

As-of-Right Multi-Family Housing Zoning District

To Comply With MBTA Community Zoning
Requirement (Section 3A)

Select Board October 10, 2023

Section 3A of the Zoning Act

- New Section 3A of Zoning Act enacted in 2021 requiring as-of-right multi-family housing zoning district
- 2022 DHCD (Now EOHLC) issued final guidelines for compliance with Section 3A
- Goal of Section 3A requirement is to combat the State's housing crisis by allowing more housing near transit.

Wilmington's Section 3A Requirements

- Zoning District of at least 50 acres
- Zoning District with capacity for at least 1,248 units
- 50% of unit capacity must be within ½ mile of MBTA station
- Minimum Gross Density of 15 units/acre
- District must be in place by end of 2024 (Town Meeting vote required)

AG's Advisory Concerning Enforcement of the MBTA Communities Zoning Law

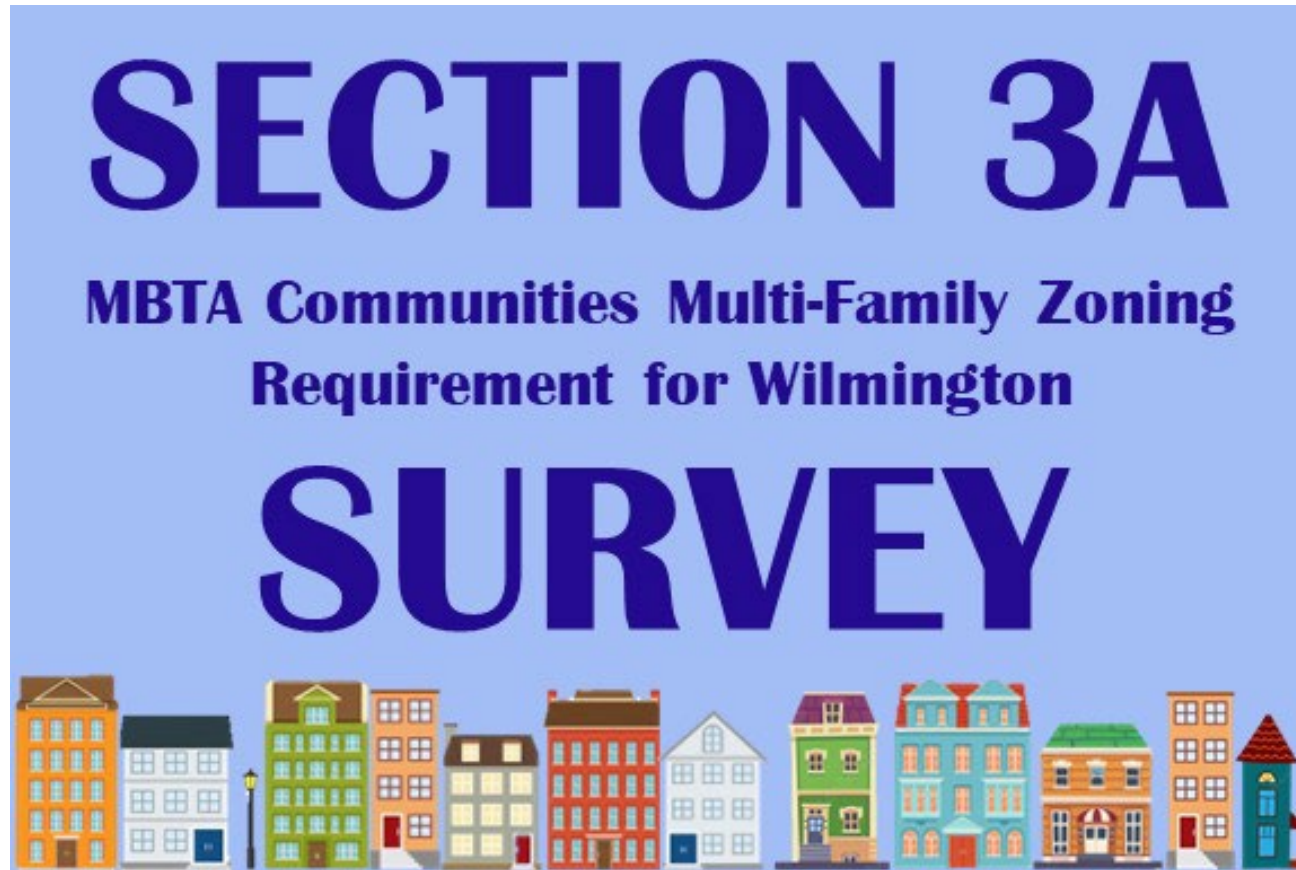
- MBTA Communities “shall have” a compliant zoning district – no opt out
- Civil enforcement action
- Liability under federal and state fair housing laws

40B Developments – Maintaining Affordable Units

40B Developments with the multi-family zoning district will need to stay non-compliant with zoning to ensure that affordable units remain affordable.

