✦ Tabor Academy, Marion, MA; May 1993

RELEVANT EMPLOYMENT HISTORY

- ✦ Town Planner, Town of Medfield, 459 Main Street, Medfield, MA 02052 12/12-*Present*
- ✦ Town Planner, Town of Westport, 856 Main Road, Westport, MA 02790 11/10-12/12
- ✦ Town Planner, Town of Eastham, 2500 State Highway, Eastham, MA 02642 01/08-10/11
- ✦ Community Development Assistantship, Capitol Region Council of Governments, 241 Main Street, Hartford, CT 06106-5310 9/06-01/08
- ✦ Island Plan Outreach & Communications Intern, Martha's Vineyard Commission, P.O. Box 1447, 33 New York Avenue, Oak Bluffs MA 02557 5/07-9/07
- ✦ Regional Planner II/ Natural Resource Planner Buzzards Bay National Estuary Program, 2870 Cranberry Highway, East Wareham, MA 02571 10/05-9/06

ORGANIZATIONAL AFFILIATIONS & VOLUNTEER EXPERIENCE

- ✦ Member, At-Large, Town of Medway Master Plan Committee 04/21-*Present*
- ✦ Presenter, MHP Housing Institute Session on Affordable Housing Design, Devens, MA 6/6/19
- ✦ Recipient, APA Small Town and Rural (STaR) Planning Division John Keller Award for Planning Initiative; Medfield State Hospital Strategic Reuse Master Plan, San Francisco, CA 4/14/19
- ✦ Recipient, MA-APA Planning Project of the Year- Small Community; Medfield State Hospital Strategic Reuse Master Plan, Medford, MA 12/14/18
- ✦ Public Sector Vice Chair, 495/MetroWest Partnership Board of Directors, Westborough, MA 12/18-*Present*
- ✦ Presenter, MAPD Annual Conference Session on Affordable Housing, Quincey, MA 03/17/18
- ✦ Presenter, CPTC Annual Conference Session on Preparing RFPs, Worcester, MA 03/17/18
- ✦ Vice Chair, Town of Medway Capital Planning Improvements Committee 09/17-*Present*
- ✦ Member, MAPC Arts and Planning Advisory Group 09/17-*Present*
- ✦ Member and Past Chair, Three Rivers Interlocal Council 12/12-*Present*
- ✦ Town of Medfield Representative, Metropolitan Area Planning Council 12/12-*Present*
- ✦ American Institute of Certified Planners (AICP) Member 08/12-*Present*
- ✦ American Planning Association (APA) Member 09/06-*Present*
- ✦ 'Arc of Innovation'/495 MetroWest Partnership, Westborough, MA-Student Planning Projects in Affordable Housing (Sudbury, MA) and Green Infrastructure (Medfield, MA) 01/07-12/07
- ✦ APA – Environment, Natural Resources and Energy Division Fellowship Recipient 2007
- ✦ 'Planning Amherst Together' Master Plan Idea Gathering Workshops, Facilitator 11/06
- ✦ Town of Falmouth GIS Department, Falmouth, MA, GIS Intern 04/05-08/05



Medway Town Hall

MEDWAY HOUSING PRODUCTION PLAN

DRAFT STRATEGIES

Prepared for the Medway Board of Selectmen,
Planning and Economic Development Board, and
Affordable Housing Trust

