

# MBTA Communities in Dedham: Proposal for Compliance and Summary of Analysis

## Town of Dedham Planning Board

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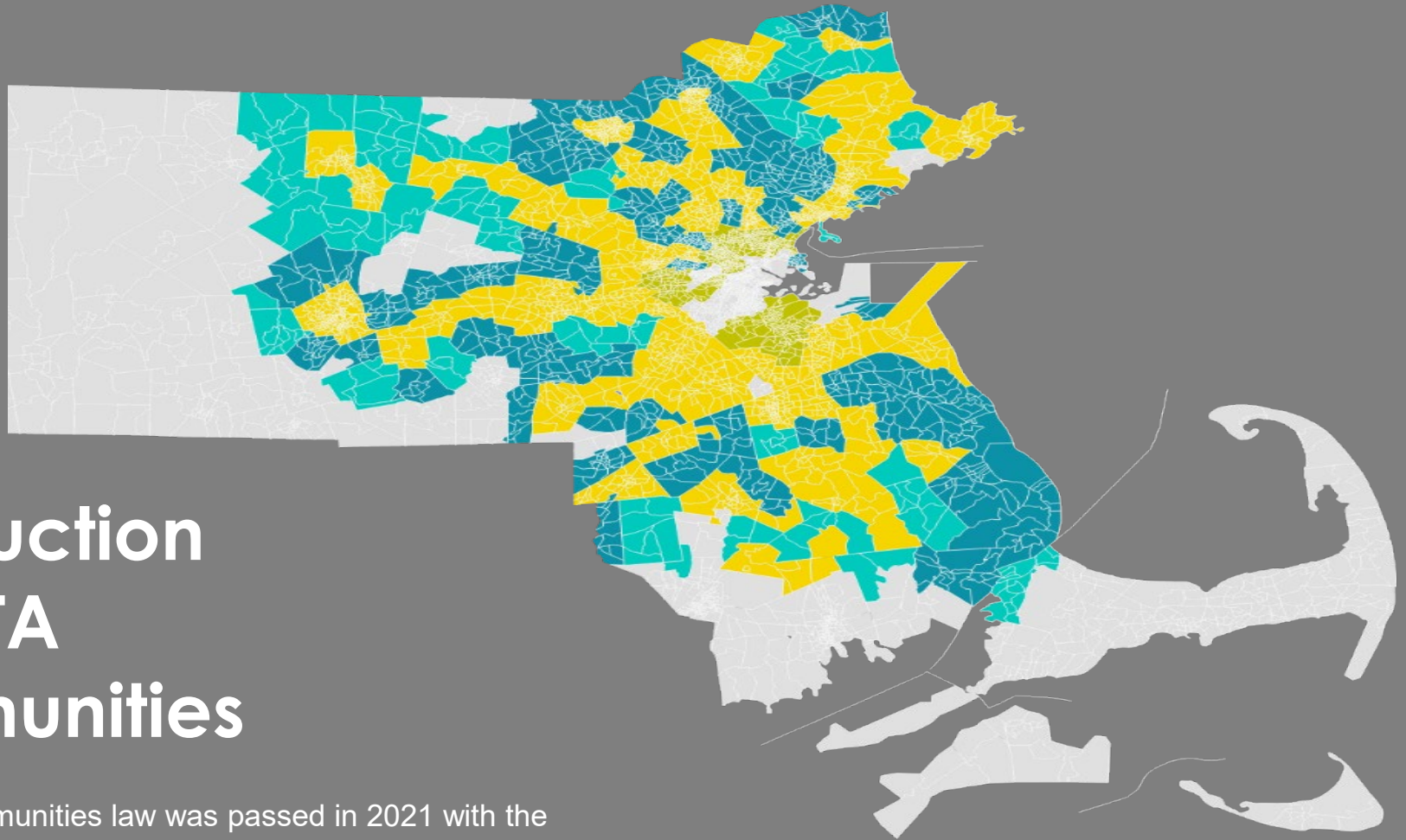
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# Introduction to MBTA Communities

The MBTA Communities law was passed in 2021 with the purpose of addressing the Massachusetts housing crisis. The law requires that “MBTA Communities” - any of 175 communities that either have MBTA stations within their borders or are adjacent to a community with an MBTA station - have at least one zoning district of “reasonable size” in which multi-family housing is permitted as of right, in addition to meeting other criteria.

Source: MHP

# How does the law address the housing crisis?

**The lack of zoning for by-right multi-family housing has been identified as a barrier for new housing development.**

With the MBTA Communities law, Massachusetts promotes transit-oriented housing development in particular, citing the following benefits of transit-oriented development:

- More housing closer to the places that we go every day, such as local shops, jobs, schools, restaurants, and parks.
- Better access to work, services, and other destinations by increasing mobility and utilization of public transit.
- Reduced reliance on single occupancy vehicles, which helps in our larger effort to confront the climate crisis.



Existing multi-family housing can be seen from the Dedham Corporate Center commuter rail platform.



# How does the law work?

The requirements of the law are codified as Section 3A of MGL c. 40A:

## Section 3A.

- a. 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 restrictions 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; 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 dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.
- c. The Department of Housing and Community Development, 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

The Department of Housing and Community Development (DHCD) has developed [specific requirements](#) for each of the 175 MBTAs communities. The agency is also charged with assessing compliance with the law and provides a standardized “[capacity calculator](#)” and GIS dataset to help communities assess their own compliance.

