

# ARTICLE 36: MBTA ZONING PROPOSED COMPLIANCE MODEL

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Town Meeting – May 6, 2024



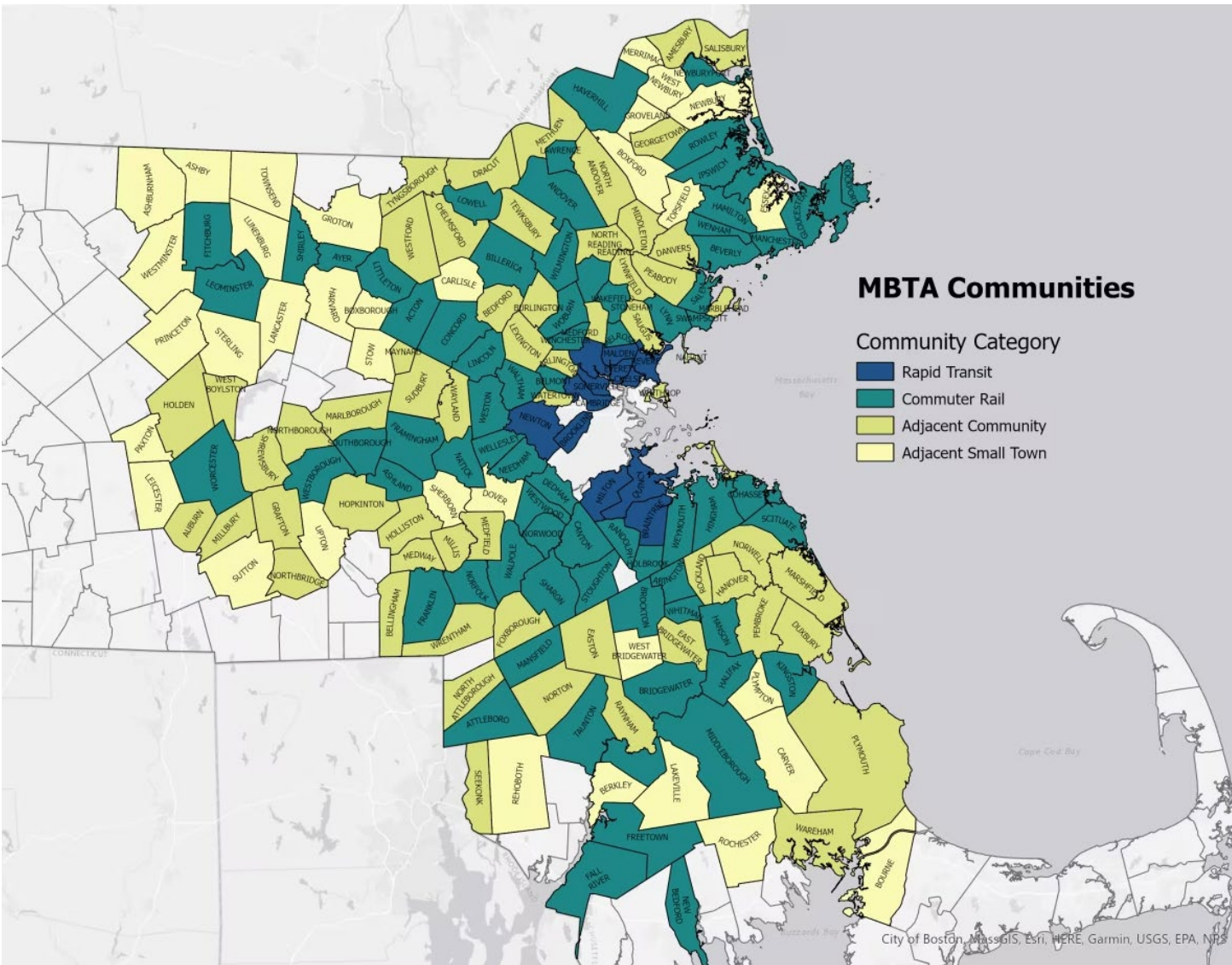


# What is MBTA Zoning?

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- MBTA Communities Act
- Massachusetts General Law Chapter 40A, 3A  
Passed by the State Legislature in 2021
- MBTA Communities required to amend zoning:  
To lower the permitting barrier so “at least one district of reasonable size in which multi-family housing is permitted as of right”

# MBTA Communities



- 177 communities in the Commonwealth are included
- Marblehead is classified as an Adjacent Community (to municipalities that contain MBTA stations)





