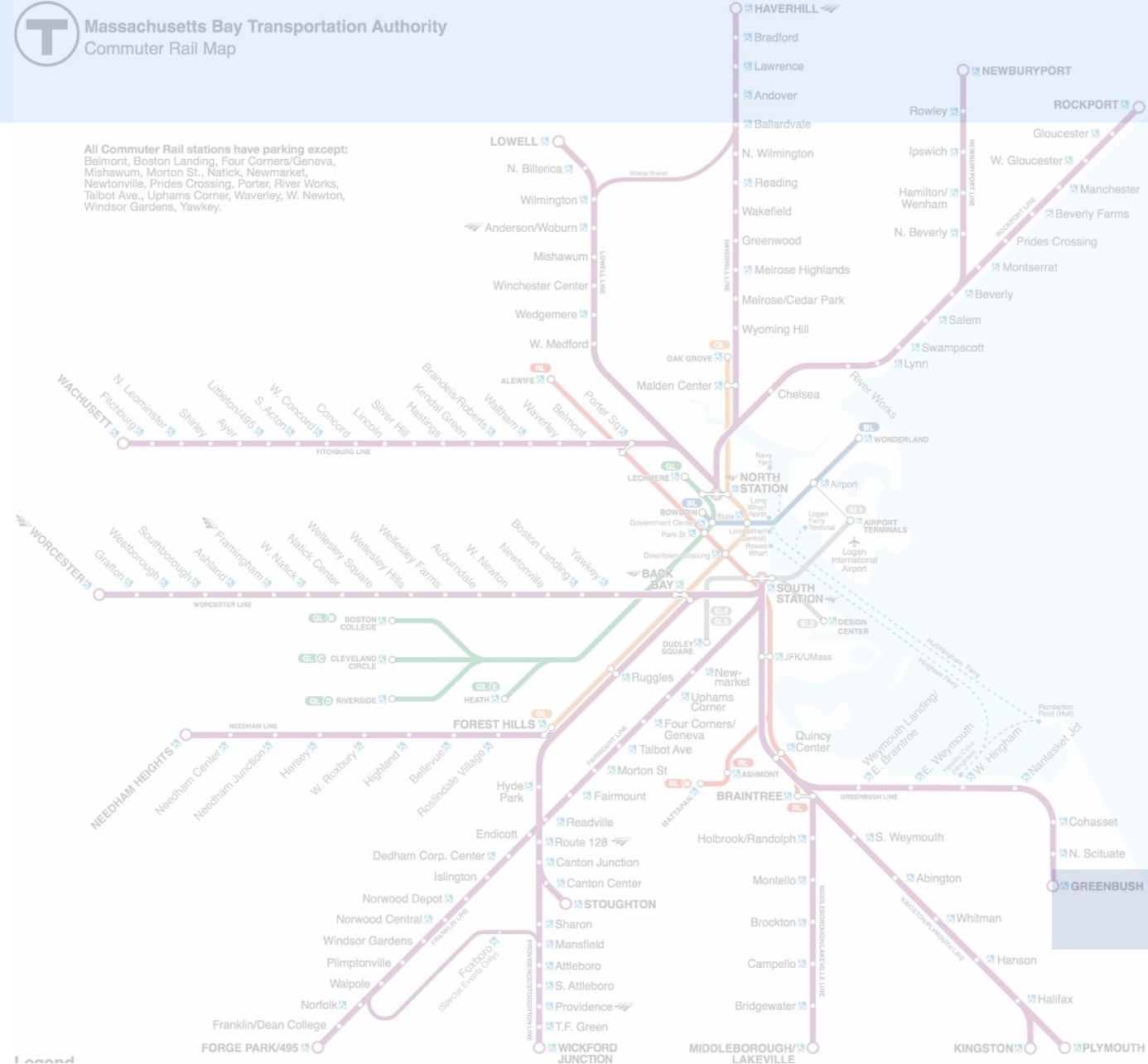


METHUEN MBTA COMMUNITIES

MBTA Communities Act 101 and Implications for Methuen

November 14, 2023



Introductions
Housing and the Master Plan
MBTA Communities 101
Initial Tests
Land Area and Capacity
Next Steps



Housing and the Master Plan

Methuen 2035: Master Plan

Project Team and Roles

JM GOLDSON

Jenn Goldson, AICP
Laura Smead, AICP
Elana Zabar

- Project coordinator and primary contact
- Community Engagement
- Land Use
- Cultural and Historic Resources
- Public Services and Facilities
- Housing



RKG ASSOCIATES

Eric Halvorsen, AICP

- Economic Development

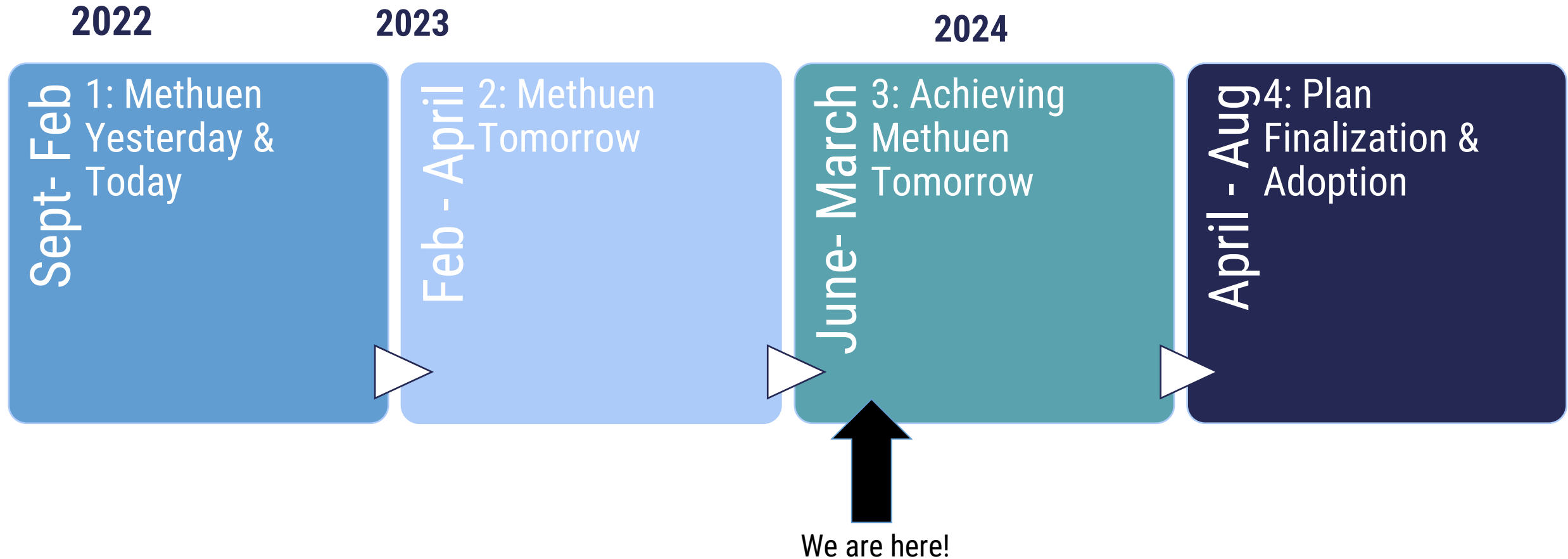


Methuen 2035: Master Plan

Supported by representatives from

- Mayor Perry's Office
 - Historic District Commission
 - City Assessor
 - Historic Planner
 - City Clerk
 - Holy Family Hospital
 - City Council
 - Licensing Board
 - Community Development Board
 - Methuen Businesses
 - Confidential Secretary
 - Methuen Residents
- Conservation Commissions
 - Police Department
 - Conservation Officer
 - Recreation Department
 - Department of Public Works
 - School Committee
 - Elder Services
 - School Department
 - Fire Department
 - Zoning Board of Appeals
 - Health, Human Services, & Inspections