# MBTA Communities in Dedham

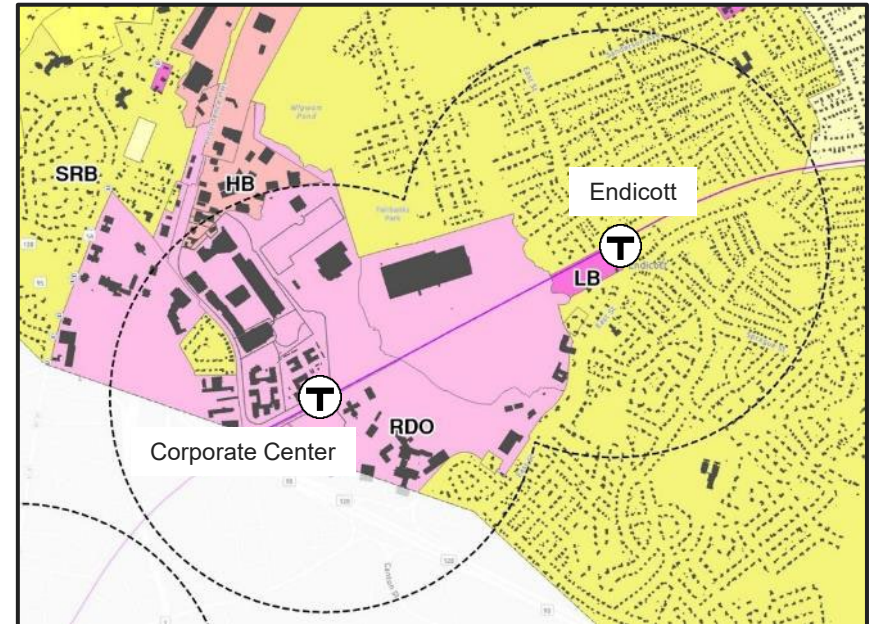
Dedham is one of the 175 communities subject to the law, due to the location of three MBTA commuter rail stations within its border. As with every other MBTA community, Dedham is subject to specific requirements based on the existing number of housing units, the type of MBTA infrastructure to which it has access, and the percentage of land within a half-mile of stations that DHCD has determined to be “developable”. More information about the guidelines and how they were developed can be found [on the State’s website](#).

The Dedham-specific requirements are as follows:

- Dedham achieves compliance when it adopts zoning that allows at least **1,569 by-right multi-family units**.
- 50% of these units must be within a half-mile of any of Dedham’s MBTA stations
- The total area zoned for by-right multi-family must be at least 50 acres in size.

Of course, there is no requirement to built all of these units, nor an expectation that they would be built within a certain timeframe.

For Dedham, compliance requires adoption of a new zone or overlay. Underlying zoning in the area of interest (near Corporate Center station, which falls in the RDO Zoning District, or Research, Development, and Office) does not allow for multi-family housing by-right. Additionally, as discussed in the following section, RDO has a maximum FAR (floor area ratio) of 0.35, which overly restricts the density of any potential multi-family housing capacity.



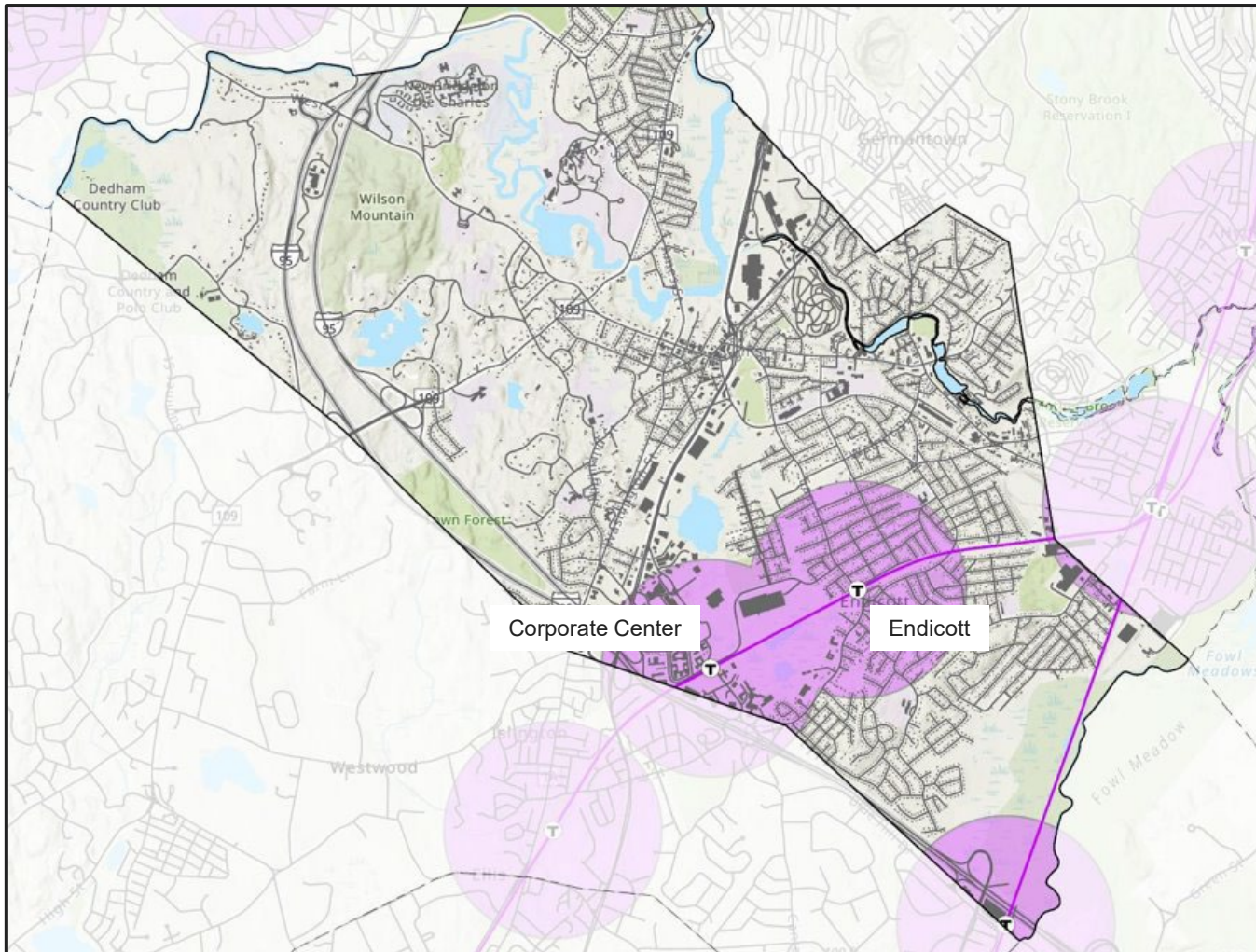
The RDO zone covers most of the half-mile radius around Corporate Center Station.



