Manchester-by-the-Sea

Public Forum

April 27, 2024

Innes Associates Ltd

What is Section 3A?
(the MBTA Communities Act)

Overview of Section 3A

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

This **law** – passed in **2021** – 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**.

Overview of Section 3A

What the Section 3A is NOT.

Zoning provides options for a landowner, but does not require them to change the use on their property.

No one – private or public – is required to meet the unit capacity number.

Any housing developed will be primarily market rate. Affordability is a local option and is limited.

Towns have many options to address housing needs – this is only one tool.

Overview of Section 3A

What is the definition of multi-family housing?

"Multi-family housing" is defined as 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.

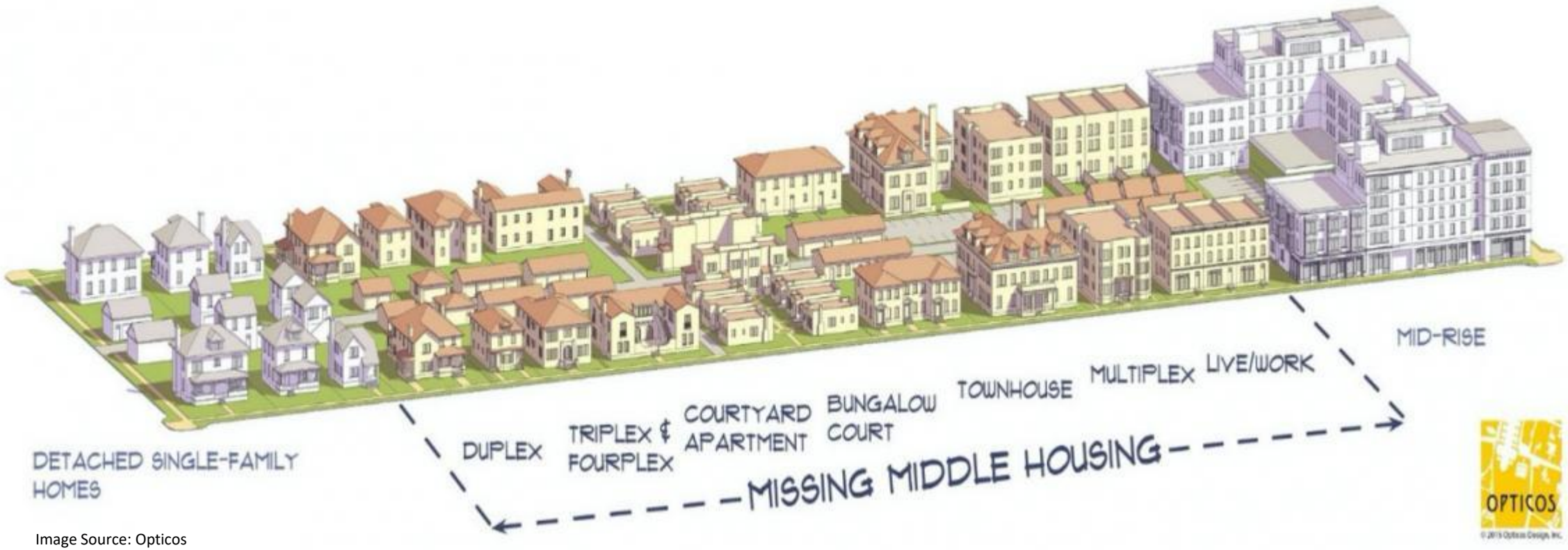


Image Source: Opticos

How does a community demonstrate compliance?

Demonstrating Compliance

Submit an application to EOHLC.*

Provide a map (the GIS shapefiles) of your district(s).

Provide a completed Compliance Model.

Provide the Town's zoning bylaws and indicate the district(s) that comply.

*Executive Office of Housing and Livable Communities

Demonstrating Compliance

Q: Do we have to change our zoning?

A: No – some communities have zoning that is compliant. Others only need to make minor changes.

The Compliance Model can be used to test whether a town already has zoning that is compliant.

Demonstrating Compliance

Q: What is the Compliance Model?

A: The Compliance Model is an Excel workbook that draws information from two sources:

- **The Town's zoning (the dimensional standards or zoning parameters)**
- **A state database of parcel information (calculations related to land)**

The model has a series of formulas that apply the zoning to the geography. The result is a calculation of unit capacity and density.

