

J M
G O L D S O N

EMPOWERING PEOPLE.
CREATING COMMUNITY.

TOWN OF SHERBORN MULTI-FAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES INFORMATION SESSION

PRESENTED BY
PLANNING CONSULTANT
LAURA SMEAD, AICP

2/20/24

p: 617-221-4003 w: JMGOLDSON.COM

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AGENDA

1. What is the MBTA Communities Law?
2. Sherborn's related plans and zoning
3. Potential zoning changes
4. Potential impacts (pros/cons)
5. Questions and Answers



INTRODUCTIONS

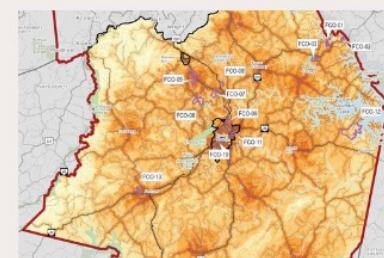
JM Goldson LLC 2006

Our specialties:

- Land use planning and visioning
- Comprehensive master plans
- Housing plans and housing trusts
- Community preservation plans
- MBTA Communities Compliance



Master Plan
WINCHESTER, MA



Housing Market Analysis Study
ROANOKE VALLEY-ALLEGHANY REGION,
VIRGINIA



Housing Production Plan and
Community Development Plan
IPSWICH, MA



Disposition of Municipal Land
WATERFIELD SITE, WINCHESTER, MA

INTRODUCTION

Who We Are: Consultants JM Goldson contracted through MHP grant to assist in community MBTA zoning compliance in Sherborn.



Laura Smead, AICP (she/hers)

- Senior Community Planner
- Project Manager

Noah Harper, MCRP (he/him)

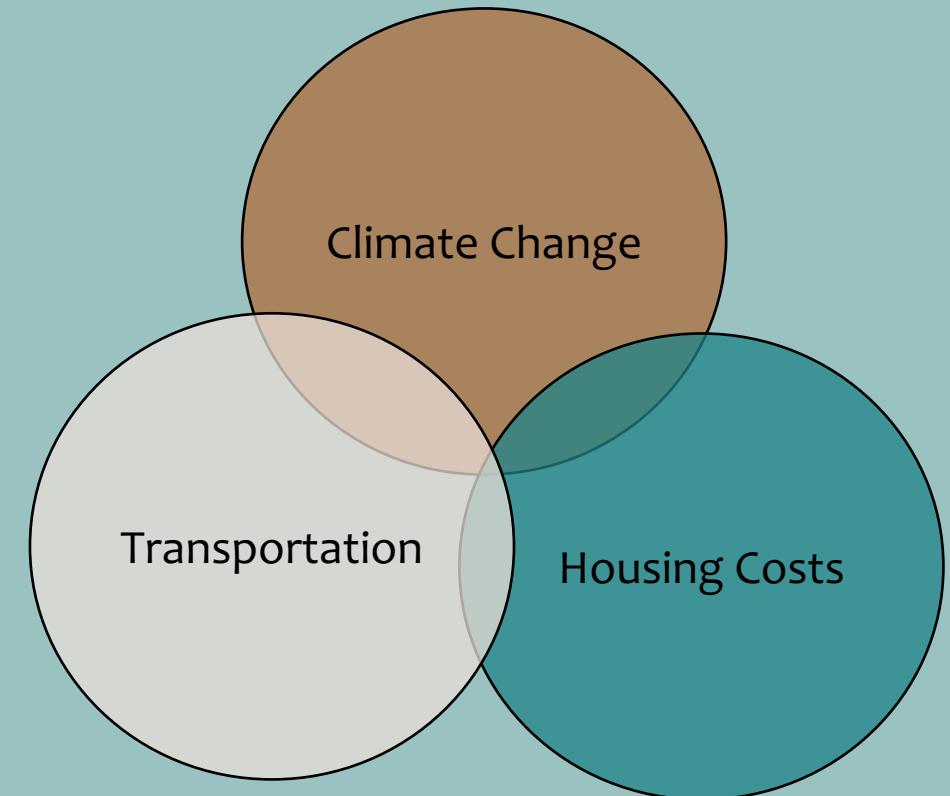
- Community Planner II for Housing & Equity
- Project Assistant

WHAT IS THE MBTA COMMUNITIES LAW?

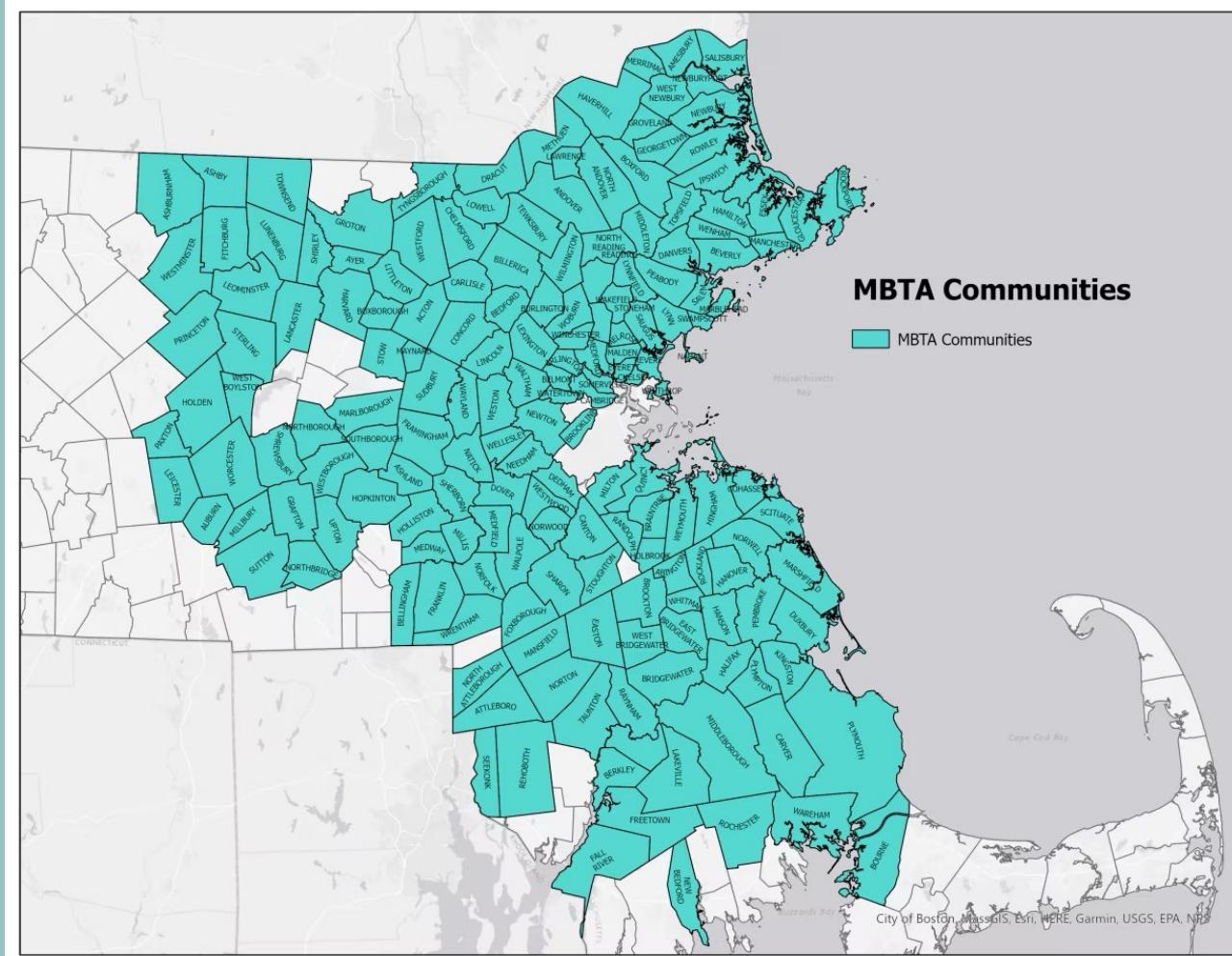
WHY WAS THIS LAW CREATED?