# MBTA Communities in Dedham

MBTA stations in or within half-mile of Dedham

Source: Stantec; DHCD-provided data





# Scenario Development Inputs & Considerations

The development of distinct “scenarios” – options for compliant overlays – guided discussion around if and how Dedham might choose to comply.



# Process

In Fall 2022, Stantec began the process with a close read of DHCD guidelines and related materials, and continued to attend webinars and review additional DHCD materials as they came up over the length of the project.

Stantec then developed an understanding of Dedham's multi-family baseline and development goals. Town staff provided development and planning context – pertinent zoning changes, planning studies, and status updates for key development sites - and data related to existing multi-family housing and the housing development pipeline.

Stantec developed scenarios – or, different configurations of compliant capacity, at different densities, in different parts of town - informed by this context and presented the scenarios at a Planning Board meeting on November 9, 2022. This presentation preceded public availability of DHCD's "capacity calculator"; therefore, all capacity calculations associated with these scenarios were necessarily preliminary. Even so, these preliminary configurations of capacity served to guide robust discussion of the scenarios and each scenario's implications for mobility, land use, and nearby development.

Following this November meeting, Stantec developed a proposed scenario for consideration, informed by Planning Board and Town staff feedback. Stantec met with DHCD in December 2022 to discuss their experience applying the compliance calculator and guidelines to the Dedham scenarios.

The proposed scenario was presented to the Planning Board on January 11, 2023. Potential dimensional requirements, parking requirements, and other compliance considerations were discussed in further detail to inform the Town's development of compliant zoning language and achievement of compliance.

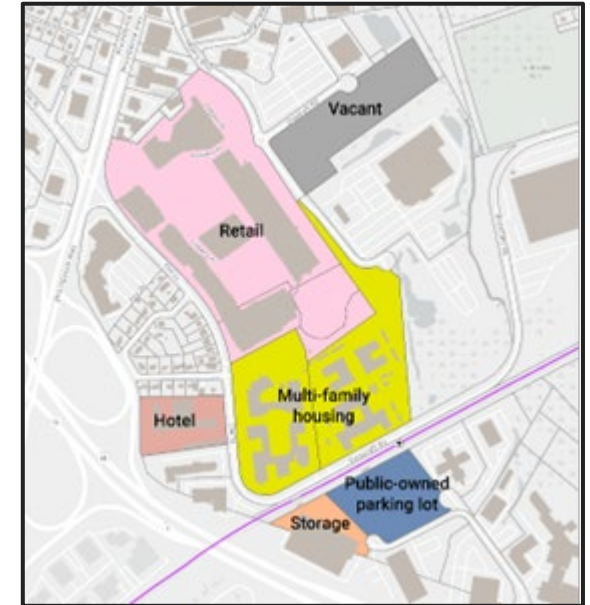


# Corporate Center is the proposed station area

Dedham has four commuter rail MBTA stations either within its boundaries or within a half-mile of its boundaries: Dedham Corporate Center, Endicott, Readville, and Route 128. An early decision was made to focus scenario development on the land around Dedham Corporate Center. Sites around the Readville station – adjacent to the border with Boston – were initially considered, but concerns about traffic flow and connectivity of the sites to transit discouraged further consideration.

The character of existing development and the availability of land around Corporate Center is best suited to multi-family zoning. There are already 1,147 units built, permitted, or proposed near Corporate Center – a number equal to nearly 70% of the required total multi-family unit capacity. Unlike Endicott, Corporate Center has precedent of higher-density, mixed-use, transit-oriented development. Many Corporate Center lots are already developed or entitled as housing with higher densities than required by Section 3A; 124 Quabish is permitted for 37 units per acre, while the Avens is built to 30 units per acre. Meanwhile, development around Endicott is largely dedicated to lower-density, single-family residential uses. Unlike Route 128 and Readville, the area around Corporate Center includes many large, buildable parcels; the land in Dedham around Route 128 is largely wetlands, while there are only a few Dedham parcels within a half-mile of Readville.

Previous Town plans highlighted the potential for transit-oriented development around Dedham Corporate Center. A 2017 TOD study found that the area around Corporate Center contained most of the elements that comprise a functioning, vital neighborhood, but it lacks the neighborhood feel present in other parts of the Town. The study recommended “examining appropriate zoning changes for a focused portion of the study area to facilitate the type of development that will meet the Town’s future needs.” As the 2009 Master Plan explains: “Dedham needs to reassess its land use policies around the Dedham Corporate Center MBTA station for opportunities to encourage higher-density mixed use development, including residential uses.”