- Metro – 10 Burlington – stays noncompliant if height is set at 35’
- Regency Place – 121 West – stays noncompliant if height is set at 40’
- 100 West Street – approved at 4-5 stories with less than 2 parking spaces per unit
- Princeton – Middlesex/Jefferson – approved at 4 stories
- Avalon Oaks – Ballardvale Street – located in the GWPD (not eligible)
- Avalon Oaks West – 45 Salem Street – stays noncompliant if height set at 35’

Section 3A Online Community Survey



- Two week period 8/21 – 9/4
- 500+ responses
- Feedback on Zoning
Dimensional Requirements,
Affordability, Locations

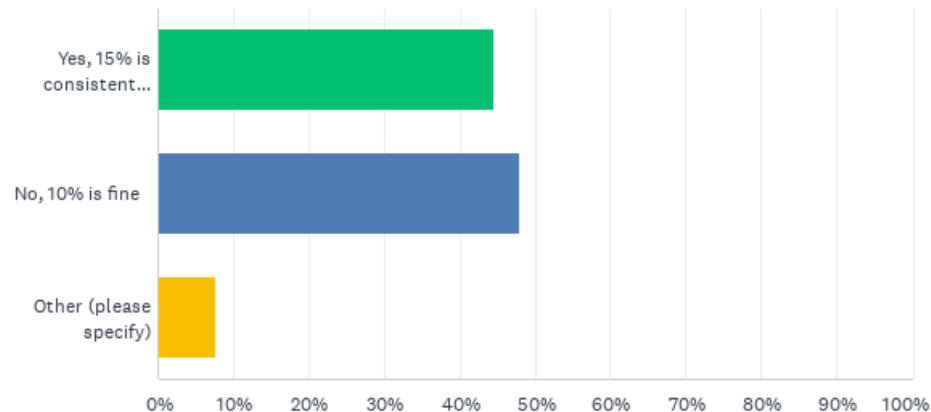
Section 3A Online Community Survey

- Height – most votes for three story maximum (59%). Four stories (29%) Other (12%)
- Open Space – keep consistent at 20% (54%)
- Setbacks – keep consistent at 20' (64%)
- Parking – over 60% said 1.5 spaces (or less) per unit is appropriate within ½ mile of commuter rail. Default would be 2 spaces per unit outside ½ mile radius.
- Design Standards – appropriate requirement (93%)
- Site Plan Review – appropriate requirement (89%)

Section 3A Online Community Survey

- **Affordable Housing** – Most responses for 10% (48%). A 15% affordable requirement received 44% and Other (8%) included request for more than 15%. A study will be done to justify 15%, if it is not approved by EOHLC, default would be 10% requirement.

Q13 Affordable Housing - Current zoning requires that 15% of multi-family developments in Town be "affordable" to count on the Town's Subsidized Housing Inventory. The Section 3A district can require that 10% of multi-family housing be affordable. For the Town to require a higher percentage of affordable in the Section 3A district, the Town would need to have an independent economic feasibility analysis completed for the zoning. Should the Town undertake the economic feasibility analysis to require our standard 15% affordable?