Demonstrating Compliance

Q: What factors influence these calculations?

A:

- For Land: Is it:
  - Developable Land,
    - Excluded Land, or
    - Sensitive Land?

  Developable and Sensitive Land can be modeled for unit capacity; Excluded Land cannot.

- For Zoning: Specific dimensional standards:
  - Minimum lot size,
  - Minimum lot area per dwelling units,
  - Open space,
  - Lot coverage,
  - Floor Area Ratio,
  - Building height,
  - Parking, and
  - Dwelling units per acre.

Demonstrating Compliance

Q: What is Excluded Land?

A: Land areas on which it is not possible or practical to construct multi-family housing:

1. All publicly-owned land, except for lots or portions of lots determined to be developable public land.
2. All rivers, streams, lakes, ponds and other surface waterbodies.
3. All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
4. Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
5. All public rights-of-way and private rights-of-way.
6. Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
7. Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

Demonstrating Compliance

Q: What is Sensitive Land?

A: Developable 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. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

Demonstrating Compliance

Q: How does the Compliance Model work?

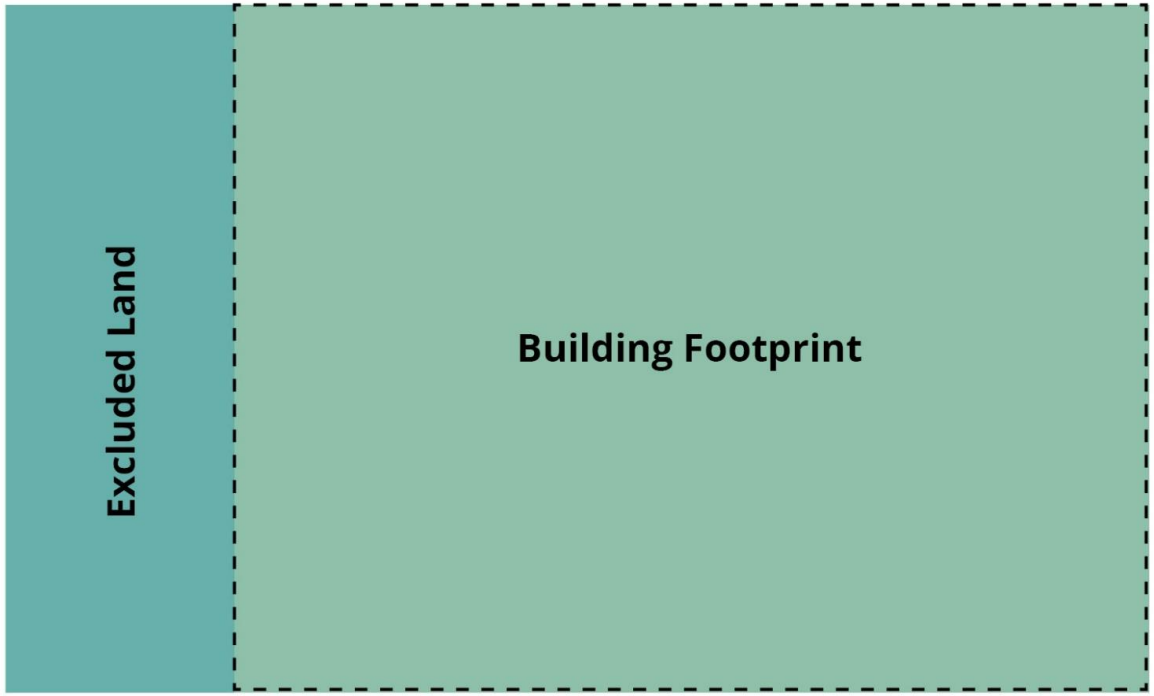
A: The Compliance Model produces an estimate of the unit capacity and density that is used to demonstrate compliance with Section 3A and the Compliance Guidelines. It works like this…

Step 1: Zoning treats the parcel like a **blank slate**. Until the Model adds restrictions, the entire parcel is available for building.

Demonstrating Compliance

Q: How does the Compliance Model work?