To increase housing throughout the Commonwealth in areas that are served by transit, to:

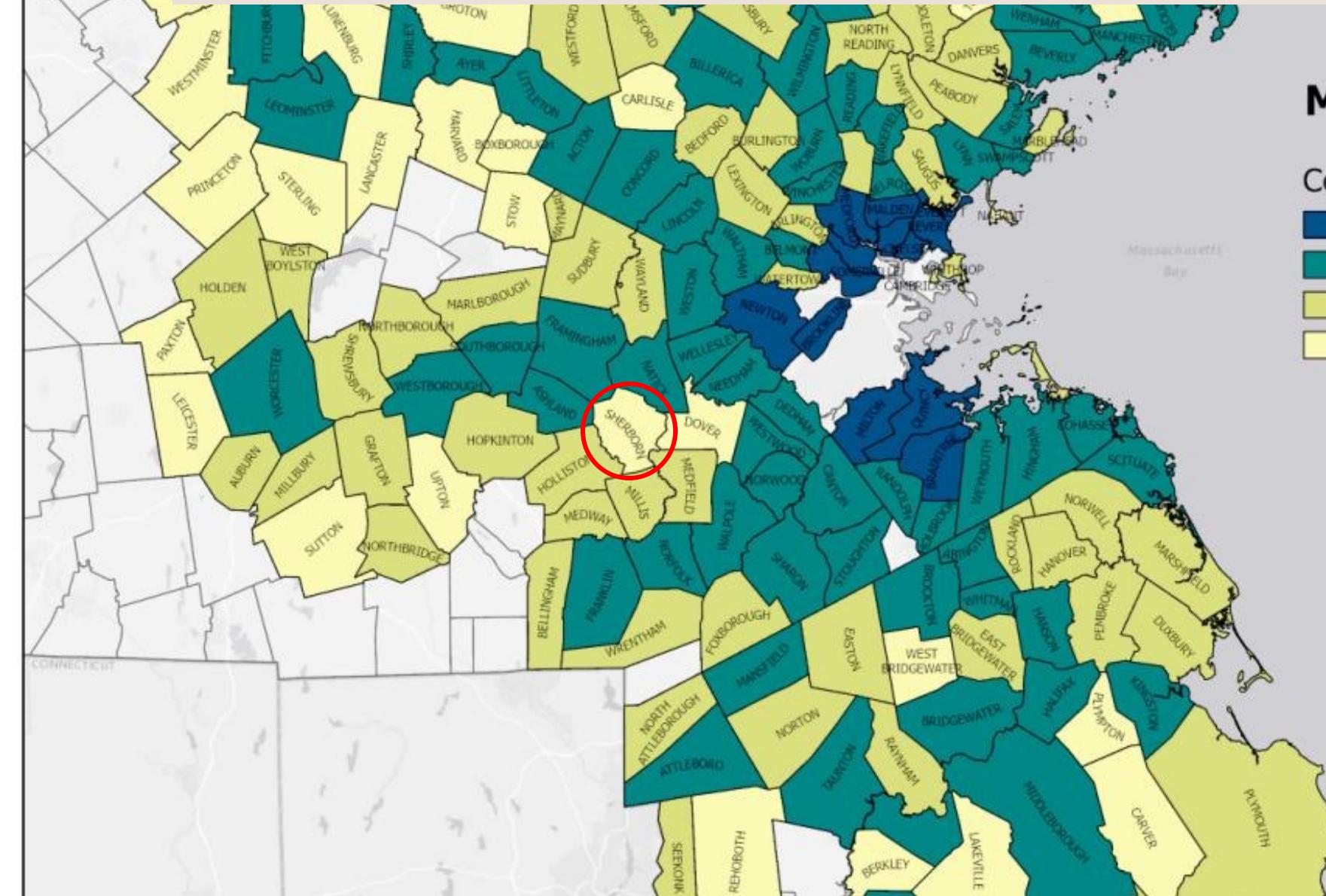
- Address the lack of enough housing to meet demand (rising housing costs) which is an economic disadvantage.
- Encourage more housing closer to where we go every day, such as local shops, jobs, schools, restaurants, parks, etc.
- Encourage better access to work, services, and other destinations by increasing mobility and utilization of public transit.
- Encourage reduced reliance on single occupancy vehicles, which helps in our larger effort to confront the climate crisis.



WHAT IS AN MBTA COMMUNITY?



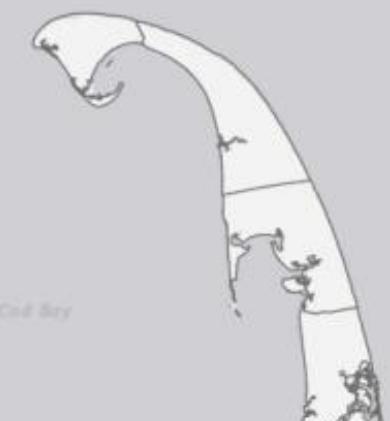
Categories of MBTA communities



MBTA Communities

Community Category

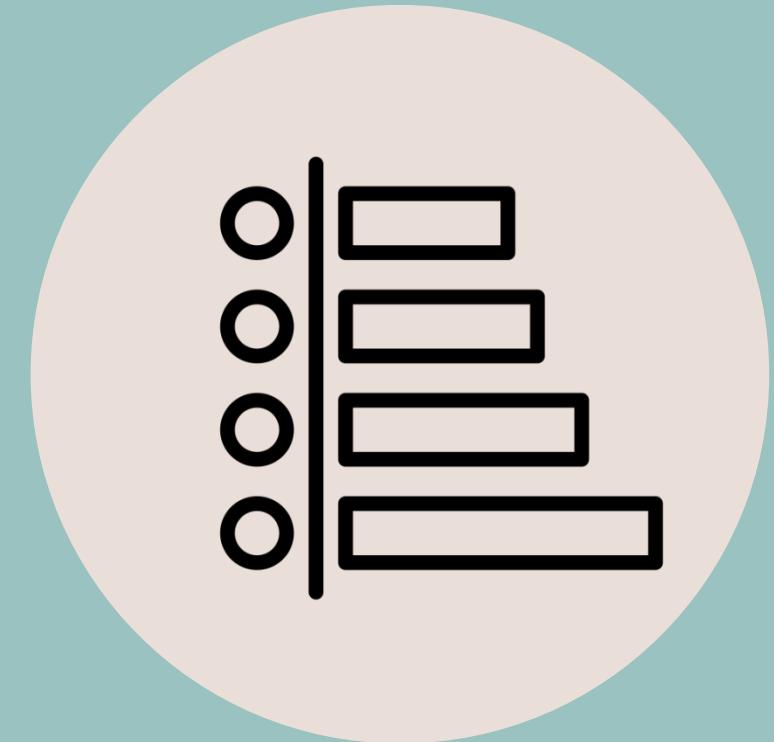
- Rapid Transit
- Commuter Rail
- Adjacent Community
- Adjacent Small Town



REQUIREMENTS

Section 3A of M.G.L. c. 40A (the Zoning Act)

- Multi-family (3 units or more) housing is permitted “as of right”.
- At least one zoning district of “reasonable size”.
- Minimum gross density of 15 units per acre.
- Not more than $\frac{1}{2}$ miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable.
- No age restrictions.
- Suitable for families with children.



CHANGES FROM DRAFT GUIDELINES

Based on community feedback, the following changes were made in the final version of the guidelines:

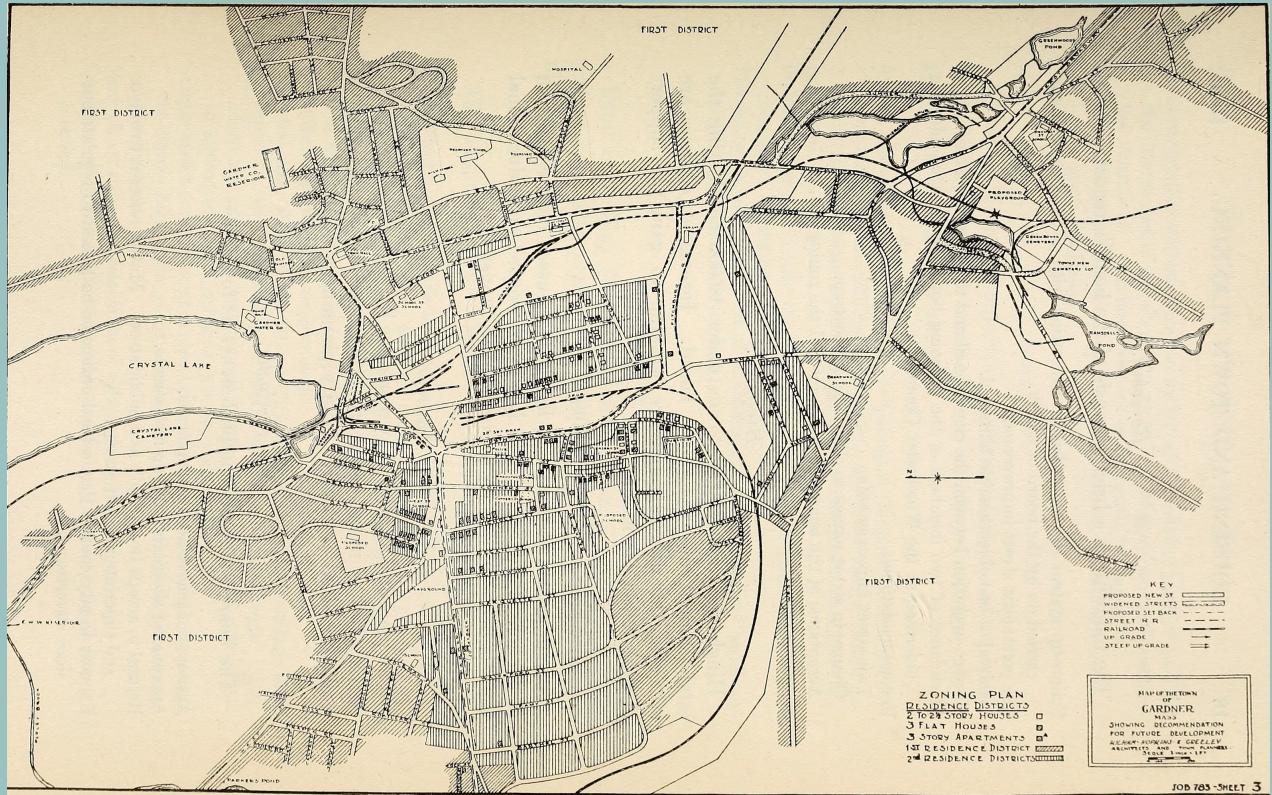
- Revised Community categories (no bus service).
- Eliminate minimum land area requirement and reduce the capacity requirement for small and rural towns with no transit access.
- Multi-family unit capacity will not exceed 25% of a community's existing housing stock or 1.5% of its total land area.
- A required affordability component is allowed, up to 10%.
- Allow minimum multi-family unit capacity requirement in certain multi-family zoning district(s) to offset capacity by up to 25%.

What does this mean for Sherborn?

- Adjacent Small Town
- No minimum land area requirement
- Capacity requirement dropped from 750 units to just 78 units

WHAT IS ZONING?

- **Zoning is** a regulatory tool that helps direct growth in the Town.
- **Zoning is not:**
 - A mandate to change an existing use.
 - A requirement to build.
 - An obligation for the Town to provide water and sewer infrastructure for development.



WHAT IS MULTIFAMILY HOUSING?

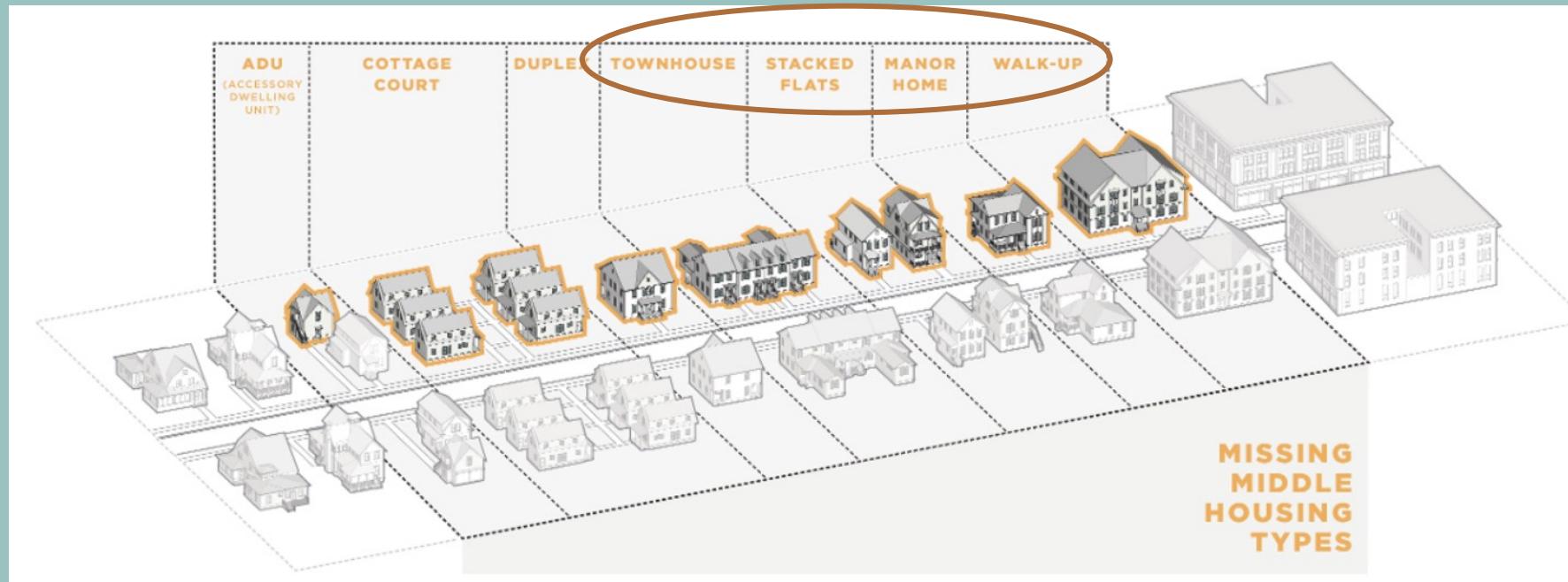


Image Credit: Daniel Parolek

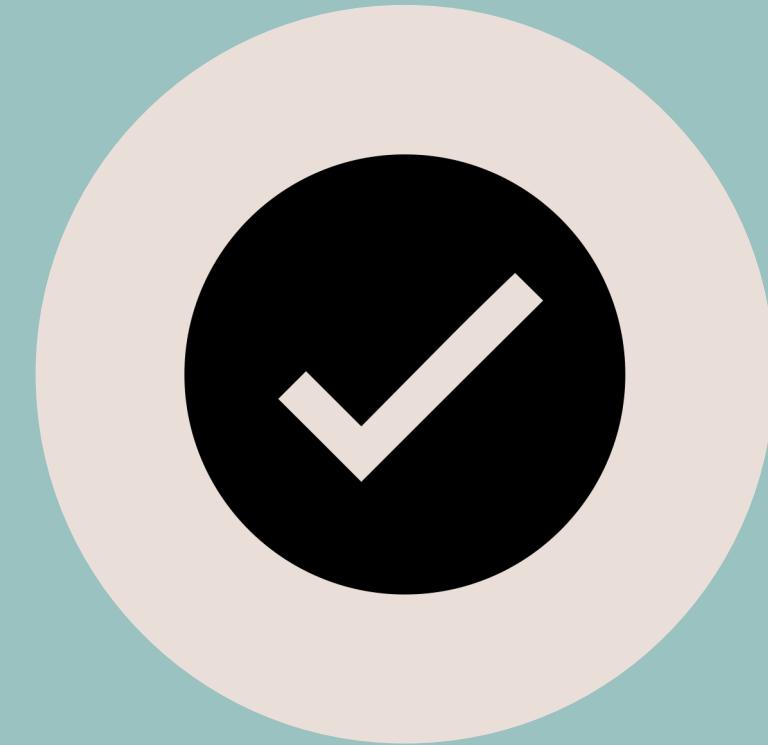
IMPORTANT CLARIFICATIONS

What the MBTA Communities law does:

- Requires 177 MBTA cities and towns to create at least one zoning district **of their choosing** for multifamily near transit (where available).

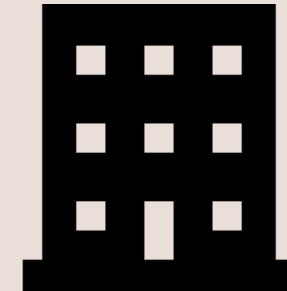
What the MBTA Communities law does not do:

- Require cities and towns to pay for water and sewer infrastructure.
- Overrule other requirements (Title 5, wetlands, existing zoning).
- Force property owners to develop their land.
- Create a housing production goal.
- Replace other housing laws or programs, e.g. Chapter 40B, 40R districts, etc.



WHAT DOES “AS OF RIGHT” MEAN?

- No special permit or other discretionary approval
- Site plan review allowed
- No extra requirements on multifamily that do not apply to other uses (energy efficiency, third-party certification, combine with commercial, or design standards)



“AS OF RIGHT” & AFFORDABILITY – PART 1

EOHLC will consider affordability requirement to be consistent with “as of right” if

- Affordable units eligible for SHI
- Not more than 10% of units to be affordable
- Income eligibility for units not less than 80% AMI



“AS OF RIGHT” & AFFORDABILITY – PART 2

The % of units required to be affordable may be up to 20% if:

- Affordability requirement was in place before Section 3A was passed and has not made multifamily housing production infeasible – or –
- Zoning district requires EOHLIC review and approval as a smart growth district under Chapter 40R or another zoning incentive program
- Sherborn has pre-existing inclusionary zoning (fee-in-lieu up to 6 units, then 15% for 6+ units). Discussion needed on feasibility.

