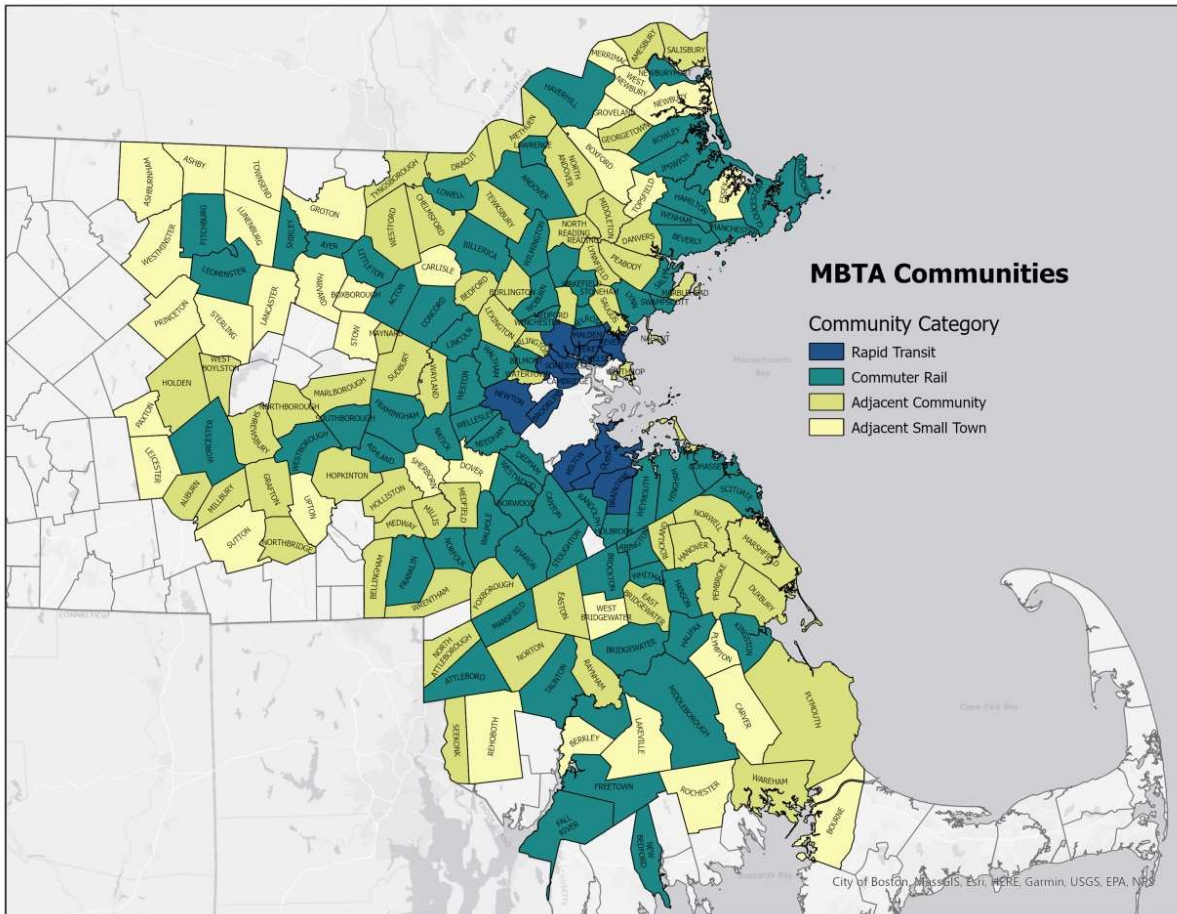


3A/MBTA Communities FAQ

February 20, 2024



Why do MBTA Communities only exist in Eastern MA?

At this time MBTA Communities only include communities that have a T stop, a commuter rail stop, or are adjacent to a town/city that does.

Definitions

- **As of Right/By Right:** Construction of multi-family housing units is allowed in the identified 3A districts without needing to go for a special permit, variance, zoning amendment, or any additional approval.
 - **Developable Land:** land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.
 - **Sensitive Land:** land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing
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What are the consequences of non-compliance?

- (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 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. (*MGL Chapter 40A Section 3A*)
 - MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law(11) and federal Fair Housing Act(12) prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.(13) An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups. (*Advisory from AG; March, 2023*)
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What are the consequences of non-compliance?

- Compliance with the law may be taken into consideration when applying to these grants:

- *Community Planning Grants, EOHLA,

- *Massachusetts Downtown Initiative, EOED,
Urban Agenda, EOED,

- Rural and Small Town Development Fund, EOED,

- Brownfields Redevelopment Fund, MassDevelopment,

- Site Readiness Program, MassDevelopment,

- Underutilized Properties Program, MassDevelopment,

- Collaborative Workspace Program, MassDevelopment,

- Real Estate Services Technical Assistance, MassDevelopment,

- Commonwealth Places Programs, MassDevelopment,

- *Land Use Planning Grants, EOEEA,

- Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and

- *Municipal Vulnerability Preparedness (MVP) Planning and Project Grants,
EOEEA

- *Mass Development Grants

Is there a way to apply for a variance?