Existing uses at Corporate Center

# Balance between density and area

The latest guidelines as written by DHCD and interpreted in November 2022 provide for flexibility regarding the location, type, density, and coverage/area of multi-family capacity. Municipalities can write compliant zoning accordingly that fits within their existing built context and promotes – and does not hinder – their development goals.

Specific to the compliance scenario promoted by this report, important points of flexibility include the ability to use more than one district or overlay – representing different “character zones” with different dimensional requirements and/or densities. Character zones could be zoned for a gross density lower than the required overall minimum of 15 units per acre so long as the overall gross density was at least 15.

The guidelines require that any compliant zone/overlay have an overall unit capacity density of 15 units per acre. The guidelines also require that the zone/overlay have a minimum total acreage, specific to each municipality; for Dedham, the minimum zone/overlay area is 50 acres. Considered together, these two requirements provide for a range of compliant densities and areas from which Dedham can choose; Dedham can “optimize for” density or area, as illustrated to the right.

## LOW DENSITY

If Dedham were to only zone for the **minimum allowed unit density (15 units/acre)**, the district would need to be closer to **110 acres**.



## SMALL AREA

If Dedham were to only zone the **minimum allowed area (50 acres)** for multi-family (50 acres), the zoned district unit density would need to be roughly **30 units/acre**.



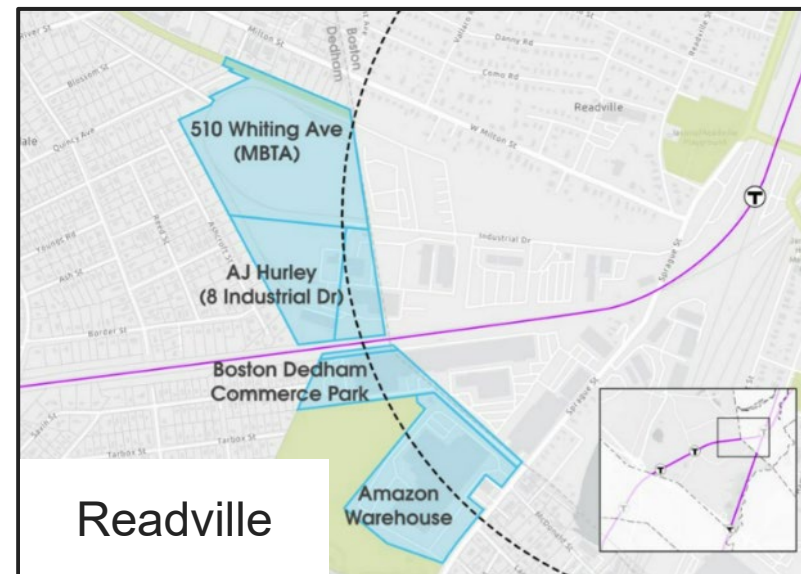
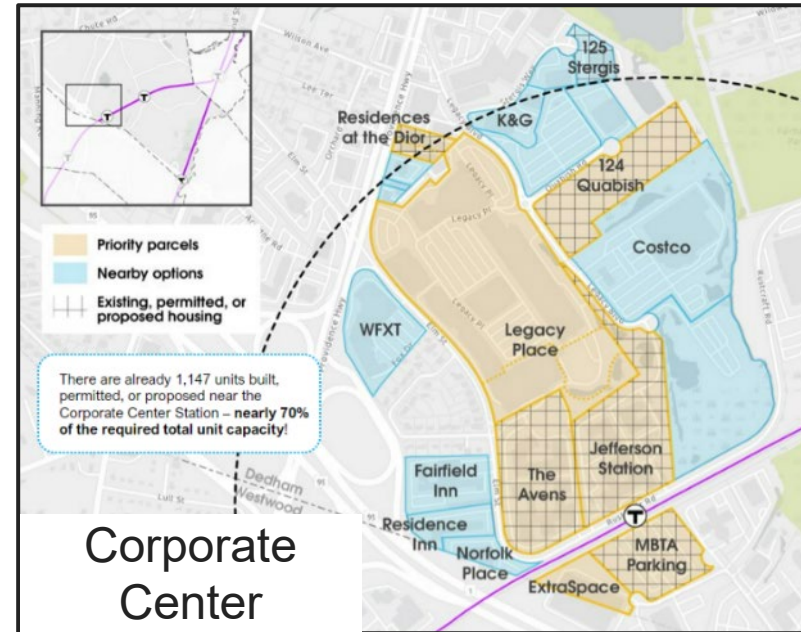
# The Planning Board reviewed multiple scenarios

Informed by review of the DHCD guidelines, GIS analysis, Town staff input, and an understanding of Dedham's multi-family baseline, three scenarios were presented at the November 9, 2022 Planning Board meeting:

- Two denser scenarios around Corporate Center Station, and
- One larger-area scenario, to potentially include parcels around Corporate Center and Readville Stations.

24 parcels in total were discussed, all of which appear in the maps to the right. Many of the considered parcels are already developed as or entitled to fairly high-density multi-family housing. Those parcels are indicated with a grid fill.

The three scenarios are illustrated in detail in the following pages.



