

Requirements for “MBTA Communities”, Lancaster’s Schedule

Russ Williston, Lancaster Planning Board Chair,

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Background

The state’s “Economic Development Bill” approved in January 2021 added new requirements for “MBTA Communities” to approve a multifamily housing district to maintain access to:

- Housing Choice Grants
- Local Capital Fund Projects
- MassWorks Infrastructure Program
- (Other DHCD grants, at their discretion)

On December 15th, DHCD released draft regulations. They are available at:

<https://www.mass.gov/doc/draft-guidelines-for-mbta-communities/download>

Are we an “MBTA Community?”

Lancaster is classified as an “Adjacent Community” – a “Community with no transit station within its border or within ½ mile of its border” because we are next to community with a station.

What do the Draft Regulations require us to do?

Lancaster is required to provide a multifamily district meeting DHCDs requirement with a capacity of 750 units. The requirement for an “Adjacent Community” is 10% of the 2020 census housing units in town, or 750 – whichever is more.

Municipality	MBTA Community Type	2020 Housing Units (Census PL-94)	Minimum multifamily district unit capacity requirement
Ipswich	commuter rail	6,476	971
Kingston	commuter rail	5,364	805
Lakeville	commuter rail	4,624	750*
Lancaster	MBTA adjacent	2,788	750*
Lawrence	commuter rail	30,008	4,501
Leicester	MBTA adjacent	4,371	750*
Leominster	commuter rail	18,732	2,810

CHAPA provides a nice summary at :

<https://www.chapa.org/housing-news/summary-of-draft-guidelines-for-mbta-communities>

Among the requirements for the district:

- District must be **at least 50 contiguous acres**
- An **overlay district is acceptable**...from the draft regs “...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. “
- **15 units per acre minimum gross density:** From CHAPA -- “The law requires that a multifamily district have a minimum gross density of 15 units per acre. To comply with this requirement, the draft guidelines clarify that the zoning legally and practically allows for a district-wide gross density of 15 units per acre.
- The draft guidelines allow MBTA communities to establish sub-districts with different density requirements within the multifamily districts, provided that the **gross density for the district as a whole is not less than 15 units per acre.**
- **Suitable for Children:** no restrictions on number of bedrooms, size of bedrooms, number of occupants.
- **Location:** “if feasible, be located in an area with reasonable access to a transit station or in an area near an existing downtown or village center.”

How will DHCD compute the capacity of our multifamily district?

From the draft regs:

“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. “

Should we comply?

I assume “yes because we want access to DHCD grants” but it is an option to not comply and lose access to DHCD grants. If this is desirable, we’d want to evaluate the value of DHCD grants to Lancaster.

What are our options to adopt a district?

The options that immediately come to mind:

Option	Pro	Con
Town’s Existing Multifamily District	<ul style="list-style-type: none">• Largely Developed Already• Sewer and Water• Seems to meet location requirements• Includes the college property	<ul style="list-style-type: none">• Would require bylaw amendments to meet capacity and density requirements• Disposition of the college land is uncertain and out of our control.
Area of Proposed DCAM land sale partnership	<ul style="list-style-type: none">• Sewer and Water• May fit redevelopment goals• Seems to meet location requirements	<ul style="list-style-type: none">• Currently residential zone with no multifamily permitted• Sale Partnership needs to be approved
Proposed 40R district in North Lancaster	<ul style="list-style-type: none">• Anticipated upgrades include sewer and water• Seems likely to meet density and size requirements• 40R plan includes a bus stop, seems to meet requirement	<ul style="list-style-type: none">• Verify that any constraints on the 40R district meet requirements of this new district• Water, sewer and bus stop are presently not available – would having scheduled upgrades meet DHCD requirements?• Combined timelines not ideal...40R bylaw may be considered before we can verify compliance.

Lancaster's Schedule for Compliance with these Requirements:

By March 31st, 2022:

- Ask Jasmin Ferinacci to accumulate and submit any draft reg comments to DHCD.

By May 22nd, 2022:

- Ask Jasmin Ferinacci to make a presentation to the Select Board about the draft guidelines by 5/22.
- Ask Jasmin Ferinacci to submit a [Community Information Form](#) to DHCD and be our contact, and be our person “responsible to ensure compliance with section 3A of c40A and/or lead a committee that will undertake compliance with section 3A of c.40A”
- Ask Jasmin Ferinacci to make sure DHCD gets our town's GIS Parcel maps by 5/22. Not sure who they may try to contact about them...

After May 2nd, 2022 (Annual Town Meeting) to November 28, 2022:

- Planning Board verifies that there is no compliant district in town. (If 40R district is passed, verify that it fully meets the requirement.)
- If we have not already established a district that fully meets the requirement, Planning Board collaborates with other interested boards (Affordable Housing Trust, Select Board, etc) to draft an “Action Plan” to meet DHCD's requirement.

November 28th, 2022: Regular Planning Board Meeting

- Planning Board approves a finalized “Action Plan” if one will be necessary.

December 2022

- If a new 40R district will fully meet the requirement, ask Jasmin to submit that to DHCD by December 31st.

Otherwise

Ask Jasmin Ferinacci to “notify DHCD there is no compliant district” in town and submit our “Action Plan” to DHCD by December 31st.

January through June 2023

- If 40R district fully met our requirement – we’re finished. Wait for certification. Otherwise

Monitor DHCD feedback through Jasmin Ferinacci: make sure they approve our “Action Plan” by July 1, 2023.

July 2023 into March 2024:

- Planning Board develops final Multifamily Zoning Bylaw

March 25th, 2024: Regular Planning Board Meeting

- Planning Board Approves final Multifamily Zoning Bylaw

April 15th, 2024: Public Hearing for Multifamily Zoning Bylaw

- Planning Board holds a public hearing for the Multifamily Zoning Bylaw.

May 6th, 2024: 2024 Annual Town Meeting

- Present and gain approval of Multifamily Zoning Bylaw at Annual Town Meeting

After 2024 Annual Town Meeting, and within 90 days

- Ask Jasmin Ferinacci to Submit approved multifamily district to DHCD for compliance.

...and then we’re done for 10 years.