# What does it mean for Marblehead ?

- Min. 1% of our total land area (2,771 acres) = 27 acres.
- Min. 15 units per acres, allowed as a matter of right
- Min 10% of the total housing units (8,965) = 897, including 300+ existing units

**Adjacent Communities** have less stringent requirements

**Developed districts** are allowed

# Our Process

Began: Aug 2023

Reviewed lots of information

Grant for technical assistance (Bohler Engineering)

Considered Options:

- Existing Unrestricted district (multi family housing is permitted now)

- Expanding existing smart growth districts

- Areas with underutilized buildings

Developed draft zoning amendment

Community input gathered through entire process

# Community Engagement

Public Forums

Zoom Meeting, October 26, 2023, shown on MHTV many times

In-person workshop, November 2, 2023

Virtual open house, December 1 - 8, 2023

Presentations: Fair Housing Comm., Housing Production Plan Comm., Select Board

Several newspaper articles

Focus groups:

- o Architects,
- o Housing Committees
- o Developers
- o Department Heads
- o COA
- o Chamber/Business

Website with updates

# Present Zoning:

15 zoning districts + 2 overlay districts

Multi family allowed in Unrestricted District

Row houses allowed in four districts

Mixed use commercial/residential allowed in one district





# 15 Units Per Acre

This density is all around us – we already have this type of density and much denser





# Similar Density



State Street  
No. of Units: 4  
Parcel Acreage: .256  
**15 units/acre**



182 Pleasant Street  
No. of Units: 4  
Parcel Acreage: .216  
**18 units/acre**



Bradford Court  
Residential Units: 23  
Parcel Acreage: .977 total  
**23 units/acre**



# Similar Density



Marblehead Highlands  
No. of Units: 88  
Parcel size: 4.4 acres  
**20 units per acre**

59 Gregory Street  
No of Units 4  
Parcel Size: .188  
**21 units per acre**

18 /20 Darling Street  
No. of Units: 5  
Size of Parcel .208 acres  
**24 units/acre**