Methuen 2035: Master Plan



Methuen 2035: Master Plan

Five elements



LAND USE



PUBLIC SERVICES & FACILITIES



CULTURAL & HISTORIC RESOURCES



ECONOMIC DEVELOPMENT

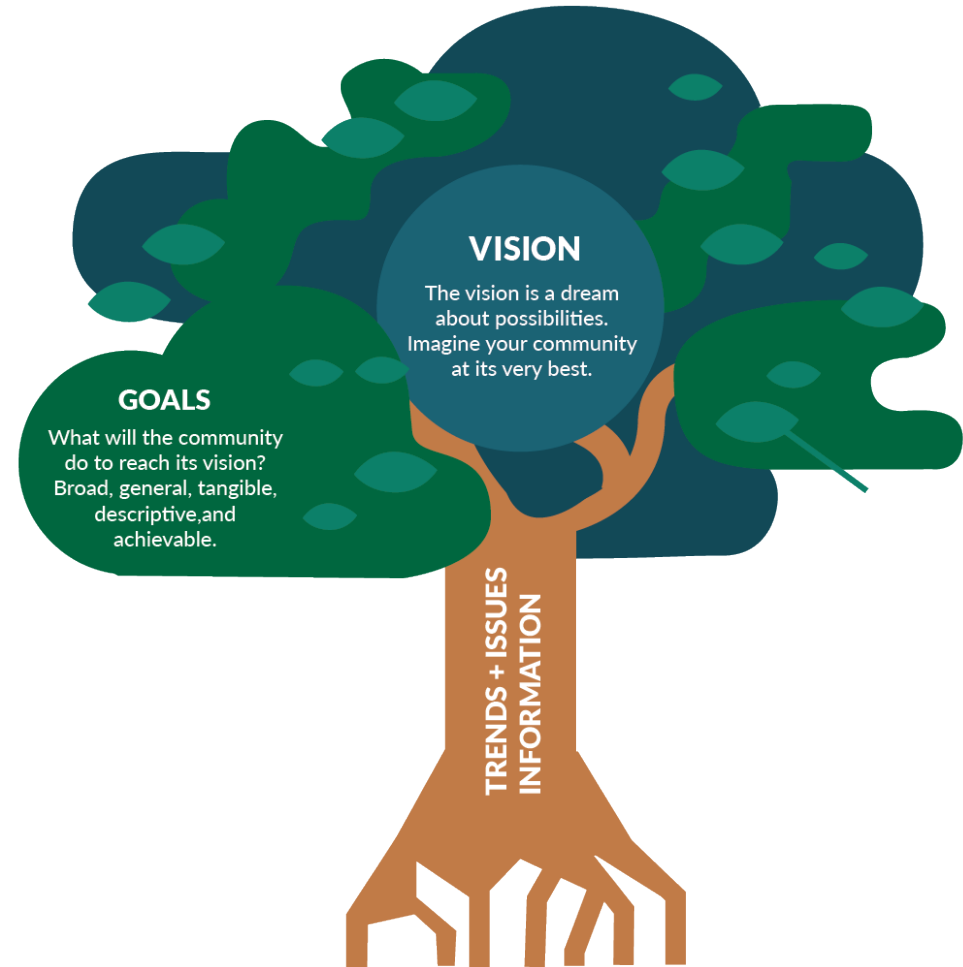


HOUSING

Methuen 2035: Master Plan

Plan Components

- Vision – hopeful, but realistic
- Goals – conditions you are aiming for
- Strategies – how you will achieve your goals
- Action Plan – a structure and process for implementation



Methuen 2035: Master Plan

Overall Community Vision Statement

In 2035 . . .

- Methuen will be a fiscally responsible and inclusive northern gateway city and an anchor in the regional economy.
- **Our city will balance new growth while honoring its historic and cultural appeal.**
- **It will be defined by its celebration of abundant historic and cultural assets, thriving and walkable Downtown, strong schools, and financially attainable housing.**
- Public services will be delivered through a transparent and efficient government with representative leadership.
- Methuen will recognize the challenges of our most vulnerable members and rise to meet their needs through proactive engagement strategies.
- **Methuen will have homes appropriate at all stages of life and diverse incomes to support its many long-term residents while welcoming new families and individuals that add to the community's civic life.**
- Our city will be a safe place where all feel comfortable living, working, learning, and playing.

Methuen 2035: Master Plan

Relevant Housing Goals

- Provide "Missing Middle" Housing in Urban Districts
- Provide a broader range of housing options, including tenure, price points, and housing types in residentially zoned districts.
- Create City-wide financially attainable housing options at various income levels through zoning, policy, programs, advocacy, and funding strategies.



Overview of the MBTA Communities Act

What is the MBTA Communities Act MGL c. 40A Section 3A?

The law established a requirement that each of the 177 designated MBTA Communities (MGL c. 161A Section 1) must have zoning that:

1. Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
2. Cannot have age-restrictions and shall be suitable for families with children.
3. Must have a minimum gross density of 15 dwelling units per acre.
4. Part of the district must be located within 0.5 miles from a commuter rail, subway, ferry, or bus station, as applicable.

What is the purpose behind the new law?

1. Massachusetts has a housing shortage, and we need to produce more housing.
2. The amount of housing that is financially attainable to most households is dwindling.
3. The Commonwealth is at a disadvantage to compete for businesses, jobs, and talent.
4. Placing housing near transit is good housing, economic, transportation, and climate policy.

What the MBTA Communities Act is **NOT**.

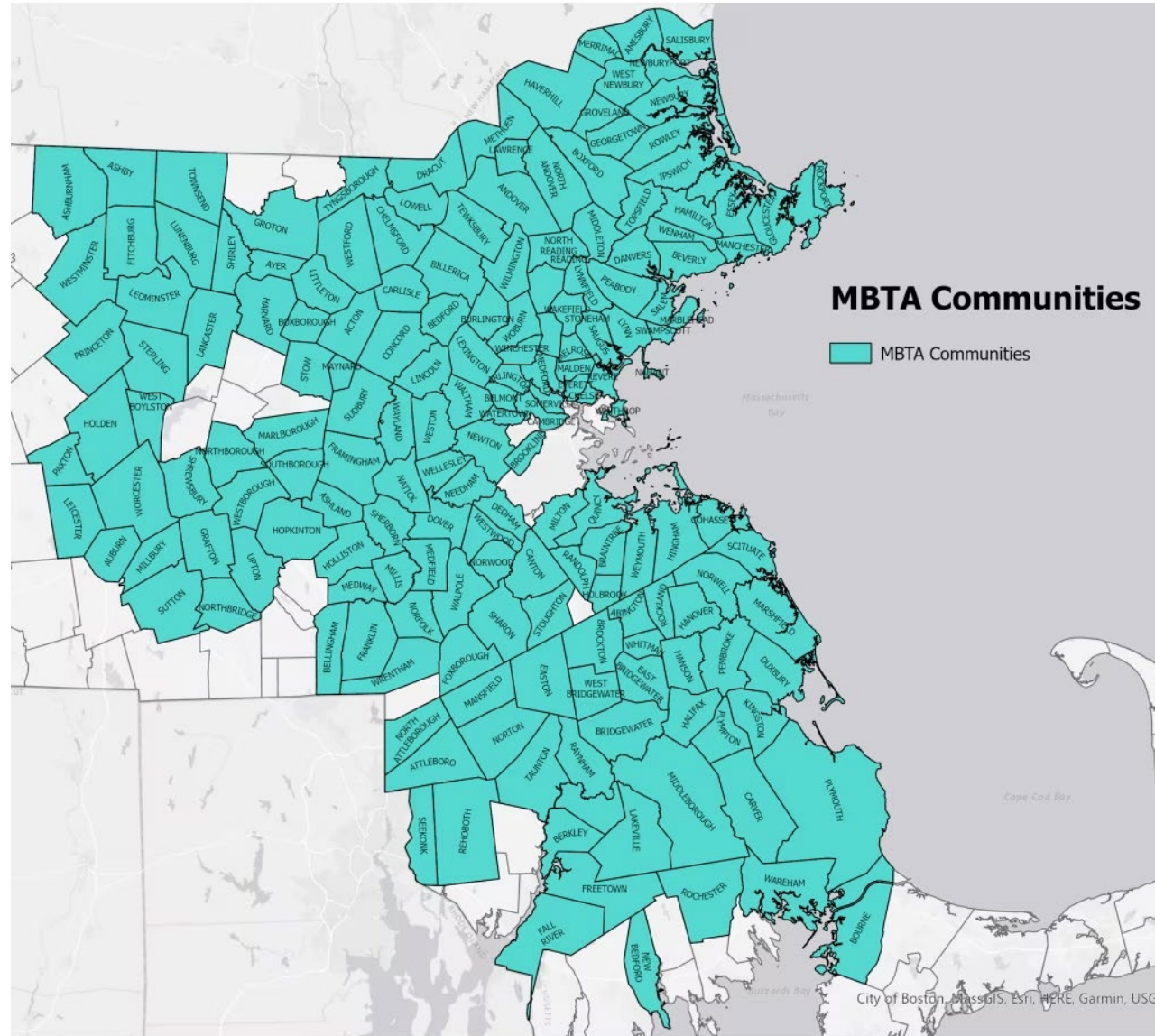
- ▶ It is **NOT**: A mandate to build housing.
- ▶ It is **NOT**: A housing production target.
- ▶ It is **NOT**: Restricted to only addressing affordable housing needs.
- ▶ It is **NOT**: A one-size fits all tool to address all housing needs in a community.
- ▶ It is **NOT**: Viewed as optional by the Commonwealth & Attorney General.

