

# What is Section 3A – MBTA Communities Zoning Requirement?

Section 3A of the Zoning Act was enacted in 2021 and requires MBTA Communities to have as-of-right multi-family housing zoning districts in proximity to transit (1/2 mile).

## Wilmington's Requirement

Wilmington is required to have an as-of-right multi-family housing district in place by the end of 2024 with the following:

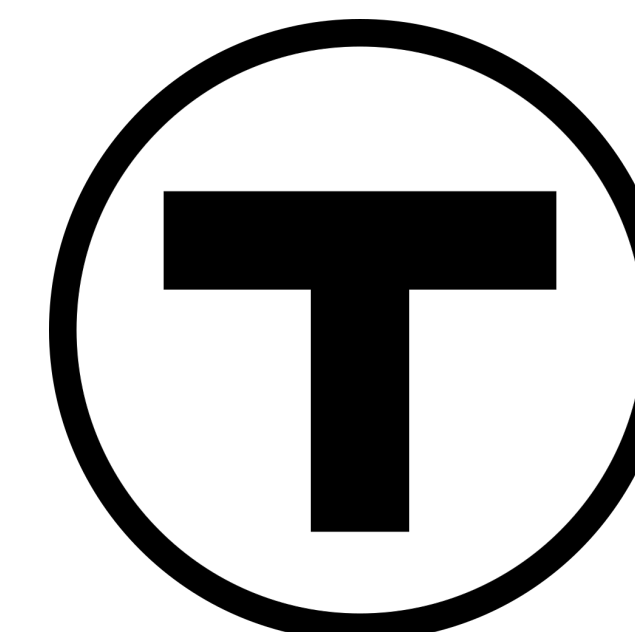
- Zoning District size of at least 50 acres with a minimum gross density of 15 units per acre.
- Zoning District with capacity for at least 1,248 units. 50% of unit capacity must be within ½ mile of MBTA station.

### What happens if we don't comply?

- Forfeit state grants that are used for infrastructure repairs like culverts
- Reduction in Wilmington Housing Authority Funding
- Civil enforcement action by Attorney General
- Forfeit other state funding

## Why?

The Massachusetts Executive Office of Housing and Livable Communities (HLC) states that the goal of the Section 3A requirement is to combat the State's housing crisis by allowing more housing near transit.



**Fact:** Wilmington is one of the 177 MBTA Communities in Massachusetts, specifically a commuter rail community with two stations.

# MBTA Communities Zoning - Section 3A

## What Happens If Wilmington Doesn't Comply?

### Financial Consequences

- Wilmington Housing Authority will lose approximately 11% of its funding
- The Town will be ineligible for MassWorks, Housing Works, and Housing Choice grants

**In 2021, The Town received a \$3.89M MassWorks grant to replace the Lubbers Brook culvert at Route 62 and extend sewer to Jefferson Rd.**

- Grants from state agencies (MassDevelopment, EOHLC, EOEEA, EOED) will take compliance into consideration, including Municipal Vulnerability Preparedness (MVP) Planning and Project Grants from EOEEA

**In 2020, The Town received a \$31,000 MVP Planning Grant. An application to the MVP Grant program is anticipated in 2024 for design of the Martin's Brook culvert replacement (\$350,000). Construction funds would be pursued through MVP as well (up to \$3M).**

- Any discretionary state funding could potentially be impacted by noncompliance

### Legal Consequences

Massachusetts Attorney General has stated that all MBTA Communities must comply with Section 3A as there is no ability to opt out. Communities that fail to comply may be subject to civil enforcement action and risk liability under federal and state fair housing laws.



In February, the AG's office filed a lawsuit against the Town of Milton for failure to comply with the MBTA Communities Law



In February, the Governor announced that Milton will not receive the \$140,000 grant it was awarded from the Seaport Economic Council for a seawall due to failure to comply with Section 3A



# MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MOD)

## MAIN STREET MIXED USE SUB-DISTRICT

- COMPRISED OF AREA BETWEEN MAIN STREET AND RAILROAD TRACKS FROM MBTA STATION NORTH TO HYUNDAI DEALERSHIP
- 2 STORY HEIGHT ALLOWED WITH ONLY RESIDENTIAL
- 3 STORY HEIGHT ALLOWED WITH GROUND FLOOR COMMERCIAL USE WITH RESIDENTIAL ABOVE
- PARKING SPACES REQUIRED AT A RATE OF 1.5 SPACES PER UNIT
- HEIGHT ALLOWED: 40' MAX
- 20% OPEN SPACE IS REQUIRED
- 20' SETBACKS ARE REQUIRED

## MAIN STREET GROUND FLOOR COMMERCIAL USES:

- RETAIL UNDER 30,000 SF
- PERSONAL SERVICE SHOP
- LIMITED SERVICE RESTAURANT (NO DRIVE THRU)
- GENERAL SERVICE RESTAURANT (NO DRIVE THRU)
- BUSINESS/PROFESSIONAL OFFICE
- EDUCATIONAL USE



## DEMING WAY SUB-DISTRICT

- WILMINGTON HOUSING AUTHORITY DEMING WAY PROPERTY
- RESIDENTIAL USE ALLOWED ON ALL FLOORS
- PARKING SPACES REQUIRED AT A RATE OF 1.25 SPACES PER UNIT
- HEIGHT ALLOWED: 3-STORIES WITH 35' MAX
- 20% OPEN SPACE IS REQUIRED
- 20' SETBACKS ARE REQUIRED

## BURLINGTON AVENUE SUB-DISTRICT

- 10 BURLINGTON AVE (METRO) PROPERTY
- RESIDENTIAL USE ALLOWED ON ALL FLOORS
- PARKING SPACES ARE REQUIRED AT A RATE OF 1.5 SPACES PER UNIT
- HEIGHT ALLOWED: 3-STORIES WITH 35' MAX
- 20% OPEN SPACE IS REQUIRED
- 20' SETBACKS ARE REQUIRED



# MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MOD)

## WEST STREET SUB-DISTRICT

- COMPRISED OF THE FOLLOWING PARCELS:
  - 100-104 WEST STREET (APPROVED 40B)
  - 108 WEST STREET
  - 114 WEST STREET (STORAGE FACILITY)
  - 121 WEST STREET (REGENCY 40B)
- RESIDENTIAL USE ALLOWED ON ALL FLOORS
- PARKING SPACES ARE REQUIRED AT A RATE OF 2 SPACES PER UNIT
- HEIGHT IS ALLOWED TO BE 3-STORIES WITH 40' MAXIMUM
- 20% OPEN SPACE IS REQUIRED
- 20' SETBACKS ARE REQUIRED

## OTHER REQUIREMENTS IN THE MOD:

- 15% OF UNITS REQUIRED TO BE AFFORDABLE
- SITE PLAN REVIEW AND STORMWATER MANAGMEENT PERMIT THROUGH THE PLANNING BOARD
- DESIGN STANDARDS
  - PEDESTRIAN FOCUSED STREETScape
  - PARKING BEHIND/BESIDE BUILDINGS, NOT IN FRONT
  - NATIVE, DROUGHT TOLERANT PLANTINGS, SHADE TREES