Presented by

Jenn Goldson, AICP, JM Goldson LLC

1/18/22



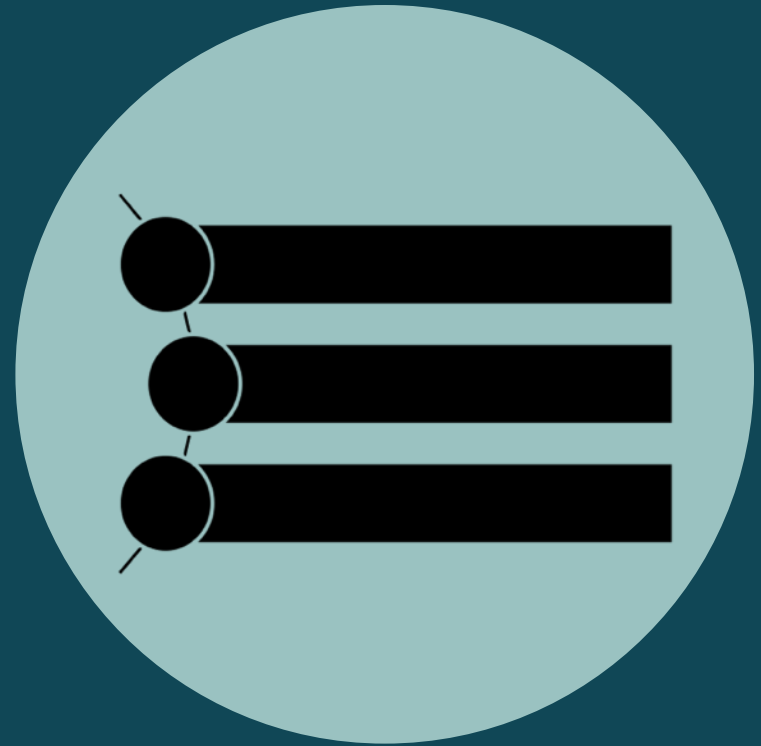
Medway Village Church

J M GOLDSON

EMPOWERING PEOPLE.
CREATING COMMUNITY.

Contents of the Housing Production Plan (HPP)

- Comprehensive housing needs assessment
- Development constraints analysis
- Implementation Capacity
- Five-Year Goals and Strategies
- Action Plan