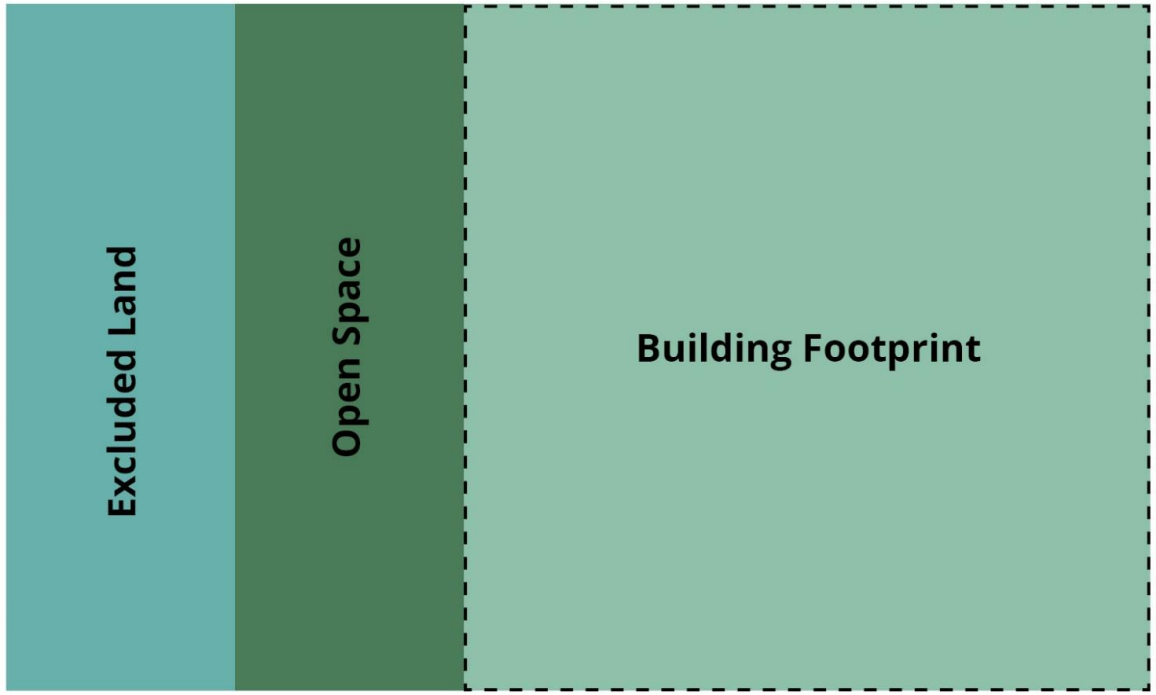
Step 2: The Model's restriction is to **remove Excluded Land** from the area available for building. Not all parcels will have Excluded Land.



Demonstrating Compliance

Q: How does the Compliance Model work?

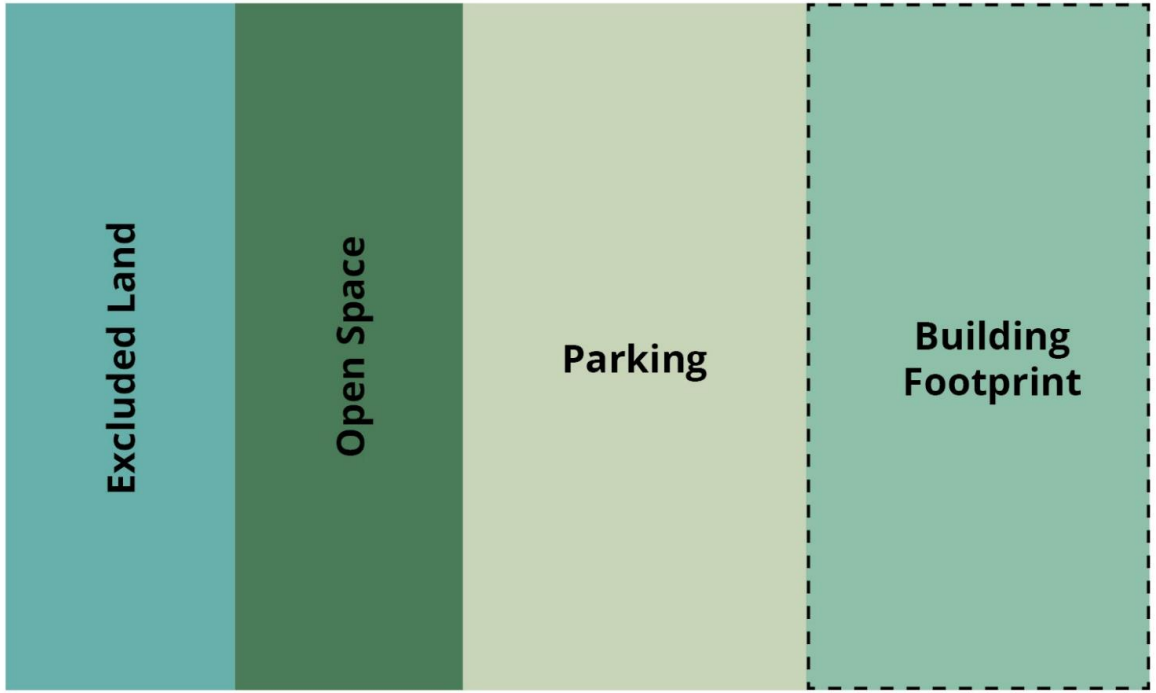
Step 3: Next, the model reduces the buildable area by **removing Open Space**. The model assumes that setbacks are included in the open space restriction.