DETERMINING REASONABLE SIZE

The metrics that determine if a multi-family zoning district is “of reasonable size”:

- The Executive Office of Housing and Livable Communities (EOHLC) considers both the **land area** and the **multifamily unit capacity** of the multifamily zoning districts in determining reasonable size.
- For **Rapid Transit, Commuter Rail, Adjacent Communities**: 50 acres or 1.5% of the developable land area – whichever is less.
- **Adjacent Small Town** – No minimum land area (capacity & density only)

Sherborn has no minimum land area required but needs to also meet the multifamily unit capacity.

MINIMUM MULTIFAMILY UNIT CAPACITY

Category	% of Total Housing Units
Rapid Transit Community	25%
Commuter Rail Community	15%
Adjacent Community	10%
Adjacent Small Town	5%

Sherborn has 1,562 2020 Housing Units

$$1,562 \times 0.05 = 78.1$$

The minimum multi-family unit capacity of 78.

After guidelines were updated, the capacity requirement dropped from 750 units to just 78 units

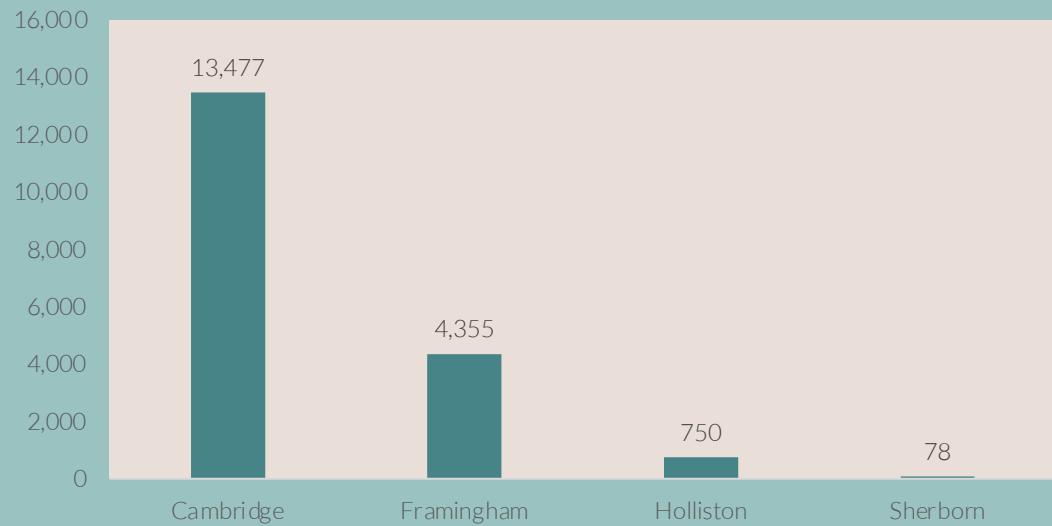
CAPACITY COMPARISON

Requirements vary by community:

- Cambridge (Rapid Transit): 13,477
- Framingham (Commuter Rail): 4,355
- Holliston (adjacent community): 750
- Sherborn (adjacent small town): 78

MBTA COMMUNITIES ZONING REQUIREMENTS

Source: EOHLC



SUITABILITY FOR FAMILIES WITH CHILDREN

- No age restrictions on units
- No legal restrictions on:
 - Size of units
 - Number of bedrooms
 - Size of bedroom
 - Number of occupants



WHAT IS POTENTIAL CAPACITY?

Reasonable Size: Unit Capacity as a measurement of *zoning*



“Unit capacity” is a measure of the number of multi-family units that the zoning allows as of right in the district. Although some units may already exist, unit capacity for any given parcel may be higher or lower than existing development on the site.

The unit capacity of each parcel is measured as if that parcel was undeveloped:



Image source: Desegregate CT, Zoning Dictionary: <https://www.desegregatect.org/definitions>

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WHAT CAN 15 UNITS PER ACRE LOOK LIKE?

- 15 homes per acre varies by lot size.



WHAT CAN 15 UNITS PER ACRE LOOK LIKE?



15.49 units per acre (Sharon, MA)

Units: 2 | Lot size: 0.13 acres



26.15 units per acre (Natick, MA)

Units: 2 | Lot size: 0.08 acres

WHAT CAN 15 UNITS PER ACRE LOOK LIKE?



40.95 units per acre (Holliston, MA)

Units: 9 | Lot size: 0.22 acres



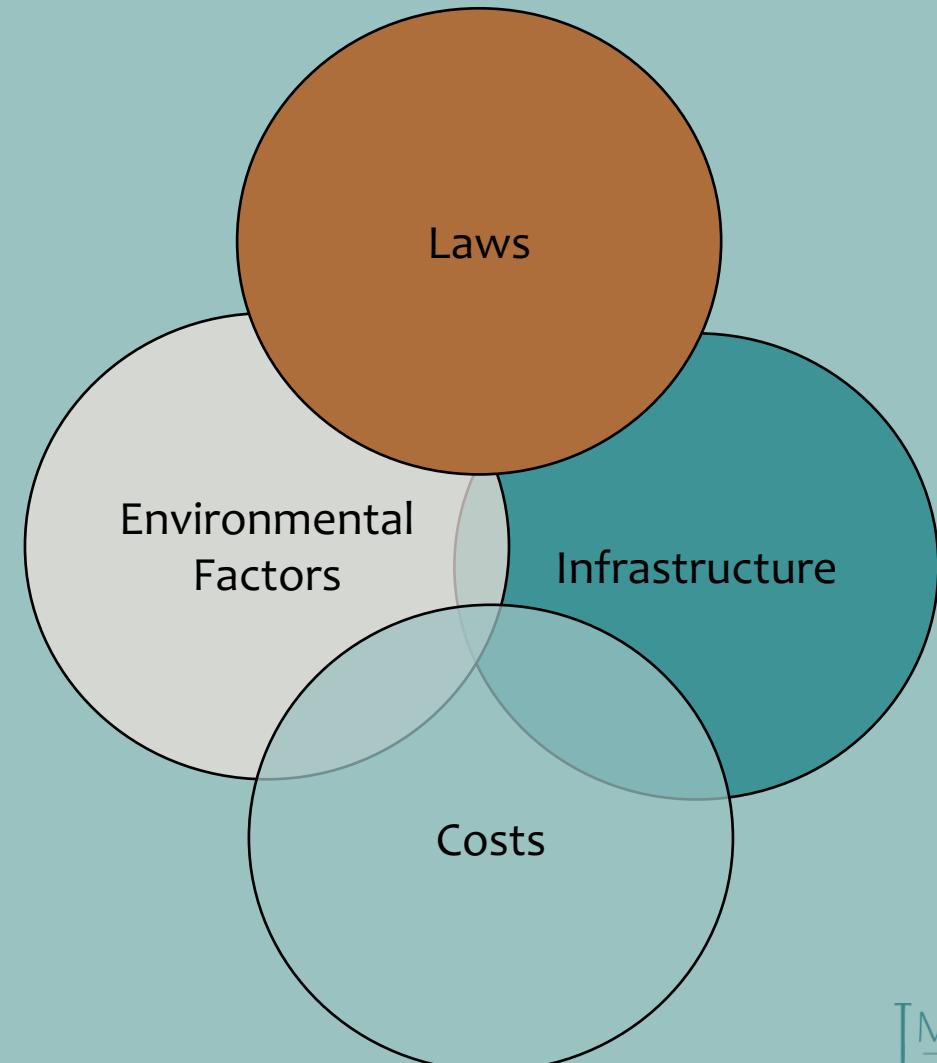
46.51 units per acre (Ashland, MA)

Units: 68 | Lot size: 1.46 acres

WHAT IMPACTS DENSITY?

- Laws
- Environmental factors
- Infrastructure
- Costs

MBTA Communities compliance changes only zoning. Just because it's zoned doesn't mean it can be built.



