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MEMORANDUM

TO: Robert Rulli, Director, Community & Economic Development, Town of
Bridgewater
FROM: Jeff C. Davis, Senior Planner
DATE: September 14, 2023
RE: MBTA Communities Compliance Model

Introduction

Horsley Witten Group, Inc. (HW) is providing technical assistance to the Town of Bridgewater through a grant from the Massachusetts Housing Partnership. The goal of the technical assistance is to help the Town meet the standards for MBTA Communities as laid out in Section 3A of MGL c. 40A. In brief, this law requires that an MBTA Community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions and suitable for families with children

Final compliance guidelines were released by the state's Department of Housing and Community Development (DHCD) in August 2022 (now the Executive Office of Housing and Livable Communities or HLC). It is important to note that on top of the targets for housing density, the guidelines also limit the amount of affordable housing that can be required in an MBTA Communities zoning district to 10%. This can be increased to up to 20% in conjunction with a 40R district (<https://www.mass.gov/service-details/chapter-40r>) or by conducting an economic analysis to verify that the local housing market is strong enough to support additional affordable housing through the private development sector.

HLC has also released a "compliance model" that calculates whether a municipality's zoning and other policies comply with the law. HW is working with Bridgewater to "test" different scenarios in the compliance model and come up with one or more viable alternatives that both comply with state law and meet the needs and objectives of the Town.

For more information on the requirements related to Section 3A, please visit:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

The specific compliance guidelines can be found here:

<https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>

Targets for Bridgewater

MBTA Communities fall into four different categories: Rapid Transit (those with T stations), Commuter Rail (those with commuter rail stations), Adjacent Community (those without a rail transit station, but adjacent to a municipality that has one or more), and Adjacent Small Town (Adjacent Communities of 7,000 people or less or a population density of less than 500 persons per square mile). Each of these types of communities must hit different targets for the minimum number of multi-family housing units that could theoretically be allowed per zoning, as well as minimum land area for the zoning district(s) where multi-family housing is allowed by right and how much of that area must be within ½ mile of a transit station.

Bridgewater is considered a Commuter Rail Community and therefore needs to reach the following targets:

- Minimum multi-family housing unit capacity: 1,401 units
- Minimum land area: 50 acres
- Minimum gross density: 15 units per acre
- Minimum percent of district land area and unit capacity to be located in the station area (1/2-mile radius around a station): 20%
- Compliance Deadline: December 31, 2024

*Note: The MBTA Communities law (Section 3A) does not set a target for the actual production of housing. In other words, no one is counting the number of multi-family housing units a community has today or may have in the future. The law also does not take into account the existing land uses in a district or the availability of infrastructure. Communities are simply required to have zoning that **allows** for a certain amount of multi-family housing by right. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.*

Analysis of Existing Station Area

The Town initially asked HW to explore at least a couple major scenarios for MBTA Communities district boundaries. One scenario adhered to the station area as it exists today, near Bridgewater State University. The other assumed a future scenario where the station area has been moved farther north closer to the town center. See the memo provided by HW to the Town dated May 30, 2023, for the details of this initial analysis.

The Town is developing a vision for a more vibrant, mixed-use town center (including a zoning overhaul for the Central Business District – CBD), and a relocated MBTA station can help support this vision. In the long term, the Town is requesting that the Executive Office of Housing and Living Communities allow the station area to be calculated around the proposed new platform location. In the immediate term, the Town is exploring options just within the radius around the existing station.

It is important to note that the Town is strongly behind the intent of the MBTA Communities legislation but feels that mixed-use is critical to the success of transit-oriented development. The Town had strongly encouraged the state to amend the legislation to allow municipalities to require commercial ground floor uses within MBTA Communities districts, so long as residential is allowed above. While HLC did revise the MBTA Communities guidelines relative to mixed-use, MBTA Communities districts are still not allowed to require mixed-use or ground floor commercial, but other mixed-use districts may be used to offset the required unit capacity within an MBTA Communities district by up to 25%.

Existing Station Area Objectives and Boundaries

Major objectives and directions from the Town included the following:

- Try to minimize the land area within the station area and keep the bulk of the district in the current CBD.
- Do not include areas of the CBD where commercial ground floor uses in mixed-use buildings are desired – particularly parcels that front on Broad Street or the town green.
- Maintain different dimensional standards for parcels currently in the CBD versus those within the Residential D (R-D).