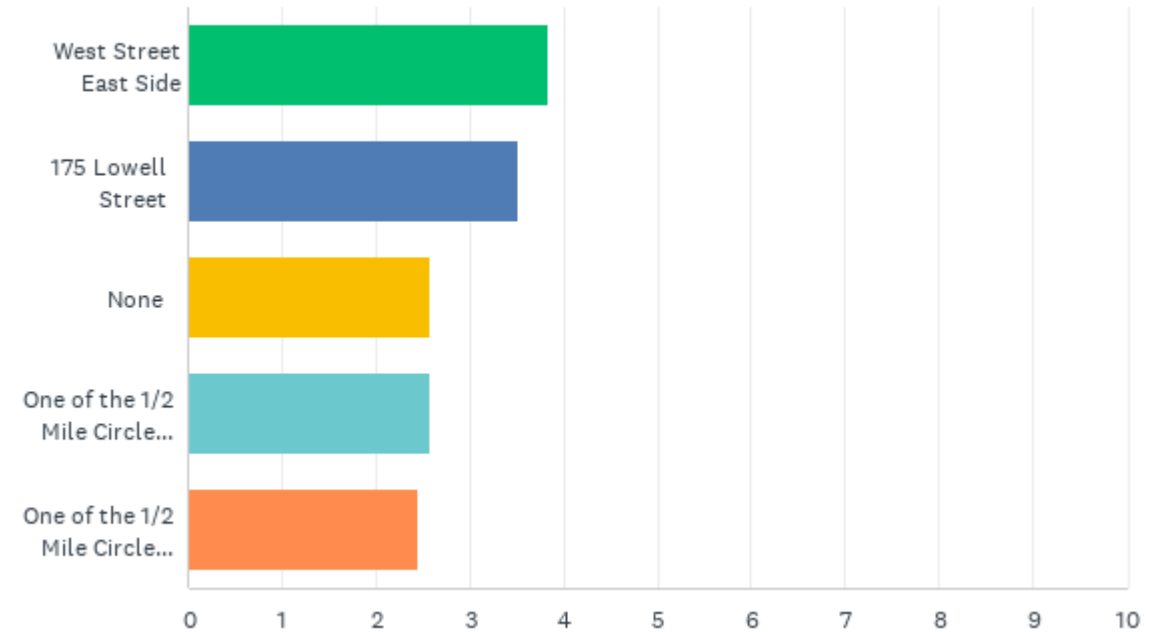


Section 3A Online Community Survey

- Ground Floor Commercial Uses
 - Appropriate to allow opportunity for ground floor commercial (74%)
 - Split result on whether height incentive should be provided for ground floor commercial
 - EOHLC recently announced that communities will be able to require ground floor commercial for a portion of their Section 3A district requirement. However, if requiring ground floor commercial for up to 25% of the unit capacity, no minimum parking requirements can be imposed on the ground floor commercial uses. 55% of survey respondents said they would support such a requirement even if parking could not be required for the ground floor commercial uses.

Section 3A Online Community Survey

- **Locations** – survey responses affirmed focus on commercial and multi-family areas
- **Locations within ½ mile of transit** split result between Main Street and Jefferson Rd. However, Main Street may have received more votes when accounting for skipped responses. Main Street may have a more universal appeal if commercial ground floor uses can be required. Jefferson Rd. would include undeveloped land that is proximate to sensitive environmental resources.
- **Locations outside ½ mile of transit** West Street received most favorable votes.



Section 3A Online Community Survey

- Other Locations suggested through survey responses:
 - Woburn Line near Anderson/Woburn Station – There are no areas in Wilmington within the ½ mile circle for the Anderson/Woburn Station.
 - Concord/Fordham – The corner of Concord Street and Fordham Road at I-93 was explored as a possibility, but would need to pull in the large industrial parcel along Fordham, making the district very large. Additionally, if redeveloped as housing, commercial taxpayers would be displaced.
 - Ballardvale/Andover – The lower portion of Ballardvale Street (Target, office uses) is within the Groundwater Protection District and would not be eligible for the district.
 - Deming Way – This property is located within the ½ mile radius of the commuter rail and could be added to the district.
 - Wilmington Junction Area – A landlocked portion adjacent to I-93, Krochmal Farm and the Sutton Brook Landfill that had been included in a past planning effort with Andover and Tewksbury for a new interchange off I-93. This area has significant environmental constraints and would not be suitable for residential use.
 - Eames Street – The Olin property was suggested as a potential area. The property is partially in the Groundwater Protection District and is not suitable for residential uses.