Demonstrating Compliance

Q: How does the Compliance Model work?

Step 4: In most communities, **surface parking is more likely** because of the cost of structured parking. Surface parking competes with the space for the building footprint, and so further reduces the available space.



Demonstrating Compliance

Q: How does the Compliance Model work?

Step 5: At this point, other restrictions, such as lot coverage, **may further restrict the use of land** for the building footprint.

Step 6: Once the building footprint is set, the Model calculates the building volume.

Demonstrating Compliance

Q: How does the Compliance Model work?

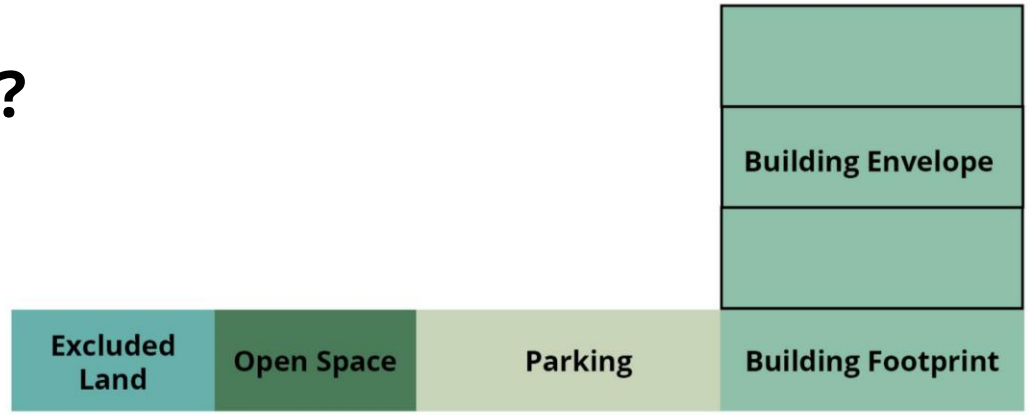
Step 7: The Model adds volume by multiplying the building's height (in stories) to the available footprint. Other restrictions at this stage include Floor Area Ratio.

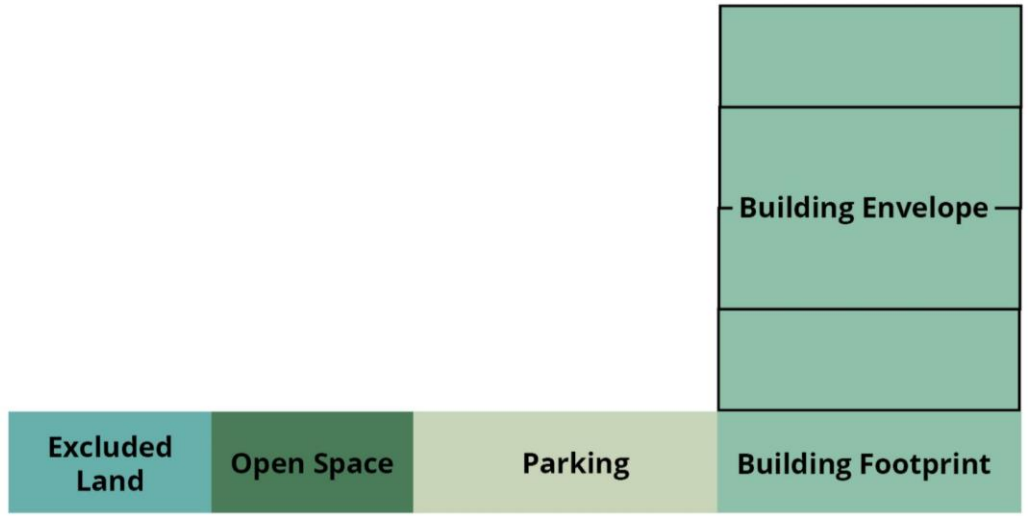
Step 8: The Model divides the total volume (in SF) by 1,000 to estimate of the number of units for this sample parcel. A limit on the number of units per parcel can restrict this result.

