

# **Amend Zoning Bylaw & Zoning Map to Include MBTA Communities Overlay Districts**

**Presented by:  
Southborough Planning Board**

**Meme Luttrell, Chair**

**Jesse Stein, Vice Chair**

**Marnie Hoolahan, Member**

**Debbie DeMuria, Member**

**Lisa Braccio, Member**



# Tonight's Overview Agenda

What is the MBTA Act, and  
How Does it Impact Southborough

How Were the Zoning Districts Selected

What Are the Zoning Districts

What Happens Next



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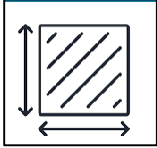
# What is the MBTA Communities Act?

In January 2021, the MBTA Communities Act became law

- Signed into law under the Baker administration with broad bipartisan support
- State zoning law enacted to improve the housing inventory available
- The law only requires the Town to adopt zoning that allows multi-family development **as-of-right**
- 177 cities and towns are impacted
- Southborough must have the required zoning in place by December 31, 2024



# Key Components of the MBTA LAW



**50 total acres:** 10 acres within ½ mile of MBTA station



**Walking distance** to public transportation, bikeways, bus stops



Suitable for families with children (**no bedroom or age restrictions**)



Zoning must allow a minimum **gross density of 15 units per acre**



**Zoning permit process cannot be discretionary**

Multi-family = Building designed for 3+ dwellings

# What MBTA Zoning Means to Southborough

**50  
Acres**

**10 Acres:** Within 1/2 mile of the MBTA station

**25 Acres:** 50% must be contiguous

**15 Acres:** Can be 5-Acre districts

*Note: The original requirement was for all acreage within 1/2 mile:  
town negotiated with the state*

**750  
Units**

Minimum total unit capacity

# Southborough Maintains Site Plan Control

## Site Plan Review

- **Major Site Plan Review** application
- **Public hearing** with abutter notification
- Heights, setbacks, parking, lighting, Lower Impact Development (LID)
- 10% units “Affordable” required to be inclusionary dwellings for SHI
- 90% of units at market rate

The Planning Board would have oversight and the ability to enforce the UNDERLYING ZONING of each of the proposed overlay districts



# What Dense Housing Can Look Like



**Address:** 528 Boston Post Road, Sudbury  
**Units:** 250 **Acres:** 17 **Density:** 15 Units/Acre

At the parcel level, the look of 15 units per acre will vary based on the parcel size.  
It could mean a three-unit townhouse on a 10,000 square foot (approximately  $\frac{1}{4}$  of an acre) parcel.

Our underlying zoning allows for no taller than 3 stories or 45'.



# Underlying Zoning Prevails for Proposed Dev't

Any developments proposed are required to meet Southborough Zoning Code (**LOCAL CONTROL**)

| <b>Dimensional Standards</b>               | <b>District 1:<br/>Residence B</b> | <b>District 2:<br/>Industrial Park</b> | <b>District 3:<br/>Industrial Park</b> |
|--|------------------------------------|--|--|
| <b>Minimum Lot Area (SF)</b>               | <b>25,000</b>                      | <b>43,560</b>                          | <b>43,560</b>                          |
| <b>Minimum Frontage (Ft)</b>               | <b>125</b>                         | <b>200</b>                             | <b>200</b>                             |
| <b>Minimum Setbacks (Ft)</b>               |                                    |  |  |
| <b>Front</b>                               | <b>30</b>                          | <b>75*</b>                             | <b>75*</b>                             |
| <b>Rear</b>                                | <b>35</b>                          | <b>50</b>                              | <b>50</b>                              |
| <b>Side</b>                                | <b>15</b>                          | <b>50</b>                              | <b>50</b>                              |
| <b>Maximum Height</b>                      | <b>2.5 stories or 35 feet</b>      | <b>3 stories or 45 feet</b>            | <b>3 stories or 45 feet</b>            |
| <b>Maximum Floor Area Ratio</b>            | <b>0.3</b>                         | <b>0.6</b>                             | <b>0.6</b>                             |
| <b>Maximum dwelling units<br/>per acre</b> | <b>15.0</b>                        | <b>16.0</b>                            | <b>15.0</b>                            |

SF= Square Feet, Ft= Feet

# How Does MBTA Benefit Southborough



A Housing Shortage



High Cost of Living

- A modest step to provide **zoning** to build more diverse housing
  - Included as a goal in our 2021 Master Plan to provide more diverse housing
  - #1 priority in our housing production plan
  - 90% of our housing inventory is single-family homes
  - Potential to provide housing opportunities for younger and older generations seeking to enter or stay in Southborough
  - Provides for 10% of potential developed units to contribute to our Southborough Affordable Housing Inventory
- Districts proposed ensure a gradual impact over time
- Contributes to our community responsibility towards easing the housing crisis

# Consequences for Not Passing the MBTA Law

- **Ineligibility for grants from the MassWorks and HousingWorks infrastructure programs, the Housing Choice Initiative, and the Local Capital Projects Fund**
- **Civil enforcement action by the Attorney General's Office** or legal groups and liability under federal and state fair housing laws
- **Reduced consideration for the following 13 discretionary grant programs** (and potentially others):
  - EOHLC's Community Planning Grants
  - Executive Office of Economic Development's Massachusetts Downtown Initiative, Urban Agenda, and Rural and Small-Town Development Fund
  - MassDevelopment's Brownfields Redevelopment Fund, Site Readiness Program, Underutilized Properties Program, Collaborative Workspace Program, Real Estate Services Technical Assistance, and Commonwealth Places Program
  - Executive Office of Energy and Environmental Affairs' Land Use Planning Grants, Local Acquisitions for Natural Diversity Grants, and Municipal Vulnerability Preparedness Planning and Project Grants

# Has Southborough Benefited from Grants?

**Yes, AND we expect to need more.....**

- **One Stop Grant** for a Route 9 study and sewer evaluation
- **MassWorks** to support Route 9 Sewer overhaul
- And potentially more.....

