



**TOWN OF BRIDGEWATER  
COMMUNITY & ECONOMIC DEVELOPMENT**

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Bob Rulli, CED Director

**MEMORANDUM**

**To:** Bridgewater Town Council, Town Manager  
**From:** Office of Community & Economic Development  
**Re:** . Proposed Zoning Amendment D-FY26-001: MBTA Final Compliance Ordinance  
**Date:** October 31, 2025

**BACKGROUND**

The MBTA Communities Act (the Act) was signed into law in January 2021 by Governor Charlie Baker to address a statewide housing shortage by requiring 177 cities and towns in the MBTA's service area to create zoning districts that permit multi-family housing. The legislation aimed to create transit-oriented development, reduce car dependency, and provide more housing options, particularly "missing middle" housing, closer to public transit.

The Act requires 177 Cities and Towns to establish "at least 1 district of reasonable size in which multi-family housing is permitted as of right." Where possible, the district must be within a half mile from public transportation (commuter rail, bus station, ferry terminal or subway). MBTA Communities must permit the development of housing suitable for families with children, and may not impose age restrictions, within the district.

Several attempts by municipalities to challenge the "constitutionality" of the legislation have been rejected by the Courts. Pursuant to **Mass. Const. Art. Amend. art. 60** the State Legislature has the power to pass laws impacting local zoning. While the state has the authority to enact and enforce the legislation, the legislature in enacting the law chose to preserve significant local discretion to determine where that housing may be allowed in order to meet the particular needs of each community.

In April 2024 the Town Council adopted by a majority vote (8-1) an amendment to the Town's Ordinance to meet the compliance requirements of the Act. Pursuant to the requirements of the Act, the Town submitted its Compliance Model together with a zoning ordinance amendment that provided for at least one (1) district of reasonable size in which multi-family housing is permitted as of right and meets the other requirements of the Act.

Despite the Town submitting the required documentation in April 2024, it was not until April 2025 that the Executive Office of Housing and Livable Communities (EOHLC) advised the Town that while it had been determined to be in “Conditional Compliance” there were required amendments to the Town’s ordinance, to wit:

- The submitted compliance model did not capture the building footprint restriction in Section 9.8.6.5.4 of the Bridgewater Zoning Bylaw or the requirement of only one principal residential structure on a lot in Section 3.1.1.1. Taken together, these restrictions would reduce the estimated unit capacity below the minimum requirement.
- Section 9.9.4.2 limits residential density to 15 units per acre in the District. This restriction also reduces the District’s estimated unit capacity below its minimum requirement.

**PROPOSED LANGUAGE TO MEET COMPLIANCE REQUIREMENTS**

The Office of Community & Economic Development is recommending that the Town Council consider making amendments this ordinance to provide a unit count closer to the 1,401 required by the state as well as limit multiple residential buildings on a lot to districts within the CBD-S, CBD-R, MBTACOD overlay districts, and Waterford Village.

Currently the existing Zoning ordinance provides a cap of 15 units per acre within the MBTA subdistricts, when placed in the compliance model as below

Data Metric	District 1	District 2
District Name	Sub-District Partial CBD	Sub-District Residential D
Modeled Unit Capacity	1,533	489
Dwelling Units per Acre Limit	799	249
District Unit Cap Limit		
Max Lot Coverage Limit	6,963	2,168
Lot Area per Dwelling Unit Limit		
Max Units per Lot Limit	1,533	489
FAR Limit		
Final Unit Capacity per District	461	149

This creates a current total of 610 units created, well below the 1,401 units required by the state. Additionally, District 2 (Subdistrict Residential D) requires that 20% of our 1,401 units be within a ½ miles of the train platform equaling out to 281 units to be provided within that area. The 149-unit capacity in District 2 keeps the Town below that number, while the final unit capacity in District 1 of 461 units keep us far from the 1,120 minimally within the 80%.

In order for the Town to meet the minimum unit capacity established by the state, and taking into consideration local concerns, this office recommends the following.

- Utilize existing zoning to meet the unit count of the 80%, by including the existing Waterford Village Smart Growth Overlay District (40R) and the developable area established within the Zoning Ordinance. The Zoning Ordinance allows for 22.5 units per acre by-right in the Developable area within that district. Therefore, there is no need to make any amendments to the Waterford Village Smart Growth Overlay. We would be solely including these units within our Compliance Model to be closer to the 1,401 unit minimum.

**ZONING INPUTS - DISTRICT 1**      **Sub-District Partial CBD**

<b>Model Inputs for Calculating Unit Yield</b>	<b>Input</b>
Minimum Lot Size	10,000
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	25%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.33
Building Height	4
Maximum Lot Coverage %	75%
Floor Area Ratio	0.00
<b>Zoning Restrictions that Cap Unit Counts</b>	<b>Input</b>
Lot Area per Dwelling Unit	0
Maximum Dwelling Units per Acre	18.00
Cap on Maximum Dwelling Units per District	0.00

**ZONING INPUTS - DISTRICT 2**      **Sub-District Residential D**

<b>Model Inputs for Calculating Unit Yield</b>	<b>Input</b>
Minimum Lot Size	18,500
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	25%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.33
Building Height	4
Maximum Lot Coverage %	75%
Floor Area Ratio	0.00
<b>Zoning Restrictions that Cap Unit Counts</b>	<b>Input</b>
Lot Area per Dwelling Unit	0
Maximum Dwelling Units per Acre	30.00
Cap on Maximum Dwelling Units per District	0.00