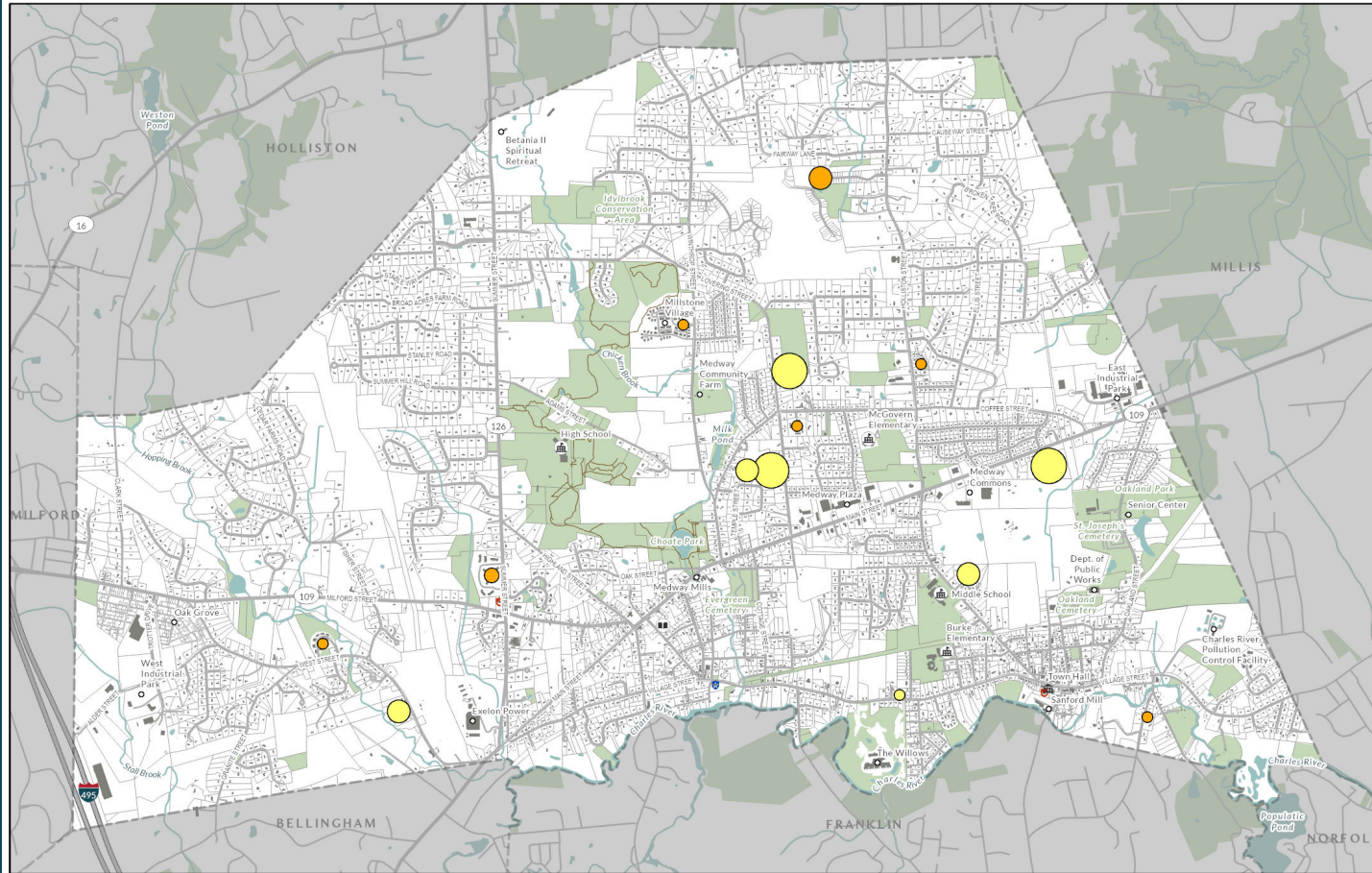


Medway's Subsidized Housing Inventory

TOWN OF MEDWAY - AFFORDABLE HOUSING

Prepared by JM Goldson LLC

J M GOLDSON



Subsidized Housing Inventory

- Ownership Units**
- 10 or fewer
 - 11 - 20
 - 21 - 50

Rental Units

- 10 or fewer
- 11 - 20
- 21 - 50
- 50 or more

Note: there are 20 additional SHI-listed rental units in DDS and DMH group homes that are not shown due to confidential locations.

0 0.25 0.5 Miles
Sources: Town of Medway, MassGIS, DHCD

11.5% (official per 2010 census)

11.6% estimated per 2020 census
(not official)

573 units (accounting for those
currently under construction)

JM
GC



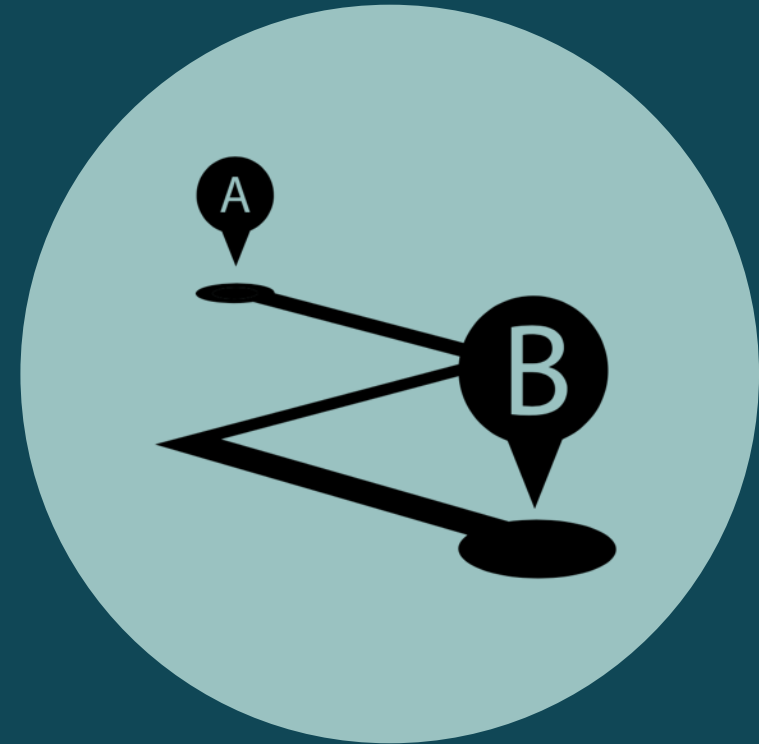
SUMMARY OF DRAFT HOUSING GOALS AND STRATEGIES

The Housing Production Plan focuses on both maintaining 10% on the SHI and addressing your local housing needs



Draft Housing Goals

1. Maintain Medway's affordable housing stock at over the state's 10% affordable housing production goals
2. Address local housing needs with a greater mix of housing types, particularly small apartments, accessible housing, and starter homes
3. Distribute new housing options in strategic locations and through reuse opportunities to meet local housing need and to comply with the state's housing choice legislation
4. Support residents in need to help them afford to remain in Medway
5. Increase Medway's capacity to implement housing initiatives through enhanced local and regional coordination



Strategies – our approach

Effective plans include a variety of types of strategies:

- 1) Planning, policies, & zoning tools
- 2) Local initiatives & programmatic strategies
- 3) Capacity, education, & coordination