**Grants can offset tax overrides  
reducing the financial burden of our citizens**



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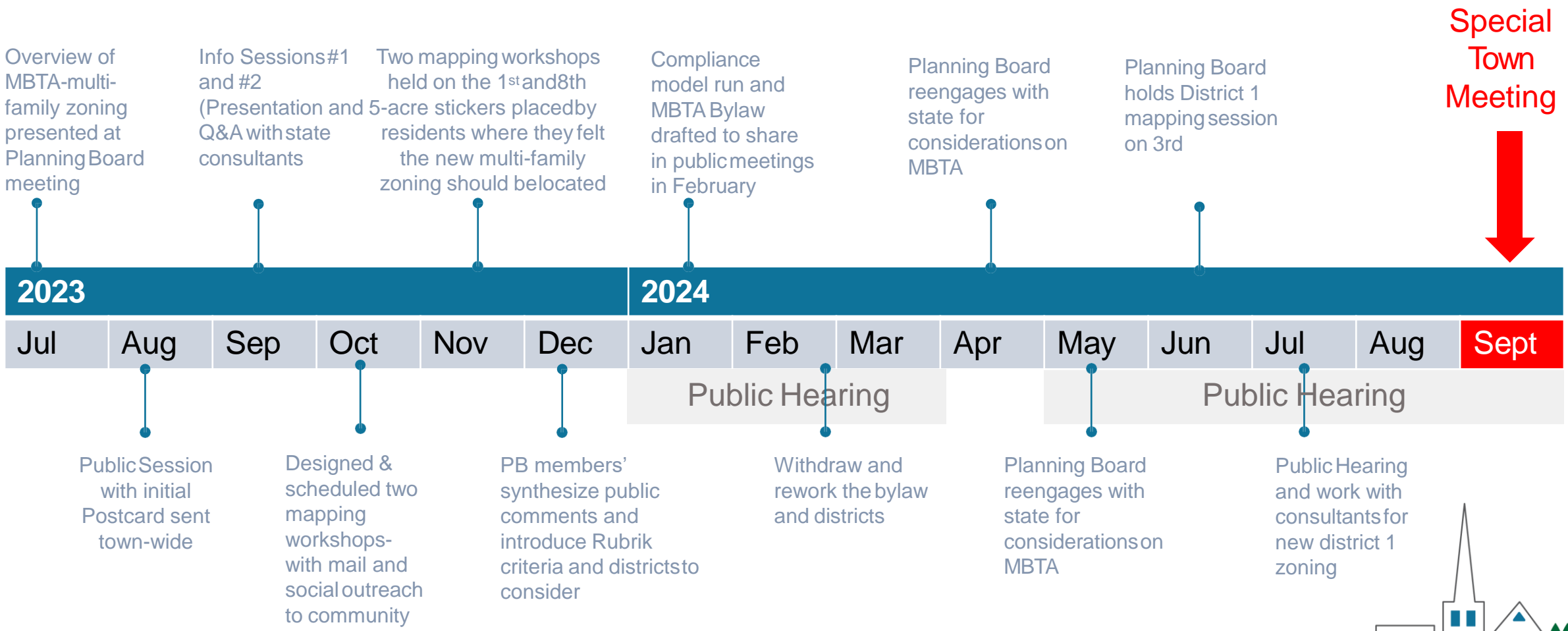
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# Planning Board Process to Prepare for Today

Education and outreach since August 2023 with over 45 meetings over 14 months



# Planning Board Approach for Overlay Bylaw

Planning Board leveraged state consultants, our citizens, and additional tools to identify areas for re-zoning

**Objective:**

Meet zoning act requirements while limiting impact to existing residential neighborhoods

**Approach:**

- Used state consultants and guidelines
- Used state compliance modeling tool
- Asked Southborough residents for their input
- Conducted local mapping sessions to identify 21 areas
- Leveraged other towns experiences and recommendations
- Developed a prioritization criteria rubrik to compare and contrast districts identified from resident mapping sessions

**State Guidelines**

| Eligible Properties in Acreage  |
|---|
| <ul style="list-style-type: none"><li>• Privately owned properties</li><li>• Developable public land</li></ul>  |
| Non-Eligible Properties in Acreage  |
| <ul style="list-style-type: none"><li>• Conservation Land</li><li>• Non-profit owned properties</li><li>• Water</li><li>• Article 97 protected properties</li></ul> |

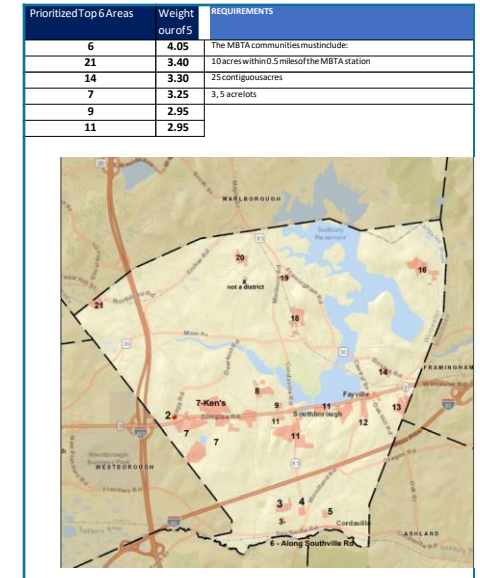


# Refining the 21 Areas Using Weighting Criteria

## Planning Board Criteria and Scoring Rubrik

| Recommended for MBTA  | Definition   | Weighting |
|---|--|-----------|
| <b>Non motor access to MBTA station</b>   | Safe Walking Access to MBTA (5= Yes, 1=No)<br>Safe Biking Access to MBTA   | 15%       |
| <b>Transportation Network Road Classification</b>                                   | Rank 5(Major Arterial- Route 9)<br>Rank 3(Minor Arterial - Rte 85)<br>Rank 2 (Collector-Parkerville Road)<br>Rank 1(Local-Flagg Road)      | 15%       |
| <b>Established Infrastructure</b>   | Water, septic/sewer and. Utilities<br>Established septic for single-family = 3;<br>Established septic/sewerage > single family=4/5         | 15%       |
| <b>Zoned Business or Industrial</b>   | Overall zoning could include multi-housing or mixed use  | 15%       |
| <b>No traffic impact to local scenic roads/streets and neighborhoods</b>            | Location will not impact car traffic on scenic roads and neighborhoods   | 10%       |
| <b>Location will not require additional parking infrastructure at MBTA station</b>  | Incentive to ride MBTA is directly correlated to ease of station to get to and parking (parking cannot increase at MBTA station currently) | 10%       |
| <b>No impact on trees</b>   | Location and conversion to multi-family or mixed use will not impact removal of trees  | 10%       |
| <b>The parcel <u>does not include</u> any Open Space High Priority Preservation</b> | Open Space prioritized through Mass Audubon;<br>A property preserved is a 1, not preserved is a 5  | 10%       |