- **Not at this time.**
 - All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.(8) Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.(9) ***Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding.*** The Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement. (*Advisory from AG*)
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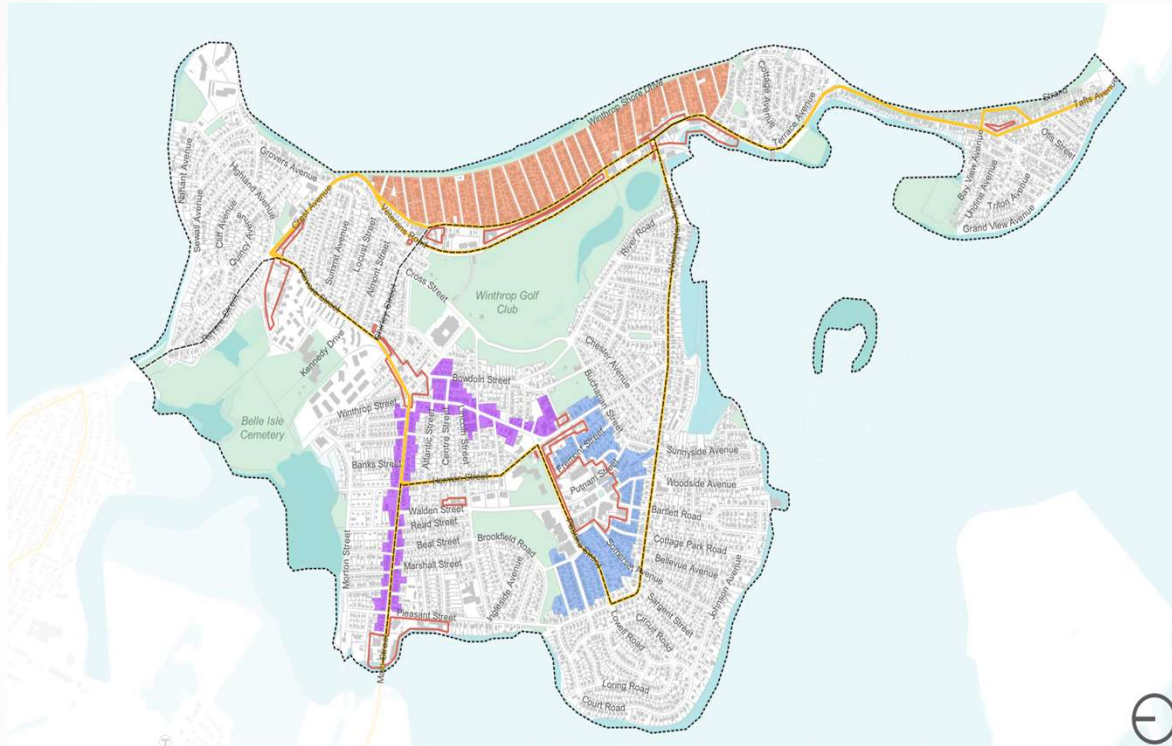
How does 3A differ from what is currently zoned?

3A creates zoning that allows multi-family (3+ units) by right. Most of Winthrop is zoned Residential A. Residential A, by right, allows for only 1 or 2 family dwellings. 3A requires 3+ family by right. Currently multi-family requires a special permit via BOA.

Principal Permitted Uses	RA	RB	RC
Residential and Institutional Uses			
Single-family detached dwelling	Y	Y	Y
2-family detached dwelling	Y	Y	Y
Semidetached dwelling (2-family)	Y	Y	Y
Preexisting multiunit dwellings	SP4	SP4	SP4

Zoning Control

- **Zoning code still applies:**
 - Height
 - Parking
 - Setbacks
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Do we have to use the districts currently identified during the past study?

How was the land analysis done?

No. The work done in early 2023 was a small-scale grant used to collect baseline data and create a starting point for Winthrop's 3A efforts.

Through GIS, by isolating lots by size rather than the type of house that currently exists.

Why is a densely populated Town like Winthrop expected to accommodate more housing than a more rural town?

- Multiplying by # of existing housing units: Each category (RT, CR, AC, ST) multiplies a different percentage (25%, 15%, 10%, 5%) by the current # of housing units.
 - $8821 \times .10 = 882$ UNITS
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Would existing multi-unit housing count towards Winthrop's required 3A units?

- No. Compliance with 3A zoning does not include counting existing multi-family housing within any of the proposed districts.
 - We must have zoning that allows the required units to exist within the chosen 3A districts, regardless of how many units exist there currently.
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Was any analysis done on traffic, schools, utilities, or other infrastructure?

- No. The previous grant, and existing grant funds, are only covering the research, land analysis, and public involvement needed to meet 3A compliance requirements. The grant deliverables include creating maps, zoning language, and data needed for 3A compliance.

Is there additional funding for climate resiliency for districts in sensitive land?

- New development is still subject to local and state building code for flood prone areas.
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Is Winthrop responsible for building or funding any new housing?

- No. MBTA Communities are not responsible for funding new units. Only responsible for creating the zoning.

Can some of the multi-unit buildings be mixed-use?

- Yes. Effective August 2023 up to 25% of housing units can be within a mixed-use zoning district.
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Estimated timeline and what is next:

- Consultant contracting in process (February-March)
 - Consultant on boarding (March)
 - Technical Review of existing data (March-April)
 - Public meeting – Back to basics (April)
 - Working Meetings with Planning Board (May-September)
 - Public Open House on proposed districts (June)
 - Public meeting on final draft (July)
 - Town Council Presentations (September – November)
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