Overview of the MBTA Communities Act

Who is required to comply with Section 3A?

There are 177 designated MBTA Communities that are required to comply with Section 3A. These communities are designated under MGL c. 161A Section 1 and include:

- ▶ The “14 cities and towns” that initially hosted MBTA service;
- ▶ One of the “51 cities and towns” that also host MBTA service but joined later;
- ▶ Other “served communities” that abut a city or town that hosts MBTA service; or
- ▶ A municipality that has been added to the MBTA under G.L. c. 161A, sec. 6 or in accordance with any special law relative to the area constituting the authority.

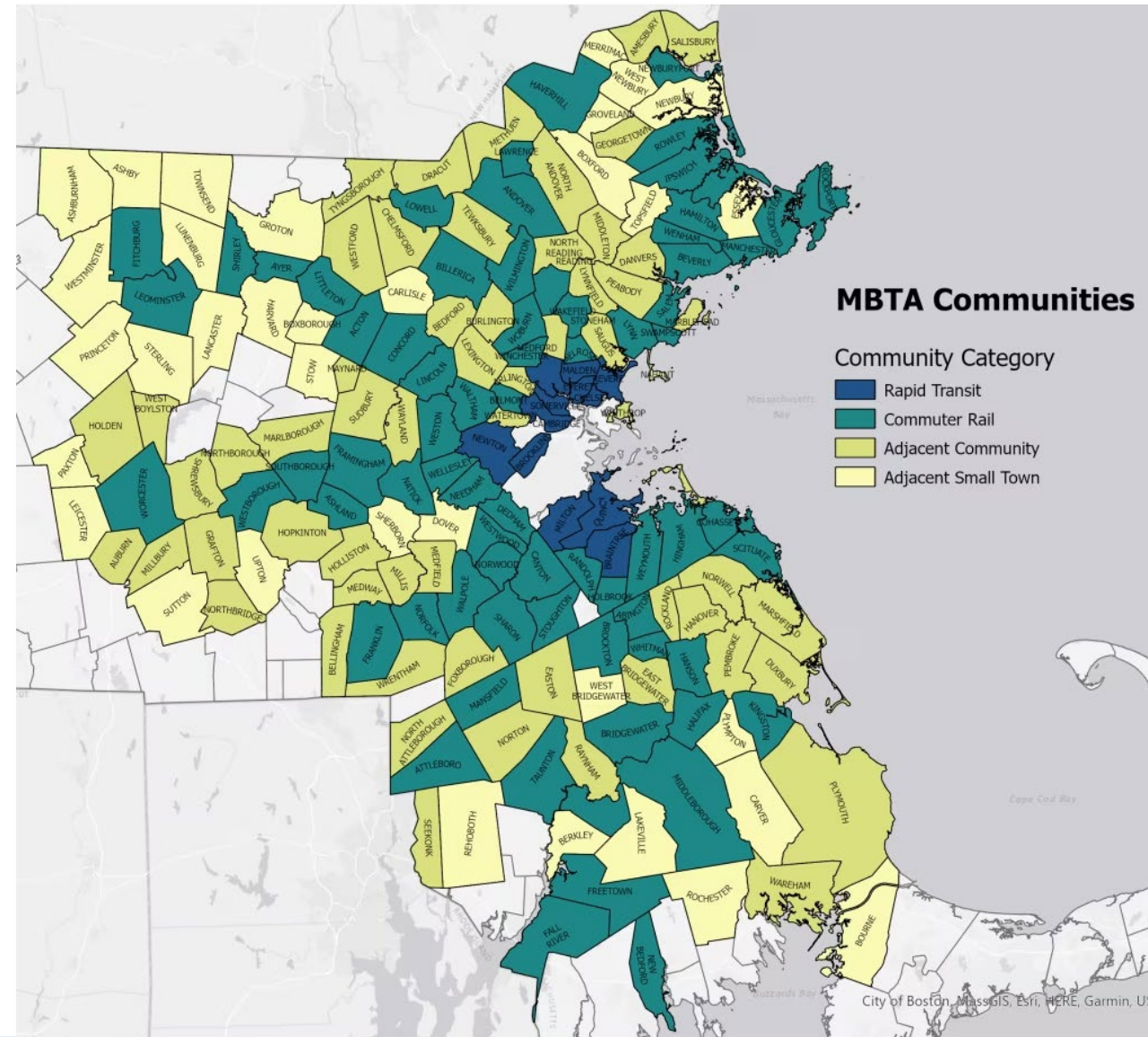


Overview of the MBTA Communities Act

How are communities grouped and when must they comply?

There are four different groupings of communities which are based on the type of MBTA service provided and/or the size of the community. These include:

- ▶ Rapid Transit Communities – December 31, 2023
- ▶ Commuter Rail Communities – December 31, 2024
- ▶ **Adjacent Communities – December 31, 2024**
- ▶ Adjacent Small Town – December 31, 2025



What are the implications if the Town does not comply?

Loss of the City's opportunity to:

- ▶ Support economic development by locating housing near centers of economic activity.
- ▶ Address housing needs identified through other planning processes, including the current master plan process.

Loss of access to grant funds:

- ▶ Per Section 3A:
 - ▶ Housing Choice Initiative
 - ▶ Local Capital Projects Fund
 - ▶ MassWorks infrastructure program
- ▶ Additional grant programs:
 - ▶ Community Planning Grants, EOHLC
 - ▶ 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
- ▶ Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Attorney General's Advisory Guidance (March 2023)

- ▶ **"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."

Overview of the MBTA Communities Act

MBTA Communities is a tool, it is not the tool.

Unsheltered	Extremely Low/ Low Income	Moderate Income/Workforce	Market Rate
<ul style="list-style-type: none">▶ HUD Funding (ESG, HPRP, CoC)▶ Emergency Shelters▶ Permanent Housing	<ul style="list-style-type: none">▶ Public Housing▶ Project Based Vouchers▶ Mobile Vouchers▶ Rental Assistance Programs▶ Rental Assistance Demonstration (RAD) Conversions▶ Low Income Housing Tax Credits▶ Community Land Trust▶ Local Affordable Housing Trust▶ 40B Developments	<ul style="list-style-type: none">▶ Inclusionary Zoning▶ First Time Homebuyer Program▶ Zoning Incentives▶ Local Affordable Housing Trust▶ 40B Developments▶ 40R Districts▶ MBTA Communities 3A▶ MassHousing Workforce Housing Initiative▶ UCH-TIF	<ul style="list-style-type: none">▶ Zoning Incentives▶ 40R Districts▶ MBTA Communities 3A▶ Accessory Dwelling Units▶ UCH-TIF▶ HDIP

Zoning is not housing production, there are additional factors that guide production:



Market Strength

- ▶ Community must show demand for housing and price points that support new construction/rehab.



Financial Feasibility

- ▶ Revenue must be higher than cost with favorable lending conditions for development to occur.



Developable Sites

- ▶ Community must have developable sites that are right for multifamily housing production.



Willing Sellers

- ▶ Must be property owners willing to sell their land to spur new development projects.



Available Labor

- ▶ Must be adequate and available labor in the trades to build the housing.



Desirability of the Community

- ▶ Community must be a place people want to live, work, and enjoy to create market demand and development interest.

Overview of the MBTA Communities Act

Common Questions: How is multi-family defined?