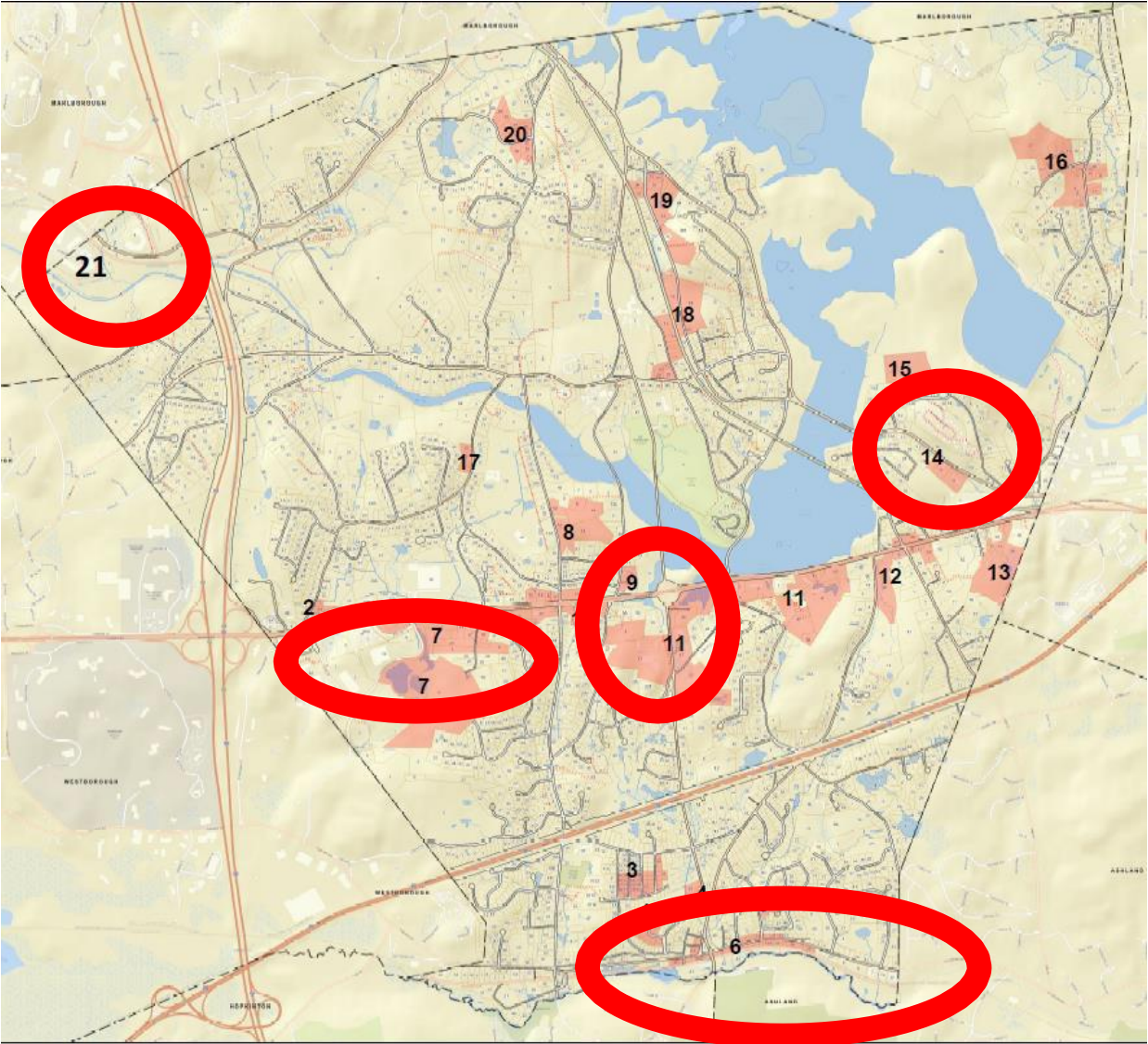
| Rank (1-5) | Definition                  |
|------------|-----------------------------|
| 1          | Does not meet criteria (NO) |
| 2          |                             |
| 3          | Neutral                     |
| 4          |                             |
| 5          | Does meet criteria (YES)    |



| Criteria  | Weighting | 1    | 2   | 3   | 4               | 5        | 6 | 7 | 8    | 9    | 11  | 12   | 13   | 14   | 16  | 18  | 19       | 20  | 21   |   |
|---|-----------|------|-----|-----|-----------------|----------|---|---|------|------|-----|------|------|------|-----|-----|----------|-----|------|---|
| Non motor Access to MBTA station  | 15%       | 1    | 1   | 5   | <5<br>per<br>RS | <5 acres | 5 | 1 | 1    | 1    | 1   | 1    | 1    | 1    | 1   | 1   | <5 acres | 1   | 1    |   |
| Transportation Network/Road Classification                                  | 15%       | 1    | 1   | 1   |                 |          | 3 | 5 | 3    | 3    | 3   | 5    | 3    | 3    | 1   | 1   |          |     | 1    | 1 |
| Established Infrastructure  | 15%       | 4    | 5   | 3   |                 |          | 4 | 4 | 3    | 4    | 4   | 4    | 3    | 3    | 3   | 4   |          |     | 3    | 5 |
| Zoned Business or Industrial  | 15%       | 5    | 3   | 1   |                 |          | 3 | 3 | 1    | 3    | 3   | 3    | 3    | 5    | 1   | 3   |          |     | 1    | 5 |
| No traffic impact to local scenic roads/streets and neighborhoods           | 10%       | 5    | 3   | 1   |                 |          | 4 | 4 | 1    | 3    | 3   | 4    | 5    | 5    | 1   | 1   |          |     | 1    | 5 |
| Location will not require additional parking infrastructure at MBTA station | 10%       | 1    | 1   | 5   |                 |          | 5 | 1 | 1    | 1    | 1   | 1    | 1    | 1    | 1   | 1   |          |     | 1    | 1 |
| No impact on trees  | 10%       | 1    | 4   | 2   |                 |          | 4 | 3 | 1    | 4    | 4   | 3    | 2    | 4    | 2   | 4   |          |     | 3    | 5 |
| The parcel does not include any Open Space High Priority Preservation       | 10%       | 2    | 5   | 5   |                 |          | 5 | 5 | 1    | 5    | 5   | 1    | 1    | 5    | 1   | 5   |          |     | 5    | 5 |
| Calculations  | 100%      | 2.55 | 2.8 | 2.8 |                 |          |   |   | 4.05 | 3.25 | 1.6 | 2.95 | 2.95 | 2.85 | 2.4 | 3.3 |          | 1.4 | 2.45 |   |



