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 1 zoning district of reasonable size in which multi-family housing (three or more units) is permitted by right and meets other criteria set forth in the statute.
Wenham is a “Commuter Rail Community”
Rationale

- To Address the Housing Crisis
  - Massachusetts needs more housing.

- According to MAPC
  - More than 400,000 new housing units—mostly multifamily, and mostly in urban areas—will be needed by the year 2040 if the region is to keep growing its economic base.

- Encourage transit-oriented housing development

- Encourage housing for families
It is **not** a mandate to create any housing.

Development will be done by private developers most likely.

Towns are **not** responsible to ensure that any housing is built, we just have to allow for it under zoning.

Town does **not** have to expend any funds on housing.

Town will be responsible for increased demands on infrastructure, water, schools, services. 
MBTA Communities must create zoning districts that allow multi family housing by right.

- No Special Permits
- Site Plan Approval will be allowed

The draft guidelines define “multifamily housing” as a building with:

- Three or more residential units; or
- Two or more buildings on the same lot with more than one residential unit in each building.

Must be of reasonable size – not less than 50 Acres

Minimum gross density of 15 units per acre
Statutory Requirements

- Not more than ½ mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children
  - Cannot regulate the number of bedrooms
Approximate Half Mile from MBTA Station
Cities that do not comply with the new requirements will be ineligible for:

- **Mass Works** – No indication that we have received any funds from Massworks
- **Housing Choice** – Does not pertain to Wenham
- **Local Capital Projects funds** – No indication that Wenham has used these funds
- “DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.”
March 31, 2022 – Deadline to Submit Comments on Draft Guidelines

May 2, 2022 – Deadline to Submit Community Information Form

December 31, 2022 – Deadline for interim Compliance – Application Form to the State indicating that Town is working on Compliance – 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.

July 1, 2023 – Deadline for DHCD to Approve Action Plan

December 31, 2024 – Deadline to adopt new zoning
Does not take into consideration the impacts on local community infrastructure and character

- Septic/sewerage
  - Guidelines require compliance with Title V

- Issues within ½ Mile from Station in Wenham
  - Conservation Restrictions
  - Business Zoned
  - Miles River and associated wetlands
  - Soil suitability for larger scale projects septic
  - Many small lots with single family homes
  - Historic District
  - Rte 1A traffic
  - Water capacity (IRWA)
Issues...

- Minimum capacity of units doesn’t take into consideration the level of use of each station.
- No affordability requirements
  - Unclear how this could impact Subsidized Housing Inventory numbers
- Hamilton and Wenham share the commuter rail station, but each Town has to allow for 50 acres/750 units minimum
  - That could mean 1500 new units within ½ mile of the station.
    - Calculations require 15% of housing stock for Commuter Rail Communities = 210 for Wenham.
    - Minimum allowable units for every community is 750. Wenham Year Round Housing units now = 1,400 approx
      - 750 units is more than half of our current housing stock
Issues...

- Traffic – Will everyone who lives in these units just use the commuter rail?
- Is Multi Family Housing the best type of housing for families?
- Impacts on Schools and local services
  - Goal for the State is to create more family housing.
  - Will there be additional resources for communities for more schools, etc.
Next Steps

- Submit comments on draft guidelines if any to DHCD by March 31
  - https://www.mass.gov/doc/draft-guidelines-for-mbta-communities/download
  - Does Select Board want to submit a formal letter with comments?
- Complete and submit the MBTA Community Information Form
  - This can be done after tonight’s meeting
- Submit updated GIS parcel maps to MassGIS if the most recent updated parcel maps were submitted prior to January 1, 2020.
  - We are working with CAI Technologies to confirm whether our maps are updated.
- Wait to hear what the State response is to all of the comments they receive on the draft guidelines.
- Wait for the challenges to the legislation that are inevitable from the communities affected.
18 Unit – 59 Willow Street Apartments Hamilton
59 Willow St Apartments Site Plan 43,487 sq ft lot.