Draft Zoning Parameters

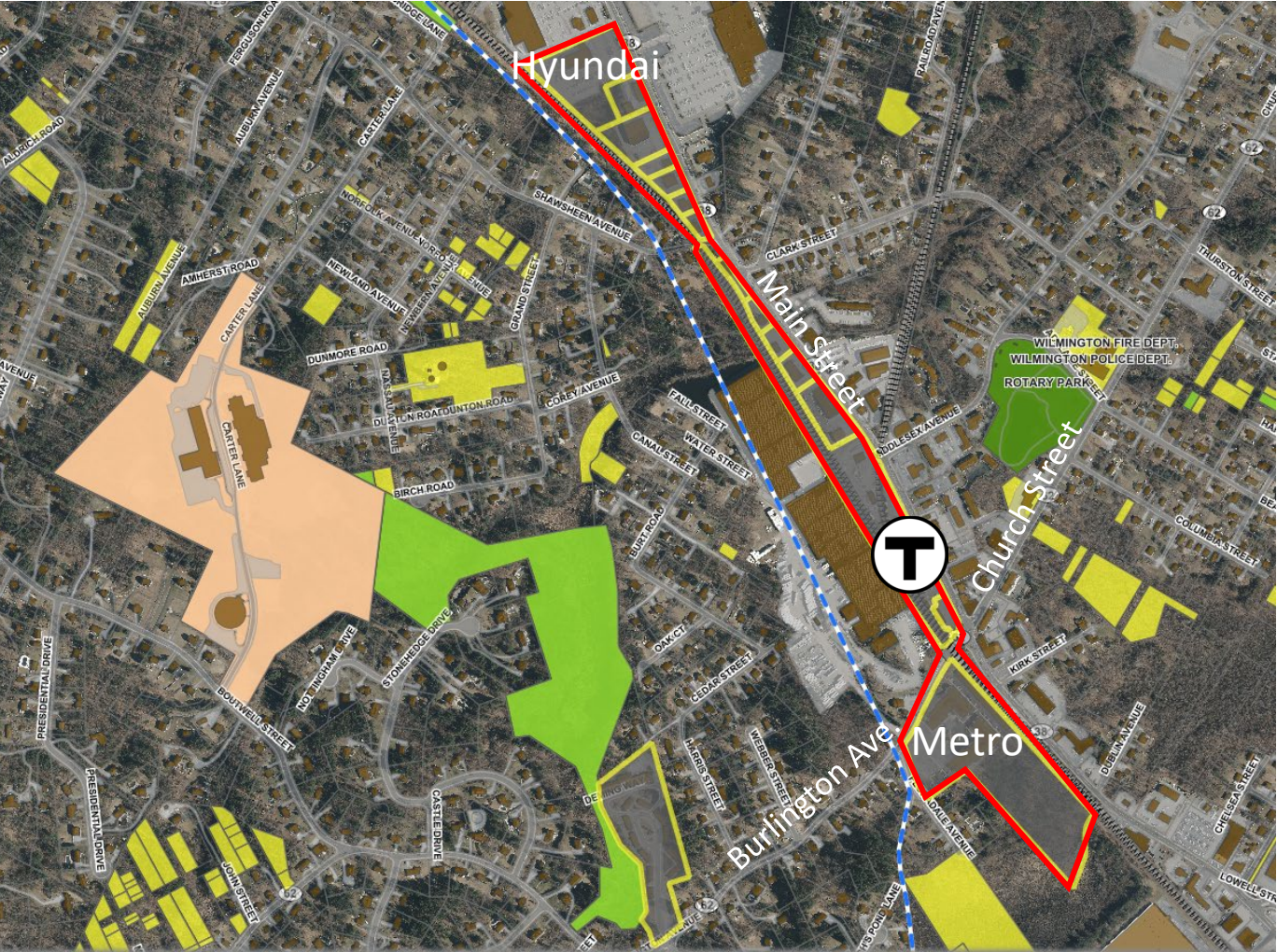
- Height: 3-story maximum
- Open Space: 20%
- Setbacks: 20'
- Parking: 2 spaces per unit; 1.5 spaces per unit within ½ mile of commuter rail.
- Affordable Housing: 15% (pending economic feasibility analysis) or 10%
- Design Standards
- Site Plan Review Required
- Ground Floor Uses — may be required in portion of district