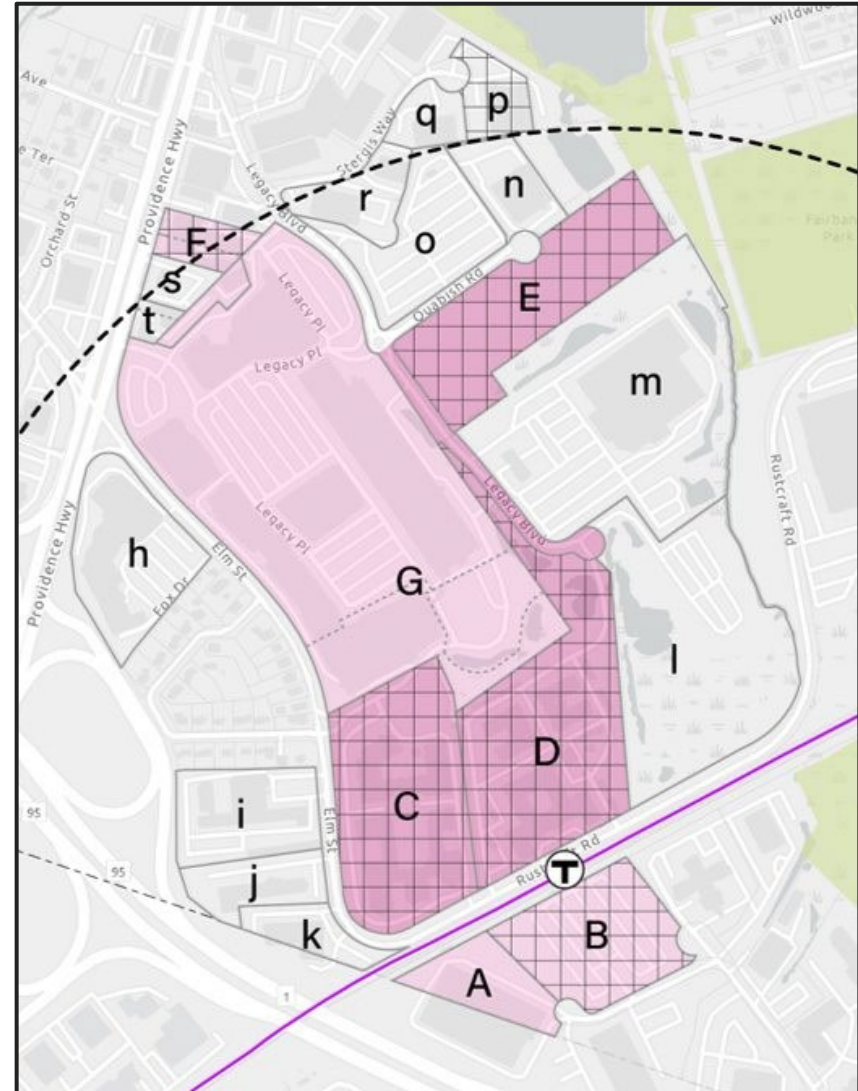


# Draft scenarios

## Scenario 1A

Scenario 1A uses two “character zones” – one higher-density, one lower-density – to provide capacity for roughly 1,645 multi-family units in 72 gross acres, for an overall density of 23 units per acre.

	current use	area (acres)	MBTA zoning units capacity	existing, permitted, proposed units
<b>Character Zone “high”: 32 units/acre</b>				
C	The Avens	9.49	303	285
D	Jefferson Station	11.66	372	300
E	124 Quabish	7.89	245	294
<b>Character Zone “low”: 17 units/acre</b>				
A	ExtraSpace	2.50	42	0
B	MBTA parking	5.47	92	220**
F	Residences at Dior	1.29	21	48
G	Legacy Place	33.82	570	0

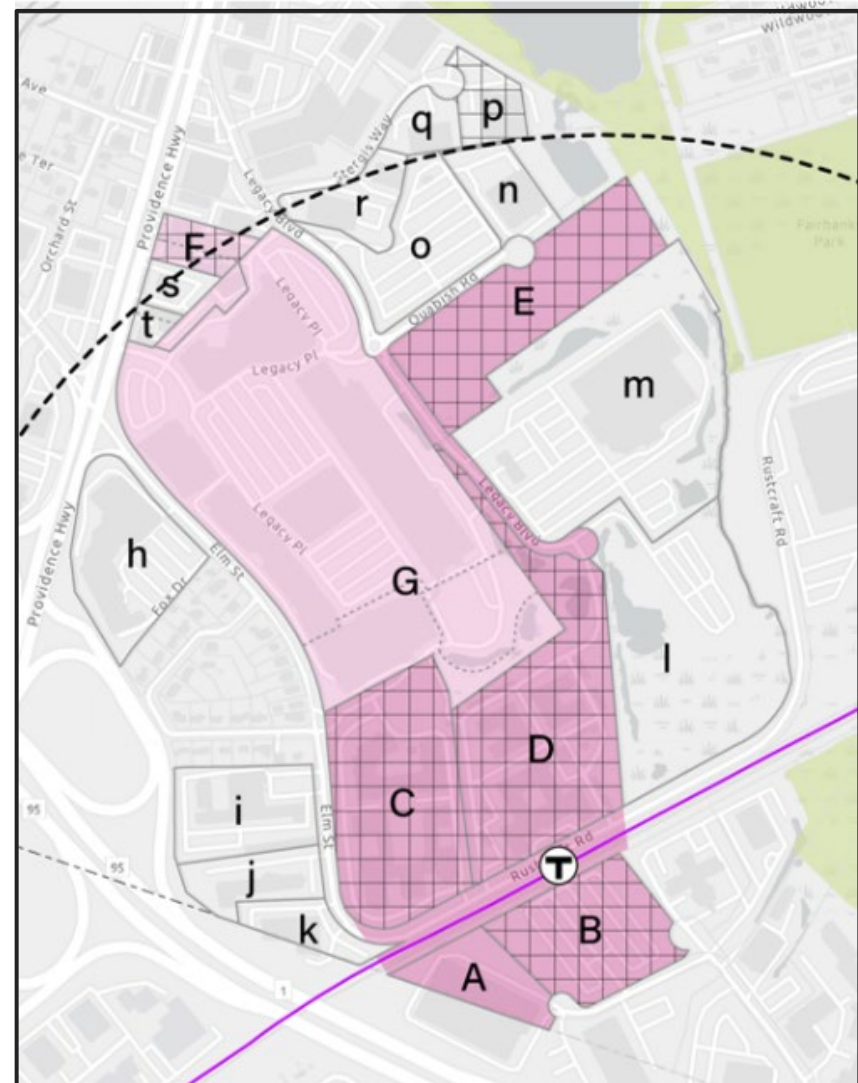


# Draft scenarios

## Scenario 1B

Scenario 1B also uses two-character zones – one higher-density, one lower-density – but distributes the same parcels differently between the two overlays. Scenario 1b provides capacity for roughly 1,662 units in 77 gross acres, for an overall density of 21 units per acre.