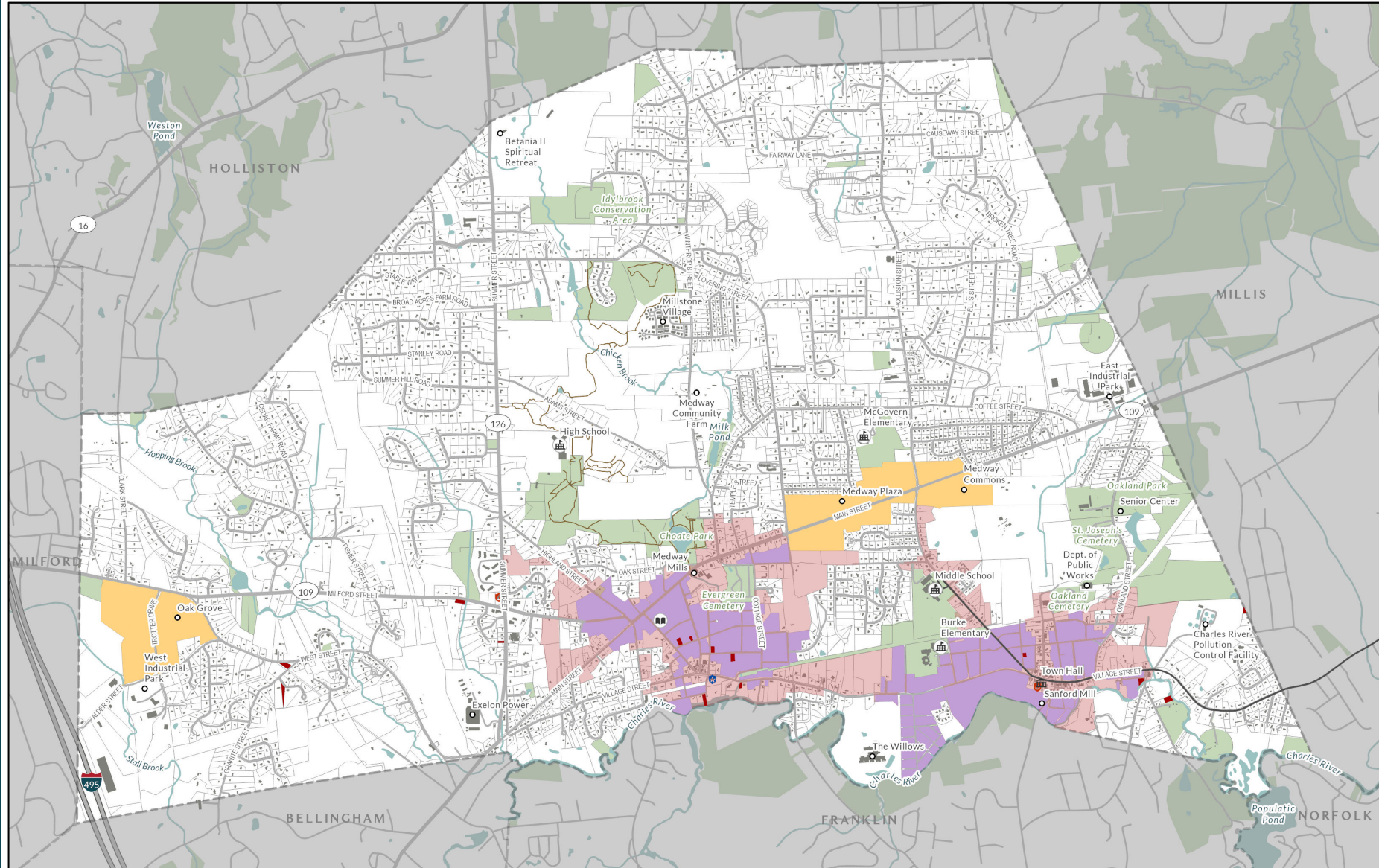
Not really a blueprint, more like a menu of choices.



Planning, Policies, & Zoning

1. Revise zoning provisions for Accessory Apartments to create more flexibility including a by-right path
2. Reconsider provisions of infill bylaw including study of applicable properties (amount and characteristics), consider allowing duplexes where at least one unit is deed-restricted affordable
3. Reconsider adopting cottage cluster development zoning provisions
4. Consider further amendments to the existing Multi-Family overlay district provisions to refine requirements for different development and redevelopment scenarios
5. Revise the Affordable Housing provisions to promote inclusion of more deeply affordable units for extremely and very low-income households
6. Adopt local guidelines for development applications for the Local Initiative Program





- | | | |
|----------------|-----------------|--|
| Town Hall | Parcels | GATRA Medway T Shuttle |
| Fire station | Buildings | Potential Affordable Housing Infill Sites |
| Police station | Water bodies | Potential Infill and Reuse Opportunities |
| School | Open space | Potential Multi-Family and Mixed-Use Development or Redevelopment |
| Library | Existing trails | Encourage Housing Options (Adaptive Reuse Overlay District, Multifamily Overlay District, Mill Conversion Subdistrict) |