# Highest Ranked Resident Selected Districts



| Prioritized Top 6 Areas | Closest to 5 is highest ranked |
|-------------------------|--------------------------------|
| 6                       | 4.05                           |
| 21                      | 3.40                           |
| 14                      | 3.30                           |
| 7                       | 3.25                           |
| 9                       | 2.95                           |
| 11                      | 2.95                           |

- The Planning Board reviewed the areas and modeled several combinations
- Public hearing input compromise
- The final three are presented in the bylaw for Town vote tonight

# Modeled Results Meet Compliance Requirements

| Comparison Table of Requirements and Modeled Results |                        |                 | Meets Requirements |
|--|------------------------|-----------------|--------------------|
| Category   | Guideline Requirements | Modeled Results |                    |
| Community  | Southborough           | Southborough    |                    |
| Community Category                                   | Commuter Rail          | Commuter Rail   |                    |
| 2020 Housing Units (Census PL-94):                   | 3,763                  | 3,763           |                    |
| Minimum Multi-family Unit Capacity:                  | 750                    | 828             | YES                |
| Minimum Land Area:                                   | 50                     | 59.2            | YES                |
| Developable station area:                            | 167.08                 | 167.08          | YES                |
| % Unit Capacity within Transit Station Areas:        | 20%                    | 105%            | YES                |
| % Land Area Located in Transit Station Areas:        | 20%                    | 129%            | YES                |

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# Proposed MBTA Overlay Districts

- Recommended proposal meets State compliance model

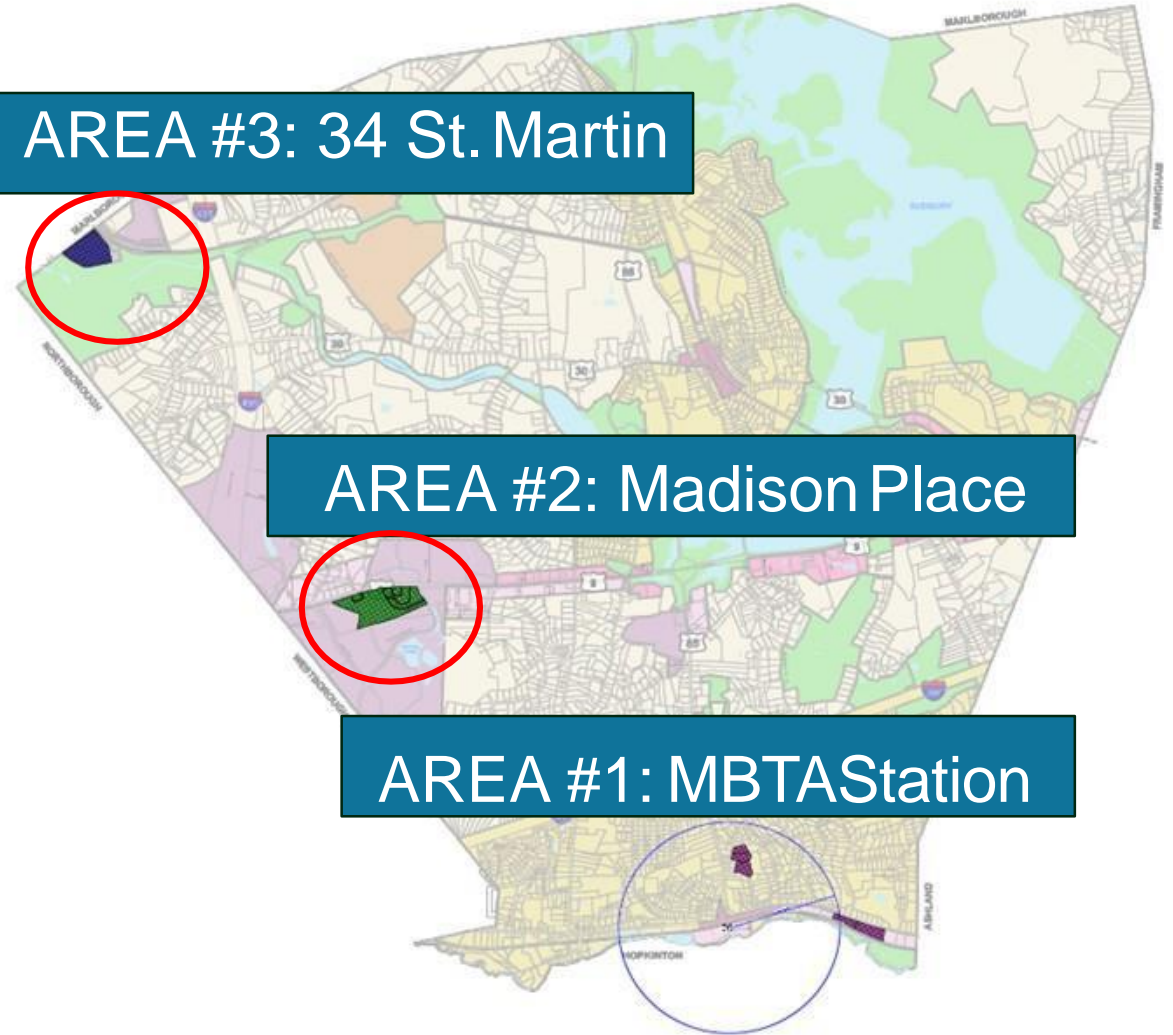
- ✓ 750 Units
- ✓ 50 acres
- ✓ 10 acres ½ mile of MBTA

| LEGEND - DISTRICTS  |  |
|---|--|
|    | SUB-DISTRICT 1   |
|   | SUB-DISTRICT 2   |
|  | SUB-DISTRICT 3   |
|  | MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD) |
|  | MBTA COMMUTER RAIL STATION                             |