Demonstrating Compliance

Q: How does the Compliance Model work?

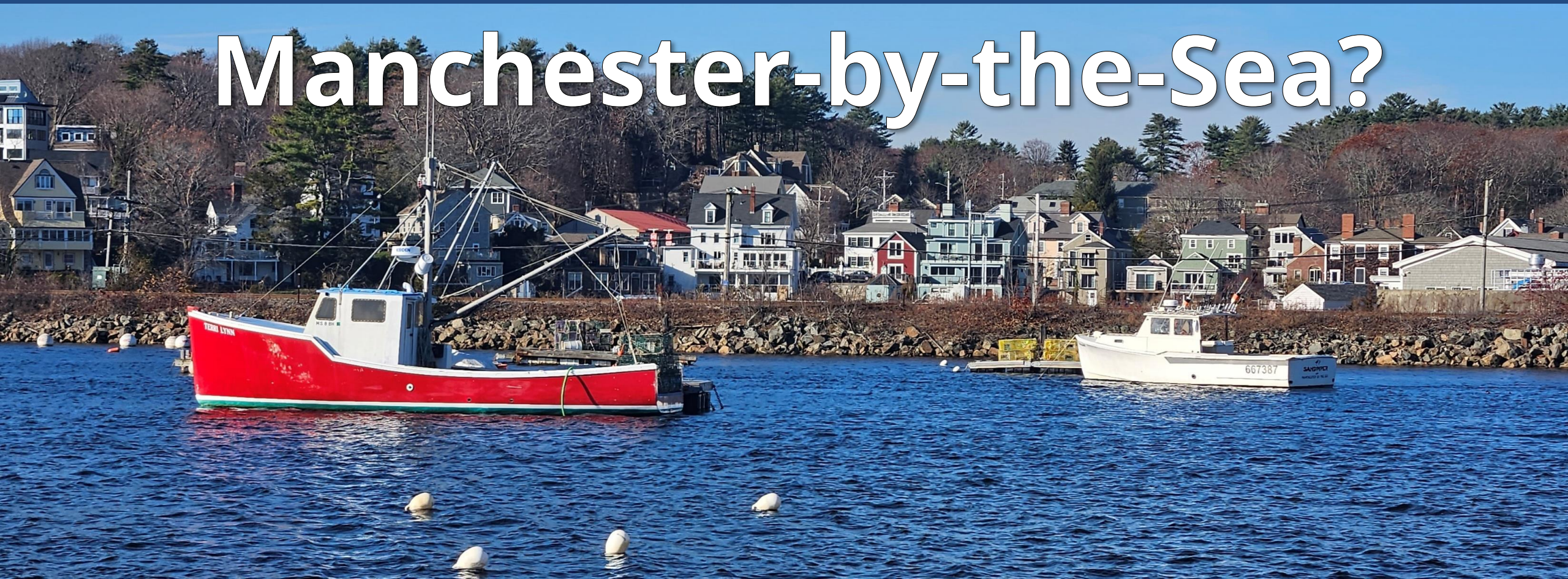
Step 9: The Model then calculates the results by district based on the individual results for each parcel in the district. The formulas in the Model include checks to make sure that it applies the zoning parameters correctly. Parcels within each district may have different results, depending on the size of the parcel and the presence or absence of Excluded Land.





What does Section 3A mean for

Manchester-by-the-Sea?



Manchester is a Commuter Rail community (deadline December 31, 2024).

