



TOWN OF WELLESLEY

888 Worcester Street
Wellesley, MA 02482

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MBTA Community Zoning: Frequently Asked Questions

This document will be updated periodically as new questions arise.

For more information please visit the Town of Wellesley's [MBTA Communities Webpage](#) or contact the Planning Department (planning@wellesleyma.gov) or Select Board's Office (sel@wellesleyma.gov)

Question	Answer
General	
What is MBTA Community Zoning?	The MBTA Community Zoning Law is a state Law that applies to 177 cities and towns in Massachusetts. The Law requires communities with access to MBTA amenities such as Commuter Rail, Rapid Transit Subway, Ferry, or Bus service to provide by-right zoning that allows multifamily housing near such amenities.
What are the requirements?	The Law requires towns to establish an "MBTA Communities Zone" near transit that allows for multifamily housing: <ul style="list-style-type: none">• Must be located within 0.5 miles from an MBTA amenity.• Must allow minimum gross density of 15 units per acre.• Must create a district of reasonable size (50 acres).• Housing must have no age restrictions and must be suitable for families with children.
What does the MBTA Communities Act do?	The Law aims to address Massachusetts's housing shortage by removing barriers to the development of multifamily housing. The Law also aims to advance the state's climate and transportation goals by requiring such zones to be near public transportation.
How does zoning affect the State's housing crisis?	Across the State, there is a lack of zoning for multi-family housing which is a barrier for developing new housing, particularly "the missing middle" or "workforce" housing. <ul style="list-style-type: none">• Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.• Rising costs have dramatically increased financial pressures on low- and middle-income families, young families, single-income households, and our aging population, often forcing sacrifice of other priorities to pay for housing costs.• Lack of available housing and high housing costs are a primary driver of homelessness.

	<ul style="list-style-type: none"> This may put our economy and businesses at a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high living costs. <p>Zoning changes may aid in removing barriers to the development of multifamily housing.</p>
How does reforming zoning help the housing crisis?	<p>Allowing multifamily housing near transit provides an opportunity to create new housing and walkable neighborhoods closer to transit. This is known as “Transit-Oriented Development” which results in:</p> <ul style="list-style-type: none"> Better access to work, services, and other destinations Reduced reliance on single occupancy vehicles More housing closer to shops, jobs, schools, parks, etc.
What is “as of right” development?	<p>“As of right” means development that may proceed under the Zoning Bylaw without a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. As of right zoning would still be subject to certain provisions of the Bylaw and State regulations such as wetlands administration, historic reviews, and site plan review.</p>
What type of housing might this create?	<p>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.” Building types include (but are not limited to):</p> <ul style="list-style-type: none"> Townhomes Triple-deckers Condominiums or apartment buildings Single family cluster developments <p>These are referred to as the “missing middle” or “workforce” housing. Wellesley has several multi-family housing developments that comply with or exceed the 15 units per acre density.</p>

Wellesley’s Position & Plan

What are the requirements for the Town of Wellesley?	<p>Wellesley, as a commuter rail community, is obligated to zone for 1,392 units (15% of Wellesley’s housing stock as of 2020), of which 90% of those units must be located within 0.5 miles of a transit area in a minimum land area of 50 acres.</p>
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Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Wellesley	Commuter Rail	9,282	1,392	50	921	90%