AREA #3: 34 St. Martin

AREA #2: Madison Place

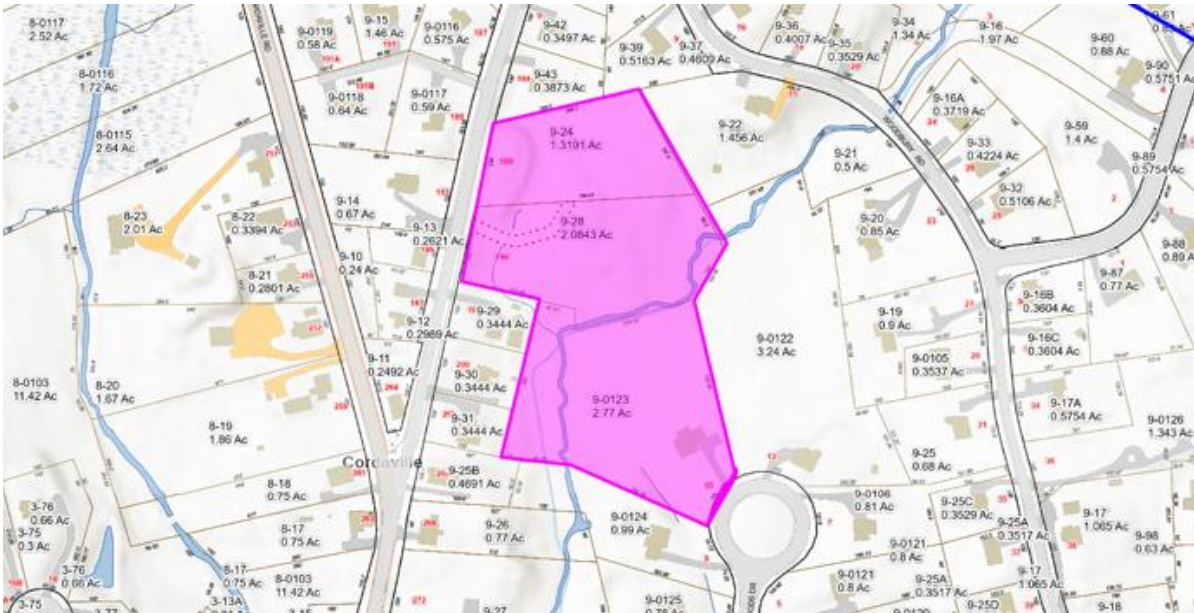
AREA #1: MBTA Station



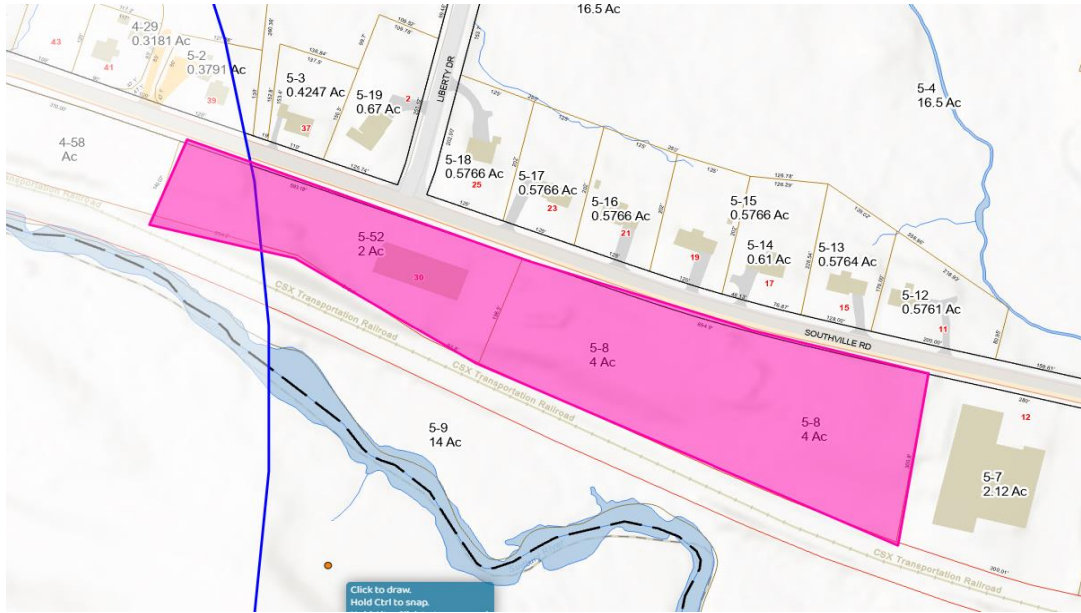


# District 1: Two Distinct Sections Within ½ Mile Radius

District 1A