# Greater Density



8 Franklin Street  
No of Units: 20  
Parcel Acreage: 0.477  
**41 units/acre**



53 Allerton Place  
No. of Units: 4  
Parcel Acreage .114  
**35 units/acre**



78 Pleasant Street  
No. of Units: 10  
Parcel Acreage: .20  
**50 units/acre**



# Much Greater Density



29 Pleasant Street  
No. of Units: 9  
Size of parcel: .08 acres  
**112 units/acre**







52 Washington Street  
No. of Units: 9  
Size of parcel: .09 acres  
**100 units/acre**

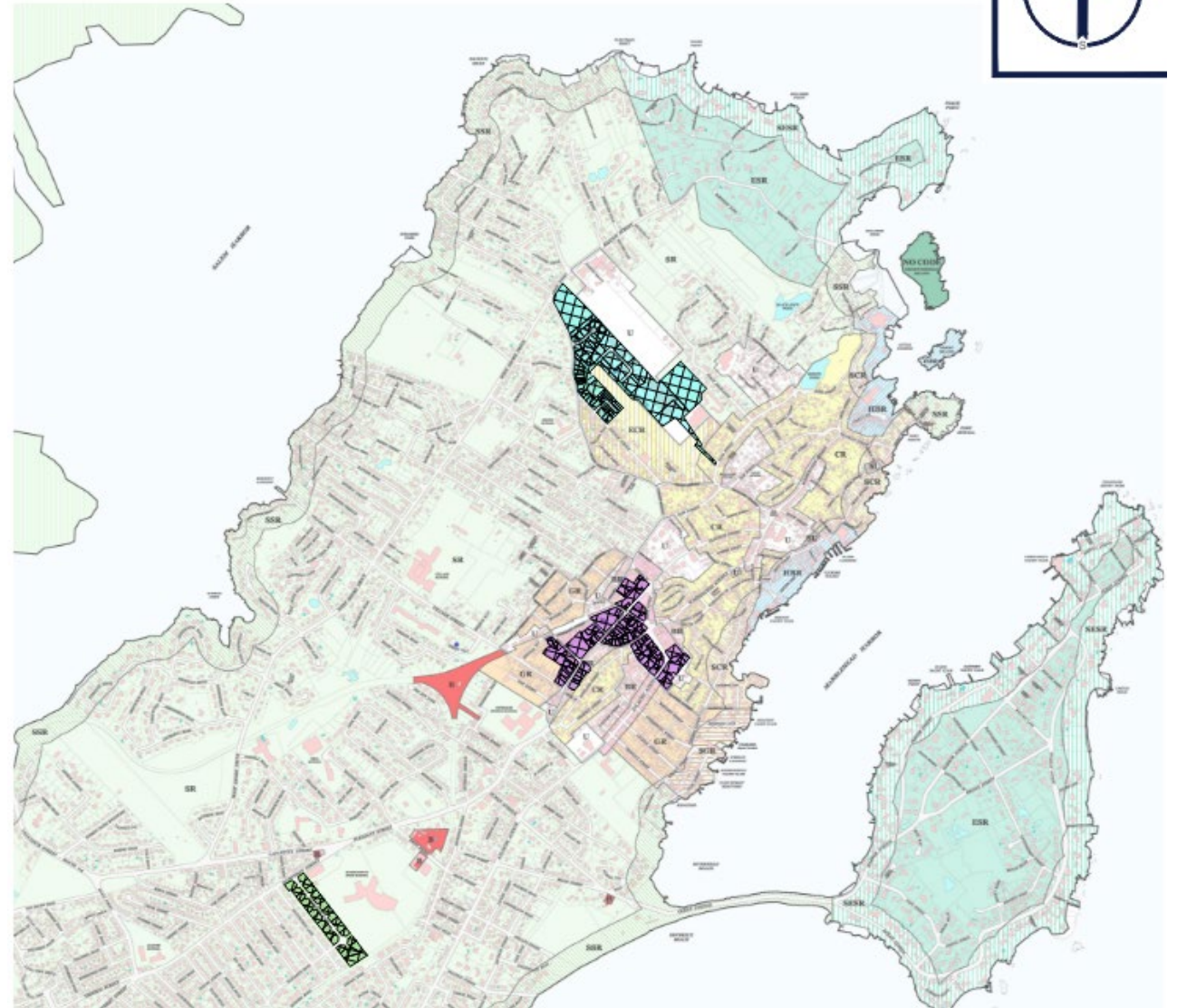
# Compliant Plan: Three Districts

**Goal: Minimize density, spread out districts,  
Use already developed areas**

