

NORWELL'S MBTA ADJACENT COMMUNITY

ZONING ARTICLE

MAY 6, 2024 ANNUAL TOWN MEETING

# Why is this Article being proposed?

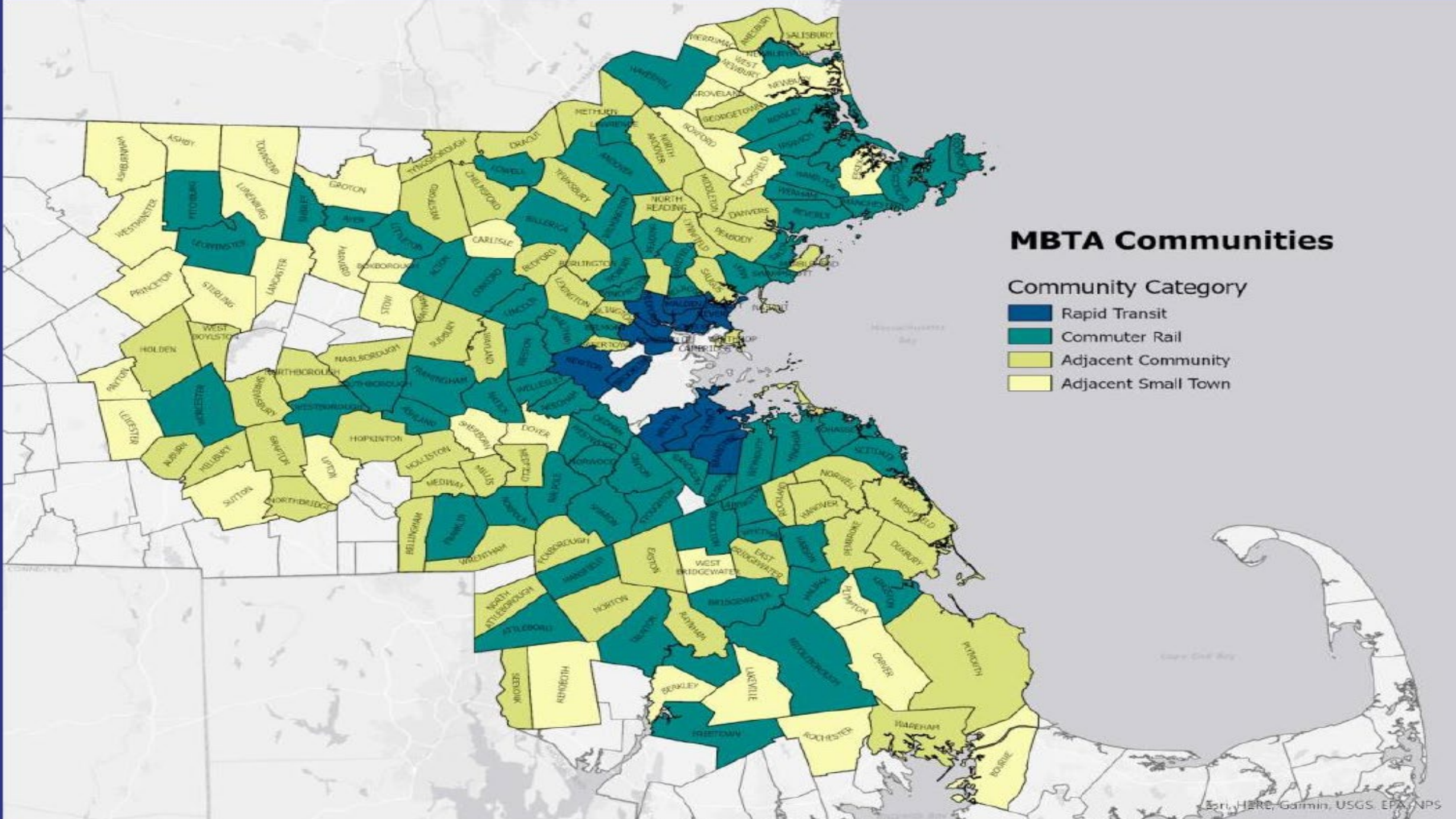
On January 15, 2021, Governor Charlie Baker signed a law that **requires** 177 MBTA Communities to each create a zoning district that must:

- be of a “reasonable size;”
- allow a minimum of 15 multi-family units per acre; and
- allow the multi-family units ‘as of right.’

