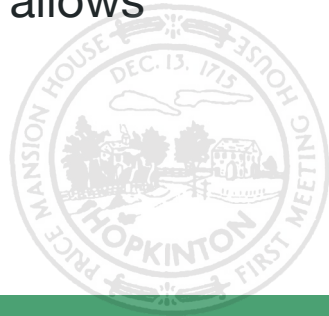


MBTA Communities Multi-Family Overlay Zoning



What is the MBTA Communities Initiative?

- Jan. 2021: Governor Baker signs Economic Development Bond Bill into law which included reforms to the Zoning Act (MGL c. 40A)
 - “Housing Choice” allows simple majority provisions at Town Meetings
 - Section 3A = MBTA Communities provisions
- Requires all 175 MBTA Communities to adopt zoning in conformance with MGL c. 40A, Section 3A.
- Requires MBTA Communities to adopt a local zoning bylaw which allows by-right multi-family housing.



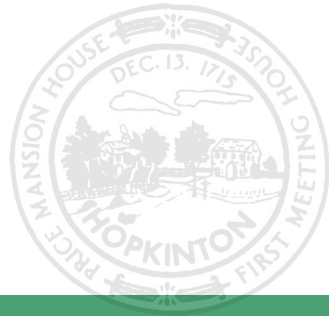
What Does This Mean?

- The regulations focus on **zoning**.
- The law **does not** require the units to be constructed.
 - Compliance with law is solely based on the regulations in place, not the actual production of units.
- MBTA Communities law does not require provision of affordable housing as part of the proposed district, but towns can include such provisions in the local bylaw.
- All municipalities designated as MBTA Communities must comply with MGL c. 40 Section 3A or risk losing funding from the Commonwealth as well as potentially opening up the municipality to lawsuits.



What is Required?

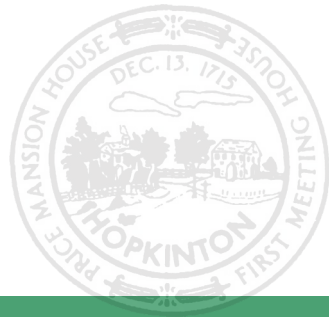
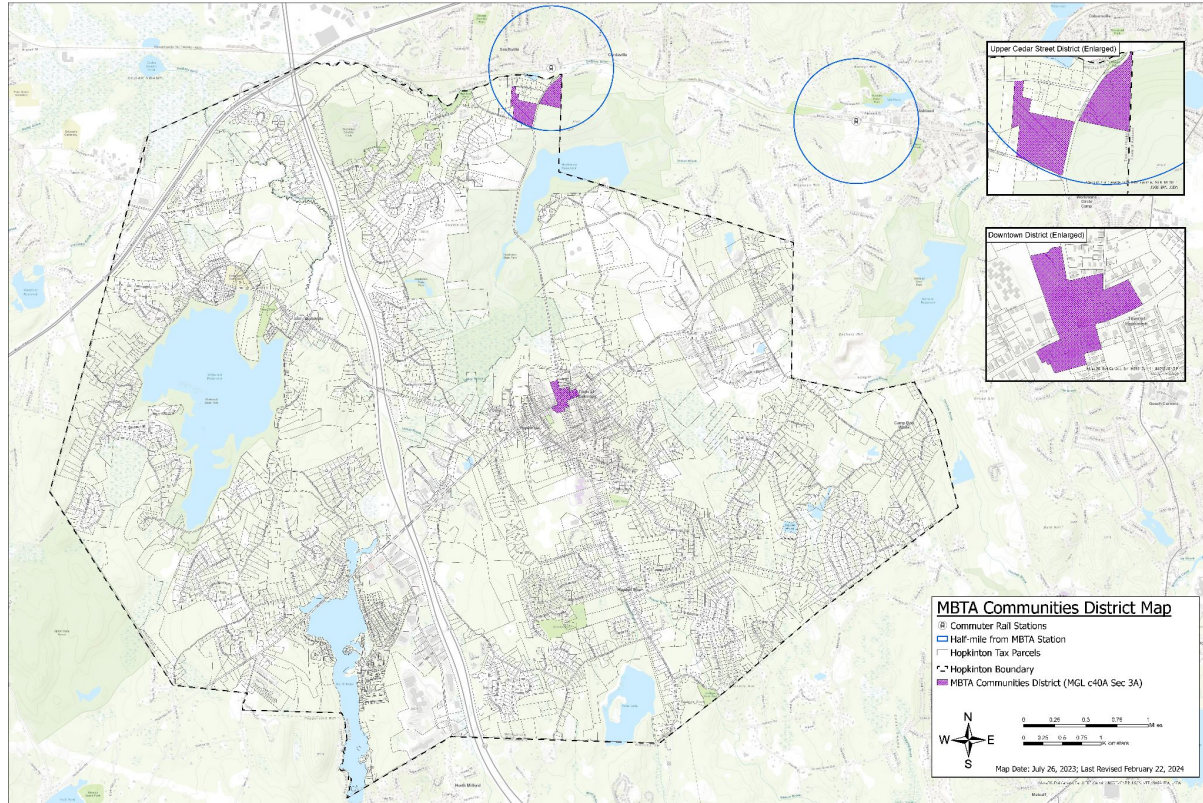
- Establishment of a district of a “reasonable size.”
 - At least 50 acres total. May be divided into smaller “subdistricts.”
- The district must allow units at a **minimum gross density** of 15 units per acre “as-of-right.”
 - This requirement can also be met as an average across proposed subdistricts.
- The Bylaw must allow for the construction of at least 750 units in Hopkinton. These units **do not** need to be constructed in order to comply with the law.
- No age or bedroom restrictions allowed.