- Tioga Way
- Pleasant Street
- Broughton Road

- ✓ Total > 27 acres
- ✓ Each > 5 acres
- ✓ One > 50% of total
- ✓ >/= 897 units (incl 300+ existing)
- ✓ Density > 15 units per acre

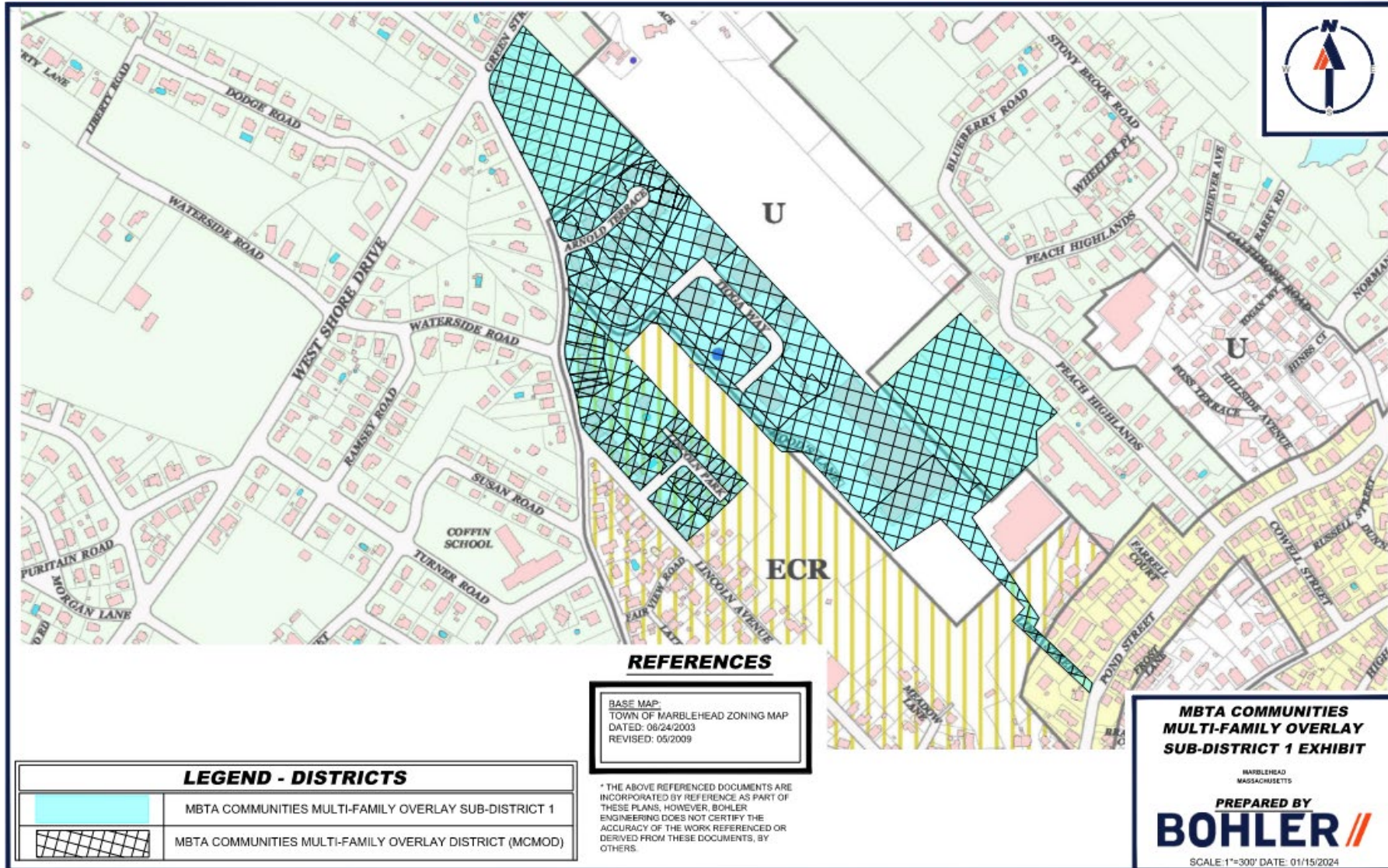
<b>LEGEND - DISTRICTS</b>	
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY SUB-DISTRICT 1
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY SUB-DISTRICT 2
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY SUB-DISTRICT 3
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD)





