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**TOWN OF DEDHAM  
PLANNING BOARD**

To: Dedham Planning Board & Dedham Select Board  
From: Jeremy Rosenberger, Planning Director  
cc: Jennifer Doherty, Administrative Assistant  
Michelle Tinger, Assistant Town Planner  
Date: February 28, 2022  
Re: MBTA Communities

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**Summary**

This memo is meant to provide both the Planning Board and the Select Board with information as it begins its discussion and review of the draft compliance guidelines (Appendix A) for “MBTA Communities”. The meeting date for both Board’s to discuss these draft compliance guidelines is March 9, 2022 at 6pm. The location of the meeting has not been finalized.

**Background**

In January 2021, Governor Baker signed an omnibus economic development package, *An Act Enabling Partnerships for Growth* (the “Act”), which notably included the [Housing Choice zoning reforms](#). The Act included a new multi-family zoning requirement for MBTA communities (Section 3A), which Dedham is one of, where at least one zoning district of reasonable size permits multi-family housing by-right meeting the following criteria:

- Minimum gross density of 15 units per acre
- Not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station
- No age restrictions
- Suitable for families with children

The Department of Housing & Community Development (DHCD) released [draft compliance guidelines](#) in December 2021 to Section 3A (Attachment A). The public comment period on these guidelines will be open through March 31, 2022 with final guidelines expected in summer 2022. MBTA communities are not required to comply with these Housing Choice guidelines (Section 3A). However, MBTA communities that do not comply will no longer be eligible for funds from the following grant programs: the [Housing Choice Initiative](#), the [Local Capital Projects Fund](#), and the [MassWorks](#) infrastructure program. Also, DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

The Town of Dedham received \$1.7 million in MassWorks grant funding for the reconstruction of Dedham Square in 2010-2011. While the Town of Dedham doesn't currently qualify for the Housing Choice Initiative (3-5% growth in housing unit within the past five (5) years, where the Town is at 1.6%), the Town would likely qualify in the coming years based on the future development pipeline.

### **Relevant Elements of the Guidance for Dedham**

- Dedham is considered a *MBTA bus community* (an MBTA community with bus routes and/or commuter rail stations within its borders, or within 0.5 miles of its border).
- The new multi-family zoning district in *MBTA bus communities* must allow, by-right, for a minimum of 20% multi-family units as a percentage of total housing stock to comply with the "reasonable size" requirement (i.e. unit capacity). For Dedham, the minimum unit capacity means that a multi-family district must allow for **2,092** units; it does not require that **2,092** units must be built. It is important to understand that a multi-family district's unit capacity is **not** a mandate to construct a specific number of housing units, nor is it a housing target. Currently, Dedham has 10,459 housing units according to the 2020 Census.
- The zoning can either be for one multi-family district that allows for **2,092** units or for any number of districts proximate to transit that add up to **2,092** units.
- Site plan review and approval is defined very specifically. "Site plan review and approval may be required for multi-family uses allowed by-right... Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right."
- There are also size requirements. "To comply with Section 3A'S 'reasonable size' requirement, multi-family districts must comprise at least 50 acres of land – or approximately one-tenth of the land area within 0.5 miles of a transit station." The requirement is that there is a multi-family district that is at least 50 contiguous acres, or an overlay district could be utilized with at least one area of 25 contiguous acres and additional areas would need to each be at least 5 contiguous acres. An overlay district may have subdistricts with different densities as long as the overall gross density is at least 15 units per acre. Dedham is 6,281 acres.
- Dedham does not currently have a multi-family district of a size that complies with all of the requirements.

### **Additional Analysis**

The following analyses would be helpful to decide whether to pursue compliance with Section 3A:

#### ***Build Out Analysis***

Although Dedham does not currently have any zoning district that allows multi-family housing by-right, our Zoning Bylaw does allow multi-family development by special permit, with limitations (Appendix B). However, the multi-family development zoning bylaw provision is restrictive and confusing, and as far as staff is aware, never been utilized.

#### ***District Size/Distribution of Density Scenarios***

There is a lot of flexibility in the draft guidelines in how Dedham could create and map a complying zoning district or districts. When determining the size required, the Town must take into consideration the minimum acreage and the minimum unit requirement the guidelines set. There is an inverse relationship between the district size and allowed units or density per acre, see below:



Additional analysis provided by outside experts would be helpful to determine what may be appropriate for Dedham. Multiple zoning districts with a range of allowable densities may be better (i.e. higher density districts immediately adjacent to public transit/village centers and tiered lower density districts surrounding them).

#### ***Dedham Development Density Reference (units per acre)***

As a whole, the gross density allowed for the compliant zoning district must meet the statutory requirement of **not less than 15 multi-family units per acre**. Thinking about actual buildings or developments in units per acre can be abstract and confusing. To better understand what this density actually looks like on the ground, staff have begun compiling a *Dedham Development Density Reference*. The intent of this analysis is to see if allowing a variety of building types already common in Dedham, many with small footprints, could bring Dedham into compliance if allowed by-right.

#### **Timeline for Compliance**

According to the draft guidelines, MBTA bus communities like Dedham, must adopt a zoning amendment or amendments by December 31, 2023 to comply with the Act. The draft guidelines also lay out interim steps that must be taken leading up to the adoption of zoning:

- March 31, 2022 – State public comment period ends
- May 2, 2022 –
  - Submit the MBTA Community Information Form
  - Hold a briefing with the Select Board on the Draft Compliance Guidance
- December 31, 2022 –
  - Notify DHC that there is no existing multi-family district that fully complies with these guidelines
  - Submit a proposed action plan as described Section 9.b of the draft guidelines
- March 31, 2023 – Received approval of the action plan by DHCD

**Next Steps**

Included in the memo as Appendix C is a FAQ put together by the Commonwealth's Department of Housing and Community Development (DHCD) in response to the many questions and comments from cities and towns so far. I would encourage prior to our discussion on March 9, 2022 to please provide me any of your comments and/or questions. This would allow staff to provide a timely response to this complex guidance from the Commonwealth.