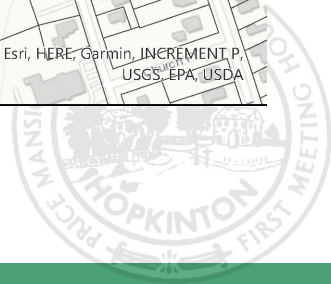
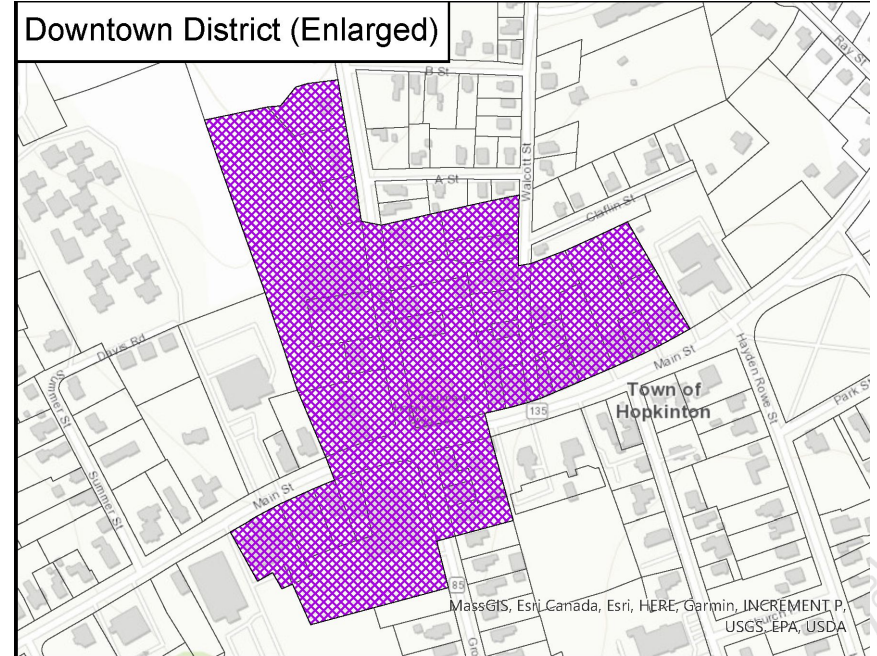
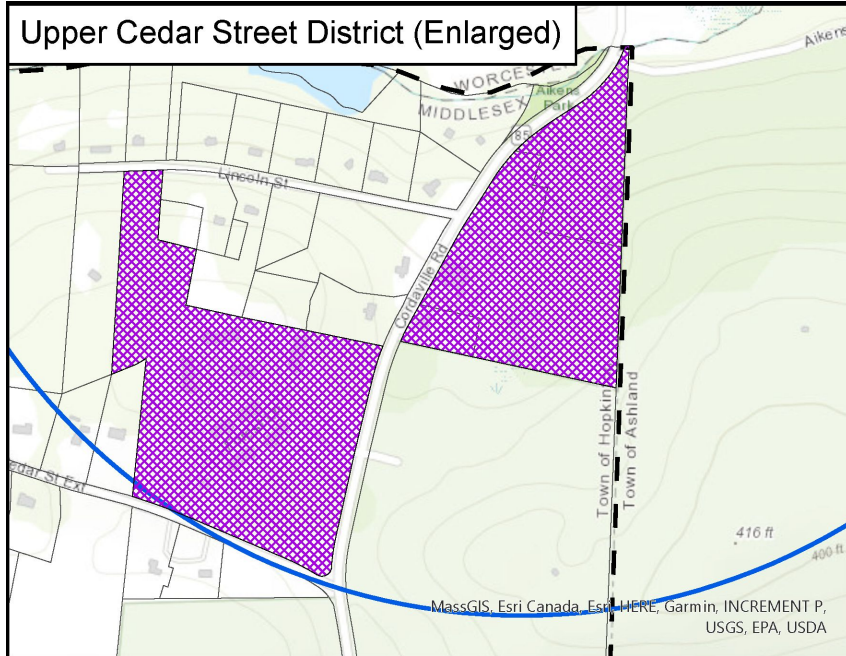
Hopkinton Public Outreach Process