HOW INFRASTRUCTURE IMPACTS DENSITY

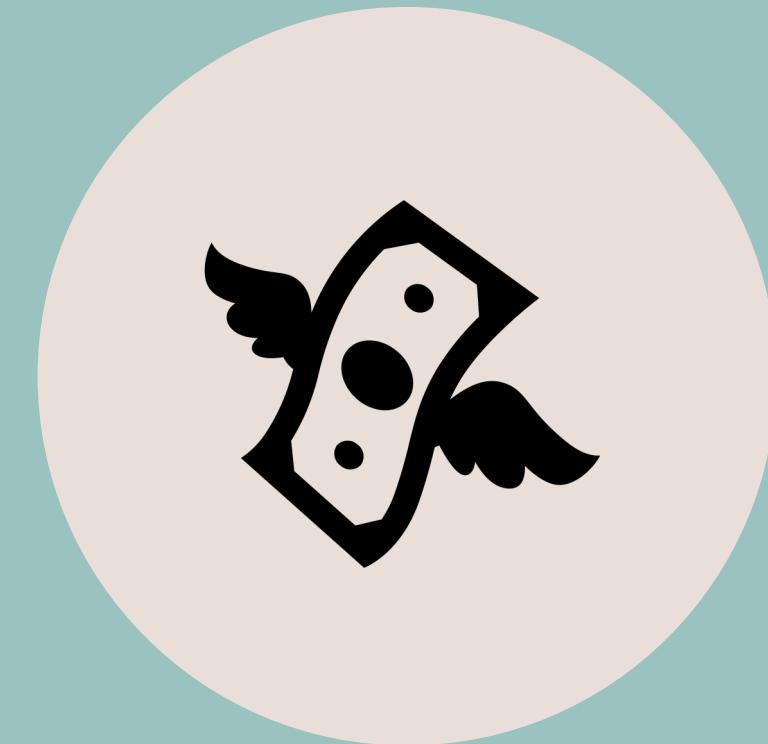
Type	Density with Septic and Well Water	Density with Septic and Public Water	Density with Sewer and Public Water
Single Family Home	2 single family homes with 2-bedrooms, or 1 single family home / usable ac.	6 units/ usable ac.	10 units/ usable ac.
Duplex	1 duplex, each with 2 bedrooms / usable ac.	8 units/usable ac.	12 units/ usable ac.
Townhouse (3-units)	Not applicable as would likely exceed 10,000 sf. per bedroom	12 units/usable ac.	18 units/ usable ac.
Garden Style (3 story surface parking)	Not applicable as would likely exceed 10,000 sf. Per bedroom	20 units/ usable ac.	28 units/ usable ac.
Mid Rise (w/ structured parking)	Not applicable as would likely exceed 10,000 sf. Per bedroom	Not applicable as would likely exceed 10,000 sf. Per bedroom	Up to 100 units/ usable acre

The primary limiting factors to Sherborn's mixed-use and multi-family housing development will continue to be its lack of sewer infrastructure and public water. Courtesy of Hancock Associates and Town of Sherborn, based on Title 5 regulations.

FAILURE TO COMPLY

Failure to comply makes the community ineligible for funds including, but not limited to:

- MassWorks Infrastructure Program
- Housing Choice Grants
- Local Capital Fund Projects
- Informs funding decisions by other state agencies when evaluating discretionary grant programs.
- Possible legal action by the state.
- Deadline to submit District Compliance Application: December 31, 2025



COMPLIANCE AS AN OPPORTUNITY?



- Opportunity to increase equity in community.
- Opportunity to increase options, allowing for downsizing households and younger generations to remain in community.
- Opportunity to plan for how Sherborn should grow into the future.

Clockwise from top right: Townhomes, and condominiums in Natick, and apartments in Framingham. (Google Maps).

SHERBORN'S RELATED PLANS AND ZONING

EXISTING PLANNING STUDIES REVIEW

Master Plan (2019) – Selected Housing Goals

- Encourage the construction of smaller, compact units suitable for the elderly.
- Consider allowing well-designed, higher-density housing within the town center.
- Create incentives for developers to include duplexes and townhouses along with single-family units.
- Identify a range of public and private sector strategies to foster a needed mix of 111 units so that the Town can address the 40B requirement of 10% affordability.



Master Plan
for the
Town of Sherborn



2019

EXISTING PLANNING STUDIES REVIEW

Housing Production Plan (2022) Housing Needs:

- More diverse housing stock, including multi-family homes and barrier-free housing.
- Rental apartments, including affordable.
- Affordable homeownership options, including cottages, condominiums, and townhouses.

TOWN OF SHERBORN

HOUSING PRODUCTION PLAN

Prepared for:
Town of Sherborn
19 Washington Street
Sherborn, MA 01770

Contact: Gino Carlucci, Town Planner

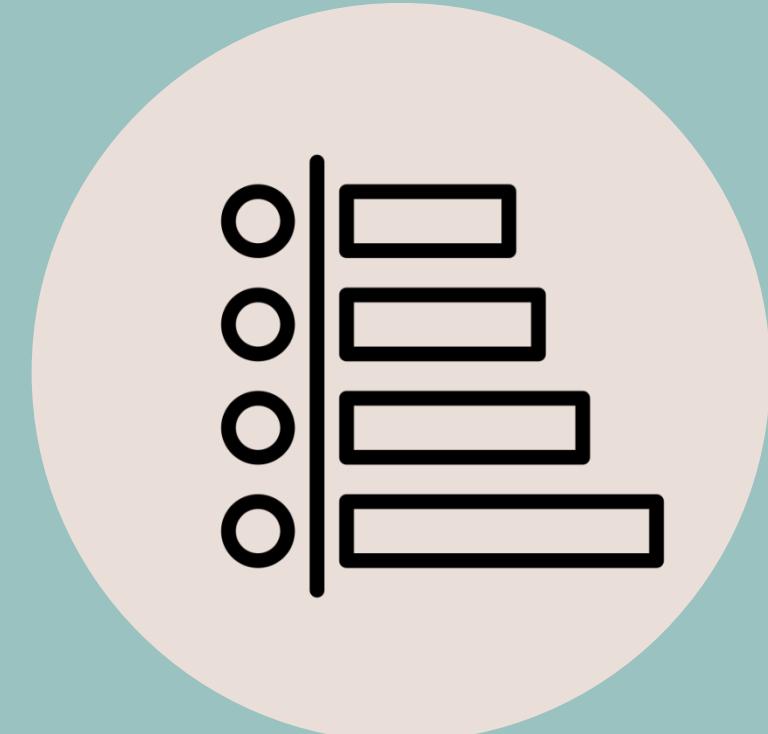
Prepared by
Sherborn Planning Board

Adopted 6/16/22

CURRENT ZONING

Zoning By-Laws 2022

- In a business district, no living accommodations shall be permitted in a building designed or used for any non-residential purpose except as expressly allowed or authorized by the Board of Appeals or as may be permitted for Low- or Moderate-Income Apartments pursuant to Subsection 3.2(27) entitled 'Low- or Moderate-Income Apartments -This use is permissive in all districts''. (Amended 1991)
- Multi-Dwellings -This use is permissive in Residence EA districts and prohibited in all other districts. (Added 1979, amended 1991)



CURRENT ZONING

- Multi-dwellings are currently only permitted in the Residential EA (Elderly) District and no others (special permit).
- Large minimum lot size and setbacks, and a low height.
- Existing inclusionary zoning higher requirements than MBTA would allow.
- Parking requirements for multi-dwelling projects in the EA district are one and a half spaces for each dwelling unit (appropriate).

4.2 Schedule of Dimensional Requirements *(Amended 1973, 1979, 1980, 1983, 1991, 1995, 1996)*

District	Minimum Lot Size (in acres)	Minimum Continuous Frontage (in feet)	Minimum Lot Width	Lot Depth	Minimum Setback (in feet)			Maximum Height Stories	Maximum Lot Coverage
					Front	Side	Rear		
Residence A	1	150	150*		60**	30	30	2.5	35
Residence B	2	200	200*		60**	40	30	2.5	35
Residence C	3	250	250*		60**	40	30	2.5	35
Residence EA***	6	50	Not applicable	300	100**	60	60	2.5	35
Business G	None	100	100*	150	60**	15+	--	2.5	35
Business P	None	100	100*	150	60	30	30	2.5	35

* Measured both at front setback line and at building line. At no point between the required frontage and the building line shall lot width be reduced to less than 50 feet, without an exception from the Planning Board.