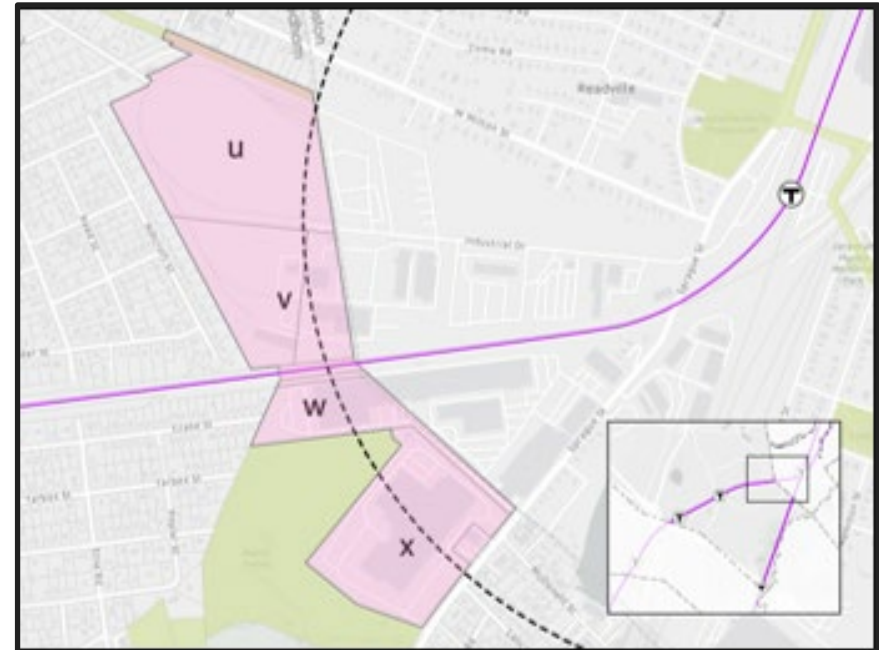
	current use	area (acres)	MBTA zoning units capacity	existing, permitted, proposed units
<b>Character Zone “high”: 30 units/acre</b>				
A	ExtraSpace	2.50	74	0
B	MBTA parking	5.47	164	220**
C	The Avens	9.49	284	285
D	Jefferson Station	11.66	349	300
E	124 Quabish	7.89	230	294
<b>Character Zone “low”: 15 units/acre</b>				
F	Residences at Dior	1.29	19	48
G	Legacy Place	33.82	502	0



# Draft scenarios

## Scenario 2

Scenario 2 optimized for low density – requiring a larger gross area (close to 110 acres) but resulting in an overall density closer to the required minimum of 15 units per acre. It still proposed a two-tier solution, with a higher-density character zone of large parcels around Corporate Center (darker pink in map below) – many of which are already existing or entitled high-density multi-family housing – and a lower-density character zone for some combination of the remaining Corporate Center and Readville parcels (lighter pink in maps below).





# Proposal for Achieving Compliance

Following the release of the DHCD-provided capacity calculator in late November 2022, a proposed scenario was refined and presented at a January 11, 2023 Planning Board meeting.

The Town has drafted zoning language for the selected scenario and will finalize calculator inputs before submitting to DHCD for compliance review.