- Outreach for the MBTA Communities effort included the following:
 - Principal Planner presentation of the concept before the Select Board on April 5, 2022;
 - Principal Planner presentation of the concept before ZAC on May 23, 2022;
 - The Town Manager and Principal Planner issuance of a press release through local media (eHop, Hopkinton Independent, HopNews, etc.) and on the Town's communication channels regarding the proposed MBTA Communities effort on September 6, 2023;
 - Zoning Advisory Committee (ZAC) held 12 public meetings to discuss the proposed bylaw from June 2023 to September 2024;
 - The Planning Board held seven public hearings from January 8, 2024 to today, with an eighth hearing scheduled for **October 28, 2024 @ 7:00 PM**;
 - Planning Board attendance at a site walk hosted by The Preserve Board of Trustees on February 3, 2024;
 - Principal Planner participation in eHop's interview re: MBTA Communities via HCAM on March 19, 2024;
 - Principal Planner participation in a jointly-organized Q&A session with Trustees and residents of The Preserve on April 3, 2024;
 - Principal Planner participation in eHop's Know Your Vote event via HCAM on April 29, 2024;
 - The Principal Planner provided an update to the Select Board on the new proposals recommended by ZAC on September 17, 2024.

Option 1 - Upper Cedar Street/Downtown (ATM 24)



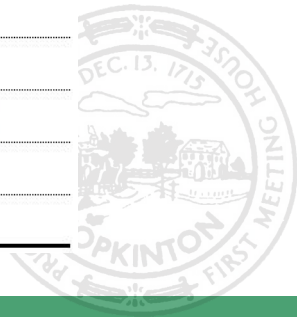
Option 1 - Upper Cedar Street/Downtown (ATM 24)