Three requirements:

- **Land Area (in acres)**
  - **Station area (area within ½-mile of a train station**
  - **Contiguous area (size requirement for towns with more than one district)**
- **Estimated number of residential dwelling units (unit capacity)**
- **Residential density**

Summary of Requirements

Metric	Manchester's Requirement
Minimum Land Area	37 acres
Number of Acres within Station Area	14.8 acres (minimum)
Minimum Contiguous District Size	Minimum 50% of the total district size

Metric	Manchester's Requirement
Minimum Unit Capacity	559 units
Number of Units within Station Area	224 units (minimum)

Metric	Manchester's Requirement
Minimum Density Requirement	**15 DU/AC (average)**

Requirements for Land

MBTS has 5,888 acres of land (9.2 square miles)

MBTS is required to **re-zone a minimum of 37 acres** for multifamily use. This is **0.62%** of the total land area.

40% of the 37 acres must be within ½ mile of the train station. That is **14.8** acres.

That ½-mile radius includes 305 acres of land. 14.8 acres is **4.8%** of the station area

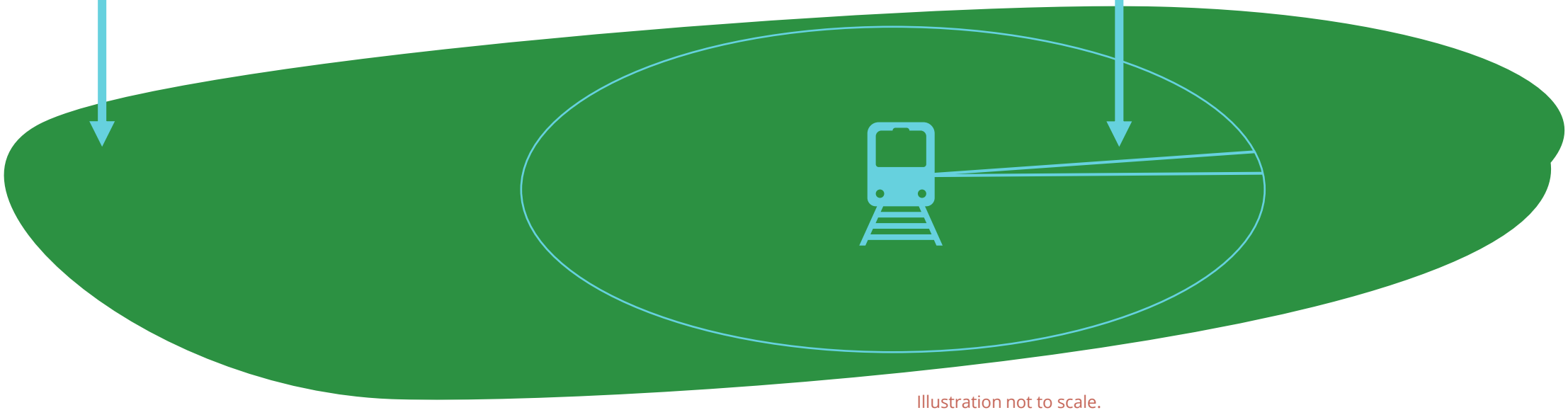


Illustration not to scale.