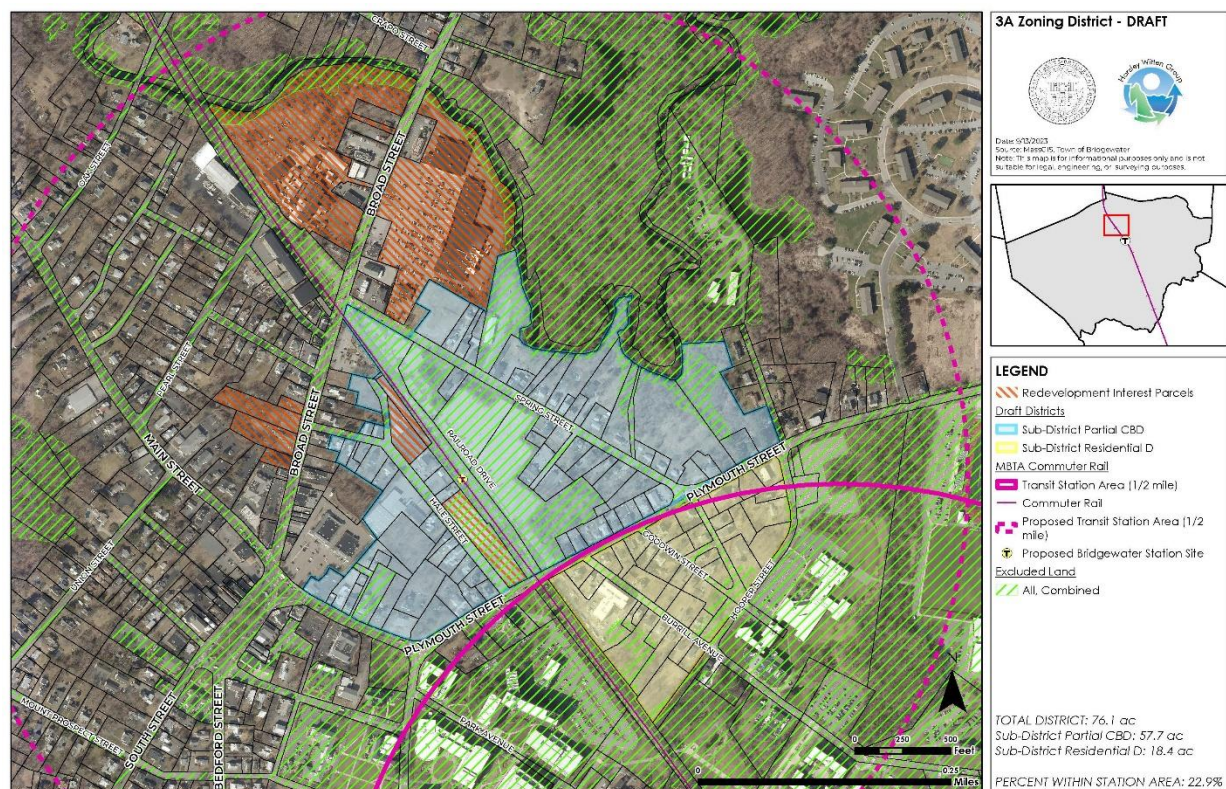


Figure 1 - Proposed MBTA Communities District Boundary

As seen in the map above, HW included several properties currently zoned R-D – shaded in pale orange – that largely fall within the ½ mile radius of the existing MBTA station. In addition, we added several parcels currently zoned CBD – shaded in pale blue – that fall outside the station area. The latter was sized to ensure at least 20% of the proposed district’s land area is within the current station area. It was also drawn to exclude portions of the CBD where ground floor commercial is desired.

Existing Station Area Assumptions

HW assumes an MBTA Communities overlay district would be developed under this scenario to include just the parcels noted in the map above. As a start, HW used the current standards for the CBD and R-D zoning districts as a base for the standards of a new overlay district. However, as described below, there are several adjustments that would need to be made to both districts’ standards for them to comply with the MBTA Communities law. There are many ways to meet the unit and density requirements of the model – adjusting minimum lot size, parking standards, etc. HW is presenting the standards below as a first draft for this new geography with the goal of minimizing the changes to the existing standards. HW fully expects to adjust the standards in discussion with the Town.