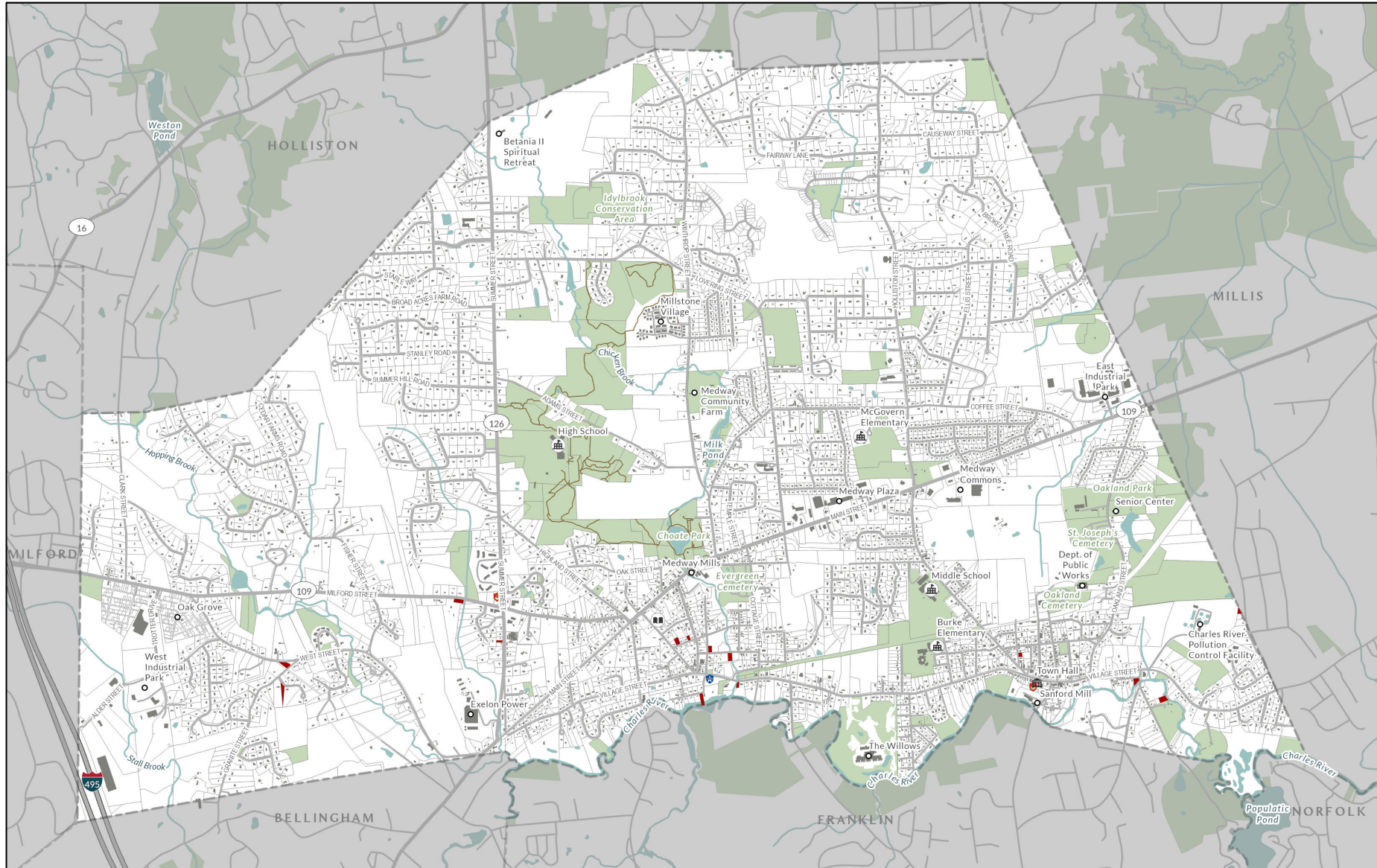


Sources: Town of Medway, MassGIS

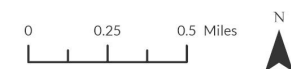
Local Initiatives & Programmatic Strategies

7. Continue to support the Oak Grove Redevelopment Authority to Implement the Oak Grove Redevelopment Plan
8. Consider acquiring property to create supportive special needs congregate housing
9. Support modernization and rebuilding of Housing Authority properties at Lovering and Kenny Drive including with federal, state, or local funding for predevelopment work
10. Consider acquiring undersized lots that would meet the infill bylaw requirements and partner with the Housing Authority to create affordable starter homes
11. Consider allocating MAHT funds to create small-scale affordable housing development
12. Actively work to preserve expiring affordability restrictions at Colonial Park Estates (Heritage Drive)





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|--|----------------|--|-----------------|--|---|
| | Town Hall | | Parcels | | Potential Affordable Housing Infill Sites |
| | Fire station | | Buildings | | |
| | Police station | | Water bodies | | |
| | School | | Open space | | |
| | Library | | Existing trails | | |