Does our zoning already comply?	No. Though current zoning districts within 0.5 miles of the MBTA Commuter Rail Stations already allow for a density of 17 Units per acre (e.g. Wellesley Square Commercial District), the Project of Significant Impact (PSI) process precludes the Town from compliance. PSI is a special permit and therefore not considered “as of right” zoning.
How long will the process take and what will it entail?	Wellesley’s compliance deadline is December 31, 2024. The Planning Board and Select Board will bring MBTA Community Zoning changes to the 2024 Annual Town Meeting (Article 40).
What is Wellesley’s plan to comply?	The Town has taken a five phased approach 1. To rezone the William Street 40R District to increase its capacity to 850 units (Completed ATM 2023) 2. Modify permitting for multi-family housing by changing the Inclusionary Zoning trigger to include Major Construction projects (Completed STM 2023) 3. Expand the application of Inclusionary Zoning to Residential Incentive Overlay Districts and Lower Falls Village Commercial Districts (Completed STM 2023) 4. Modify and create definitions at the 2024 Annual Town Meeting to specify applicable MBTA Community Districts (CURRENT STEP – see Article 40) 5. Produce a Strategic Housing Plan (an update of the Housing Production Plan)
What if the Town <i>doesn’t</i> comply?	An advisory statement, issued by the Attorney General, asserted that communities that fail to comply are rendered ineligible to receive funds from Housing Choice Grants, Local Capital Fund Projects*, and MassWorks Infrastructure program. Additionally, communities that fail to comply may be subject to civil enforcement action and risk liability under federal and state fair housing Laws. *The Local Capital Fund is a significant funding source for the Wellesley Housing Authority.
How many new units will be built if new zoning is passed?	The Law does not require new housing to be built. The Law mandates that a town adopt zoning to allow development as of right. Actual housing production will depend on several factors that include, but are not limited to, developer interest, available infrastructure, and market dynamics.
Do any of our existing multifamily projects count toward the 1,392-unit requirement?	Though the Law does not require new housing to be built, the William Street 40R project (The Nines) counts. There are currently 350 units at The Nines with the ability to build 500 additional units.

Zoning	
Would the changes proposed for the 2024 Annual Town Meeting preclude MBTA Community projects from the Project of Significant Impact (PSI) process?	Yes. However, PSI would still be required for all projects meeting the PSI provisions that are not exclusively multi-family housing projects within the MBTA district, regardless of their distance from an MBTA Commuter Rail Station.
What is Site Plan Review?	A process established by local bylaw which a local board, in Wellesley’s case the Zoning Board of Appeals, reviews and potentially imposes conditions on the appearance of and layout of a specific project prior to the issuance of a building permit.
What protections does the Town still have when a project is “as of right”?	An MBTA Community Project would still be subject to: <ul style="list-style-type: none"> • <u>Design Review</u> which reviews lighting, architecture, landscape, signage, sustainability, relation of buildings to environment, etc. • <u>Site Plan</u> which reviews architecture, circulation, wetlands, flood plains, zoning requirements, parking, stormwater, water/sewer, landscaping, grading, lighting, fire safety, construction management, electrical capacity, etc. Site Plan also requires recommendations from the Planning Board, Engineering Division, Health Department, Wetlands Protection Committee, Select Board, Fire Department, Police Department, and the Municipal Light Plant • <u>Right to appeals</u> under which a person may appeal an approved permit or decision.
How will we account for the impact of larger developments without Project of Significant Impact (PSI) Review?	Commercial projects/commercial components of mixed-use projects located in MBTA zones that meet the PSI criteria would still require PSI review. Additionally, projects not meeting the MBTA Community Project criteria and/or are proposed outside of the zones would still require PSI review.
Can we put a cap on the size of units within a project?	The usual sections of the Zoning Bylaw will still apply that place restrictions on project size. These include, but are not limited to, lot coverage, Floor Area Ratio for commercial projects, building height and parking restrictions.
Affordability	
Will affordable units be required?	Though the Law doesn’t mandate affordability, the Town of Wellesley has taken the necessary steps to ensure that affordable units will be included under the Town’s Inclusionary Zoning Bylaw.
What percent of units will be affordable?	The Inclusionary Zoning Bylaw requires a housing project meeting the requirements to provide a minimum ratio of 20% Assisted (affordable) Units. Of that 20%, 15% must be

	available individuals or households whose annual income is at or below eighty percent (80%) of the area-wide median income(AMI) , and 5% must be available to individuals or households whose annual income greater than eighty percent (80%) and no greater than one hundred forty percent (140%) of the AMI.
Infrastructure & Traffic	
Will the Town need to invest in increased water & sewer infrastructure?	The Law does not require a community to install water or wastewater infrastructure or add to the capacity of existing infrastructure to accommodate future multi-family housing within the district(s). Cities seeking to plan for growth, however, may be eligible for State grants to help with the cost of expanding public infrastructure.
Would a developer be responsible for any infrastructure improvement costs?	A developer could be responsible for such costs, though this depends on the scope of the proposed project.
Could multi-family housing built under this Law increase traffic?	Site Plan Review of a specific multi-family project proposal will look at vehicular access and circulation on the site and allow for the incorporation of conditions to help mitigate impacts.