- **Make sure multi-family housing is allowed by right.** Currently, multi-family residential is only allowed by special permit in the CBD and only as part of mixed-use development. In the R-D, multi-family residential is not allowed at all, though two-family homes are allowed by special permit. To comply with the law, multi-family residential must be allowed by right. For purposes of the law, Site Plan Approval is considered by right should the Town wish to use that process.
- **Eliminate the cap on bedrooms per unit.** Currently, mixed-use residential in the CBD is restricted to no more than two (2) bedrooms per unit. This is not allowed per the law and would need to be eliminated in the MBTA Communities district.
- **Building height.** Currently, building height is capped at three (3) stories in the R-D and three and a half (3.5) stories in the CBD (or four (4) stories in the CBD if a Mixed-Use development is proposed per Sec. 19 of the Zoning Bylaws). HW proposes maintaining the current by right height limits in both CBD and the R-D.
- **Reduce the minimum lot size.** HW found with this new geography it is possible to meet the standards of the compliance model using the Town’s current minimum lot sizes for the CBD (10,000 SF for new lots) and the R-D (18,500 SF). However, these can be adjusted. Reducing these minimums could help increase the unit capacity and allow the Town to adjust other factors, such as adding in a reasonable standard for maximum dwelling units per acre.
- **Eliminate the minimum lot area per dwelling unit.** Currently, the minimum lot area per dwelling unit in the CBD is 2,420 SF (with a special permit) and in the R-D is 10,000 SF. Adding a minimum lot area per dwelling unit standard makes it very difficult to meet the unit capacity and density required by the law. In addition, doing so in the R-D makes it very difficult to locate at least 20% of the unit capacity there. HW proposes eliminating this standard. Other factors will serve to limit the residential density, as discussed below.

- **Do not set a maximum dwelling units per acre standard.** The current limit is 18 units per acre in the CBD for mixed-use development, with additional density (up to 26 units per acre) allowed in exchange for certain amenities. There is no such limit in the R-D, however that is because currently nothing denser than a two-family home is allowed. HW suggests eliminating this cap. If that is not acceptable, HW tested several caps that produce the required densities while still ensuring at least 20% of the unit capacity falls within the station area. Setting the model at 36 units per acre in the CBD and 32 units per acre in the R-D seems to work. However, given the other de facto limits on density in the model, such as parking and building height, the dwelling units per acre in this test is only 20.9 for the CBD and 18.7 for the R-D, for an average of 20.4.
- **Parking.** HW suggests leaving the parking standards as they are today in the CBD and reducing the standard in the R-D to match. In the CBD, residential units in a mixed-use development require one (1) spot per unit plus one (1) visitor spot per every third unit. In other words, 1.33 spots per unit. In the R-D, two (2) spots are required per unit. HW suggests using 1.33 spots per unit for both subdistricts. Note that reducing the parking requirement can have a significant impact on the model. If the Town is willing to reduce these parking requirements further, HW may be able to adjust residential density standards to closer to what the Town requires today.
- **Other dimensional requirements.** Other dimensional requirements, such as front, side, and rear setbacks, minimum lot frontage, maximum building coverage, and minimum open space requirements remain the same.

Existing Station Area Test Results

Based on the proposed zoning assumptions described above, HW used the Compliance Model to test the capacity for this proposed district. In summary, the results were as follows:

District Area: **76.1 acres** (50 acre minimum required)

Modeled Unit Capacity: **1,820 units** (1,401 units required)

Dwelling Units per Acre: **25.9** (15 required)

% Unit Capacity within the Station Area: **21.2%** (20% required)

% Land Area within the Station Area: **22.9%** (20% required)

As can be seen, this iteration complies with the minimum standards. However, as explained above, this is just one of many alternatives. There are many options for tradeoffs in the model. If a certain assumption is not acceptable for the Town, HW can look for adjustments elsewhere to make up for it. Note that this assumption provides approximately 26 dwelling units per acre, or the maximum currently allowed in the CBD.