### ZONING INPUTS - DISTRICT 3

### Waterford Village - New

<b>Model Inputs for Calculating Unit Yield</b>	<b>Input</b>
Minimum Lot Size	1,000
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	15%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.50
Building Height	6
Maximum Lot Coverage %	85%
Floor Area Ratio	0.00
<b>Zoning Restrictions that Cap Unit Counts</b>	<b>Input</b>
Lot Area per Dwelling Unit	1,000
Maximum Dwelling Units per Acre	22.00
Cap on Maximum Dwelling Units per District	0.00

The foregoing adjustments would result in a Minimum Multi-family Unit Capacity of 1434 (1401required).

### Comparison Table of Requirements and Modeled Results

<b>Category</b>	<b>Guideline Requirements</b>	<b>Modeled Results</b>
Community:	Bridgewater	Bridgewater
Community Category:	Commuter Rail	Commuter Rail
2020 Housing Units (Census PL-94):	9,342	9,342
Minimum Multi-family Unit Capacity:	1,401	1,434
Minimum Land Area:	50	102.1
Developable station area:	181.48	181.48
% Unit Capacity within Transit Station Areas:	20%	107%
% Land Area Located in Transit Station Areas:	20%	174%

In order to meet the compliance requirements and to satisfy the deficiencies identified by the state, we propose the following text amendments:

### Section 3.1.1.1

- current

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot.

to

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot. ***Multiple residential buildings on one lot are permitted within: CBD-S, CBD-R, MBTA Overlay District and Waterford Village Overlay District)***

### Section 9.9.4.2

current

- Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is 15 units per acre.

to

- Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is: ***up to 18 units per acre in the MBTA - partial CBD subdistrict and up to 30 units per acre in the MBTA-Residential D district.***

Adoption of the aforementioned amendment would not result in the expansion of any existing zoning district nor any rezoning. There would be a need to establish a cap above 15 units per acre to allow for the Town to comply, but there would still be a maximum cap on the number of units which would result in the Town being able to fully comply with the Acts requirements, rather than conditionally comply.

## FAILURE TO MEET COMPLIANCE REQUIREMENTS

The Commonwealth's Attorney General has provided legal guidance to municipalities as to the obligations for compliance and the enforcement action that that office will take for those communities found to be in non-compliance (see attached Advisory Opinion).



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**Advisory Concerning Enforcement of the MBTA Communities Zoning Law**

The Office of the Attorney General is issuing this Advisory to assist cities, towns, and residents in understanding the requirements imposed by the MBTA Communities Zoning Law (G.L. c. 40A, § 3A) (the “Law”). The Law was enacted to address the Commonwealth’s acute need for housing by facilitating the development of transit-oriented, multifamily housing. By any measure, Massachusetts is in a housing crisis that is inflicting unacceptable economic, social, and environmental harms across our state – particularly on working families and people of color. The Law directly responds to this crisis by implementing zoning reforms that require MBTA Communities to permit reasonable levels of multifamily housing development near transit stations.<sup>1</sup>

Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.<sup>2</sup> The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted “as of right.”<sup>3</sup> The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.<sup>4</sup> MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.<sup>5</sup> For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.<sup>6</sup> These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.<sup>7</sup> These guidelines provide

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<sup>1</sup> An MBTA Community is a town or city which hosts MBTA service; which abuts a town or city that hosts service; or which has been added to the Transit Authority pursuant to a special law. *See* G.L. c. 40A, § 3A(a)(1); G.L. c. 40A, § 1. Currently, there are 177 MBTA Communities in Massachusetts. A list of these MBTA Communities, and other information related to the Law, can be found [here](#).

<sup>2</sup> *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the “Zoning Act”).

<sup>3</sup> G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities “shall have” a compliant zoning district).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> G.L. c. 40A, § 1A.

<sup>7</sup> G.L. c. 40A, § 3A(c) (“The [D]epartment . . . shall promulgate guidelines”); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

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.<sup>8</sup> Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.<sup>9</sup> 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.<sup>10</sup>

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<sup>11</sup> and federal Fair Housing Act<sup>12</sup> prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.<sup>13</sup> 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.

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<sup>8</sup> See, e.g., G.L. c. 12, § 10 (the Attorney General shall take notice of “all violations of law” and bring “such...civil proceedings before the appropriate state and federal courts...as [s]he may deem to be for the public interest”); G.L.

c. 231A, § 2 et seq. (authorizing declaratory judgment actions to “secure determinations of right, duty, status, or other legal relations under...statute[s]”).

<sup>9</sup> G.L. c. 40A, § 3A(b).

<sup>10</sup> G.L. c. 40A, § 3A(a)(1).

<sup>11</sup> G.L. c. 151B § 1 et seq.

<sup>12</sup> 42 U.S.C. § 3601 et seq.

<sup>13</sup> See, e.g., G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to “persons who...interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4...persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or

rental of any dwelling or land covered by M.G.L. c 151B, § 4...[and] persons who aid or abet in doing any illegal acts..."); 804 C.M.R. § 2.01(5)(f) ("Examples of unlawful housing practices include...to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.").