

MBTA COMMUNITY MULTI-FAMILY HOUSING LAW

IMPACTS ON THE TOWN OF LUNENBURG



MGL CHAPTER 40A SECTION 3A

(a)(1) an MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restriction and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall:

(i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of Chapter 131 and Title 5 of the State Environmental Code established pursuant to Section 13 of Chapter 21A, if applicable; and

(ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable.

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

(i) the Housing Choice Initiative as described by the Governor in a message to the General Court date December 11, 2017

(ii) The local Capital Projects Fund established in Section EEEEof Chapter 29; or

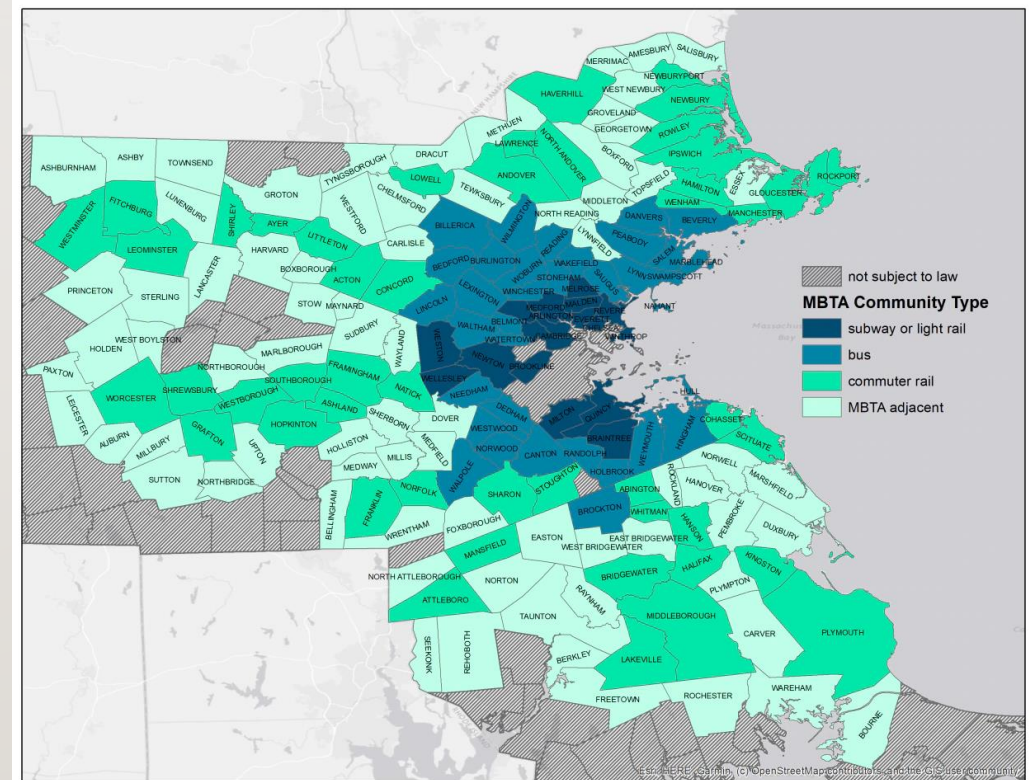
(iii) The MassWorks Infrastructure program established in Section 63 of Chapter 23A.

(c) The Department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.



WHAT IS AN MBTA COMMUNITY?

MBTA Community is defined as a city or town that is : (i) one of the 51 cities and towns as defined in Section I of Chapter 161A; (ii) one of the 14 cities and towns as defined in said Section I of Chapter 161A; (iii) other served communities as defined in said Section I of said Chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under Section 6 of Chapter 161A or in accordance with any special law relative to the area constituting the authority.



WHAT IS REQUIRED?

- Minimum zoning district size: 50 acres
- Zoning district density: 15 units per acre
- Minimum number of new housing units: 750 units
- Zoning must be “as of right” (No special permit can be required) Site Plan Approval is permitted to shape the project but cannot be used to deny the project.
- Site should be able to be served by appropriate infrastructure: electric, roads, water (if possible), and sewer (if possible)

WHAT IS REQUIRED FOR COMPLIANCE?

TASK	STATUS
Present the Draft Guidelines in a meeting to the Select Board (By 2 May 2022)	Completed
Complete and submit the MBTA Community Information Form (By 2 May 2022)	In Progress
Submit complete request for determination of compliance or notify DHCD of lack of full compliance (By 31 December 2022)	
Create and submit our action plan with compliance timeline and receive approval (By 1 July 2023)	
Implement the “action plan” by adopting Zoning Bylaw amendments that meet the requirements and receive DHCD determination of full compliance (By 31 December 2024)	

QUESTIONS?

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