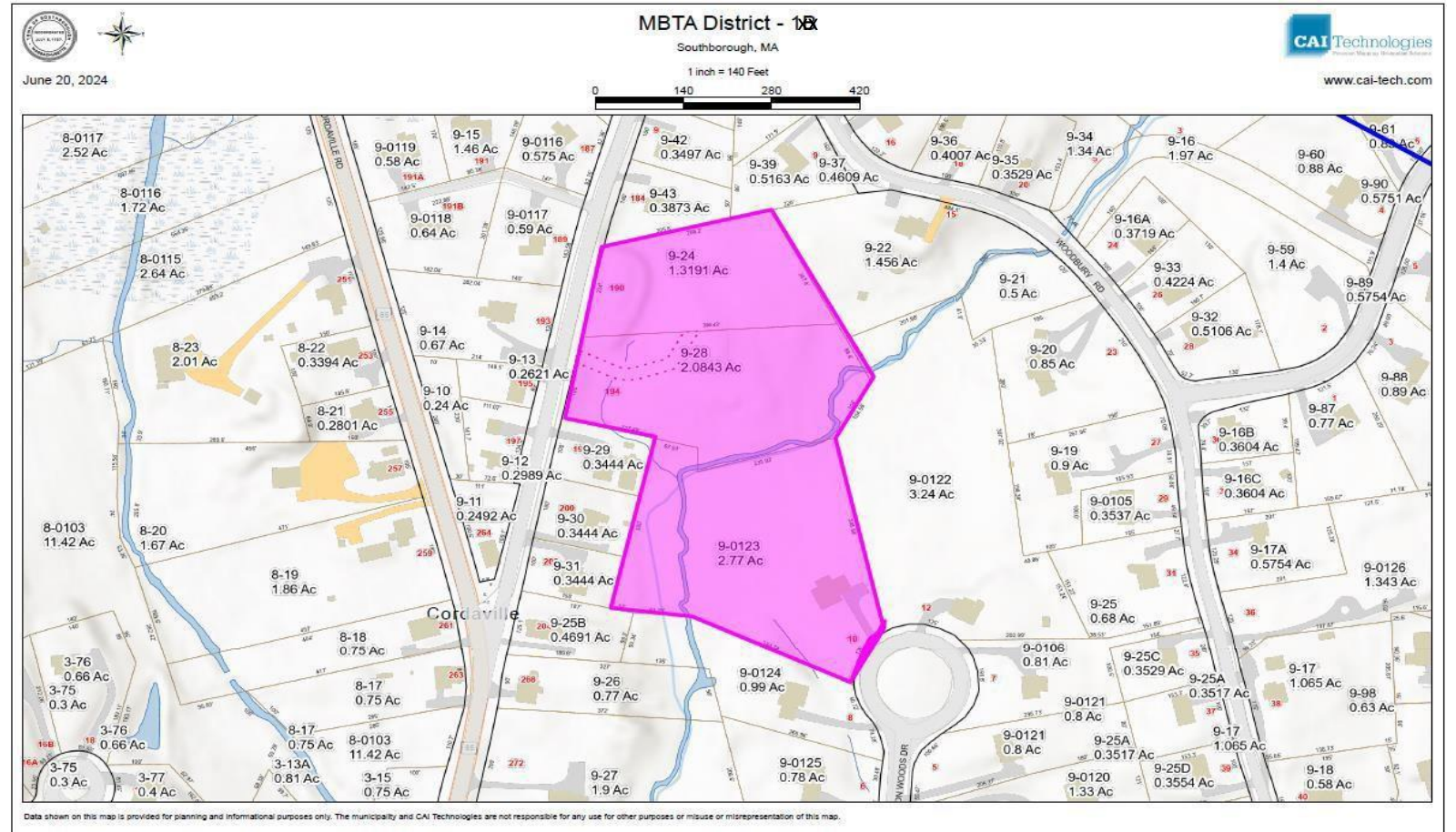


District 1B



## 6.1 Acres

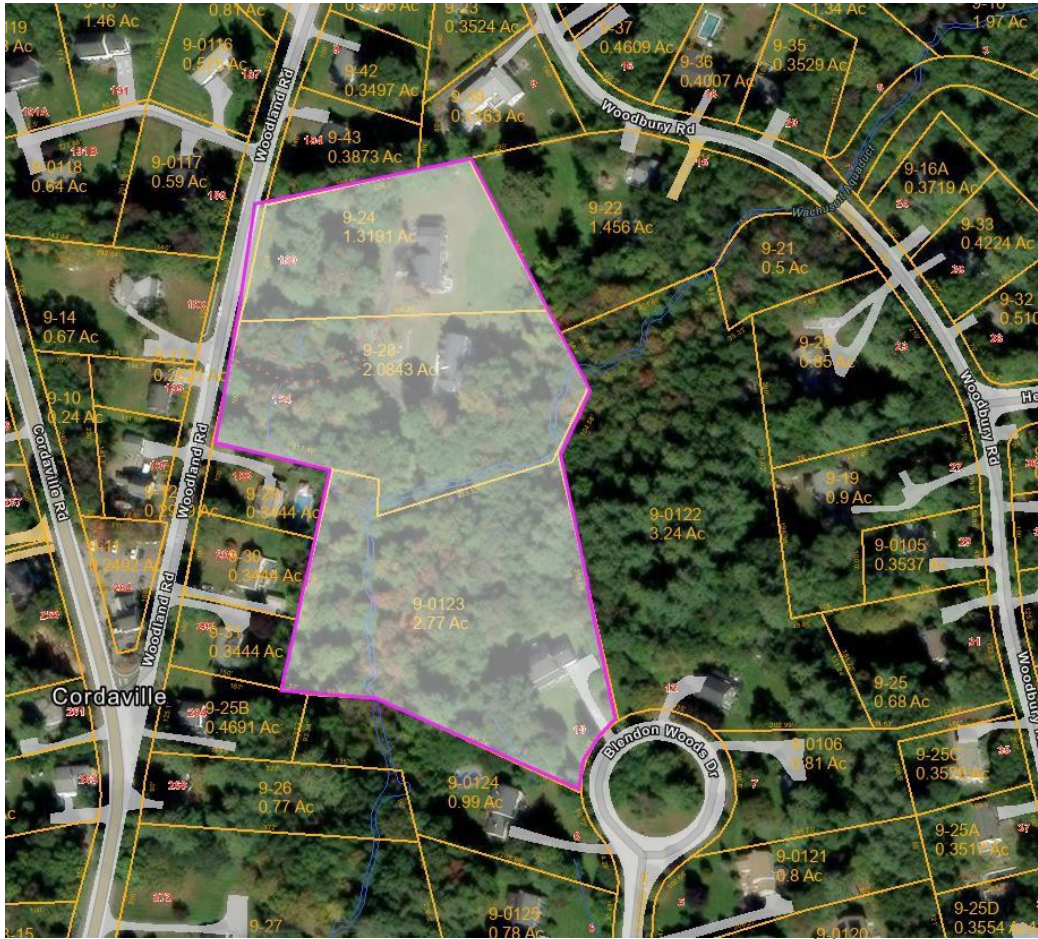
- 190 Woodland Rd
- 194 Woodland Rd
- 10 Blendon Woods Dr.