** Measured from Front Lot Line.

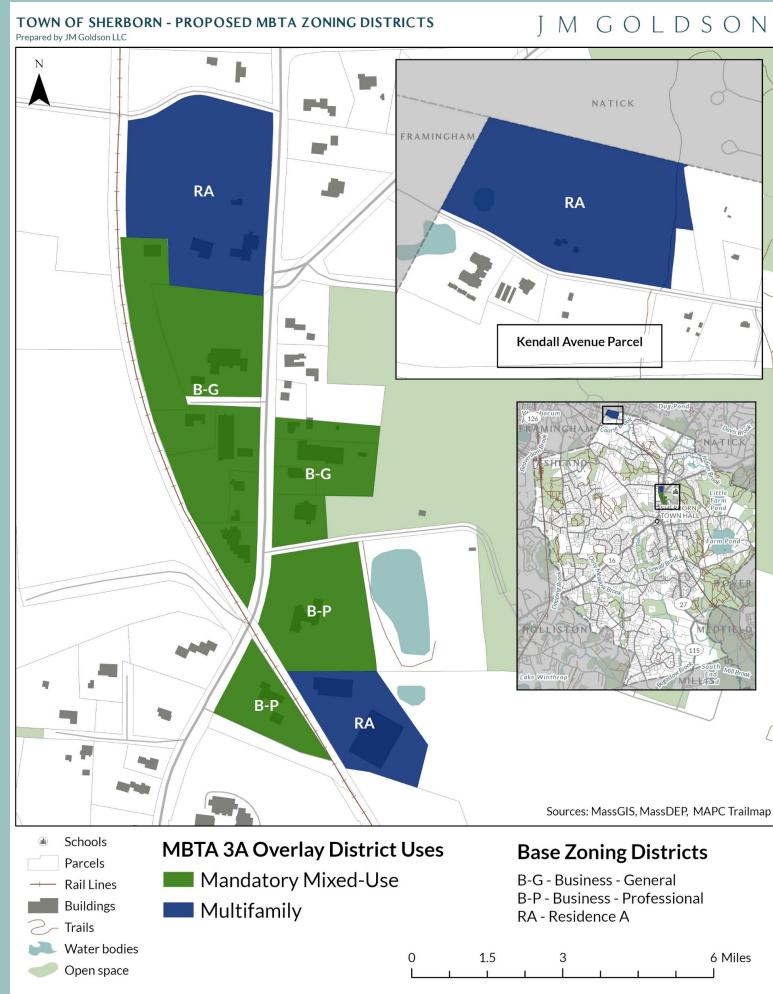
*** With a Special Permit for Multidwellings.

+ From abutting residence district.

If any dimensional requirement applicable to a residential district in the foregoing schedule shall be held by judicial process to be invalid with respect to any property that property shall thereafter be subject to the comparable dimensional requirement applicable to the residence district next preceding in the above alphabetical designation.

POTENTIAL DISTRICTS

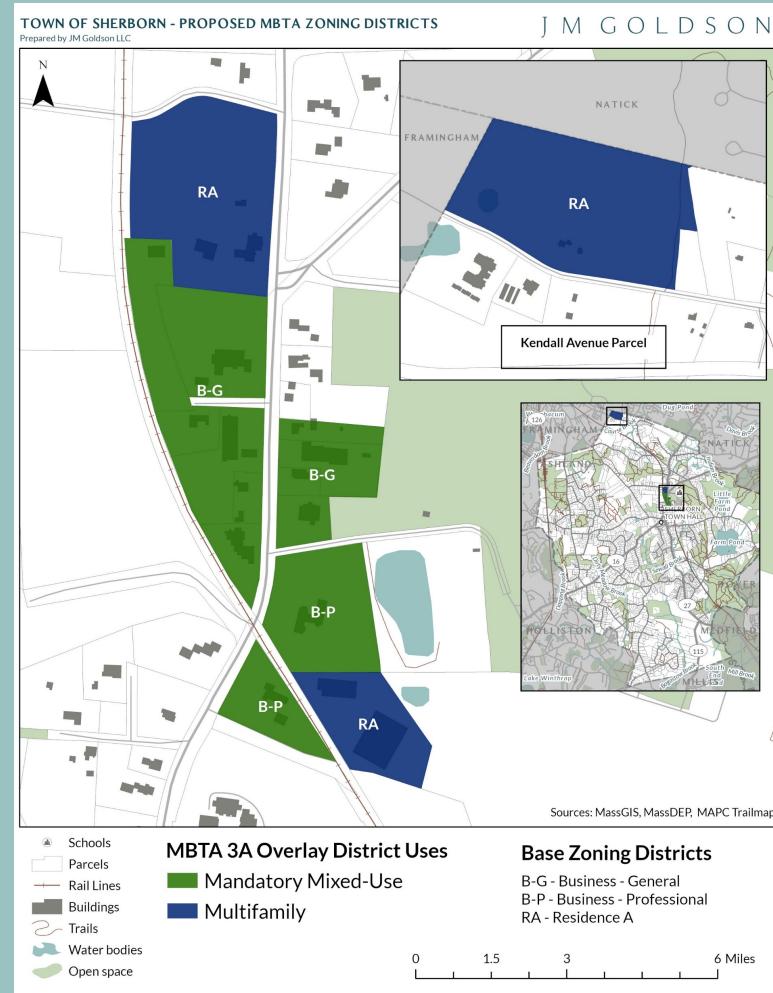
SHERBORN'S POTENTIAL DISTRICTS



- Multifamily zoning requirement: 78 units
- Proposed districts are in town center, and Kendall Avenue.
- In the form of overlay districts: Mandatory Mixed-Use, and Multifamily.

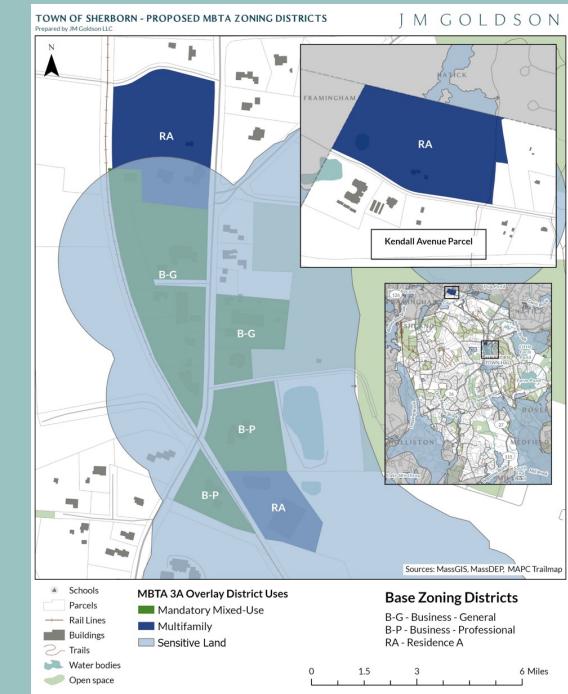
WHAT IS AN OVERLAY?

- Overlay districts allow for additional options. Structures can still be built according to base district regulations.
- New multifamily and mandatory-mixed use, can also be built.



SENSITIVE AND EXCLUDED LAND

- In modeling for compliance, the state removes certain land types from calculations.
- Others are included but labeled as 'sensitive.'



EXCLUDED LAND

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing.

- Publicly-owned land
- Waterbodies
- Wetlands and buffer zones
- Protected open space and recreational land
- All public rights-of-way and private rights-of-way.
- Zone I wellhead protection areas
- Flood zones (Sherborn)
- Privately owned land used for educational or institutional uses

Sherborn has excluded land in the mandatory mixed-use areas (wells).