Multi-family housing means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

(Massachusetts EOHLC Compliance Guidelines)

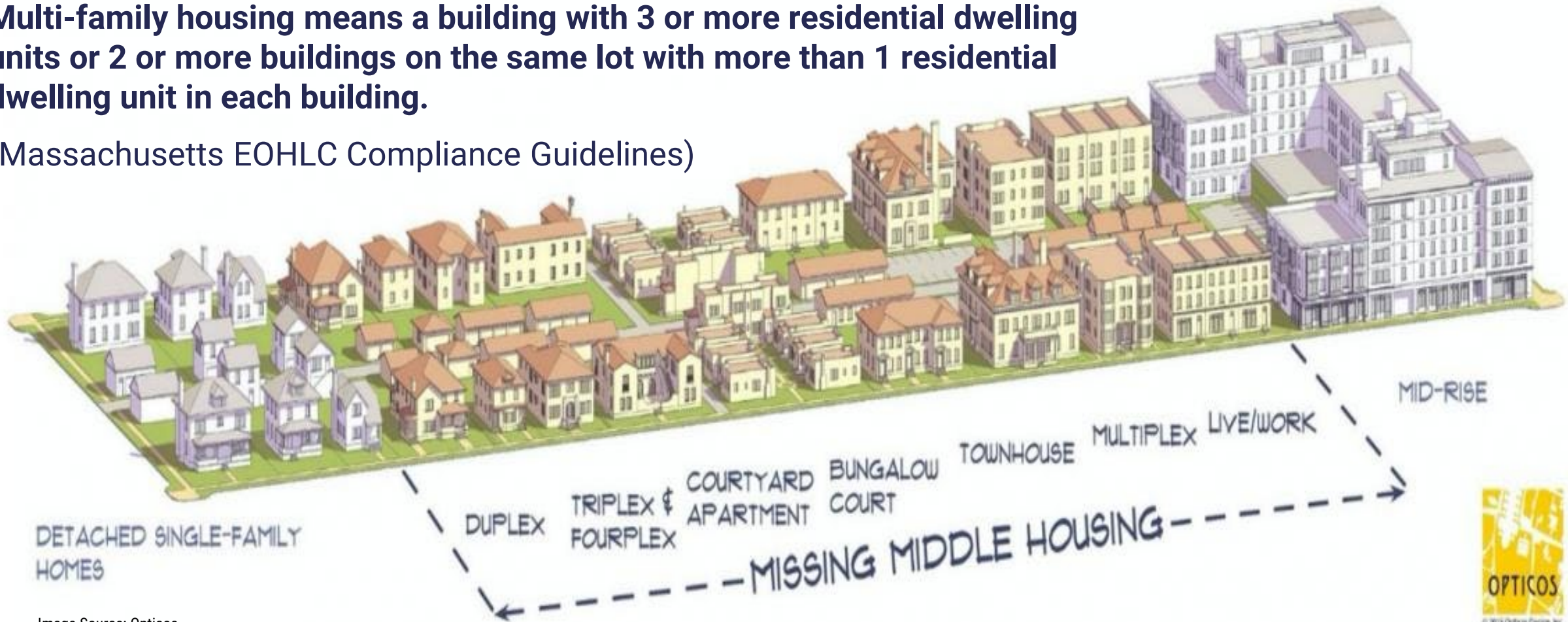


Image Source: Opticos

Overview of the MBTA Communities Act

Common Questions: What about mixed-use?

Mixed-use or a combination of residential and non-residential, can be **allowed, but not mandated**.

Some zoning requires active ground-floor uses, ground-floor retail and restaurant, pedestrian-activated commercial uses, or similar requirements. Again, these can be **allowed, but not mandated**.

Zoning that is compliant:

- ▶ **cannot** mandate mixed-use development in the MBTA district.



Innes Associates

Overview of the MBTA Communities Act

Common Questions: What about affordability?

Communities can set requirements for affordable housing, but the requirements **must meet certain thresholds**.

Affordable housing requirements **cannot** exceed 10% of the total units offered at no less than 80% of the area median income.

If a town wants to go above 10% and/or below 80%, they must complete an **economic feasibility analysis** to prove the requirement will not create financial hardship for new development.



Microsoft Stock Photo

Overview of the MBTA Communities Act

Common Questions: What about senior housing?

Senior housing can be **allowed but not mandated**.

Zoning that is compliant:

- ▶ **cannot** mandate an **age-restriction** for housing.
- ▶ **cannot** regulate the:
 - ▶ **size of units** in square feet.
 - ▶ the bedroom size or **mix of bedrooms**.
 - ▶ the **size of bedrooms** in square feet.
 - ▶ regulate or limit the **number of occupants** in a unit.



Microsoft Stock Photo (all)

Overview of the MBTA Communities Act

Common Questions: What about infrastructure (traffic, water, wastewater, stormwater) and the environment (wetland buffers)?

The presence of infrastructure is **not regulated by zoning**.

However, the **Site Plan Review** process allows the community and the applicant to discuss certain impacts, including how much traffic a project is estimated to generate and how the applicant will address the provision of water and the treatment of wastewater and stormwater.

Applicants will also need to **meet requirements outside zoning**, including, but not limited to, the Building Code, the rules and regulations of the Board of Health and the Conservation Commission, the MS4 permit, and state regulations for surface water, wetlands, and Title V.



Microsoft Stock Photo

Overview of the MBTA Communities Act

Common Questions: What about architectural and site design?

The Sample Zoning includes examples of development standards and language to add advisory design guidelines.


Both can be reviewed during either an **administrative review** process (staff) or a **Site Plan Review** process (usually the Planning Board, sometimes an advisory Design Review Board).

Development standards should be specific and measurable (quantifiable). **Design guidelines** may focus on the design of the building or the site and are not mandatory.



STOREFRONTS

Storefront systems have a base or bulkhead, the display window, and the top, which may be a series of panels or transoms that link the door and window(s). The door is often recessed and also made of glass. The upper panels or transom may be topped with a sign band and a cornice or just a cornice.

Storefronts with recessed entryways to ground-floor commercial spaces should be preserved or restored to their original format.



On Primary and Secondary Streets, storefront windows must allow a view of the interior of at least 4 feet from the glass. Windows may not be covered with signs or permanently covered with shades.



DRAFT Downtown Creative District Design Guidelines | City of Pittsfield

Innes Associates

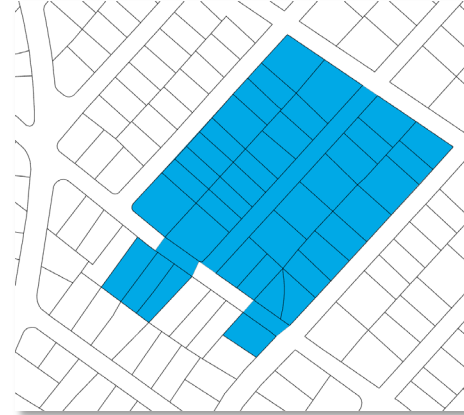
Overview of the MBTA Communities Act

Common Questions: Why can't we count existing units or units in the development pipeline (permitted or under construction)?

Zoning is about **what a property could be**, not what it is now.

The compliance model measures the **potential unit capacity** of an area based on its zoning, not based on what is there now.

If the zoning changes, then a property owner has the **option** to do something different. Exercising that option depends on many other factors.



This zoning district's unit capacity may be different based on the difference between what is there now and the existing zoning.



Innes Associates (all)

Common Questions: What is the difference between Excluded Land and Sensitive Land?

Excluded Land

- ▶ **CANNOT** be modeled for unit capacity.
- ▶ Includes the following:
 - ▶ Hydrological features
 - ▶ Protected/restricted open space
 - ▶ Wellhead Protection Areas (Zone I only)
 - ▶ Title 5 setbacks and Surface Water Protection Zone A
 - ▶ Rights of way
 - ▶ Most public land, except certain types

Sensitive Land

- ▶ **CAN** be modeled for unit capacity.
- ▶ Includes the following:
 - ▶ Wellhead Protection Areas (Zone II and Interim Wellhead Protection Areas)
 - ▶ Special Flood Hazard Areas (A or V flood zones)
 - ▶ Active Farmland
 - ▶ Priority Habitats of Rare Species
 - ▶ Surface Water Protection Zones B & C

Compliance Requirements

Overview of the MBTA Communities Act

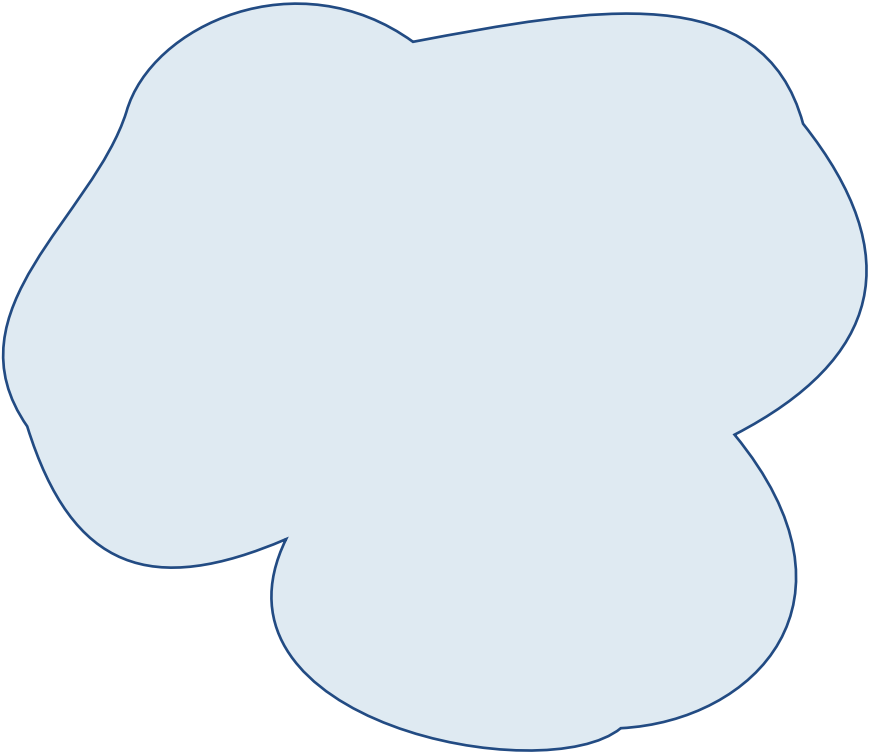
What are the compliance tests we need to complete?