Requirements for Residential Units

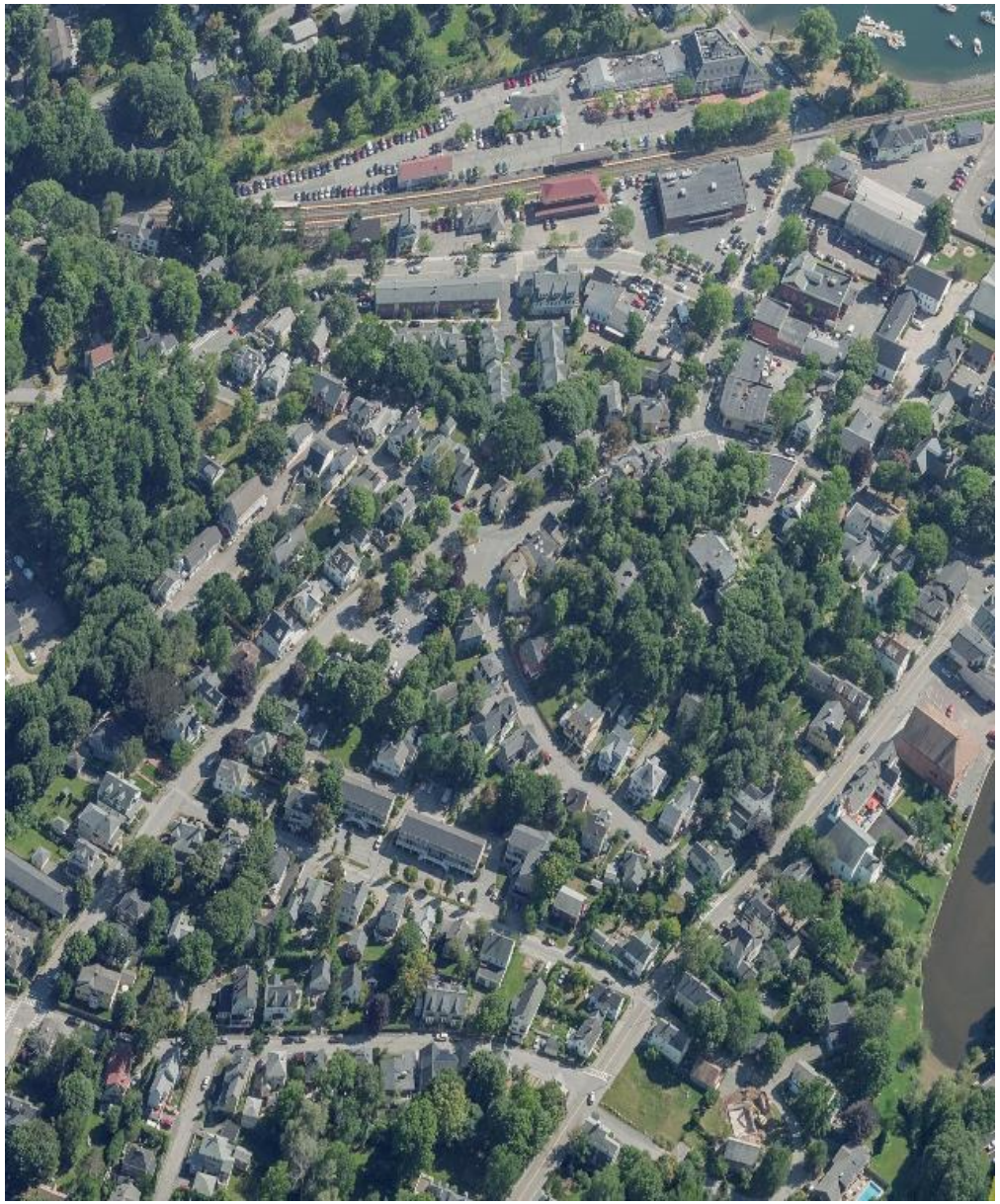
As of 2020, MBTA had 2,433 residential units.

MBTS is required to **re-zone to allow a calculated unit capacity of 559 multi-family residential units**. This is **23%** of the total existing units.

40% of the calculated unit capacity – or **224 units** – must also be **in the station area**.

Note, the calculated capacity is based on land that is already developed. Therefore…

Unit Capacity ≠ New Units



Source: Bing Bird's-eye

Requirements for Residential Density

Density = # units/ #acres = dwelling units per acre

All 177 communities are required to have a **minimum average** density of **15 dwelling units per acre**.

EXAMPLE 1: 15 DUPLEX UNITS

EXAMPLE 2: 3 5-UNIT BUILDINGS

Illustrations not to scale.

Understanding Density

Guess the Density!

Image Source: Google Street Map/ Data Source: MassGIS + MBTS Assessors' Office

50 Pine Street

Land Area: 0.19 acres

Existing Units: 2

Density: 10.52 du/acre

Guess the Density!

Image Source: Google Street Map/ Data Source: MassGIS + MBTS Assessors' Office

28 School Street

Land Area: 0.23 acres

Existing Units: 4

Density: 17.39 du/acre

Guess the Density!

Image Source: Google Street Map/ Data Source: MassGIS + MBTS Assessors' Office

18 Bennett Street

Land Area: 0.14 acres

Existing Units: 3

Density: 20.95 du/acre

Guess the Density!

Image Source: Google Street Map/ Data Source: MassGIS + MBTS Assessors' Office

1 Powder House Lane

Land Area: 0.20 acres

Existing Units: 5

Density: 25.0 du/acre

Guess the Density!

Image Source: Google Street Map/ Data Source: MassGIS + MBTS Assessors' Office

33 Union Street

Land Area: 0.16 acres

Existing Units: 7

Density: 43.75 du/acre

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