Sources: Town of Medway, MassGIS

Capacity, Education, & Coordination

13. Continue to actively seek grants and other funding opportunities to further implementation of the HPP and local housing initiatives
14. Coordinate with the Open Space Committee to pursue opportunities to acquire properties that can serve the dual purposes of open space conservation and affordable housing creation, such as through exercising right of first refusal on chapter lands
15. Continue to actively promote cooperative relationships between the MAHT and developers to promote development that helps meet local housing needs
16. Consider collaborating with TRIC/SWAP regional communities and funding to establish regional shared housing services to expand the Town's capacity to implement the recommendations of the HPP
17. Identify and enhance local coordination opportunities with various entities like the Housing Authority, Community and Economic Development Department, MAHT/MAHC, and others, promoting housing and servicing residents in need
18. Fully populate the MAHT and MAHC and foster relationships with the MHA as well as local realtors, including them as possible members
19. Create an updated MAHT and MAHC combined Five-Year Action Plan to layout a strategic and coordinated work plan for both entities
20. Designate the Select Board as a local HPP oversight entity and perform annual review of status of HPP goals and strategies



Next steps

- Select Board and Planning and Economic Development Board to approve HPP
- Submit to the MA Department of Housing and Community Development (DHCD) for approval

Thank you!

JENN GOLDSON, AICP

FOUNDER & MANAGING DIRECTOR

JENNIFER@JMGOLDSON.COM

617-221-4003

JMGOLDSON.COM





TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
COMMUNITY AND ECONOMIC
DEVELOPMENT

Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 321-4918
Email:
bsaintandre@townofmedway.org
www.townofmedway.org

Director

Barbara J. Saint Andre

**To: Select Board
Planning and Economic Development Board
Michael Boynton, Town Manager**

**From: Barbara J. Saint Andre
Director, Community and Economic Development**

Re: Draft Compliance Guidelines for Housing Choice Multi-family Housing

Date: January 6, 2021

I. Overview and Deadlines

On December 15, 2021, the Department of Housing and Community Development (DHCD) issued “DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act”, intended to implement Chapter 40A, §3A, enacted as part of the Housing Choice legislation, Chapter 358 of the Acts of 2020. Section 3A requires each MBTA community, which includes Medway, to provide at least one zoning district of “reasonable size” that allows multi-family housing by right, and complies with certain other requirements, including a minimum gross density of 15 units per acre. If the Town does not comply, the Town will not be eligible for Housing Choice, Local Capital Projects Fund, or MassWorks grants.

DHCD is accepting comments on the Draft Guidelines until **March 31, 2022**. While the Draft Guidelines are under review, we must take the following steps to remain in compliance with chapter 40A, §3A and be eligible for funding under the three programs listed above:

- Hold a briefing of the Select Board on the Draft Guidelines no later than **May 2, 2022**; and
- Submit the MBTA Community Information Form by **May 2, 2022**.

I am informed that DHCD will be providing assistance as to the required briefing on the Draft Guidelines. I recommend that we hold the required briefing and submit the Community Information Form by May 2, 2022 to remain eligible for this year’s funding round.

To remain in compliance, we must do one of the following no later than **December 31, 2022**:

- Submit a complete request for determination of compliance; or
- Submit a proposed action plan as provided for in the Draft Guidelines.

II. Requirements for Compliance

Under the Draft Guidelines, a “reasonable size” is defined as 50 acres. With the required density of 15 units per acre, this means that the minimum multi-family district unit capacity requirement for Medway is 750 multi-family units according to the Draft Guidelines.

Please note that the multi-family district may include existing multi-family housing. A review of the Assessors’ records indicates the Glen Brook and 39 Main Street multi-family developments currently under construction should meet the required minimum density of 15 units per acre. Existing developments including Sanford Mill, Lovering Heights, and the Brick House apartments, as well as a number of small multi-family developments, also meet the minimum 15 units per acre based on Assessors’ records. These parcels are shown in purple on the accompanying map. Other multi-family developments that are more than 10 but less than 15 units per acre, for example Mahan and Maple Circle, are shown in orange on the map.

According to the Draft Guidelines, a multi-family zoning district must comply with the following in order to be in compliance:

- Multi-family housing must be allowed as of right, meaning that no discretionary permit, such as a special permit, is required. Site plan review may be required, but cannot be used to deny a project, or impose conditions that make multi-family housing impractical.
- A multi-family district must be of “reasonable size”, defined as at least 50 acres, and meet the minimum multi-family district capacity. We will need to estimate how many units could be constructed on each parcel of developable land within the district, based on factors such as the developable land, zoning requirements including height and setback limits, wetlands, the availability of town water and sewer, and other development restrictions. DHCD may provide assistance with how to complete this calculation.
- The multi-family district may be an overlay district, and may include more than one area, but at least one portion of the overlay district must include at least 25 contiguous acres of land, and no portion of the district that is less than 5 acres will be counted toward the minimum 50 acre requirement.
- The multi-family district must be without age restrictions and may not place restrictions on the size of the units, the number or size of bedrooms, or the number of occupants.
- Because Medway does not have land within .5 miles of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station, or consistent with the state’s sustainable development principles, such as near a downtown or village center.