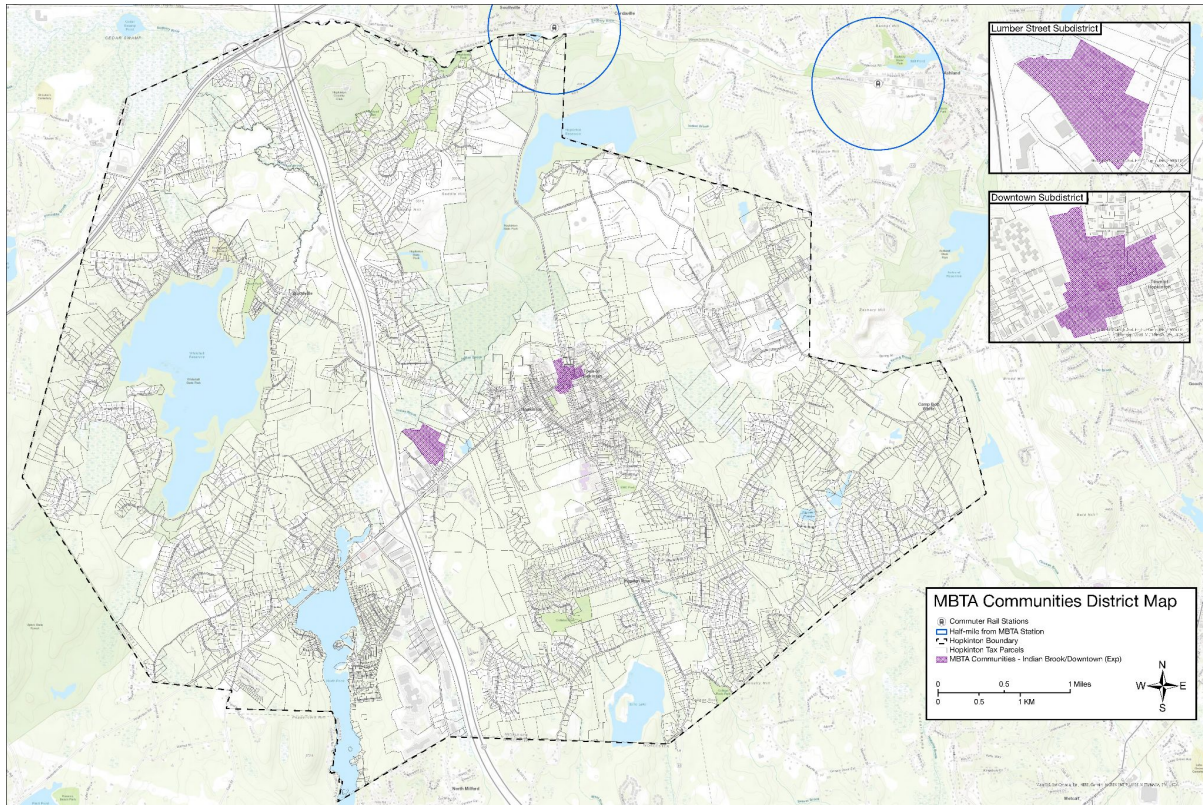
Option 1 - Upper Cedar Street/Downtown (ATM 24)