# Sub-District 1: Tioga Way

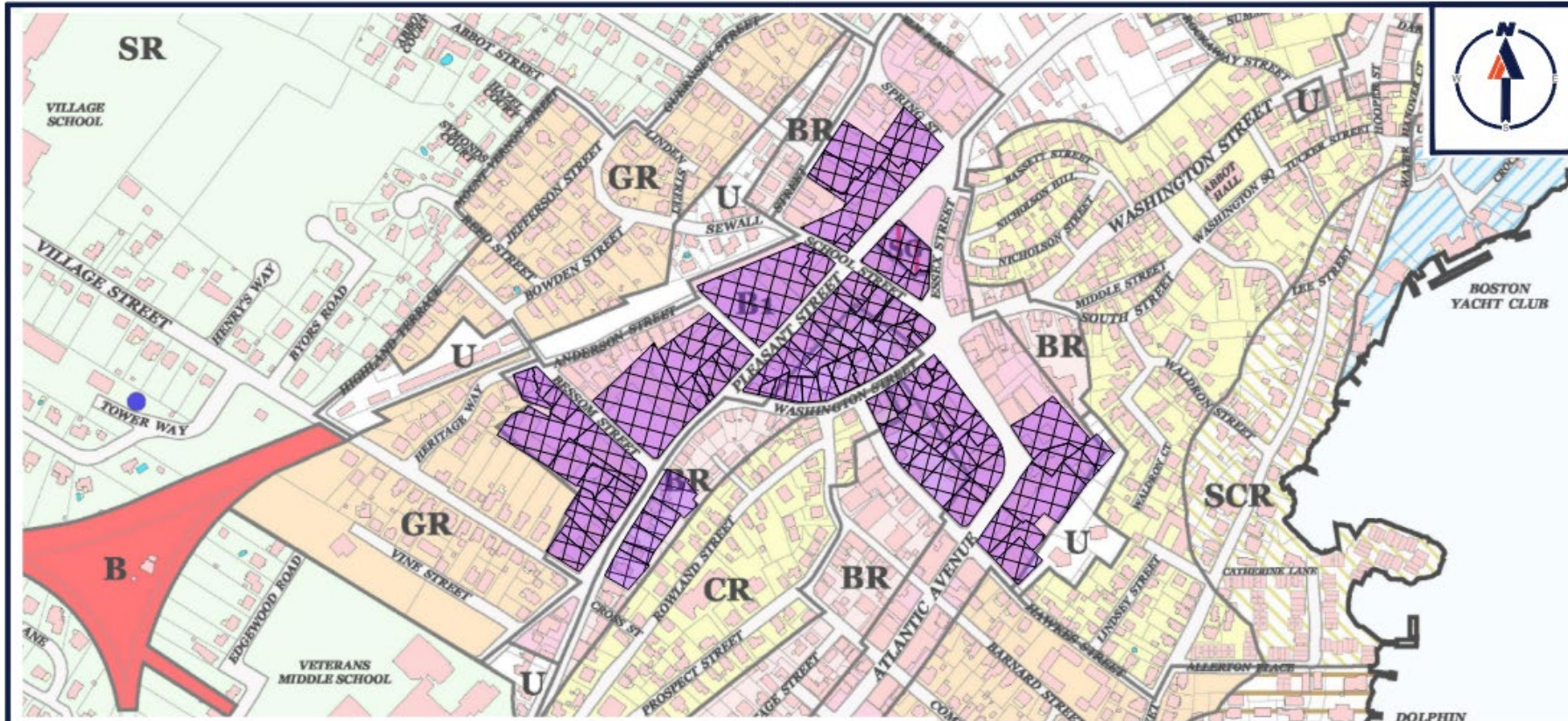
Max. Density = 20 Units/Acre  
Acreage = 29.8 (51%)