There are detailed provisions in the Draft Guidelines for submitting information to DHDC on the multi-family housing district once it has been enacted, in order to obtain a determination that the Town is in compliance. As noted above, if we feel that we will not be able to enact compliant zoning by the end of 2022, we can submit an action plan and timeline to DHCD and request that the Town be found to be in interim compliance. Again, there are detailed provisions in the Draft Guidelines as to what is needed for an action plan.

III. Potential Areas to Provide Comments to DHCD

Given the potential impact of the requirements in the Draft Guidelines on Medway's strained infrastructure, it is suggested that the Town should take advantage of the opportunity to provide comments on the Draft Guidelines. The Select Board and PEDB should consider reaching out to other towns in the area that will also be impacted by these requirements, and exploring the possibility of joining with other towns to submit joint comments. Please note that the required minimum density of 15 units per acre is imposed by the legislation, so that cannot be changed by DHCD in the guidelines. There are, however, a number of provisions in the Draft Guidelines that warrant a response, such as:

- The definition of "reasonable size" as requiring a minimum of 50 acres of land
- The requirements for determining the amount of developable land in the district
- Consideration of the impacts on infrastructure, including public water and sewer capacity and facilities; public ways; stormwater management; emergency services; groundwater and wetlands; and other public facilities
- There is no definition of "sustainable development principles", although communities not located within .5 miles of a transit station are expected to comply with this term
- The statement that DHCD may, in its discretion, take noncompliance into account for other discretionary grant awards
- Whether the requirements of chapter 40A, §3 constitute an unfunded mandate in violation of Proposition 2 ½
- Other items that may be brought forward through discussions and additional information from DHCD

I will be happy to discuss these items further or provide additional information.

Chapter 40A, Section 3A.

(a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

Text of section added by 2020, 358, Sec. 18 effective January 14, 2021.]

Anna Rice

From: MassPlanners <massplanners-bounces@masscptc.org> on behalf of Kluchman, Chris (OCD) via MassPlanners <massplanners@masscptc.org>
Sent: Wednesday, December 15, 2021 2:02 PM
To: massplanners@masscptc.org
Subject: [Massplanners] Draft Guidelines for MBTA Communities - web link
Attachments: ATT00001.txt

Dear Massplanners:

Draft Guidelines for the Multi-Family Zoning Requirement for MBTA Communities in the new section 3A of c.40A are now available at: mass.gov/mbtacomunities

Please use the online comment form on the site. The deadline for submitting comments is **March 31, 2022**.

Enacted as part of the [economic development bill](#) in January 2021, new Section 3A of M.G.L. c. 40A (the Zoning Act) requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

To remain in compliance while DHCD is collecting public comment on the Draft Guidelines, an MBTA community must:

- Submit the MBTA Community Information Form by 5:00 p.m. on **May 2, 2022**.
- Hold a briefing of your City Council, Town Council or Select Board on the Draft Compliance Guidance no later than **May 2, 2022** and attest to that on the MBTA Community Information Form.

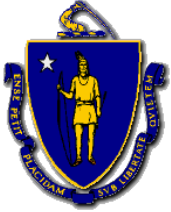
An MBTA community that does not comply with Section 3A is not eligible for funding from: the Housing Choice Initiative, the Local Capital Projects Fund, or the MassWorks Infrastructure Program.

Respectfully, Chris

Chris Kluchman, FAICP

Deputy Director, Community Services Division
Department of Housing and Community Development (DHCD)
100 Cambridge Street, Suite 300
Boston, MA 02114
chris.kluchman@mass.gov

Please note: DHCD staff are working remotely, I check email frequently and will respond as soon as possible.



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

DRAFT Compliance Guidelines for Multi-family Districts **Under Section 3A of the Zoning Act**

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means 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.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.

“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

3. General Principles of Compliance

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

5. Determining “Reasonable Size”

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

a. Minimum land area

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

b. Minimum multi-family unit capacity

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.

A compliant district's multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

| Category | Minimum multi-family units as a percentage of total housing stock |
|-------------------------|--|
| Rapid transit community | 25% |
| Bus service community | 20% |
| Commuter rail community | 15% |
| Adjacent community | 10% |

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district's unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

6. Minimum Gross Density

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A's minimum gross density requirement if the following criteria are met.

a. District-wide gross density

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute's density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

a. General rule for measuring distance from a transit station.

