

An aerial photograph of a town, likely in Massachusetts, featuring a prominent white church with a tall steeple in the center. The town is surrounded by dense green trees, and a road with several cars is visible on the right side. The sky is clear and bright.

# **MBTA Communities**

**Select Board  
Planning Board**

**November 30, 2023**

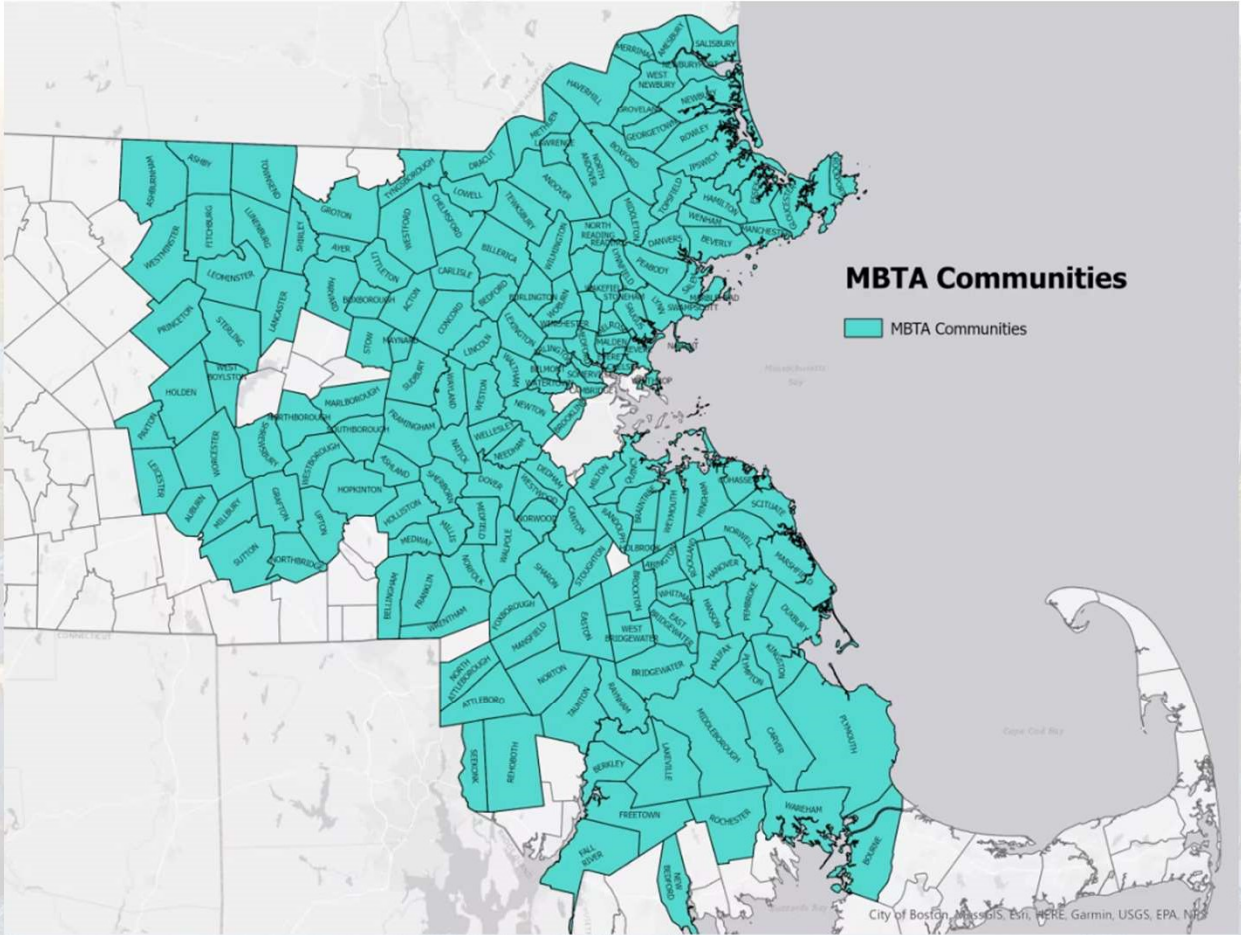