# Sub-District 2: Pleasant St

Max. Density = 20 Units/Acre  
 Acreage = 20.6 (35.3%)



LEGEND - DISTRICTS	
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY SUB-DISTRICT 2
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD)

### REFERENCES

BASE MAP:  
 TOWN OF MARBLEHEAD ZONING MAP  
 DATED: 06/24/2003  
 REVISED: 05/2009

\* THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS. HOWEVER, BOHLER ENGINEERING DOES NOT CERTIFY THE ACCURACY OF THE WORK REFERENCED OR DERIVED FROM THESE DOCUMENTS, BY OTHERS.

**MBTA COMMUNITIES  
 MULTI-FAMILY OVERLAY  
 SUB-DISTRICT 2 EXHIBIT**

MARBLEHEAD  
 MASSACHUSETTS

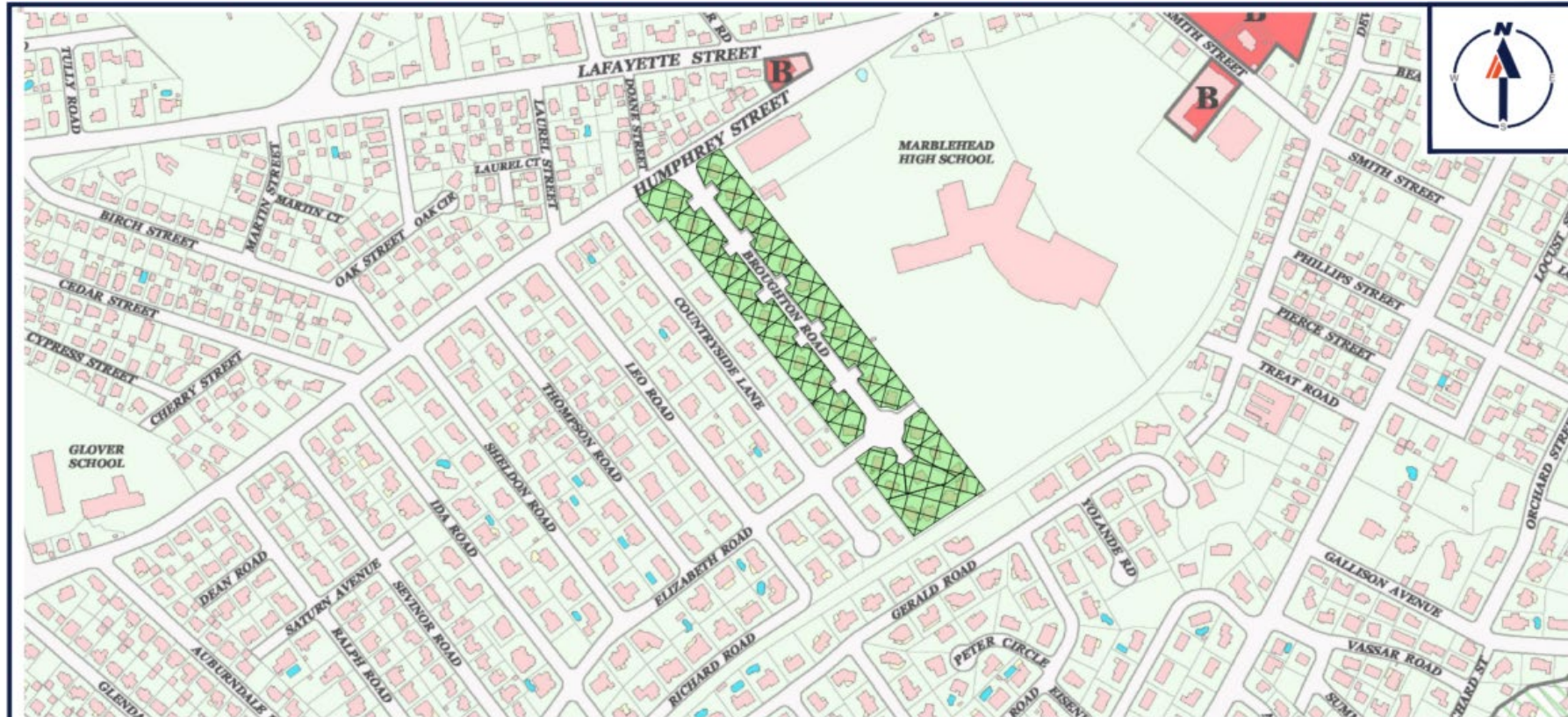
PREPARED BY  
**BOHLER //**

SCALE: 1"=300' DATE: 03/08/2024



# Sub-District 3: Broughton

Max. Density = 20 Units/Acre  
 Acreage = 8.0 (13.7%)



## REFERENCES

BASE MAP:  
 TOWN OF MARBLEHEAD ZONING MAP  
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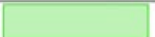

**MBTA COMMUNITIES  
 MULTI-FAMILY OVERLAY  
 SUB-DISTRICT 3 EXHIBIT**

MARBLEHEAD  
 MASSACHUSETTS

**PREPARED BY**  
**BOHLER //**

SCALE: 1"=300' DATE: 12/22/2023

## LEGEND - DISTRICTS

	MBTA COMMUNITIES MULTI-FAMILY OVERLAY SUB-DISTRICT 3
	MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD)

# MCMOD Subdistrict Breakdown

	<b>TIOGA WAY (MCMOD 1)</b>	<b>PLEASANT ST (MCMOD 2)</b>	<b>BROUGHTON RD (MCMOD 3)</b>	<b>TOTALS</b>
<b>TOTAL ACREAGE</b>	29.8 (51%)	20.6 (35.3%)	8.0 (13.7%)	<b>58.4</b>
<b>ACREAGE (LESS EXCLUDED LAND)</b>	27.9	20.6	8.0	<b>56.5</b>
<b>UNIT CAPACITY</b>	483	295	119	<b>897</b>
<b>UNITS/ACRE</b>	17.3	14.3	14.9	<b>15.9</b>



# Proposed Zoning Parameters

MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT (MCMOD)

	<b>TIOGA WAY (MCMOD 1)</b>	<b>PLEASANT ST (MCMOD 2)</b>	<b>BROUGHTON RD (MCMOD 3)</b>
<b>MAX. ALLOWED DENSITY</b>	20 UNITS/ACRE	20 UNITS/ACRE	20 UNITS/ACRE
<b>MIN. LOT AREA</b>	6,000 S.F.	5,400 S.F.	7,500 S.F.
<b>MAX. ALLOWED BUILDING HEIGHT</b>	3 STORIES/35'	3 STORIES/35'	3 STORIES/35'

# NO ONE LIKES A MANDATE!

Planning Board was **obligated** to consider options

This is a reasonable plan...

With minimal impact to Marblehead





# Clarifying Misconceptions:

This Zoning change is **NOT**:

About affordability

About housing migrants

A mandate to **build** housing, just to **allow** for it

**In Fact:**

Density limits and Zoning requirements are not likely to induce much new development



# If We Don't Comply?

- No mechanism for a town to opt out
- Potential Legal Action.
- Liability under federal and state fair housing laws.
- Loss of eligibility for State Grant Programs



# Summary

This is a Beneficial Compliance Model:

- Minimal impact to Marblehead
- Takes credit for existing multi-family housing
- Districts can benefit from redevelopment
- Keeps Zoning req'ts and Site Plan review
- Avoids Legal Costs
- Preserves eligibility for Grant Funding

Will preserve town character

ULTIMATELY, THIS IS UP TO YOU