# MBTA Communities

## Community Category

- Rapid Transit
- Commuter Rail
- Adjacent Community
- Adjacent Small Town



# Statutory Requirements

## **Each MBTA Community must:**

- Create a district of “reasonable size;”
- Allow multi-family housing as of right in the district;
- Allow a district gross density of at least 15 multi-family units per acre; and
- Place the district within .5 mile of an MBTA Station, if applicable;
- Not have any age restrictions and be suitable for families.

# What makes Norwell an MBTA Community?

An MBTA Community is any community so designated by GL c.161A, §1 and §6. There are 177 MBTA communities:

- 14 transit communities;
- 160 other communities; and
- 3 special legislation communities.

Norwell is designated as an MBTA “other served community” under GL c.161A, §1 - because it has no direct MBTA services but has access to services located nearby.

# What does compliance mean and who makes the compliance decision?

The MBTA Statute (c.40A, §3A) requires the Executive Office of Housing and Livable Communities (HLC) to create guidelines to define what a community must do to comply and charges HLC with determining whether the district that a community adopts is compliant.

# HLC Requirements

From August 10, 2022 through August 17, 2023, HLC developed detailed guidelines that set out very specific rules that the different kinds of MBTA communities must follow to be determined to be in compliance with the new statute.

# HLC's Published Motives for the requirements

- Massachusetts is in a housing crisis.
- 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, forcing them to sacrifice other priorities in order to pay housing costs. High housing costs are a primary driver of homelessness.
- These high costs are a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high costs of living.



# What could more multi-family housing do?

Allow the opportunity to create more diverse housing – housing available at different sizes and price points, to attempt to serve a broader housing marketplace, including:

- Young people who grew up in a community and are priced out.
- Seniors who are retiring and are being priced out.
- Workers who want to live where they work and are priced out.  
(Firefighters, Police Officers, Teachers.)
- Residents who want to be within walking distance of shops, businesses, and transportation (Rockland Park and Ride).

# HLC Community Categories

HLC designed four types of MBTA Community categories and then created rules for each type that requires creation of a multi-family district that relates to the community category and the community's existing housing stock:

- Rapid Transit (12 Communities)
- Commuter Rail (71 Communities)
- Adjacent (58 Communities)
- Adjacent Small (34 Communities)

What type of MBTA Community is Norwell?

Norwell is an MBTA Adjacent Community.

Norwell, as an Adjacent Community, is required to have a *potential* district capacity of 750 Units

The law is a *potential capacity* statute, not a *building mandate* statute.

Norwell, as an Adjacent Community, must create a district with the *potential capacity* to allow 750 multi-family units.

750 units is the Adjacent Community minimum, unless 750 exceeds 25% of a community's 2020 housing stock. Norwell has 3,805 units (25% of 3,805 = 952), so Norwell's potential capacity number is 750.

# Examples of Transit Community As-of-Right Multi-Family Unit Capacity vs. Norwell's

Braintree: 3,769 Units

Milton: 2,461 Units

Newton: 8,330 Units

Norwell: 750 Units

# What are the HLC Requirements for Norwell as an MBTA Adjacent Community?

Norwell is required to create an as of right multi-family district that:

- Must have a minimum of 50 Acres.
- Must allow a minimum gross district density of 15 units per acre.
- Must allow for a minimum potential capacity of 750 units.

# HLC Capacity Modeling

HLC has developed a modeling method that estimates the potential unit capacity of a proposed multi-family district.

The model measures whether a district will be of “reasonable size,” but not how many new housing units will actually be built.

Note: All water and septic requirements will apply.

# HLC Capacity Modeling

The HLC compliance Model calculates how many housing units could exist in a proposed district if:

Every existing structure were removed; and

Every lot were then built out to the maximum;



# Where to put a district?

The Statute and the Guidelines require the district to be no more than .5 of a mile from an MBTA Station, if possible.

**However**, Norwell does not have an MBTA Station within its borders or within .5 of a mile from an MBTA Station.

So, Norwell may put the district in the most appropriate location.

# Location of a District in an Eligible Location

State law (GL c.40A, §3A and §5) encourages the placement of multi-family as of right districts in an “eligible location.”

An “eligible location” is defined under GL c.40A, §1A and includes areas of concentrated development and “existing commercial districts.”