Summary Table

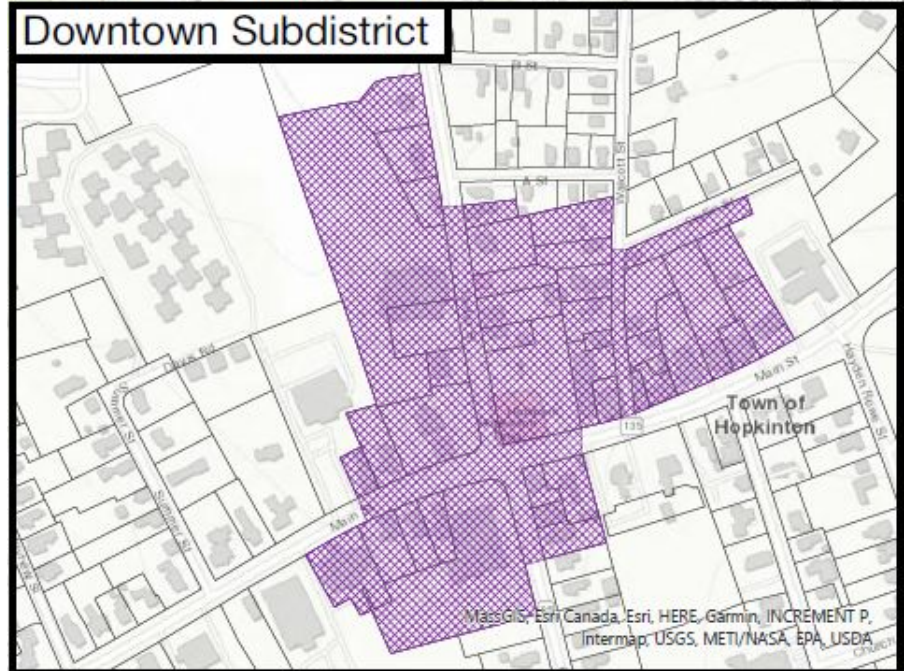
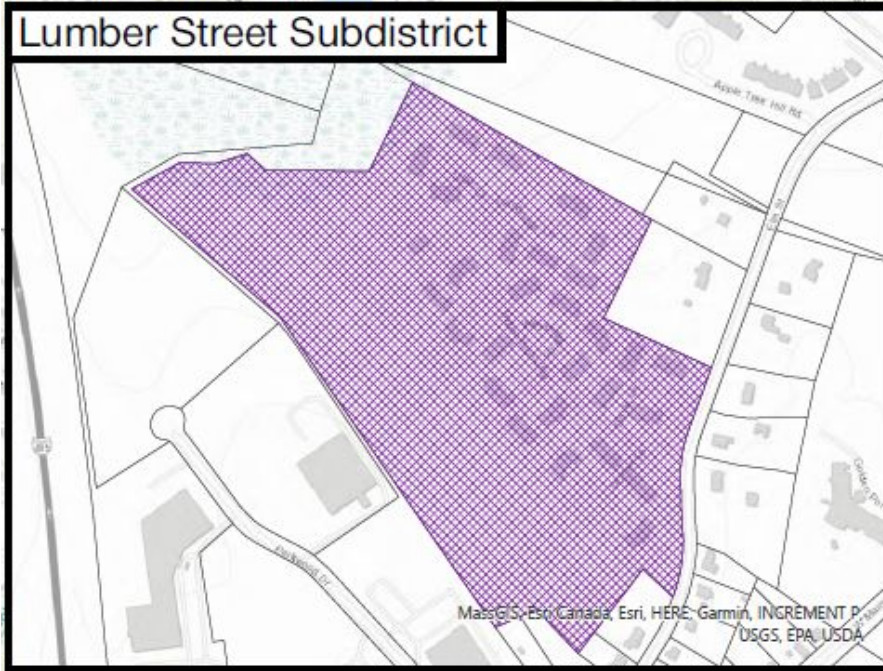
Data Metric	District 1	District 2	Totals
District Name	Upper Cedar Street	Downtown	
District Acreage (<i>see note</i>)	39.7	18.7	58.4
District Density Denominator (<i>see note</i>)	29.9	18.7	48.6
Final Unit Capacity per District	597	217	814
DU/AC	20.0	11.6	16.7
Parcel Acreage	39.9	16.9	56.8
Total Built Square Feet	1,233,410	716,117	1,949,527
Total Units in Station Area	597	0	597
Non-Conforming Parcels	0	4	4
Total Excluded Land (sf)	432,689	60,978	493,667
Total Open Space (sf)	953,749	208,116	1,161,865
Total Parking Area (sf)	430,715	291,751	722,466
Units Forgone due to Unit Cap in Zoning	0.00	0.00	0



Option 2 - Indian Brook/Downtown (Expanded)



Option 2 - Indian Brook/Downtown (Expanded)