# Modeled District 1A - Woodland/Blendon Woods Results

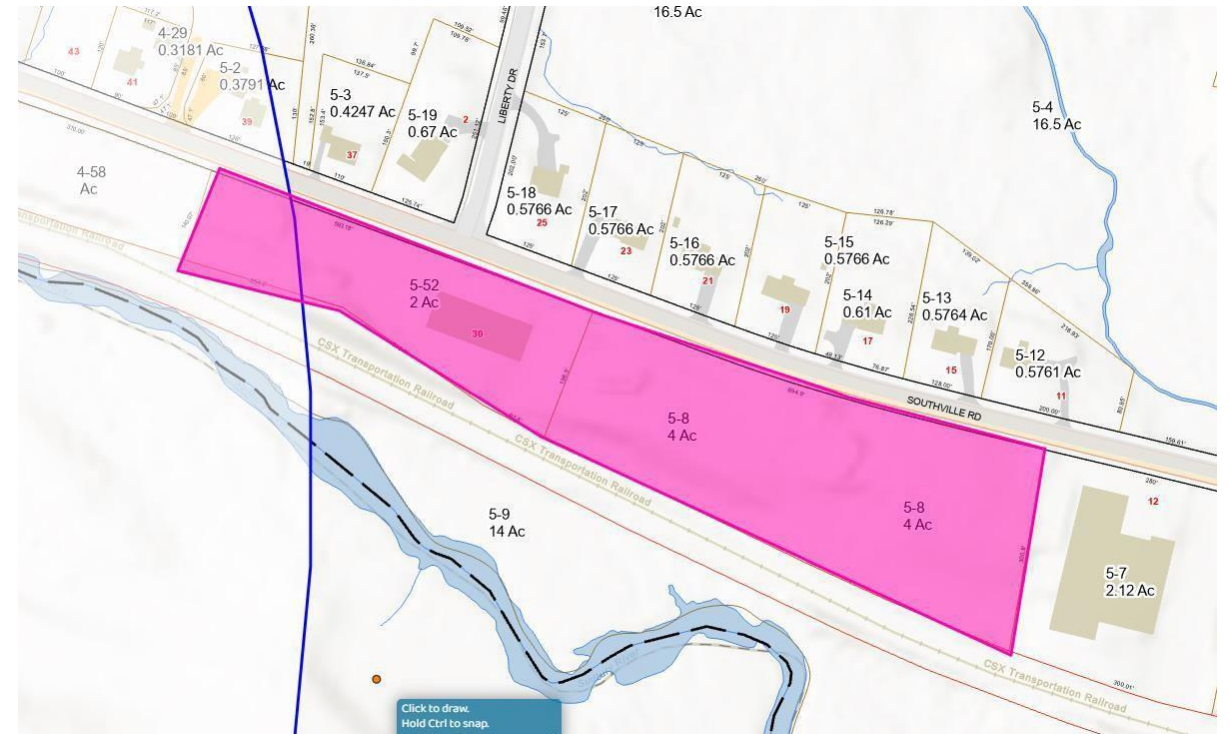
| Data Metric                             | Area            |
|---|-----------------|
| District Name                           | Station Area 1A |
| District Acreage (see note)             | 6.6             |
| District Density Denominator (see note) | 6.6             |
| Final Unit Capacity per District        | 77              |
| Density Unit per Acre                   | 11.7            |
| Parcel Acreage                          | 6.6             |
| Total Built Square Feet                 | 205,272         |
| Total Units in Station Area             | 77              |
| Non-Conforming Parcels                  | 0               |
| Total Excluded Land (sf)                | 31,147          |
| Total Open Space (sf)                   | 82,465          |
| Total Parking Area (sf)                 | 123,163         |
| Units Forgone due to Unit Cap in Zoning | 0.00            |



# District 1B: Southville Road

## 6 Acres

- 30 Southville Rd
- Southville Rd





# Modeled District 1B-Southville Rd. Results

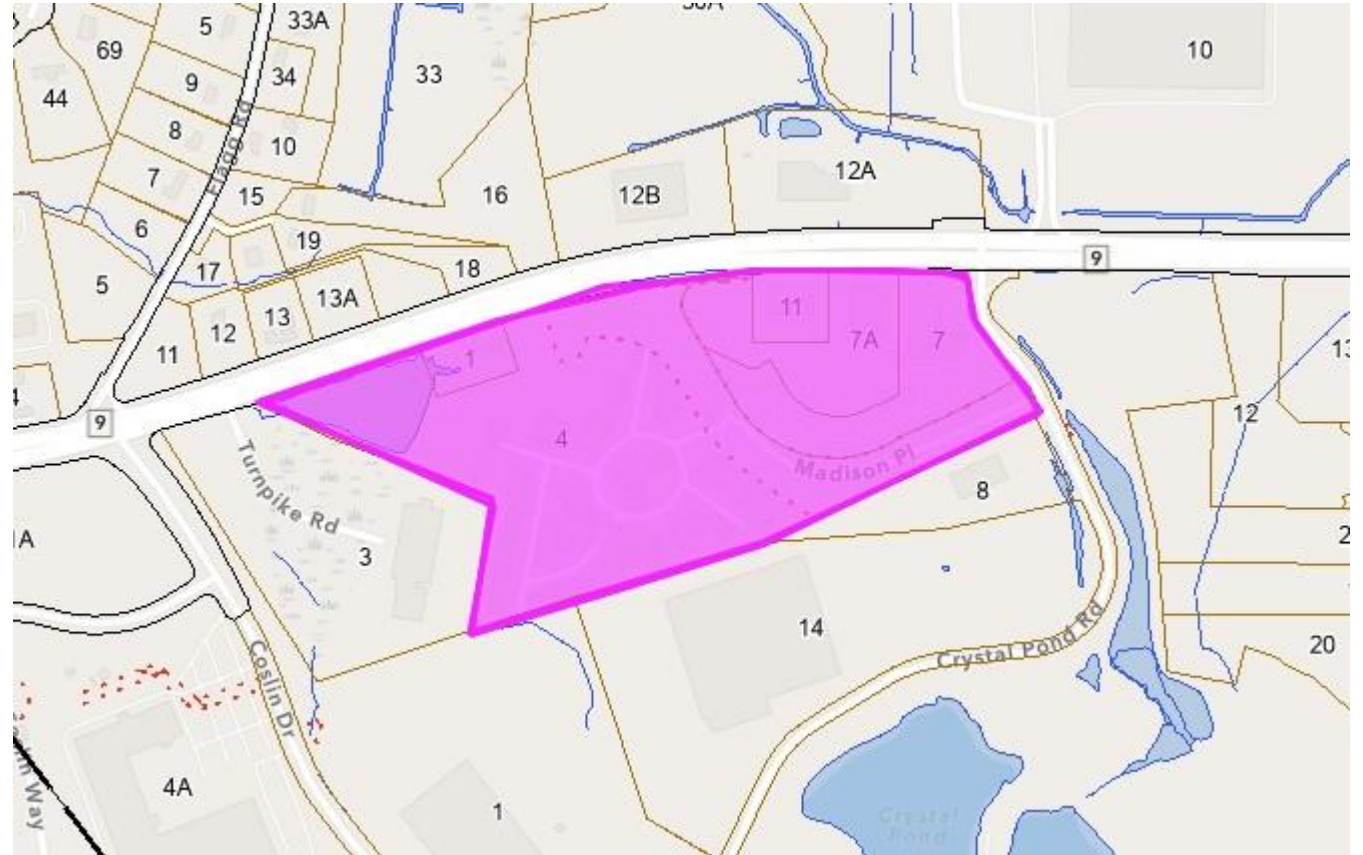
| Data Metric                             | Area         |
|---|--------------|
|   | Station Area |
| District Name                           | 1B           |
| District Acreage (see note)             | 6.3          |
| District Density Denominator (see note) | 3.9          |
| Final Unit Capacity per District        | 80           |
| Density Unit per Acre                   | 20.6         |
| Parcel Acreage                          | 6.3          |
| Total Built Square Feet                 | 149,890      |
| Total Units in Station Area             | 80           |
| Non-Conforming Parcels                  | 1            |
| Total Excluded Land (sf)                | 114,054      |
| Total Open Space (sf)                   | 125,430      |
| Total Parking Area (sf)                 | 89,934       |
| Units Forgone due to Unit Cap in Zoning | 0.00         |