District: Main + West

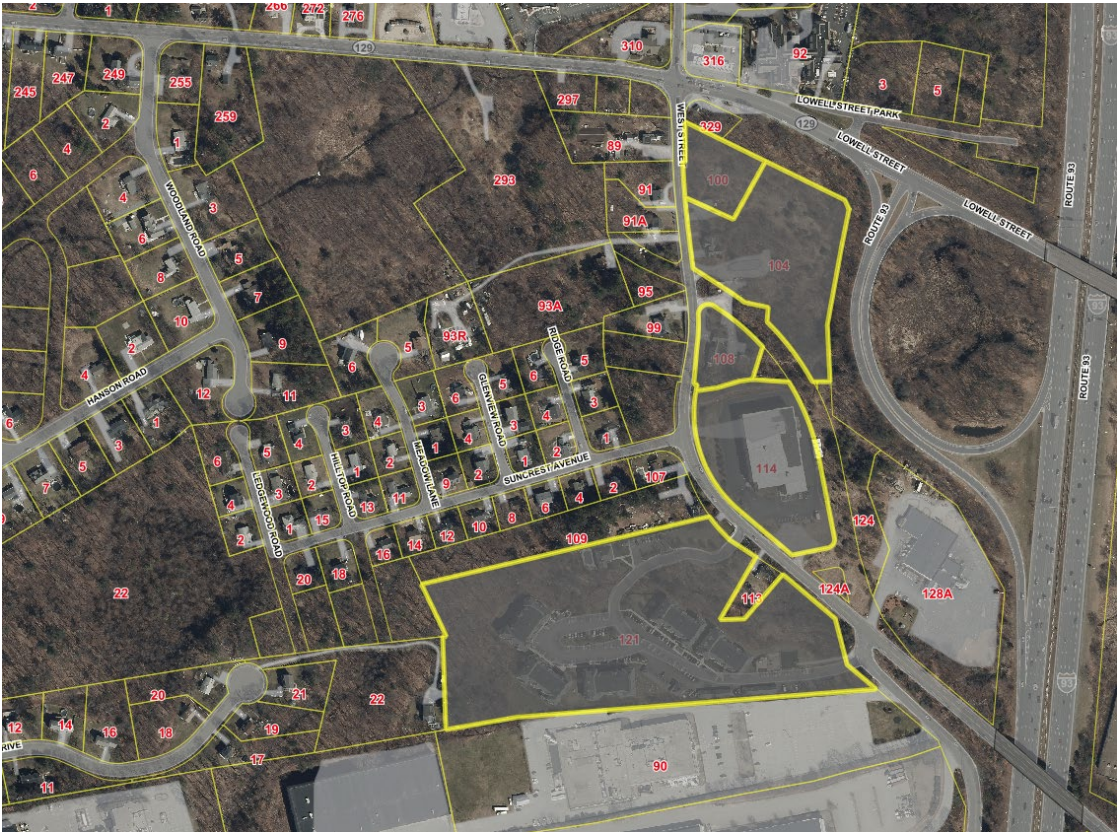
With a parking requirement of 1.5 spaces per unit along Main Street (per the survey), additional area will need to be pulled into the ½ mile district.

Main Street	514	
West Street	<u>654</u>	
Total	1168	Required = 1248

Main Street Subdistrict including Metro to Hyundai Dealership Unit Capacity = 514



West Street Subdistrict could include Regency Place 40B Development, 100-104 West (approved 40B), Storage Facility, and 108 West. Unit Capacity = 654



District: Main + West + Deming Way

Deming Way is added to the district for additional units within ½ mile of transit.



At 1.5 parking spaces per unit, adding Deming Way to the district provides 218 additional units to get the total unit capacity above 1,248.

Deming Way	218	
Main Street	514	
West Street	<u>654</u>	
Total	1386	Required = 1248

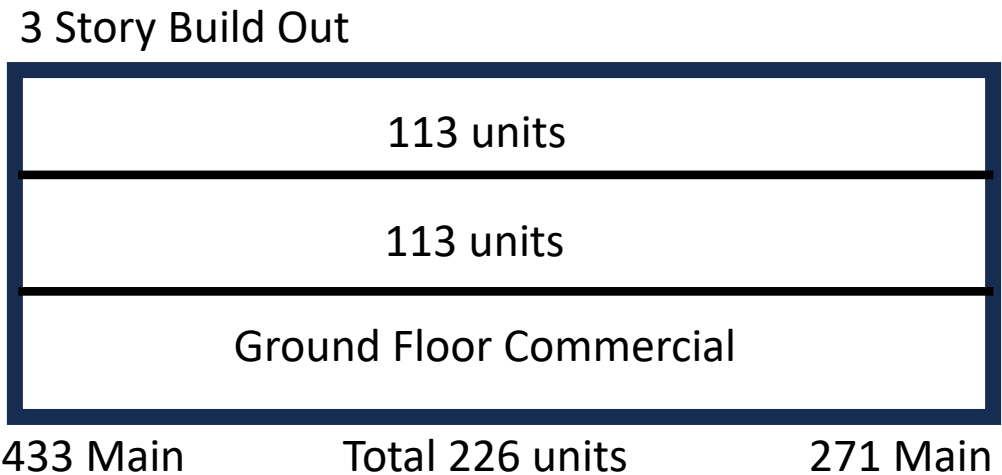
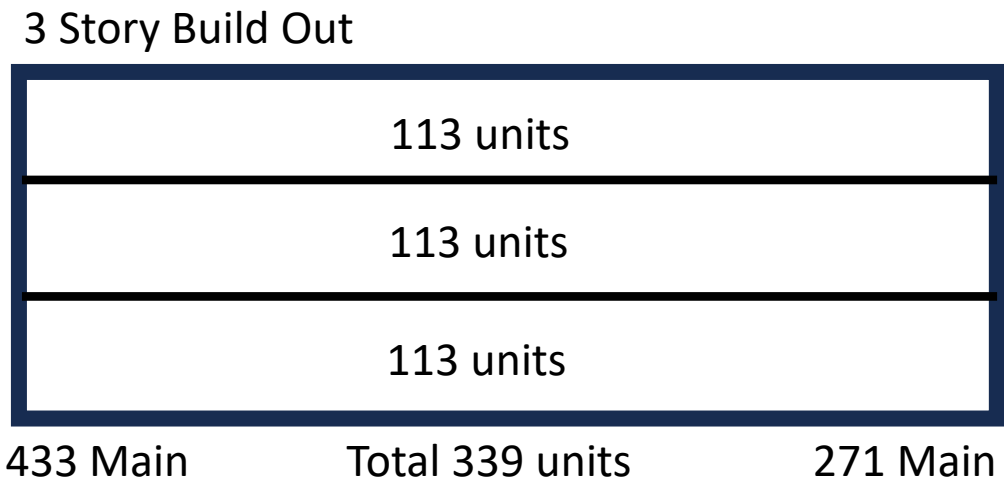
The West Street subdistrict remains the same as previous slide.