SENSITIVE LAND

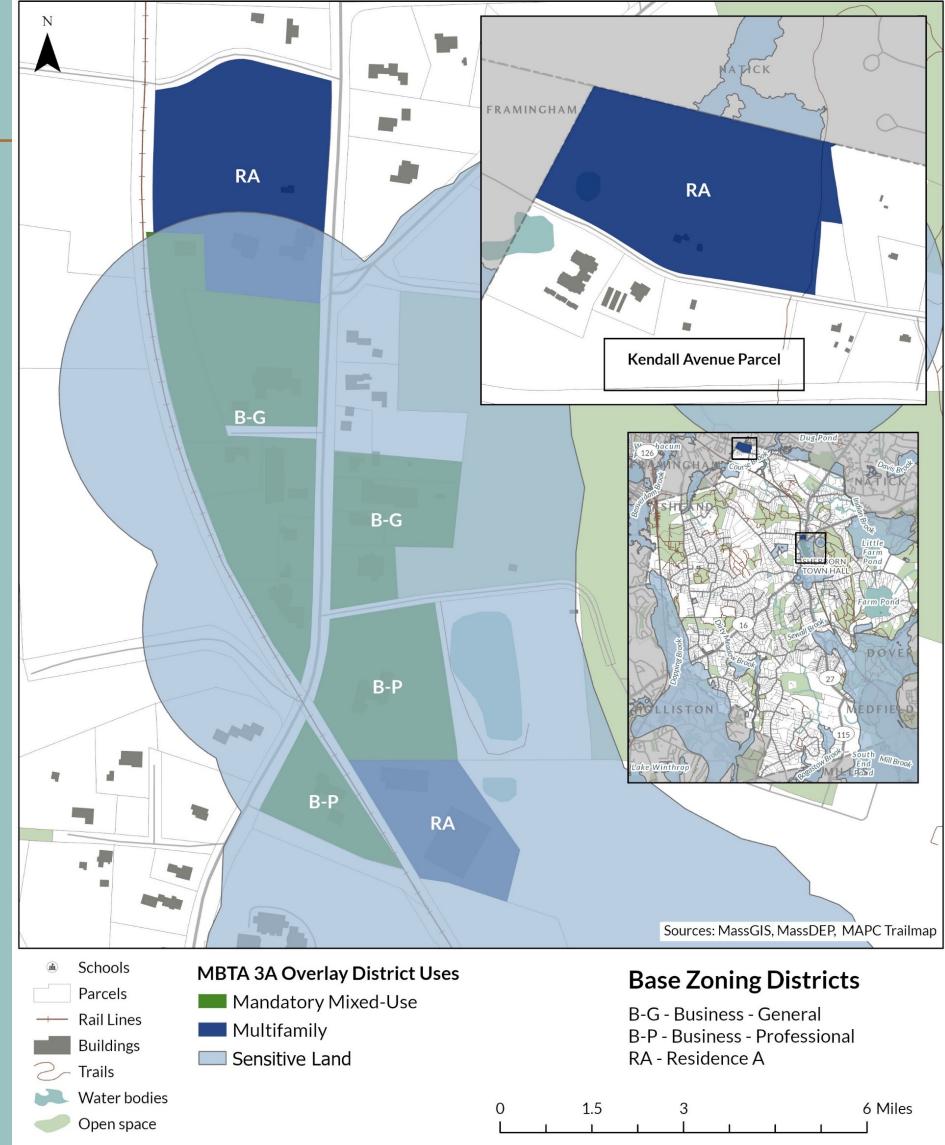
“Sensitive land” means developable land that has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing.

- Wetland buffer zones extending beyond the Title 5 setback area
- Land subject to flooding
- Priority habitat for rare or threatened species
- Zone II and interim wellhead protection areas
- Land areas with prime agricultural soils that are in active agricultural use.

Sherborn has sensitive land in all mandatory mixed-use zones and partially in the multi-family zones (Zone II wellhead buffers).

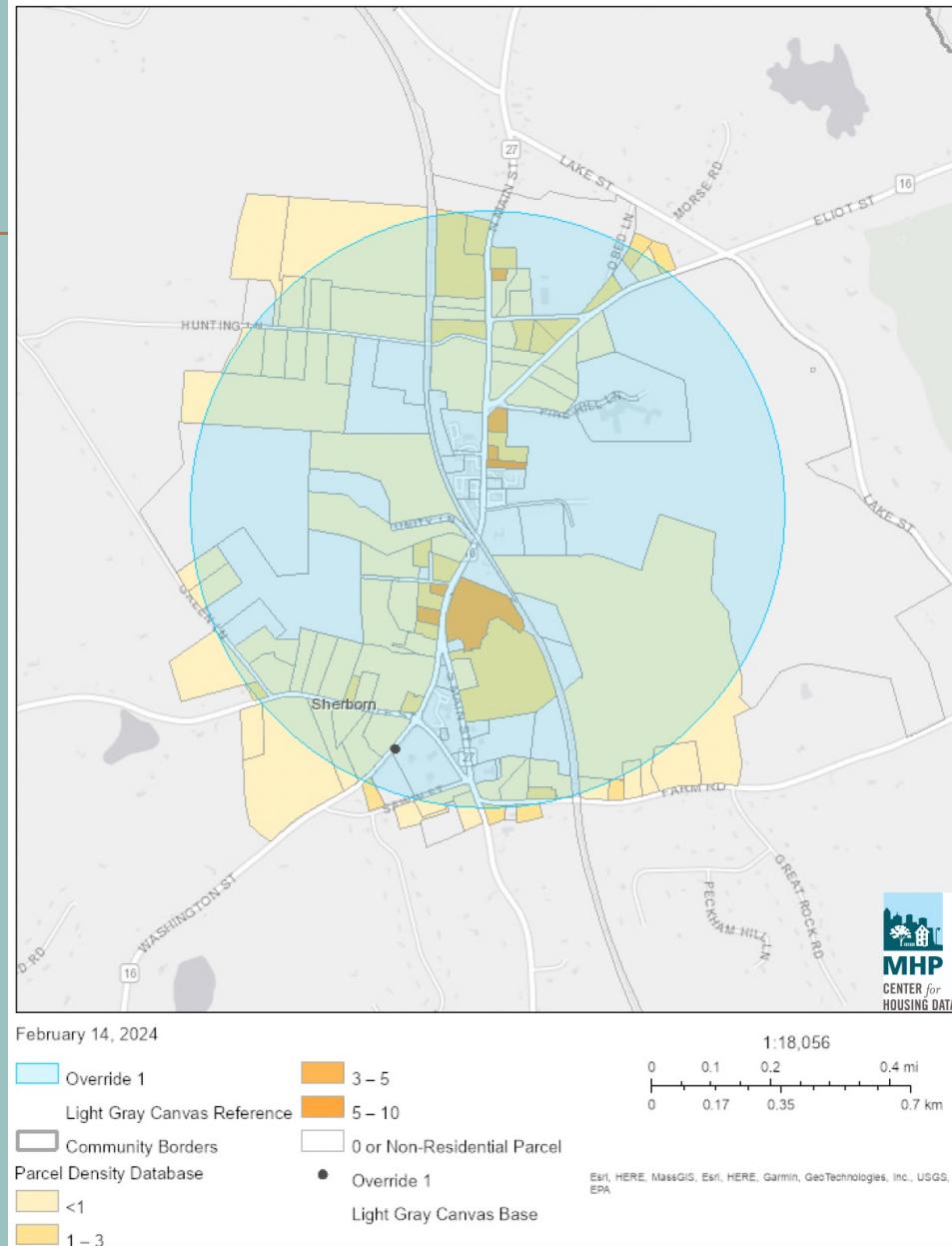
TOWN OF SHERBORN - PROPOSED MBTA ZONING DISTRICTS
Prepared by JM Goldson LLC

J M G O L D S O N



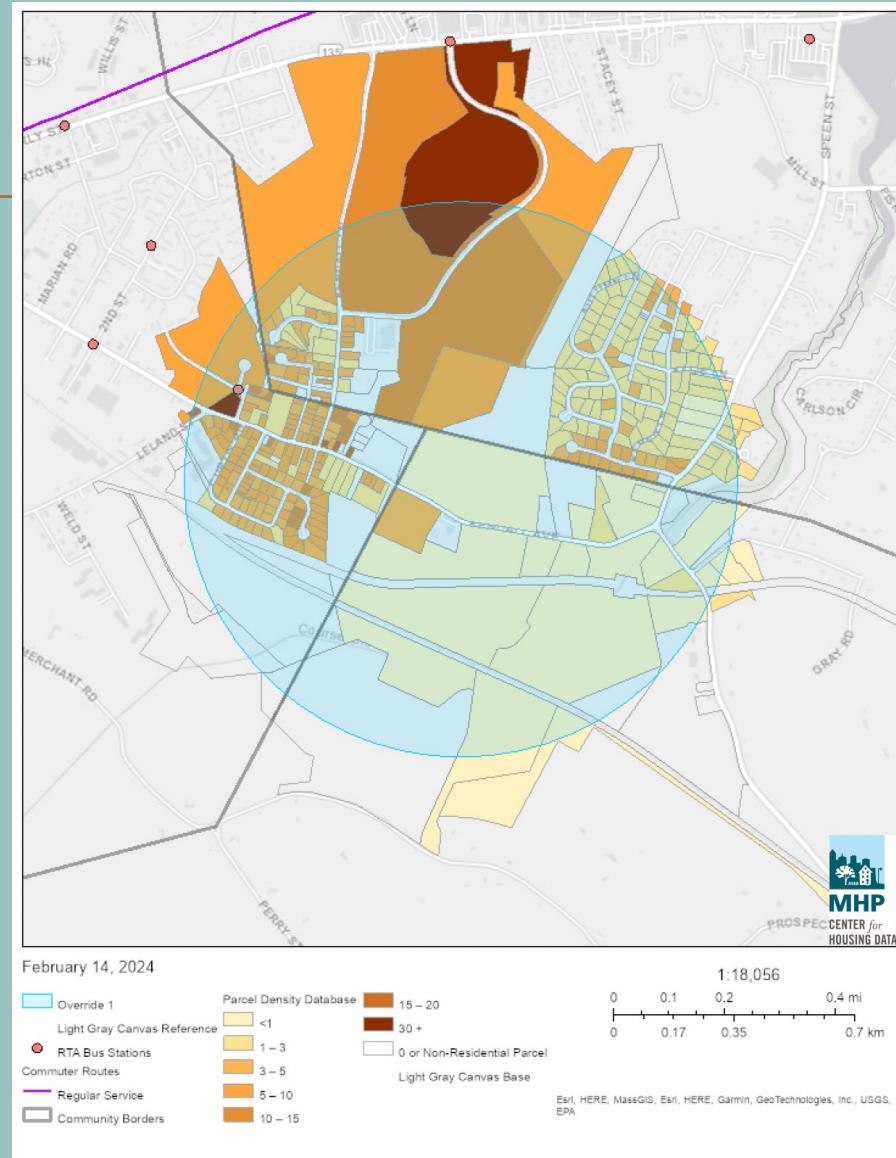
CURRENT DENSITY

Total Residential Units: 147 Units
Neighborhood Area: 501.74 Acres
Neighborhood Density: 0.29 Units per Acre