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

b. MBTA communities with some land area within 0.5 miles of a transit station

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

c. MBTA communities with no land area within 0.5 miles of a transit station

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

a. Requests for determination of compliance

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with;
 - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
 - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
 - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.

Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

b. Action plans and interim compliance—New or amended district

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

c. Timeframes for submissions by MBTA communities

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

10. Renewals and Rescission of a Determination of Compliance

a. Term and renewal of a determination of compliance

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

b. Rescission of a determination of compliance

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.


11. Effect of Noncompliance

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

Multi-Family Housing Density



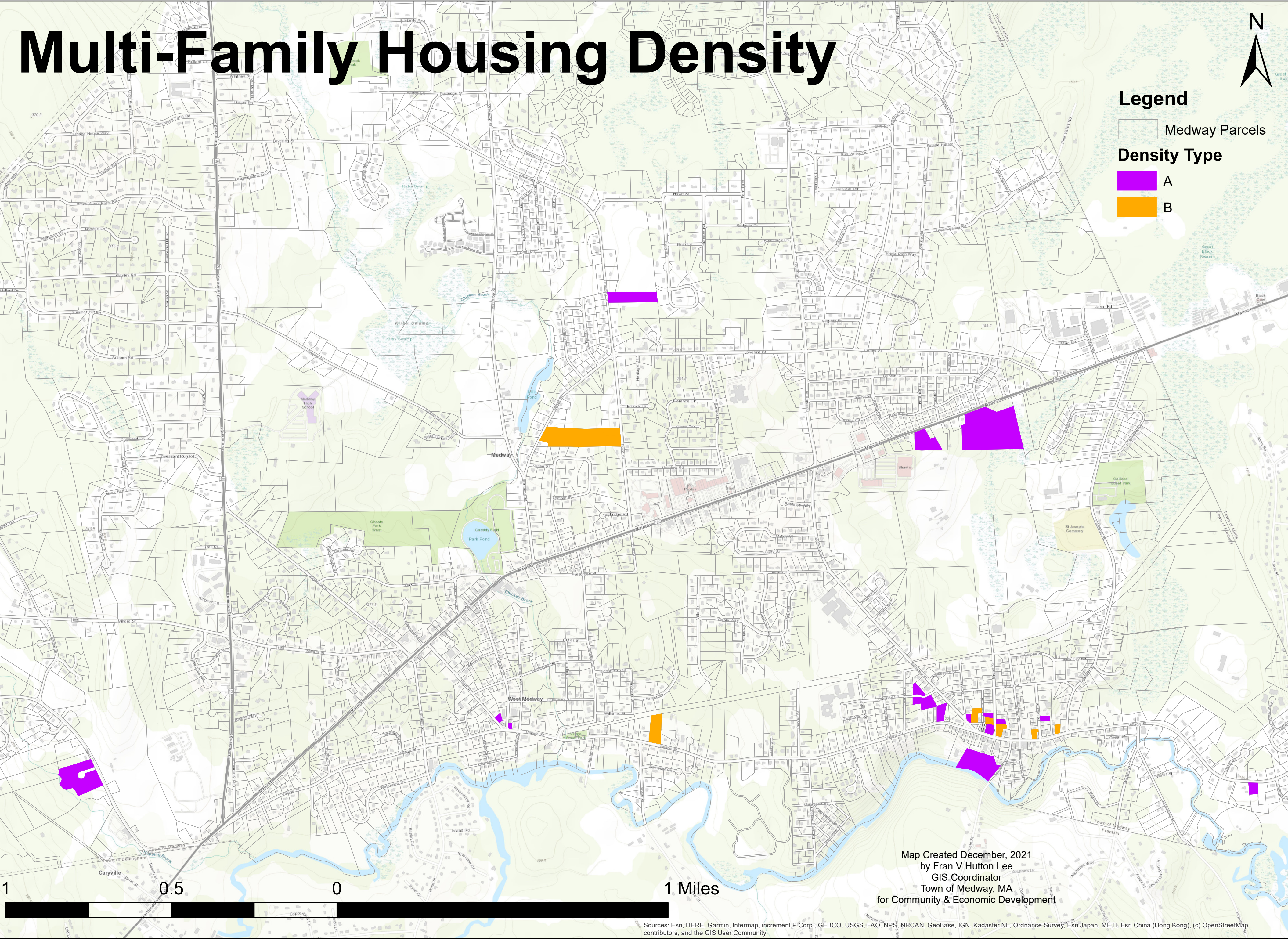
Legend

 Medway Parcels

Density Type

 A

 B



Map Created December, 2021
by Fran V Hutton Lee
GIS Coordinator
Town of Medway, MA
for Community & Economic Development

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community