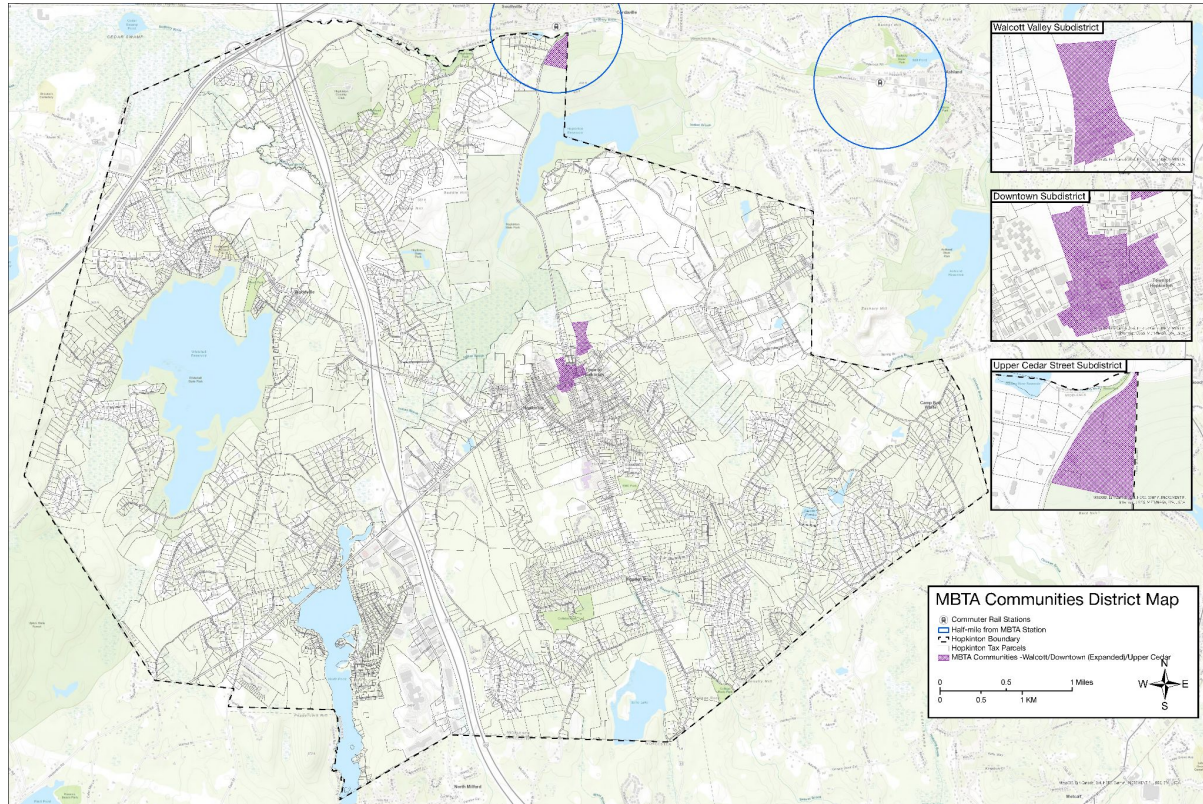


Option 2 - Indian Brook/Downtown (Expanded)

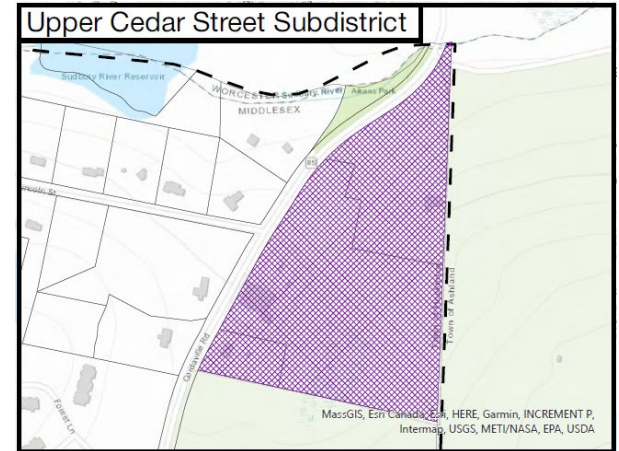
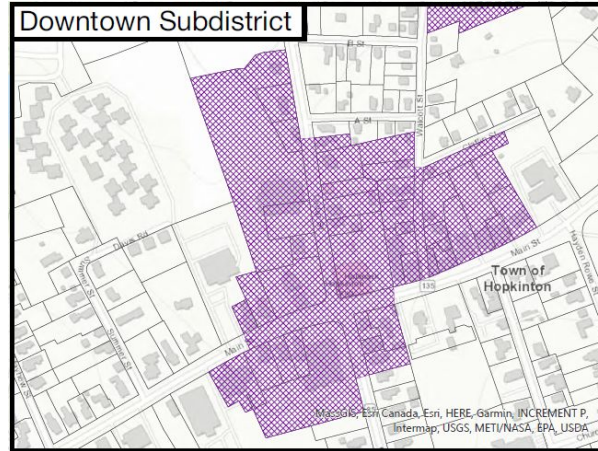
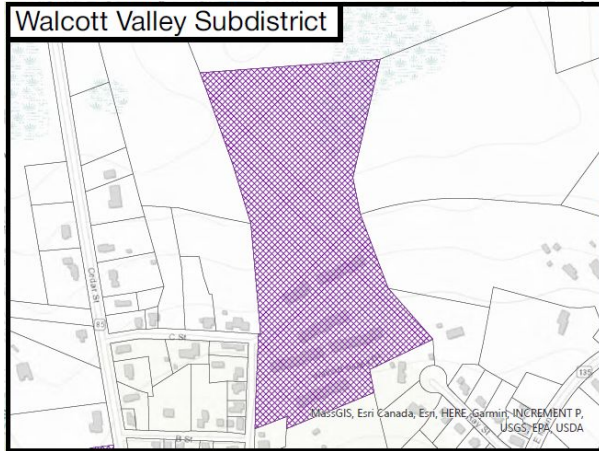
Summary Table

