

Article 26

State Required MBTA Communities Multi-Family Housing Zoning Bylaw



Fact Sheet for Wayland Town Meeting on Monday, May 13, 2024

What is the MBTA Communities Act?

In 2021, the State Legislature enacted a new law **requiring** all 177 cities and towns in the MBTA service area to adopt “**as-of-right zoning**” that **allows multi-family housing**. Wayland is an “MBTA Adjacent Community” due to the train stations in Lincoln, Natick, Concord, Framingham, and Weston.

What is zoning and what does “as-of-right” mean?

Zoning is set of permitted land uses and rules that govern what can and cannot be located and built within certain districts. The town’s zoning map indicates those districts.

As-of-right means that the Planning Board cannot deny a developer’s application, **but** the Planning Board will be able to review site layout and building design and other physical characteristics of a proposed project. The Planning Board will be able to impose reasonable conditions.

What does the law require Wayland to do?

Wayland Town Meeting **must** vote to change its zoning map and create a zoning district.

- The district must allow 750 units of “as-of-right” multi-family development of 15 units per acre (on average) in one or more locations totaling 50 acres. The land in the new districts may already have housing or other existing uses. (For density calculations we cannot count any area that is wetlands, conservation or park land, cemeteries or land otherwise defined as “excluded” by the state.)
- One sub-district must be 25-acres of contiguous land; the others must each be 5 acres or more.

The new district **cannot have**:

- Age-restricted units or restrictions on the minimum age of occupants;
- Restrictions on size of units, the number of bedrooms, or the size of bedrooms;
- Restrictions on the number of occupants;
- Requirements that multi-family use must be combined with commercial or other uses; or
- Requirements for more than 10% affordable units.

What the law does not require.

- The law does **not** require any landowner within a new multi-family district to sell his/her property for redevelopment. **Only** if owners chose to do so, will redevelopment be possible.
- The law does **not** require that multi-family units be built. It only requires that the Town have zoning in place that allows for multi-family housing. Again, **nothing in this article requires your land to be developed.**
- The law does **not** require communities to pay for any necessary infrastructure for new multi-family developments in the MBTA Communities zoning district.
- The law does **not** override state or local environmental laws such as the Massachusetts Wetlands Protection Act, Title 5 for sewage disposal, or the Wayland Wetlands Bylaw.

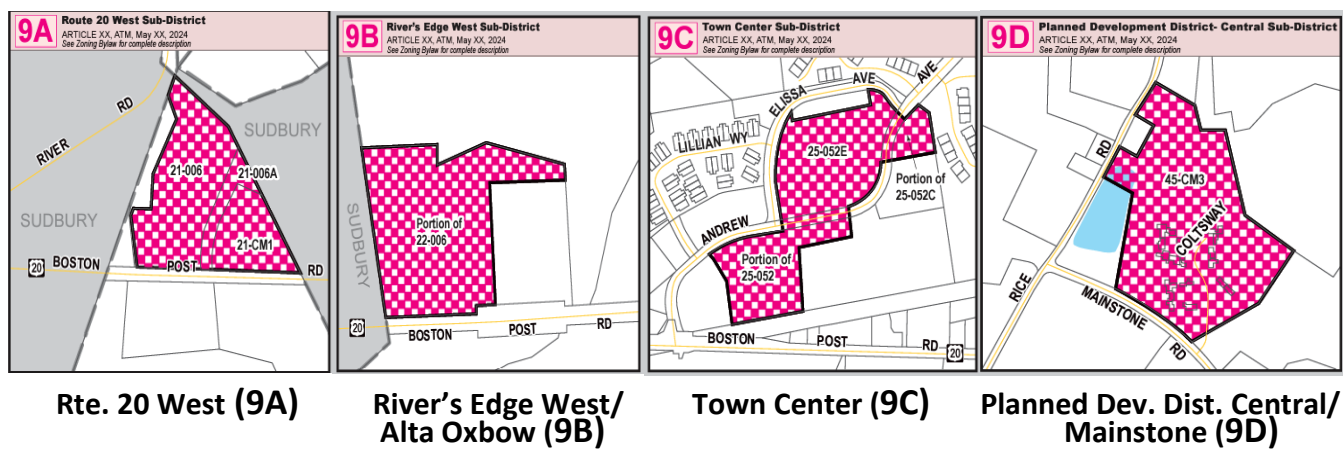
- The law does **not** allow waivers. All 177 communities are subject to the new law.

What happens if Wayland doesn't comply?

Failure to adopt these changes will cause the Town of Wayland to lose access to many state grant programs such as MassWorks (which provides funding for local infrastructure projects), and grants for open space acquisition, historic preservation, planning, and other funds. The Town applied for and received \$4,182,200 in grants last year. Wayland could also be sued by the state Attorney General, as has happened in other towns that did not comply. **The Town must submit to the state a District Compliance Application by the end of 2024.**

How were the four proposed sub-districts (9A, 9B, 9C, and 9D) selected?

The Planning Board began the process by using the state's map of excluded areas. Then worked to find 25- and 5 to 10-acre areas where multi-family housing either already exists or could exist with limited disruption to the surrounding area. Dozens of areas were considered. Numerous open meetings and two public forums were held (Dec. 2022 and 2023) to solicit feedback from residents. As a result, the list of possibilities expanded. Then, with the help of a professional consultant who assessed each area using the state's complex compliance model, the list was narrowed down to the final four recommended sub-districts.



Two sub-districts are where multi-family housing already exists: Alta Oxbow (9B) and a small portion of Mainstone (9D). Two sub-districts are areas within commercial zones where owner support is significant and disruption to existing neighborhoods is limited: Rte. 20 West (9A) and Town Center (9C).

How is Wayland going to protect against inappropriate developments?

Although the law does not allow the Planning Board to deny a developer's application, the Board can impose reasonable conditions and implement Design Guidelines. Those Guidelines can ensure that site layout and building design, vehicular and pedestrian access, vehicular and bicycle parking, vehicular and pedestrian circulation, utilities location, open space, buffers, and other physical characteristics of a proposed project will limit impacts on adjacent properties and optimize the function and beauty of any new development.

Where can residents find more information?

The Planning Board's website has a lot of information including draft maps, the text of the proposed bylaw, and past presentations. Go to: <https://www.wayland.ma.us/planning-department-board>.