# Topics for Tonight

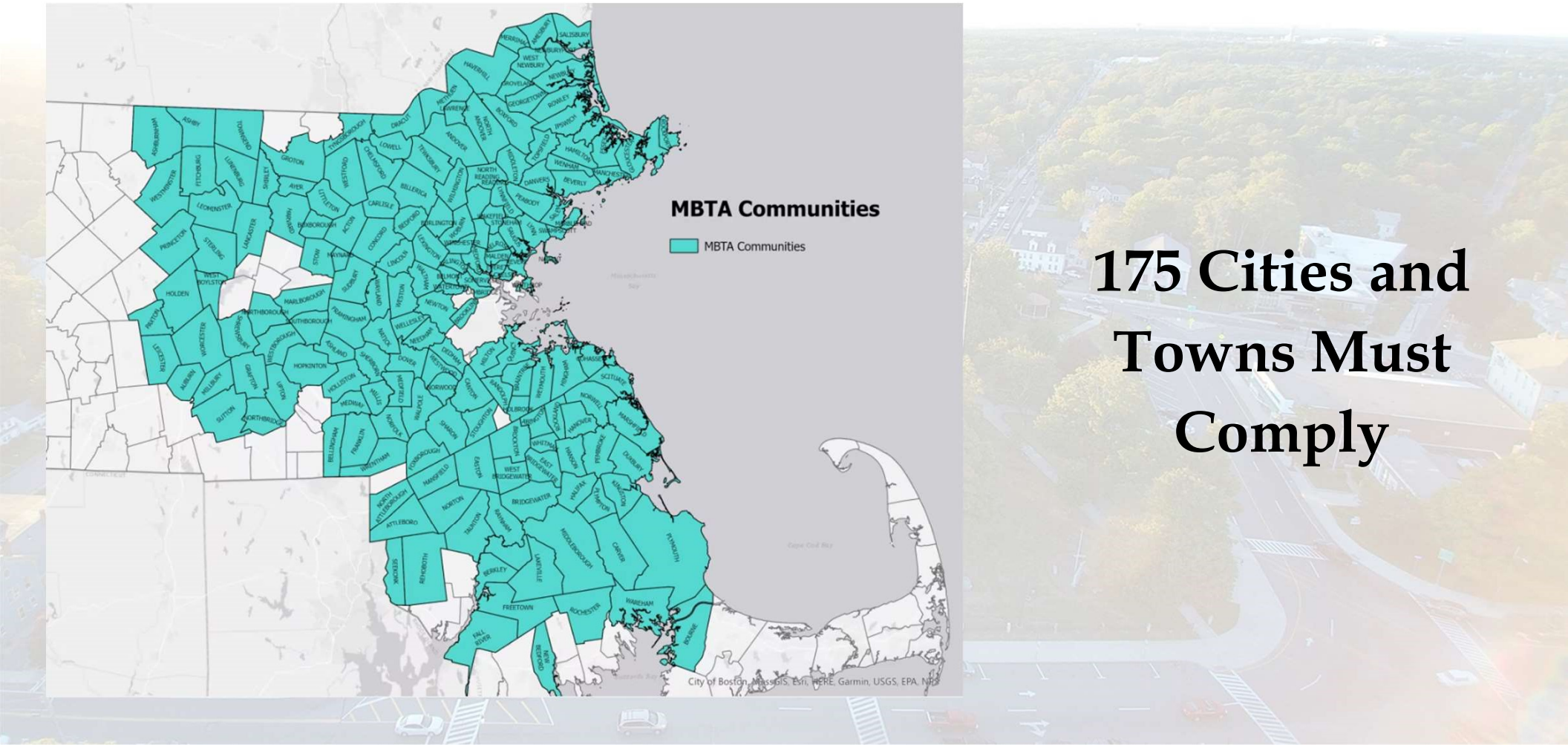
An aerial photograph of a town, likely in the South, featuring a prominent white church with a tall steeple. The town is surrounded by dense green trees, and a road with a roundabout is visible in the foreground. The image is used as a background for the presentation slide.