## District 2: Madison Place

# 29.5 Acres

- 334 Turnpike
- 1200 Madison Place
- 300 Turnpike
- 302 Turnpike
- 304 Turnpike





# Modeled District 2-Madison Place Results

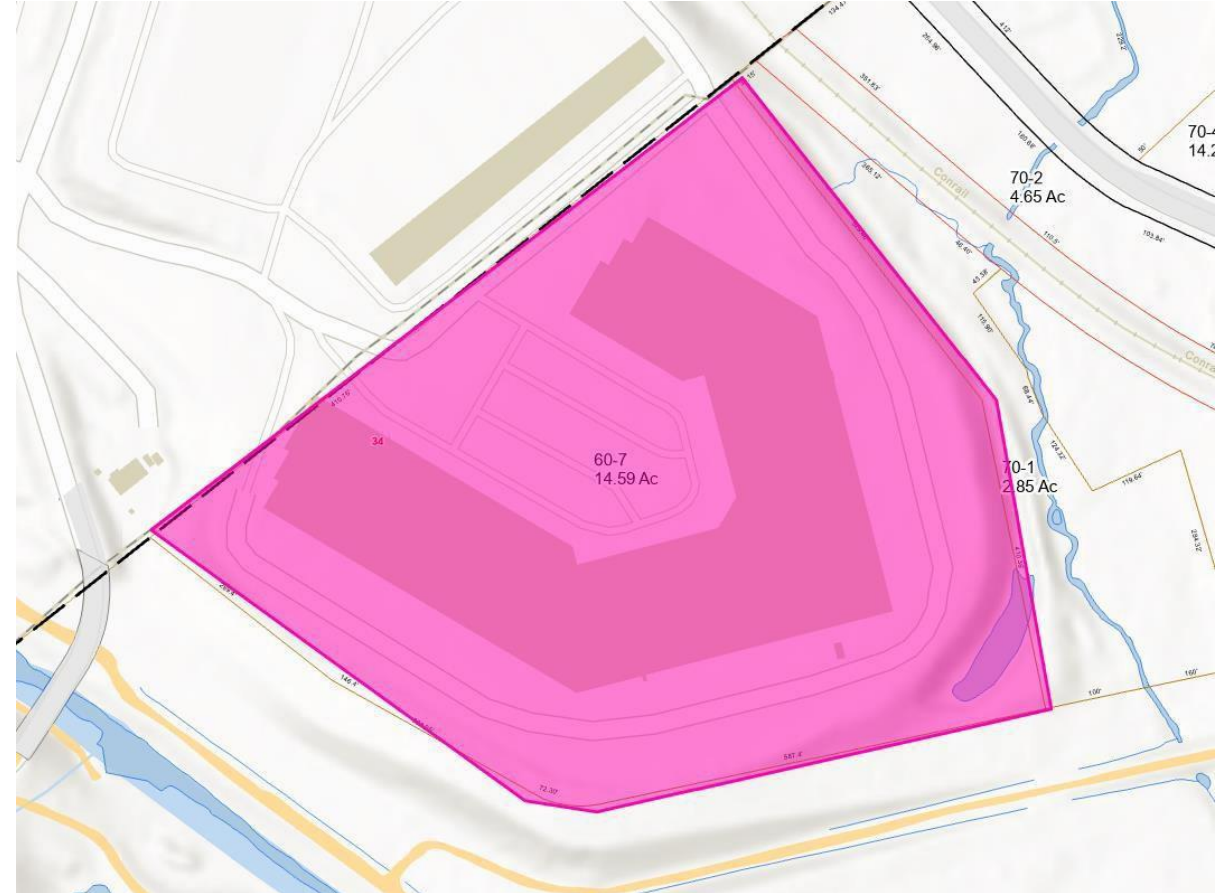
| Data Metric                             | Area      |
|---|-----------|
| District Name                           | Area 2    |
| District Acreage (see note)             | 31.8      |
| District Density Denominator (see note) | 29.7      |
| Final Unit Capacity per District        | 454       |
| Density Unit per Acre                   | 15.3      |
| Parcel Acreage                          | 31.8      |
| Total Built Square Feet                 | 1,187,104 |
| Total Units in Station Area             | 0         |
| Non-Conforming Parcels                  | 1         |
| Total Excluded Land (sf)                | 203,528   |
| Total Open Space (sf)                   | 367,268   |
| Total Parking Area (sf)                 | 593,552   |
| Units Forgone due to Unit Cap in Zoning | 0.00      |



# District 3: St. Martin Drive

**14.6 Acres**

- 34 St. Martin Drive



# Modeled District 3- St. Martin Dr. Results

| Data Metric                             | Area    |
|---|---------|
| District Name                           | Area 3  |
| District Acreage (see note)             | 14.4    |
| District Density Denominator (see note) | 14.4    |
| Final Unit Capacity per District        | 217     |
| Density Unit per Acre                   | 15.0    |
| Parcel Acreage                          | 14.4    |
| Total Built Square Feet                 | 603,678 |
| Total Units in Station Area             | 0       |
| Non-Conforming Parcels                  | 0       |
| Total Excluded Land (sf)                | 0       |
| Total Open Space (sf)                   | 125,766 |
| Total Parking Area (sf)                 | 301,839 |
| Units Forgone due to Unit Cap in Zoning | 0.00    |





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# What Happens if Southborough Votes Down?

**Compliance with the law is mandatory by 12/31/24.**

**Voting “No” will come with a cost; we will hold another STM before 12/31/24**

An MBTA community that fails to comply with this section shall not be eligible for funds from:

- The Housing Choice Initiative
- The Local Capital Projects Fund established in section 2EEEE of chapter 29; or
- The MassWorks infrastructure program established in section 63 of chapter 23A
- Non-compliance will be part of the consideration for any grant the Town may seek from the State

## Potential Costs

- Lose access to certain state grants
- Potential threat of legal action from AG

# Approval Requires 50% of The Town to VOTE YES



The **Attorney General** has reviewed our proposed bylaw and we have incorporated those slight edits



The **EOHLC (state agency)** has collaborated closely with the Planning Board to ensure the **districts selected and bylaw meet the objective of the law**



The **Select Board** and **SHOPC** have voted to approve