There are three primary compliance tests every MBTA Community will need to complete.

Land Area

Capacity

Zoning



Overview of the MBTA Communities Act

What are the compliance tests we need to complete?

There are three primary compliance tests every MBTA Community will need to complete.

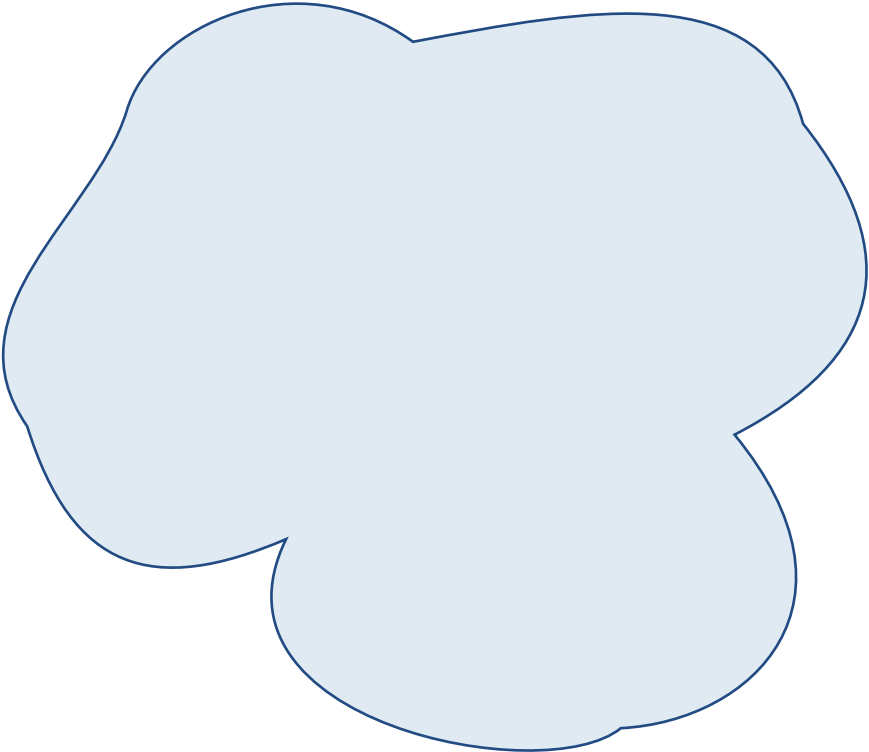


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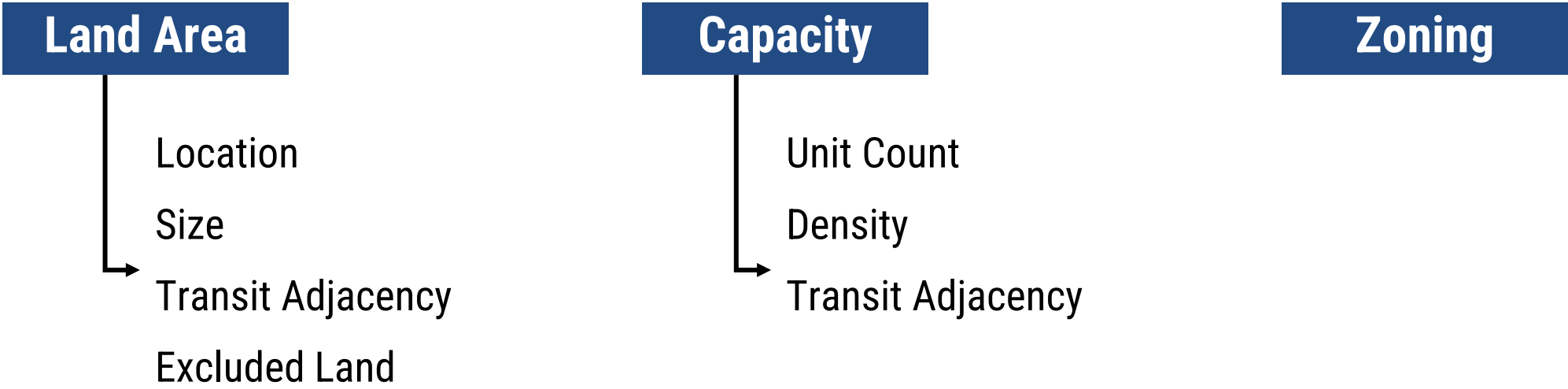


Zoning

Overview of the MBTA Communities Act

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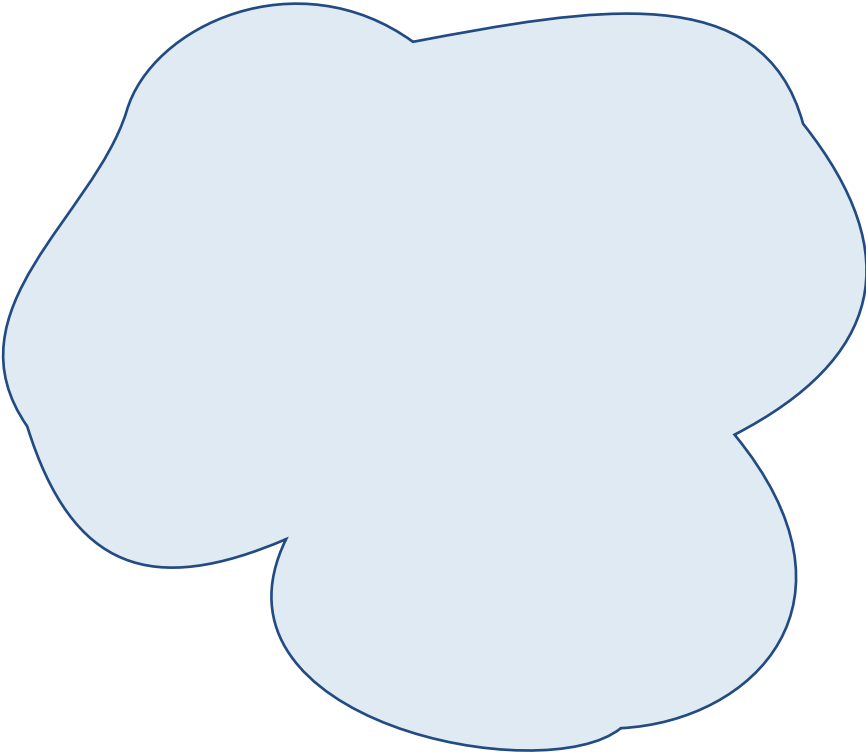