Ground Floor Commercial Requirement

Ground floor commercial uses can be required for a portion of the district in eligible locations where existing village-style or downtown development is essential to preserve pedestrian access to amenities.

Ground Floor Commercial Requirement can apply to up to 25% of unit capacity: $1248 \times 25\% = 312$ units

If ground floor commercial is required on Main Street, we are left with 226 units on second and third floors that can count toward unit capacity.



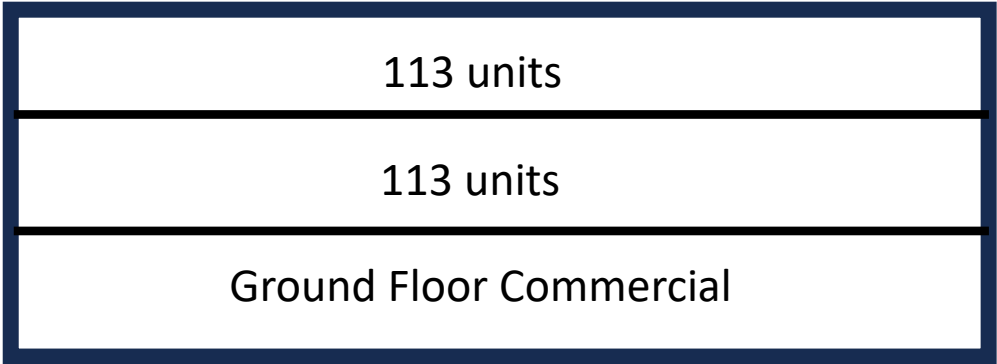
District: Main + West + Deming Way

2. Main Street + Deming Way + West Street with Ground Floor Commercial Requirement on Main Street.
(West Street subdistrict stays the same as previous option).

With GF commercial required on Main, left with 226 units on second and third floors that can count toward unit capacity.



3 Story Build Out



433 Main

Total 226 units

271 Main

Have to make up some of the 113 units lost on ground floor within ½ mile radius so that at least half of unit capacity is within ½ mile. Deming Way parking is reduced to 1.25 spaces per unit, and capacity goes up to 245, making up for lost units.

District: Main + West + Deming Way Unit Capacity

Wilmington is required to have a district with a unit capacity of 1248 units. Half of the required unit capacity must be within ½ mile radius of transit (624 units).

Deming Way	245	(1.25 spaces/unit)
Main Street	401	(GF Commercial Required)
West Street	<u>654</u>	
Total	<u>1300</u>	Required = 1248
Total in ½ mile = 646 Required = 624		



Next Steps

- October 2023: Meet with other Boards/Committees, KP Review
- 11/7 Planning Board Meeting: final draft text and location for state review
- 11/8 Submit draft for State review (3 Months)
- November 2023:Economic feasibility study for 15% affordable
- February 2024: State review completed, Submit article to start Town Meeting process, outreach