1. Brief background of the law
2. District map proposal
3. Discuss location of proposed district(s)
4. Overview of proposed bylaw
5. Next Steps

# MBTA Communities



**175 Cities and  
Towns Must  
Comply**



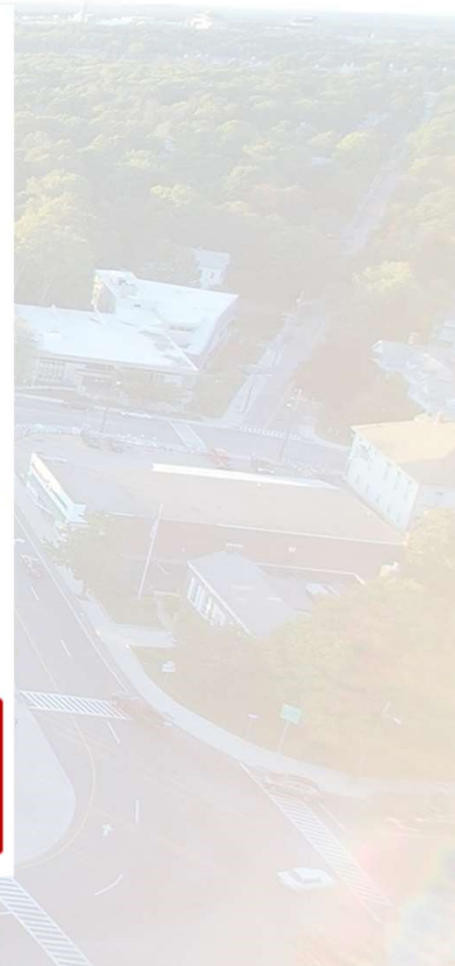


# MBTA Communities Law

1312 Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides  
1313 for at least 1 district of reasonable size in which multi-family housing is permitted as of right;  
1314 provided, however, that such multi-family housing shall be without age restrictions and shall be  
1315 suitable for families with children. For the purposes of this section, a district of reasonable size  
1316 shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations  
1317 imposed by section 40 of chapter 131 and title 5 of the state environmental code established  
1318 pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a  
1319 commuter rail station, subway station, ferry terminal or bus station, if applicable.

1320 (b) An MBTA community that fails to comply with this section shall not be eligible for funds  
1321 from: (i) the Housing Choice Initiative as described by the governor in a message to the general  
1322 court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section  
1323 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of  
1324 chapter 23A.

1325 (c) The department, in consultation with the Massachusetts Bay Transportation Authority and the  
1326 Massachusetts Department of Transportation, shall promulgate guidelines to determine if an  
1327 MBTA community is in compliance with this section.



# MBTA Communities - Statutory Requirements

## Section 3A of M.G.L. c. 40A (the Zoning Act)

- Multi-family housing is permitted “as of right”.
- At least one zoning district of reasonable size.
- Minimum gross density of 15 units per acre.
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable.
- No age restrictions.
- Suitable for families with children.



# What This Means for Foxborough

- Foxborough is considered a Commuter Rail Community
- According to the 2020 Census, Foxborough currently has 7,682 housing units
- This means that to comply with Section 3A, Foxborough must establish one (or more) as of right zoning district(s) that total at least **50 acres** and have a zoned capacity for **1,152 units (15% of total housing units)**
- **Foxborough is not mandated to build this many units - only to create zoning districts that allow for them.**



# Timeline

- By **December 31, 2024**, we must submit to the State a zoning district with by-right zoned capacity for a minimum of 1,152 units of multi-family housing at a density of 15 units per acre across a district of a minimum of 50 total acres.
- Future Planning Board public hearings on this zoning will be held. Tonight's meeting is the first joint meeting of the Select Board and Planning Board to discuss district location(s).
- The MBTA Communities zoning will be presented for vote at the **May 2024 Town Meeting**.