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Capacity



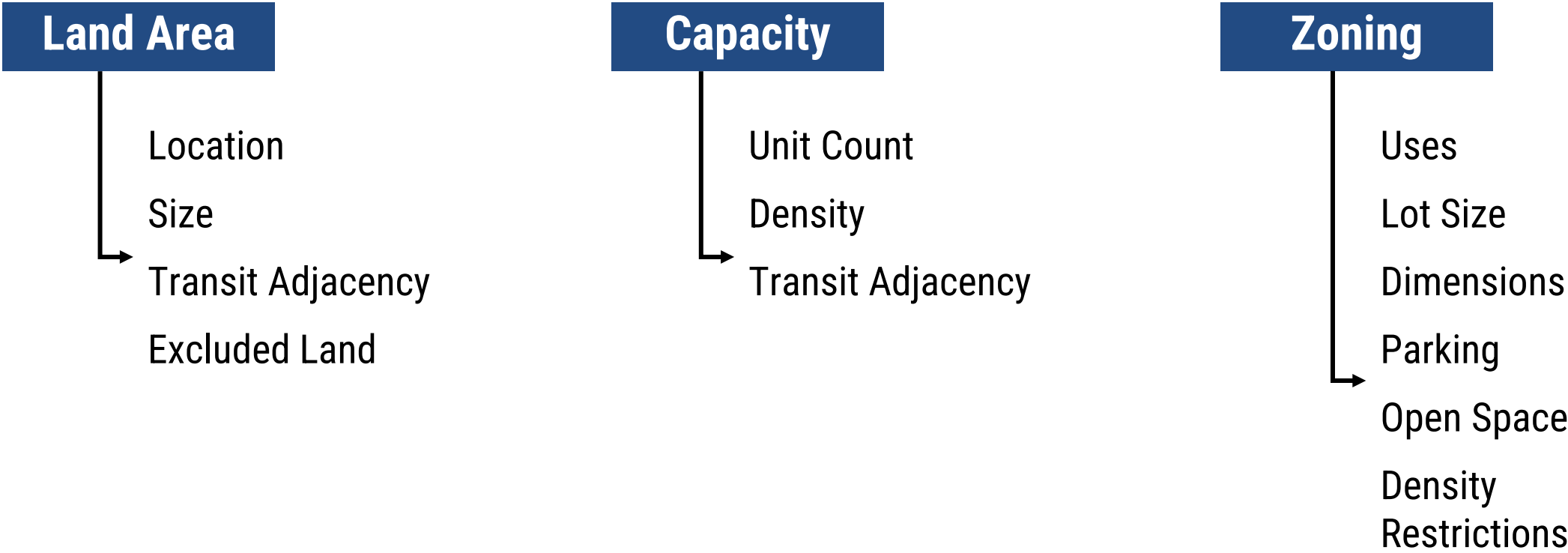
Zoning



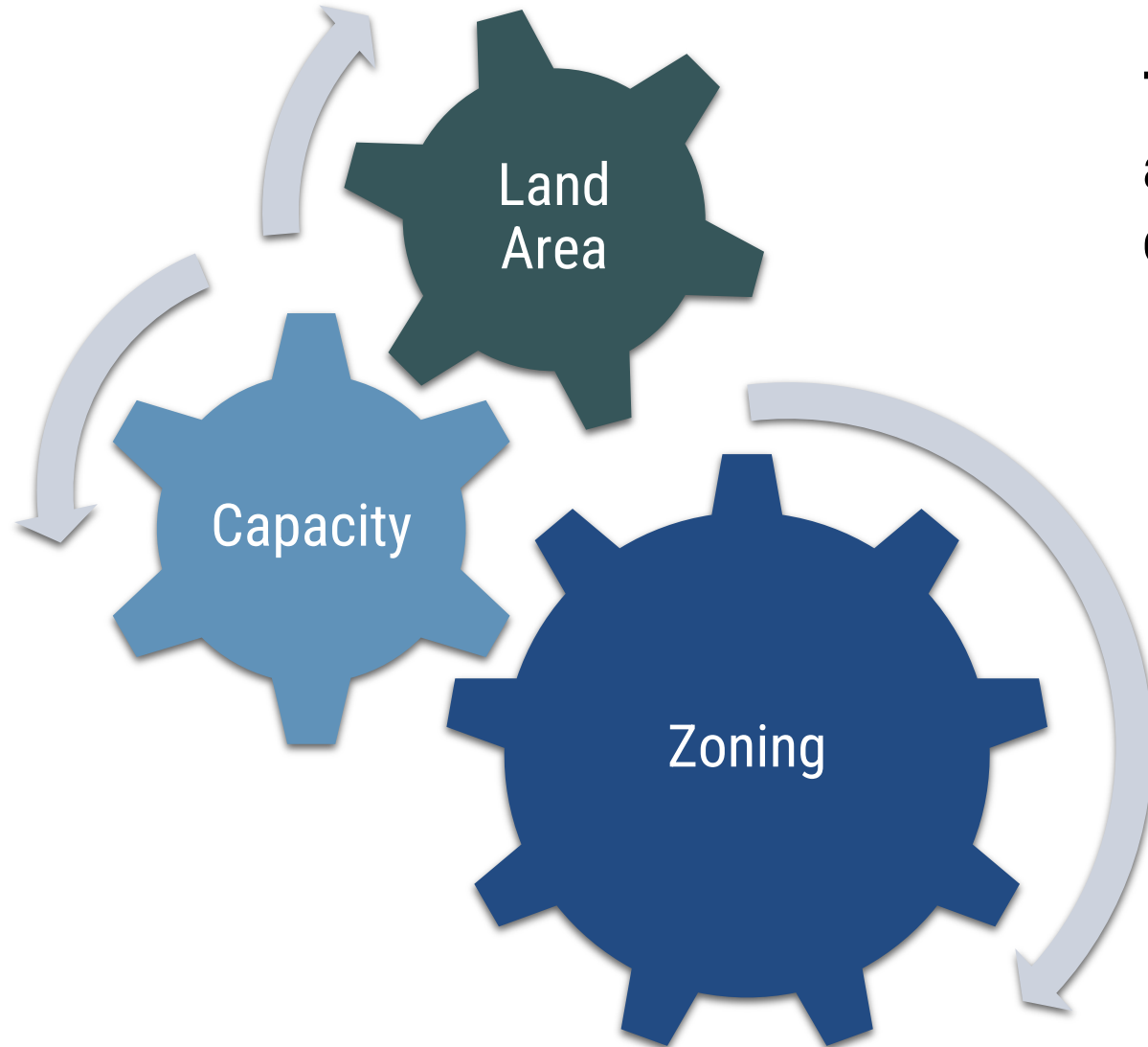
Overview of the MBTA Communities Act

What are the compliance tests we need to complete?

There are three primary compliance tests every MBTA Community will need to complete.



Overview of the MBTA Communities Act



The relationship between each test and measurement is key to creating compliant district(s) and zoning.

LET'S REVIEW EACH TEST...

1 – Land Area

The area of land that the Town has designated as its zoning district.

What are Methuen’s minimum land area requirements?

Metric	Methuen’s Requirement
Minimum Land Area	50 acres
% to be Located in Station Area	0%
Minimum Contiguous District Size	25 acres or 50% of the total district size

2 – Unit Capacity

The number of dwelling units could be produced in a specific land area according to the requirements of the applicable zoning.

What are Methuen’s minimum unit capacity requirements?



Metric	Methuen’s Requirement
Minimum Unit Capacity	2,019 units
% to be Located in Station Area	0%
Minimum Density Requirement	15 DU/AC

3 – Zoning

What someone can or cannot do with a piece of land.

What are Methuen's zoning requirements?

We don't know yet – we need YOUR input!

Regulated Uses.
Building Height.
Setbacks.
Parking.
Floor Area Ratio.
Lot Coverage.
Dwelling Units per Acre.
Lot Area per Dwelling Unit.
Open Space Requirements.

By Right.
Special Permit.
Site Plan Review.
Design Review.
Design Guidelines.
Mixed Use.
Landscaping Requirements.
Lighting.
Multiple Buildings on Lot.

3 – Zoning

What someone can or cannot do with a piece of land.

What are Methuen's zoning requirements?

We don't know yet – we need YOUR input!

Lot Size.

Regulated Uses.

- By Right.
- Special Permit.
- Site Plan Review.

Building Height.

Setbacks.

Parking.

Floor Area Ratio.

Lot Coverage.

Open Space Requirements.

Dwelling Units per Acre.

Lot Area per Dwelling Unit.

Parking.

Design Review.

Design Guidelines.

Mixed Use.

Landscaping Requirements.

Lighting.

Multiple Buildings on Lot.