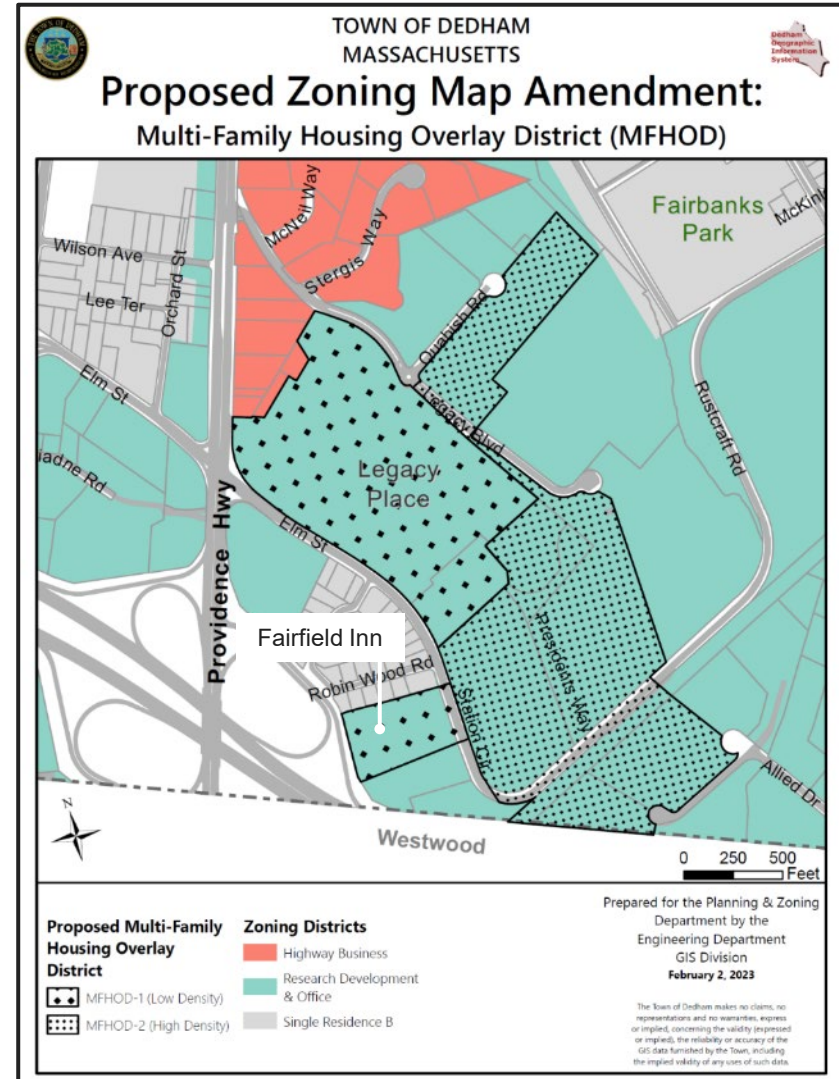


# Overview of the proposed scenario

Of the three scenarios discussed by the Planning Board, scenario 1B was identified as the preferred by the Board. The resulting preferred scenario uses two-character zones to achieve a total calculated unit capacity of 1,637 units. The two zones have a combined acreage of 78.3 acres and a combined density of just under 21 units per acre.

The “Higher density” zone uses dimensional and density requirements similar to residential developments already built or entitled near Corporate Center, at a density of roughly 30 units per acre. The “Lower density” zone is less dense, at a density of roughly 15 units per acre.

Though they represent a mix of uses, all parcels included in both zones are part of the RDO (Research, Development, and Office) underlying Zoning District. At the January 11, 2023 meeting, members of the Planning Board expressed interest in adding the Fairfield Inn parcel to the lower-density overlay. The proposed map and table reflect this change. A note concerning the contiguity of the Fairfield Inn parcel with others can be found at the end of this section.



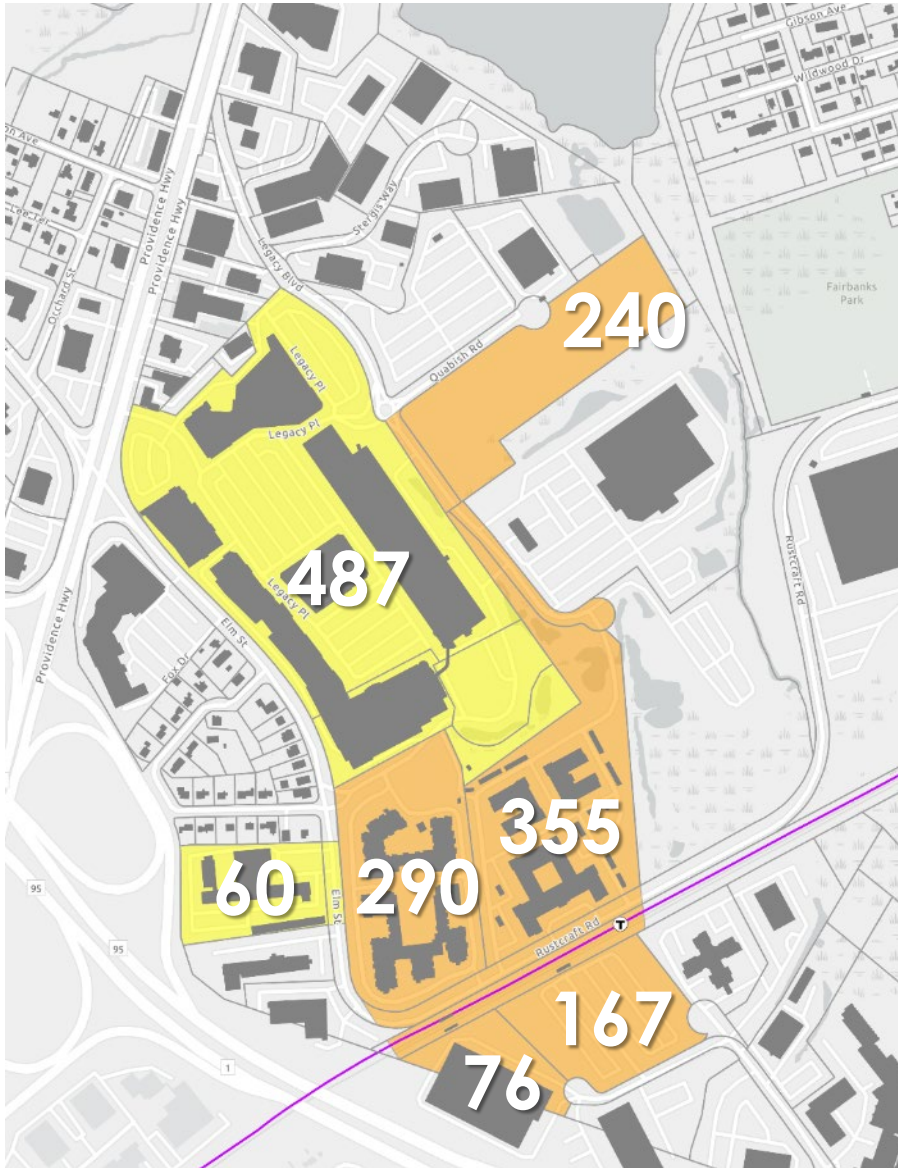
Draft proposed zoning map amendment, prepared by Engineering Department for Planning & Zoning Department in February 2023.





