



## TOWN OF EASTON

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

136 Elm Street; Easton, Massachusetts 02356

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To: Dottie Fulginiti, Chair  
Select Board

From: Stephanie Danielson, Director of Planning & Community Development

Cc: Michael Blanchard, Acting Town Administrator  
Connor Read, Town Administrator

Date: January 14, 2021

Re: **Draft Guidelines – By-Right Multi-Family Zoning for MBTA Communities**

### **Background**

The Acts of 2020 (Act) added section 3A to Chapter 40A, referred to as the Zoning Act. This section requires MBTA communities establish at least one zoning district that allows multi-family housing by right. By statute, the district must be of a reasonable size, without age restrictions, and suitable for families with children. It must have a minimum gross density of 15 units per acre and be located no further than .05 miles from a public transit center, i.e. commuter rail, subway or bus station or ferry terminal. [The Act includes a penalty which makes communities that are not in compliance with the statute ineligible for MassWorks and Community Choice funding.](#)

Following enactment of the new section 3A, Chapter 40A, the Administration charged Department of Housing and Community Development (DHCD) with developing guidelines for compliance with the requirement. DHCD recently issued the draft guidance which outlines the steps MBTA Communities must take to stay in compliance through the end of 2022, what constitutes a qualifying multi-family district and the timeframes for adopting the required zoning. [DHCD will be accepting comments on the guidelines through March 31, 2022.](#)

### **Summary of Guidance**

Easton, by statute<sup>1</sup>, is an MBTA Community. Like many MBTA Communities, Easton does not have a public transit terminal or station located within its political boundaries, nor is there a public transit terminal or station located within .05 miles of Easton's borders. Importantly, the guidelines define Adjacent Community as "an MBTA community with no transit station within its border or within 0.5 mile of its border" and sets a different standard of where the by-right multi-family zoning is established in the community. Easton, as defined in the guidance, is an Adjacent Community.

#### **To comply with Section 3A:**

- A multi-family district must
  - allow multi-family as-of-right
  - cannot include age restrictions and must be suitable for families
  - cannot restrict size of units, number or size of bedrooms, or number of occupants

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<sup>1</sup> MGL Chapter 161A, Section 1

- comprise at least 50 acres of land total,
- may be achieved through overlay districts as long as one is at least 25 contiguous acres and none are less than 5 contiguous acres
- must be able to accommodate a reasonable number of housing units as of right
- may include previously developed multi-family housing
- must have a minimum gross density of 15 units per acre
- must legally and practically allow for district-wide gross density of 15 units per acre
- As an Adjacent Community
  - the multi-unit capacity of Easton’s District must be equal to 10% of Easton’s total housing stock (913 units) – can include existing multifamily properties
  - should be located in an area consistent with sustainable development principles
- Site plan review and approval may be required and regulate:
  - Vehicular access and circulation on a site
  - Architectural building design,
  - Screening of adjacent properties
- Site plan review cannot be used to deny a project allowed by right, or impose conditions making it infeasible or impractical to proceed with a multi-family use that is allowed as-of-right
- Multifamily unit construction is not mandated – compliance only requires adoption of as-of-right districts totaling 50 acres at 15 units per acre that can be practically developed (including already existing units) for a minimum of 913 units.

**Achieving Compliance**

MBTA Communities were granted temporary compliance during the period the guidelines for ongoing compliance were being drafted and finalized. [To remain in compliance while DHCD collects comments on the Draft Guidelines](#), the Town must:

1. Brief the Select Board on the draft guidance in a public meeting
2. Complete and submit to the MBTA Community Information Form
3. Submit updated GIS parcel maps to MassGIS

By 5:00pm, 5/2/22

[To remain in Interim Compliance](#), the Town must:

1. Provide and obtain DHCD approval of proposed action plan and timeline for any planning studies or community outreach activities intended to be undertaken in order to adopt a compliant multi-family district.
2. Implement action plan, including drafting proposed zoning amendment and conducting public hearings on the amendment.

DHCD approval by 7/1/23

Timely milestone achievement

[To achieve full compliance](#), the Town must:

1. Adopt zoning amendment
2. Submit application to DHCD requesting determination of complete compliance

No later than 12/31/24

90 days of adopting zoning

**How to Proceed**

It is recommended the Select Board [appoint a task force](#) which is charged to:

- Review, understand and discuss the draft guidelines as they apply to Easton;
- Consider and Discuss elements of guidelines that may be missing, e.g. affordability requirement;
- Consider and comment on areas most likely suited to comprise overlay district;
- Identify significant development constraints, e.g. capacity to treat wastewater, physical constraints such as wetlands, topography;
- Draft comments on guidelines to present to Select Board for submittal to DHCD;
- Determine and recommend most likely suitable location of required by-right, multifamily district(s).

The task force should comprise Board/Committee Chairs and staff:

- Select Board
- Planning Board
- Affordable Housing Trust
- Conservation Commission
- Economic Development Council
- Finance Committee
- School Committee
- Town Administrator/Assistant Town Administrator
- Planning & Economic Development Director
- School Superintendent, at their discretion
- Fire Department

Task Force Timeline
Early February – convene first meeting
February – working mtgs.
Early March – compile draft comments
March 14 – draft comments to Select Board
March 28 – final comments to Select Board
March 29 – submit comments to DHCD

**Immediate Action**

The Select Board is asked to consider the proposed composition of and Charge for the MBTA Communities Task Force, make any amendments it feels appropriate and vote to adopt the MBTA Communities Task Force Charge and appoint the members to the Task Force.

**Reference**

For additional information about Multi-Family Zoning for MBTA Communities, including a recent webinar presentation with Secretary Michael Kennealy, Executive Office of Housing and Economic Development, [click here](#).