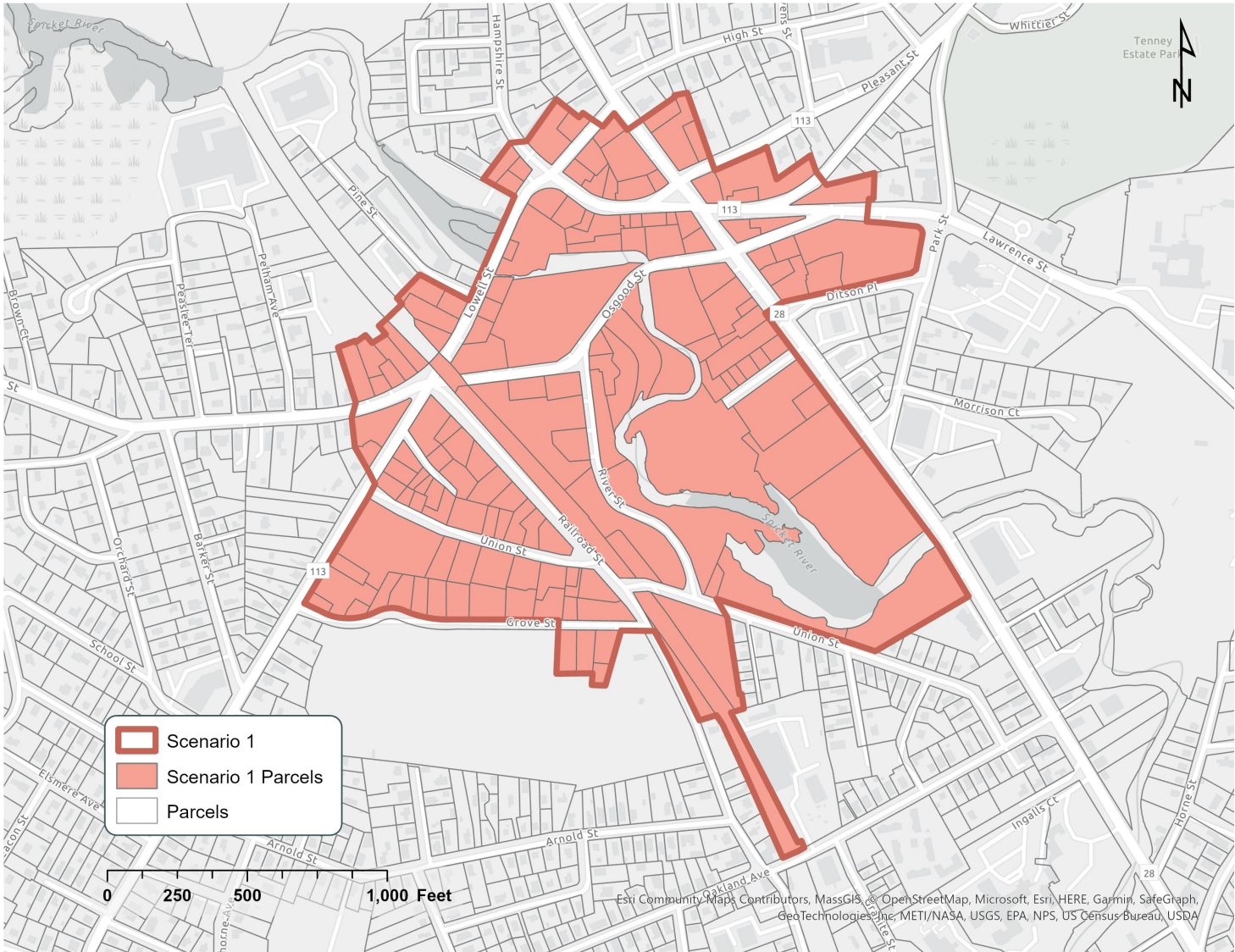
Initial Tests

Compliance Requirements

Scenario 1: MCSGOD Expanded Boundaries

71.2 Gross Acres

This district expands the boundaries of the current MCSGOD district to the southwest encompassing parcels around Union St and Grove St.



Compliance Requirements

Scenario 2: Subdistrict Test

71.2 Gross Acres

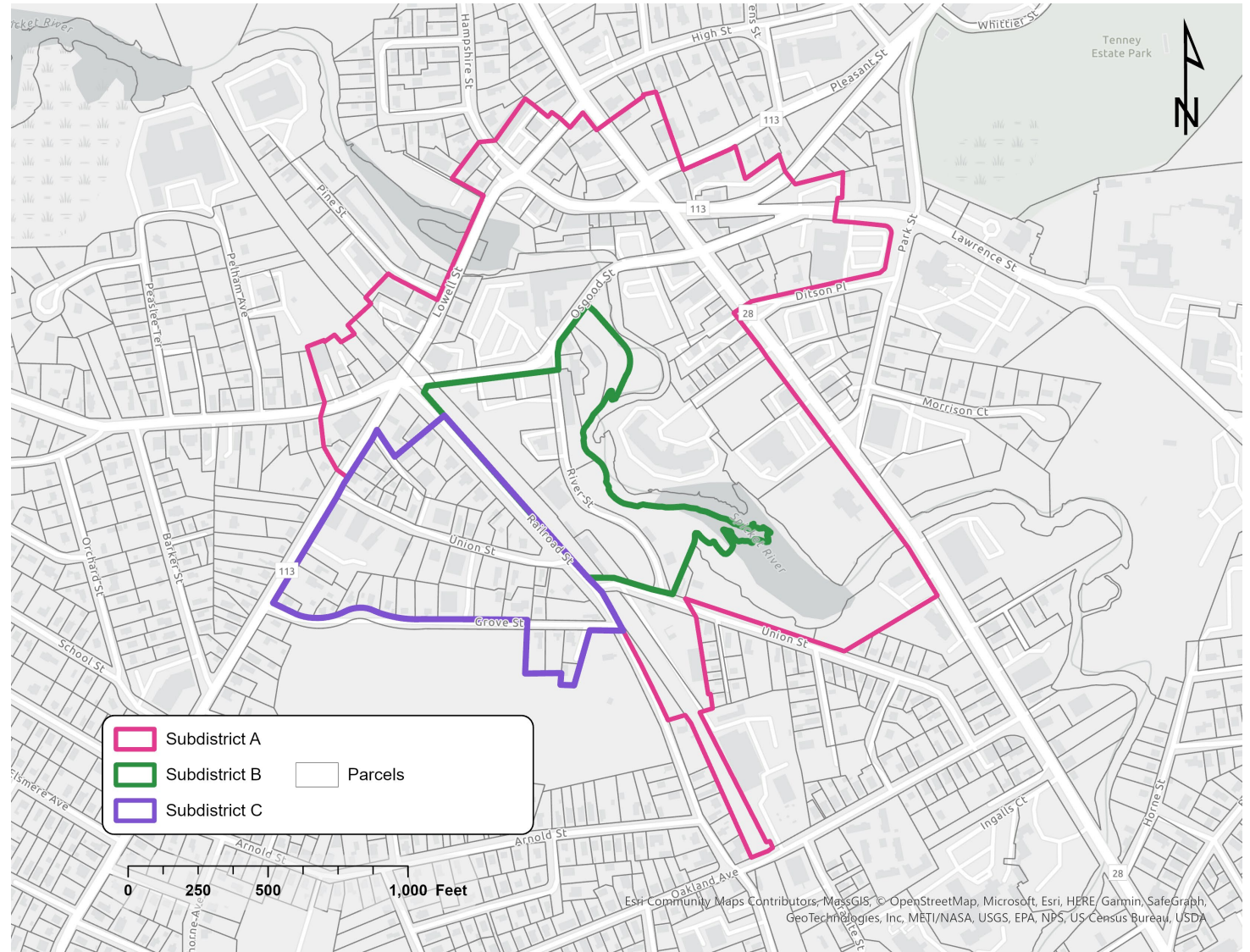
Subdistrict A: 48.75 Gross Acres

Subdistrict B : 9.5 Gross Acres

Subdistrict C: 12.9 Gross Acres

Subdistricts can be used to establish different density limits within the overall multi-family zoning district providing the total acreage exceeds the minimum requirement for 50 acres.

This map shows the 3 Subdistricts within the boundary of the expanded MCSGOD (Scenario 1).