# The District is in an “eligible location”

The Proposed District would:

- Be in or near concentrated development.
  - Partially in Accord Park (close to businesses);
  - Very close to Route 3 Ramps;
  - Within walking distance of the Rockland Park and Ride; and
  - On Pond St and runs to Washington St. (shops w/n walking distance).
- Be located entirely in areas already zoned for commercial use.

# Design of Norwell's Proposed District

Norwell received a \$20,000 grant from MassHousing Partnership to hire and work with a software company to design a compliant district.

A number of models were researched, with an effort to place the new district in a “smart growth” context:

- Close to businesses (Accord Park)
- Close to shops and restaurants, banks, etc. (Pond St. and Washington St.);
- Close to mass transportation (walking distance to Rockland Park and Ride);
- Close to Route 3 Ramps - with absolutely minimal impact on local roads.

# Norwell's Proposed District

- District gross density of 15 multi-family units. (Statute Requires.)
- Lot density of 10 multi-family units for each one-acre lot is proposed.
- No age restrictions. (HLC Guidelines prohibit.)
- Require administrative (non-discretionary) site plan review. (HLC allows.)
- Require compliance w/septic and wetland requirements. (Statute allows.)
- Require 10% affordable housing for households earning up to 80% of Area Median Income (\$128,000 for a family of 5). (HLC allows.)

# Proposed Requirements for Norwell's District

- Open Space: Minimum of 60%.
  - Lot Coverage: Maximum of 40%.
  - Building Coverage: Maximum of 25%.
  - Frontage: Minimum of 80 feet.
  - Height: Maximum of 3 stories/34 feet.
  - Lot Width: Minimum of 150 feet.
- 
- Year-round landscaping required at the perimeter.
  - No junk storage allowed, except in an enclosed garage.

# Proposed Requirements

- Interior Mail Room: Required.
- Mixed Use: Allowed on the first floor. (HLC allows.)
- Parking: Minimum of 2/unit, with year-round screening to prevent headlights from disturbing occupants and abutters.
- Outdoor equipment:\* Not allowed in setbacks. (Current ZBL)  
Must be noise and vibration baffled.  
Must be visually screened.

\*compressors, generators, transformers, etc.

# Proposed Requirements

## Recreation:

- Suitable recreation space for families with children required.
- Additional recreation space if there are more than 30 units.
- If dogs are allowed, there must be a dog park area.

## Trash:

- Trash areas and collection times must not create inconvenience to residents and abutters.
- Dumpsters must be screened.