### Proposed overlay district to achieve compliance, with draft calculation of multi-family capacity

As calculated by Stantec in February 2023, using DHCD-provided data



### Capacity calculator output

As calculated by Stantec in February 2023

	Existing use	Units/Acre	Max zoned units
MFHOD-2 (High Density)	ExtraSpace Storage	30	76
	MBTA Parking Lot	30	167
	Empty lot at 124 Quabish	30	240
	Jefferson at Dedham Station	30	355
	The Avens	30	290
MFHOD-1 (Low Density)	Legacy Place (3 parcels)	15	487
	Fairfield Inn	15	60
Total		22-23	1,675

Note: All capacity, density, and acreage calculations on this and the following pages are preliminary and will be finalized in a subsequent phase of the Town's pursuit of compliance, pending any updates in data or guidance from DHCD.

### Dimensional standards

The selected compliance scenario reflects building types or site dimensions that are already familiar in Corporate Center. Dimensional requirements of the proposed overlays are informed by both underlying zoning and built precedent within the proposed overlay. Both proposed zones would comply with the height requirements of four stories/45 ft. Additionally, the selected compliance scenario uses the same lot coverage requirements, setbacks, and off-street parking requirements as the underlying RDO zone.

One underlying dimensional requirement, however, did require override: The underlying FAR of 0.35, which is too low to allow for the type of multi-family housing development that (1) meets compliant multi-family density goals shaped by the Planning Board and Town staff and (2) already exists in Corporate Center. A review of existing Corporate Center developments and Dedham zoning elsewhere illustrated precedent for higher FARs in Dedham, both built/entitled and zoned: In Corporate Center, the Avens has an existing FAR of 1.1; 124 Quabish, an entitled development, has a proposed FAR of 0.959. Elsewhere in Dedham, the Mixed-Use Development Bylaw allows for a maximum FAR of 1.0 (Dedham Zoning Bylaw Section 280-7.4(C.)(5):

*A Mixed-Use Development in the RDO or HB Zoning District with 12 or more dwelling units shall have maximum lot coverage of 80% and a maximum floor area ratio of 1.0. For purposes of determining compliance with the FAR of 1.0, floor area shall be the sum of the floor area in all buildings in the development.*

124 Quabish (entitled) FAR is 0.959



Existing FAR of The Avens is 1.1





# Considerations

## MBTA parcel override

DHCD provided each MBTA community with geospatial information (GIS data) about each parcel in the municipality. The land maps include information on which areas are either excluded or “sensitive land”, as well as helpful identifying information about each parcel, such as the owner’s name, address, and the existing use. Excluded land is defined in the DHCD methodology documents as:

- Land areas on which it is not possible or practical to construct multifamily housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:
- All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- All rivers, streams, lakes, ponds and other surface waterbodies.
- All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- All public rights-of-way and private rights-of-way.
- Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

DHCD defined “developable public land” as land owned and operated by a housing authority; all other public land types were coded as excluded land. More information about how DHCD developed the geospatial information and determined various attributes can be found [here](#).

By this definition, parcels such as the MBTA-owned parcel at Corporate Center – for which MBTA released an RFP and received bids for housing development in 2016 – are by default mischaracterized as not developable and therefore excluded from the capacity calculation. Per their own admission, across 175 municipalities, DHCD simply cannot account for all parcel histories or plans for development or disposition. The methodology document states:

*Despite this confidence, we also know that there are likely public parcels that we did not properly identify. Furthermore, the guidelines state that any public land that has been identified and approved for disposition or has already been used for housing development may be considered developable. There is no comprehensive data set for these locations.*

In the case of a parcel being misclassified, DHCD provides for an exclusion “override” in the capacity calculator. While the MBTA parcel in Dedham has not been disposed, the RFP indicates that the MBTA found the parcel to be developable.

In December 2022, Stantec discussed this parcel and its history with the DHCD team that developed the datasets and will be reviewing materials for compliance. Stantec received encouraging feedback that providing proof of the RFP process could be sufficient to overturn exclusion of the parcel from Dedham’s capacity calculation. As such, Stantec has included this parcel in the proposed scenario, recognizing that DHCD may follow up with requests for information regarding the potential disposition as Dedham’s submission for compliance is reviewed.



A previously proposed site plan for the MBTA lot at Dedham Corporate Center, to be submitted to DHCD as proof of plans for housing.

*Source: Stantec on behalf of National Development*

## Contiguosness

The guidelines provide limited direction regarding the requirement for compliant district/overlay parcels to be contiguous. The only mention of contiguity in the guidelines is below:

*In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.*

However, in a December 19, 2022 [webinar](#) (around the 18-minute mark), the team responsible for developing the guidelines and assessing compliance clarified their definition of contiguity:

*Areas are contiguous if they share at least one parcel boundary or if parcels are easily connected across right-of-way. Importantly, areas with different zoning rules that are adjacent to one another are still contiguous.*

By these standards, inclusion of the Fairfield Inn – if the jump across Elm Street is an “easy connection” across right-of-way – poses no threats to compliance on grounds of contiguity. That said, the same webinar emphasized that communities should not “use right of way as a conduit to connect clearly separate areas.” Guidance has not been provided to inform communities’ assessment of “clearly separate areas”.

In order to include the hotel parcel – a single parcel across the right-of-way from a cluster of parcels that share boundaries – in a compliant district, Dedham may need to address the question of whether it is a “clearly separate area” from properties across Elm Street.





# Next Steps

In order to achieve compliance, Dedham must submit a copy of the adopted language, proof of adoption, and a copy of a completed capacity calculator by the end of December 2024.

As a result of the process documented in this report, the Planning Board submitted a text and map zoning amendment for Spring 2023 Town Meeting.