Data Metric	District 1	District 2	Totals
District Name	Indian Brook	Downtown (Expanded)	
District Acreage <i>(see note)</i>	32.3	20.0	52.3
District Density Denominator <i>(see note)</i>	27.6	18.6	46.2
Final Unit Capacity per District	485	286	771
DU/AC	17.6	15.4	16.7
Parcel Acreage	32.4	17.9	50.2
Total Built Square Feet	1,011,628	762,945	1,774,573
Total Units in Station Area	0	0	0
Non-Conforming Parcels	0	4	4
Total Excluded Land (sf)	203,297	60,978	264,275
Total Open Space (sf)	767,031	216,788	983,818
Total Parking Area (sf)	353,267	310,830	664,097
Units Forgone due to Unit Cap in Zoning	0.00	0.00	0

Option 3 - Walcott Valley/Downtown (Exp)/Upper Cedar Street (Mod)



Option 3 - Walcott Valley/Downtown (Exp)/Upper Cedar Street (Mod)



Option 3 - Walcott Valley/Downtown (Exp)/Upper Cedar Street (Mod)

Summary Table

Data Metric	District 1	District 2	District 3	Totals
District Name	Walcott Valley	Downtown (Expanded)	Upper Cedar	
District Acreage <i>(see note)</i>	14.8	20.0	16.9	51.7
District Density Denominator <i>(see note)</i>	10.8	16.2	12.7	39.7
Final Unit Capacity per District	222	286	254	762
DU/AC	20.6	17.7	20.0	19.2
Parcel Acreage	14.8	17.9	17.0	64.5
Total Built Square Feet	335,118	762,945	406,835	1,504,898
Total Units in Station Area	0	0	254	254
Non-Conforming Parcels	0	4	0	4
Total Excluded Land (sf)	174,814	60,978	185,335	595,940
Total Open Space (sf)	433,205	216,788	481,097	1,435,098
Total Parking Area (sf)	117,025	310,830	142,069	569,924
Units Forgone due to Unit Cap in Zoning	0.00	0.00	0.00	0

Frequently Asked Questions

- Are we required to build 750 new units?
 - **No.** The Law only requires the land areas be rezoned to allow for these uses by-right (no Special Permit required). **Zero units could be built under the MCMOD and Hopkinton would still retain “compliant” status.**
- Will the Commonwealth force the Town to construct any units allowed by the bylaw?
 - **No. Rezoning does not compel development of the land.** The Town could have zero units constructed under the provisions of this law and remain compliant.
- Were other neighborhoods considered, including the Windsor Apartments and Legacy Farms?
 - Other areas of Town were considered and eliminated for various reasons. Woodview (Legacy Farms) is part of a Master Plan Special Permit development, which would make this parcel under the MCMOD “practically” undevelopable due to the complexity of the overall permitting structure. Windsor was developed under a Ch. 40B Comprehensive Permit, and would meet similar challenges for redevelopment.