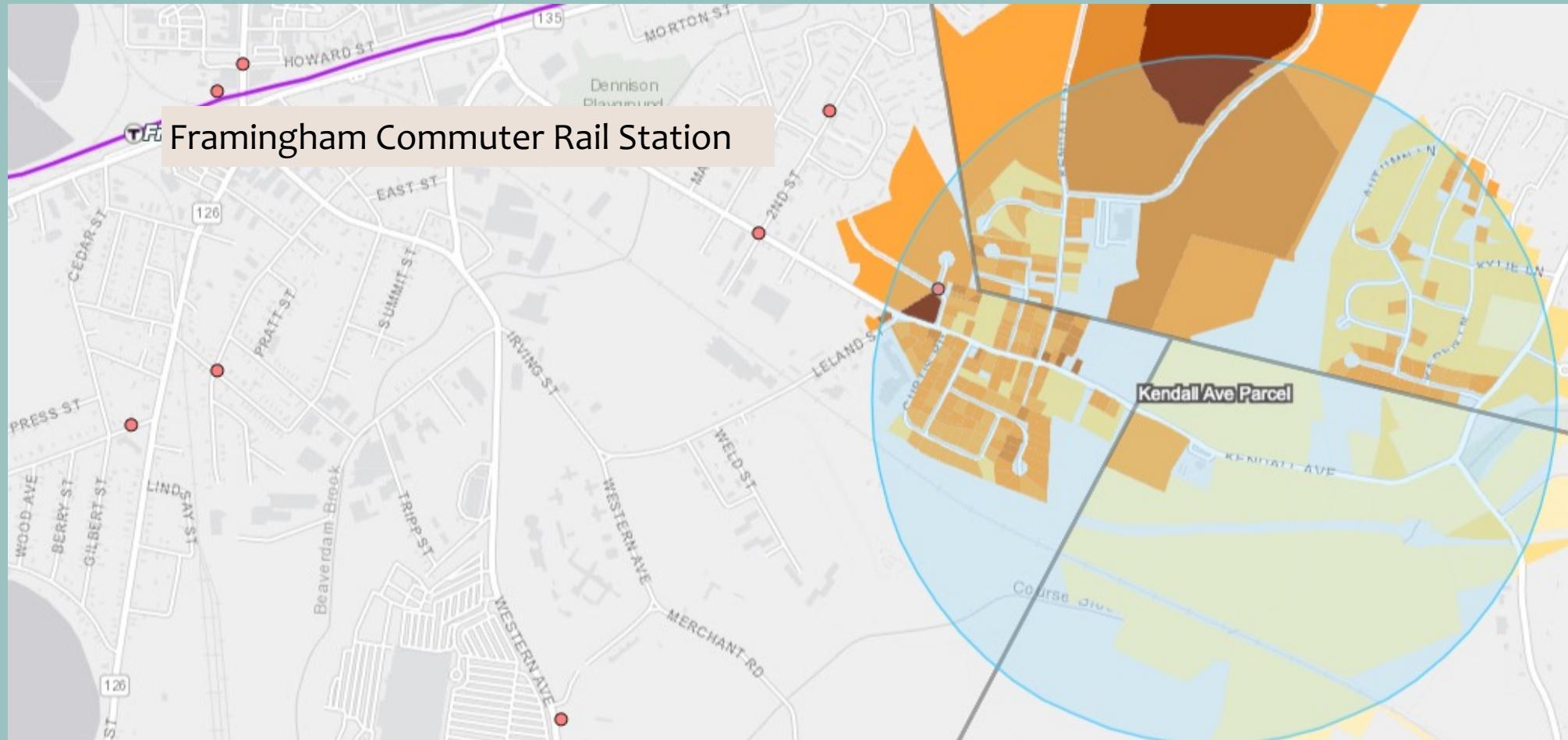


CURRENT DENSITY

Total Residential Units: 6322 Units
Neighborhood Area: 501.74 Acres
Neighborhood Density: 12.60 Units per Acre



CURRENT DENSITY



POTENTIAL IMPACTS (PROS & CONS)

ACTIVITY: MBTA ZONING CONCERNS

1. **Activity:** Partner with a neighbor to discuss potential concerns.
2. After a few minutes, we'll all share.



COMMONLY EXPRESSED CONCERNS



- Schools
 - Small allocation likely to have limited impact.(UMass Donahue).
- Traffic
 - Also likely to be minimal. Mixed-use strategy will reduce some trips.
 - Impact mitigation may be discussed with Planning Board during Site Plan Review.
- Infrastructure
 - Developers will be responsible for covering the cost of water and sewer infrastructure construction.
- Design
 - Site Plan Review with the Planning Board will also be an opportunity to discuss aesthetic considerations.

ACTIVITY: MBTA ZONING BENEFITS

1. **Activity:** Partner with a neighbor to discuss how amending Sherborn's zoning could benefit the town.
2. After a few minutes, we'll all share.



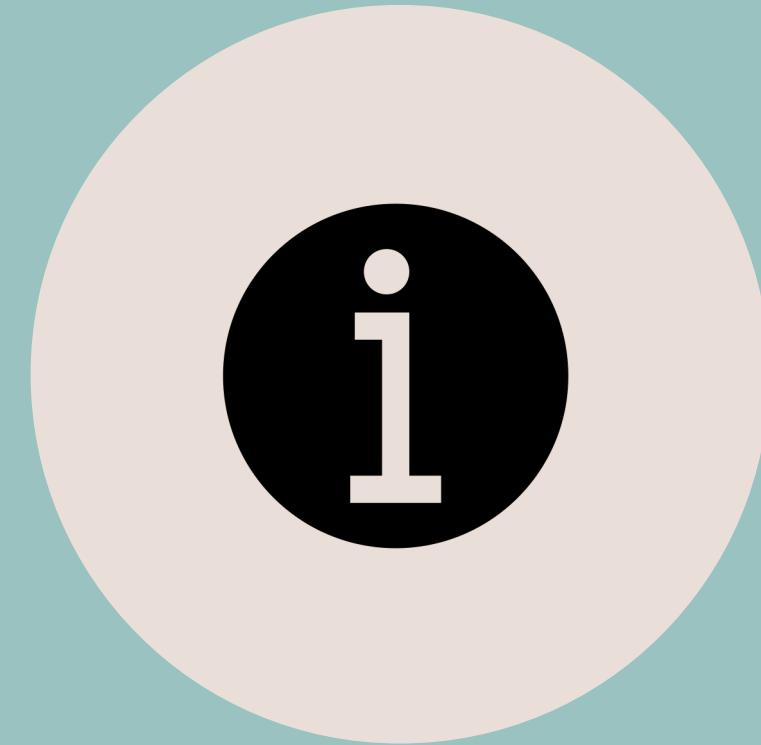
COMMONLY CITED BENEFITS

- Sherborn must amend its zoning to allow for development of multifamily homes (78). (Compliance with the law)
- The Town plans to guide growth primarily in the Town Center or where there is nearby infrastructure (Kendall Ave) (Consistency with related plans)
- MBTA Communities is an opportunity to promote equity and affordability, create new opportunities for downsizing and younger generations.



MORE INFORMATION

- Planning Board [website](#).
- Housing and Community Development [website](#), provides an overview of the law and guidelines.
- MassHousing Partnership [webinar](#) series.



QUESTIONS & ANSWERS

THANK YOU!

Laura Smead, AICP
Noah Harper
JM Goldson LLC
617-221-4003
laura@jmgoldson.com