# Modeling Results prepared by Consultant

Norwell

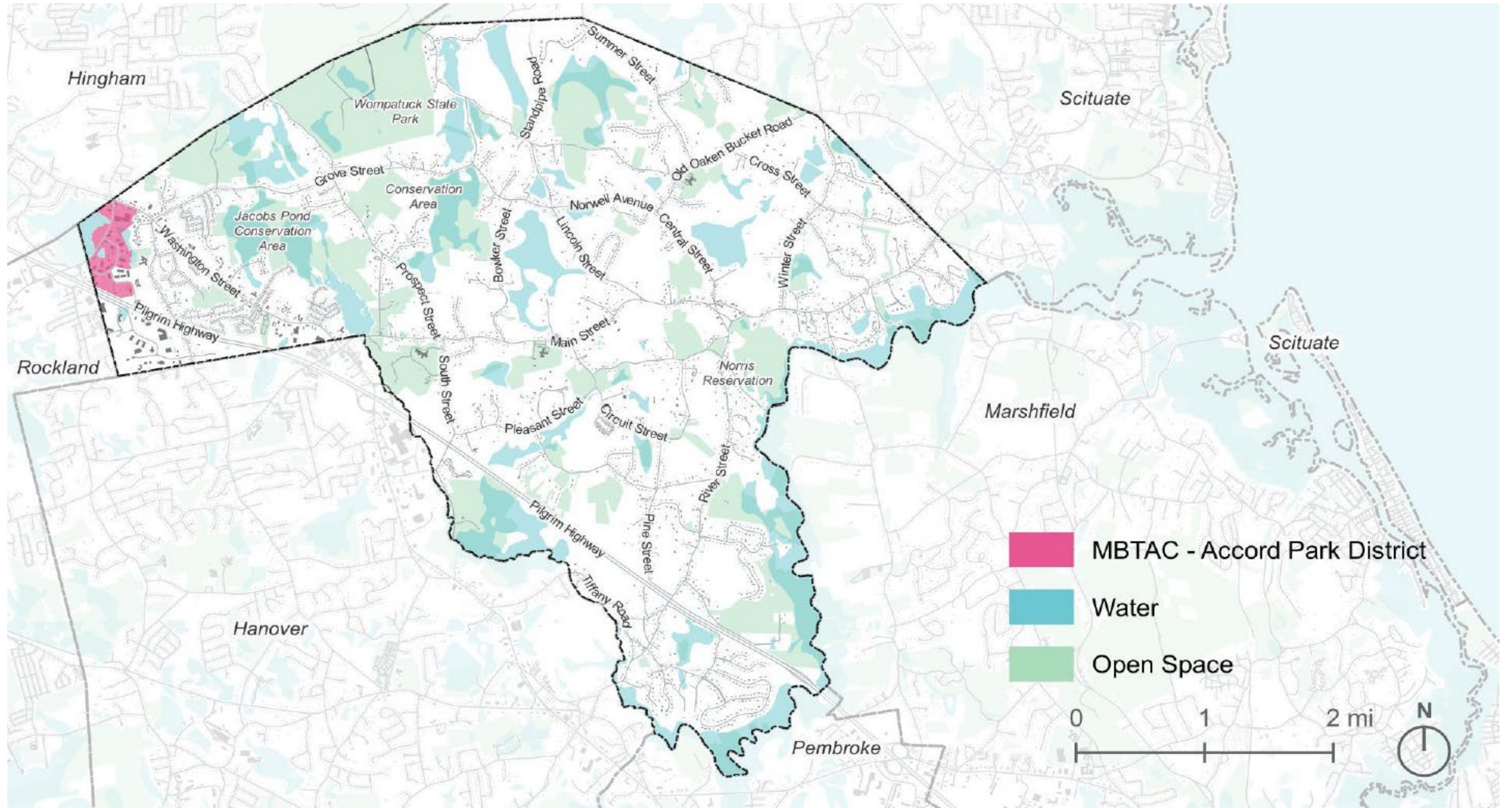
## Model Inputs & Results

Zoning District	Model Inputs									Model Outputs			
	Min. Lot Size	Max. Stories	Max. Building Coverage	Max. Building + Parking Coverage	Min. Open Space Required	Restricted Land as part of Open Space	Setbacks	Min. Parking Spaces per Unit	Max. Units per Acre	Modeled Multifamily Unit Capacity	District Acreage (acres)	Subdistrict Density Denominator* (acres)	Modeled Gross Subdistrict Density* (units/acre)
Accord Park District	1 acre	3 stories	25%	40%	60%	Y	Front: 30' Sides: 10' Rear: 10'	2	10	775	114.4	50.2	15.4 Units/Acre = 775 units / 50.2 acres
Minimum Compliance Target										750	50	n/a	15
Compliant?	The district is <b>tentatively compliant</b> , pending full determination of compliance from Executive Office of Housing and Livable Communities									YES	YES	n/a	YES

# What would the Proposed District look like?

Town-wide view?

District view?







Hingham

Rockland

Bay Path Lane  
CR

Grove Street

Pond Street

Bay Path Lane

Jay Road

Nancy Lane

Dana Road

Gerardo Road

Wilder Road

Brattle Road

Jacobs Pond  
Conservation  
Area

Conservation  
Area

Norwell Woods  
Conservation  
Area

Cole School  
Playground

Oak Street

Washington Street

Conservation  
Area

Accord Park Drive

High Street

Ridge Hill Road

Millwood Circle

Cordwainer Drive

Water Dept Land

Pilgrim Highway  
Pilgrim Highway  
Longwater Drive

-  MBTAC - Accord Park District
-  Water
-  Open Space

0 Water Dept Land 750 1,500 ft



# What is Norwell's deadline to comply?

Norwell's deadline: December 31, 2024.

Transit Communities: December 31, 2023

Commuter Rail: December 31, 2024

Adjacent Communities: December 31, 2024

Small Communities: December 31, 2025

# What if Norwell does not comply?

- **Loss of State Funding** (13 funds so far, but the list is growing).

Gov. Healey: Funding for building schools, roads and bridges will be withheld.

- **Enforcement Litigation.**

2.27.24: The AG sued Milton, seeking injunctive relief, including that multi-family uses will be allowed as of right everywhere if non-compliance continues.

A number of civil rights groups say they will bring litigation to challenge communities who are non-compliant.

Next Step?

Annual Town Meeting

The Article will be voted at the May 6, 2024 Annual Town Meeting.