Frequently Asked Questions (Continued)

- Will residents' homes be bought out by developers?
 - **Property owners retain full control of their property if this bylaw is adopted. Adoption/implementation of the bylaw will not compel owners to sell their property.** The change in zoning allows for multi-family dwellings to be constructed by-right in the future, passage would not compel development nor force residents to sell their property. Current property owners could take advantage of the new zoning district and develop their own parcel, should they meet the requirements of the Bylaw.
 - **Condo trusts would retain full control of their property rights** and approval of this Article would, **in no way**, modify or amend the provisions contained within a condo trust agreement/bylaws.
- Is there a requirement that the chosen neighborhoods be within a half mile of public transit?
 - For Hopkinton, as an “Adjacent Community,” there is **no requirement** that these districts be within 0.5 miles of transit, however, it is encouraged to choose walkable locations in order to support public transit systems and reduce future traffic impacts.
- Will the Town be responsible for providing water/sewer to parcels within these subdistricts?
 - **No. Developers would be responsible for providing utilities to the site.** There is no requirement that the Town extend or install utilities such as water and sewer to serve potential developments under the MCMOD.

Frequently Asked Questions (Continued)

- What happens if the town votes to not approve any of the plans?
 - Hopkinton would be **ineligible for more than 13 grant programs**, as well as any other grants that have “*Compliant with all applicable laws and regulations*” as part of its decision criteria. The Attorney General has also stated non-compliant communities may be sued to compel compliance with the law.
 - Milton has had funding (from two grant programs not listed on this slide) **rescinded** from the Commonwealth due to their non-compliant status.
 - Seaport Economic Council grant
 - Community Compact Municipal Fiber grant
- Grant programs include:
 - Community Planning Grants
 - Massachusetts Downtown Initiative
 - Urban Agenda
 - Rural and Small Town Development Fund
 - Brownfields Redevelopment Fund
 - Site Readiness Program
 - Underutilized Properties Program
 - Collaborative Workspace Program
 - Real Estate Services Technical Assistance
 - Commonwealth Places Programs
 - Land Use Planning Grants
 - Local Acquisitions for Natural Diversity (LAND) Grants
 - Municipal Vulnerability Preparedness (MVP) Planning and Project Grants
 - MassWorks/HousingWorks Grants

Frequently Asked Questions (Continued)

- Should we wait to see how the lawsuit against Milton is decided?
 - **Probably no.** Milton is challenging the Commonwealth’s designation of Milton as a “Rapid Transit” community and the Commonwealth’s authority to penalize non-compliant communities.
 - “Rapid Transit” communities have greater requirements for compliance than “Adjacent” or “Commuter Rail” communities. Milton asserts that the trolley line serving the Town should not place Milton into the “Rapid Transit” category, and **does not** assert that they should not be subject to the law.
 - Milton is also challenging the Attorney General’s authority to enforce the law through means other than loss of state funding, as they assert that the “Legislature specifically limited the punishment for non-compliance to loss of state funding.”¹
 - **Summary: Milton’s lawsuit, in its current form, would not change Hopkinton’s designation as an “Adjacent Community” nor would it remove the Commonwealth’s authority to withhold state funding.**

¹ <https://www.wgbh.org/news/politics/2024-09-18/court-date-set-for-showdown-over-mbta-housing-law>

Next Steps in the Process

- The Planning Board votes (tonight) on whether to add the article to the STM 2024 Warrant (November 18, 2024).
 - Administrative process to officially add it to the STM 2024 Warrant.
- **The Planning Board will hold a public hearing on the proposed article on October 28, 2024 at 7:00 PM via Zoom.** Members of the public are encouraged to attend and ask any questions related to the Article they may have.
- The result of the PB hearing will be a **recommendation** for Town Meeting to pass or defeat the article.
 - The Planning Board does not have the authority to approve the bylaw, that rests solely with Town Meeting voters.
- If approved at STM 2024, Town staff will work with EOHLC to take the required steps to finalize/confirm compliance status.

For more information, please reach out to:

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Principal Planner

jgelcich@hopkintonma.gov

(508) 497 - 9745

3rd Floor of Town Hall

(Land Use Department)

I encourage residents to reach out to me with any questions by phone, email, or in person at Town Hall.