Model Results and Summary

Unit Capacity Test Scenarios

At the dimensional standards tested, Scenarios 1 and 2 would each provide a little over half the total number of units needed. Each scenario meets the test for district acreage and gross density. Note that adding a fifth story to Subdistrict B does not add that many units. This is because **the limiting factor is the current 30 units per acre limitation in the existing 40R.**

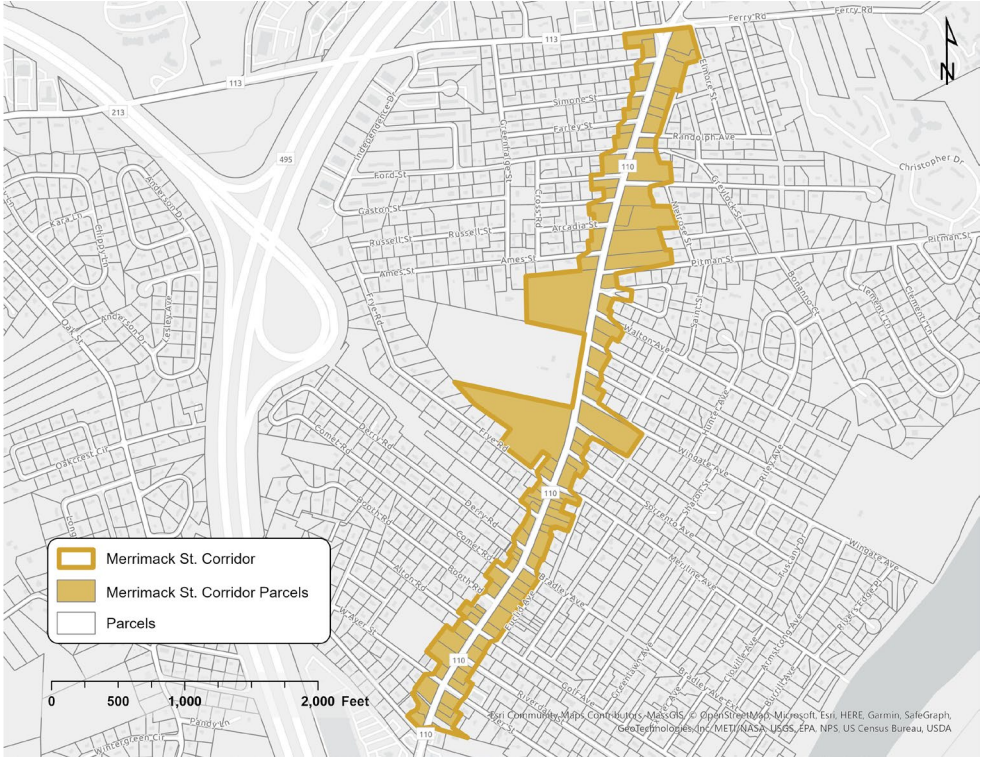
Methuen District Model Results			
Compliance Metrics	Requirements	Scenario 1: MCSGOD Exp	Scenario 2: Subdistricts
District Acreage	50 Acres	71.2	71.2
Density Denominator Acreage		61.2	61.2
Acreage within Transit Area		N/A	N/A
Unit Capacity	2,019 units	1,323	1,335
Units within Transit Area		N/A	
DU/AC (Gross density)	15 DU/AC	21.6	21.8

Model Results and Summary

Merrimack St Corridor Capacity Test

Using the MBTA Communities Compliance Model to test the districts’ location, size, and zoning parameters we found that with the current zoning the Merrimack St Corridor district would provide Methuen with the land area and density and over 50% of the required unit capacity to meet the requirements of Section 3A. This is based on dimensional standards for the BN district, which does not currently allow multifamily as-of-right, but is the predominant zoning district along the corridor.

Methuen District Model Results		
Compliance Metrics	Requirements	Merrimack St Corridor
District Acreage	50 Acres	53.03
Density Denominator Acreage		52.95
Acreage within Transit Area		N/A
Unit Capacity	2,019 units	1,146 units
Units within Transit Area		N/A
DU/AC (Gross density)	15 DU/AC	21.6 DU/AC

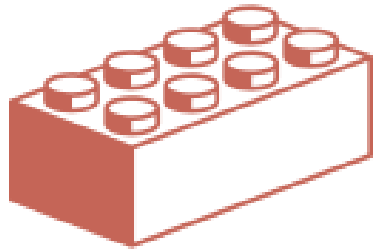


Land Area and Capacity Interactive Session Report Back

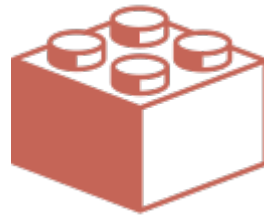
Step 2: Capacity

Use the Legos to tell us how many dwelling units should be placed in which areas.

Draw the boundaries of your proposed areas.



100 units



25 units

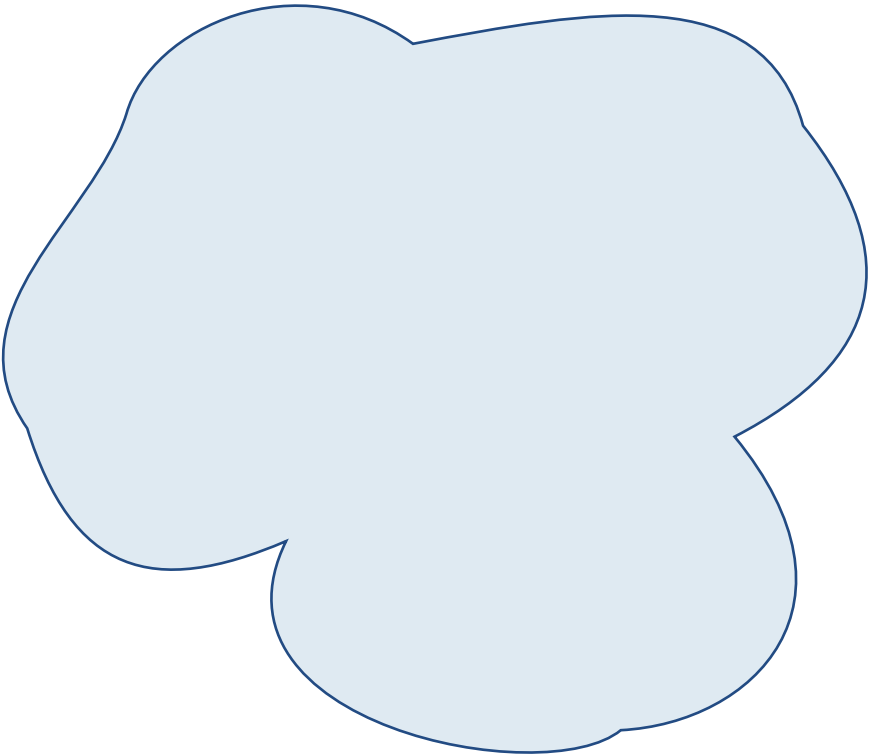


Session 2: Capacity

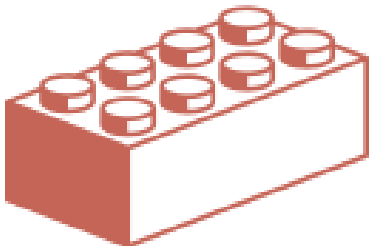
In this session, look at the areas you identified for certain housing types.

How much of each type do you want in each area?.

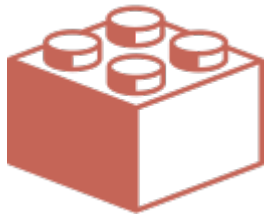
Land Area



Capacity

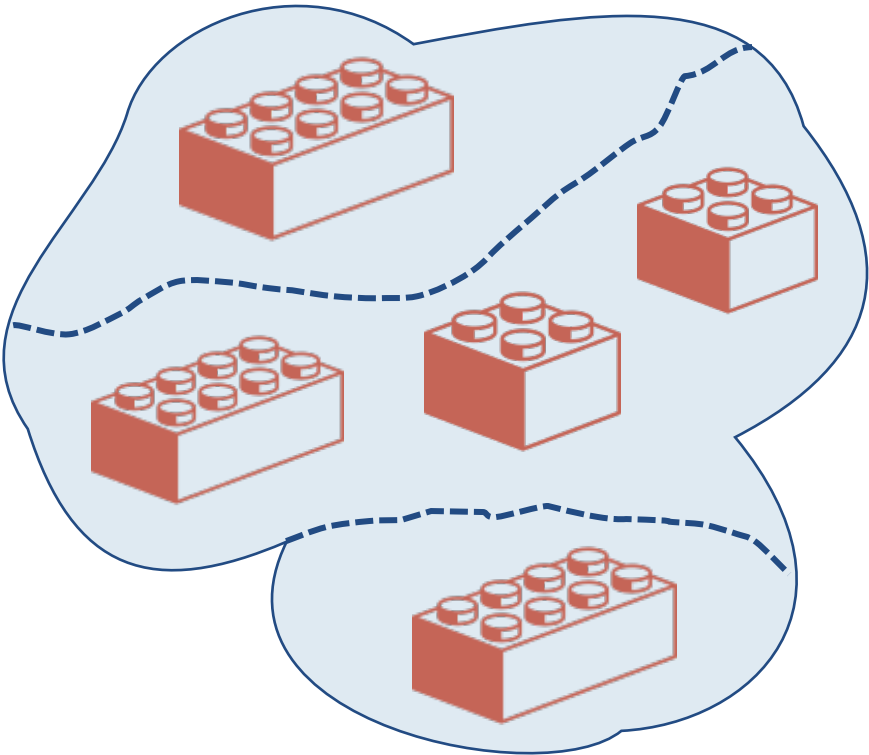


100 units



25 units

Zoning



Report Back

Next Steps