

## **MBTA Zoning Regulations**

175 MBTA communities are subject to the requirements of [Section 3A of the Zoning Act](#), including Holliston. Gov. Charlie Baker signed the Economic Bond Bill in January 2021 and the Executive Office of Housing and Livable Communities (EOHLC) issued Multi-Family Zoning Requirements for MBTA Communities (compliance guidelines) in August 2022 (revised through August 2023).

The purpose of MGL c. 40A, Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing can be built without a Special Permit or Variance, and that meet other requirements set forth in the statute. The law does allow for municipalities to require a limited Site Plan Review process.

### **What is an MBTA Community?**

An MBTA community falls under one or more of the following categories:

- One of the 14 cities and towns that initially hosted MBTA service;
- One of the 51 cities and towns that also host MBTA service but joined later;
- Other “served communities” that abuts a city or town that hosts MBTA service;
- A municipality that has been added to the MBTA under G.L. c. 161A, sec. 6 or in accordance with any special law relative to the area constituting the authority.

Holliston is classified as an “adjacent community” with MetroWest Regional Transit Authority bus service and proximity to regional commuter rail stations.

### **What does this mean for Holliston?**

To be compliant with the MBTA Communities Multi-Family Zoning Requirements, the Town of Holliston will be required to establish a zoning overlay district(s) that allows for multi-family units. Neither the law or compliance guidelines require the units to be constructed. The zoning must allow for multi-family residential development with no special permits or other discretionary approval needed. This means that the zoning district regulations cannot impose age restrictions within the MBTA Communities district(s).

Through the process, the Town of Holliston must establish zoning district(s), 1 of at least 50 acres, and the district(s) must allow a minimum density of 15 units per acre. The law does not require municipalities to upgrade or install new infrastructure to support the development of sites within the MBTA Communities zoning district.

The multi-family district(s) may include land areas that are easily accessible to the MWRTA service route based on existing street patterns and pedestrian connections.

The deadline for zoning compliance is Dec. 31, 2024.

### **What if Holliston does not comply?**

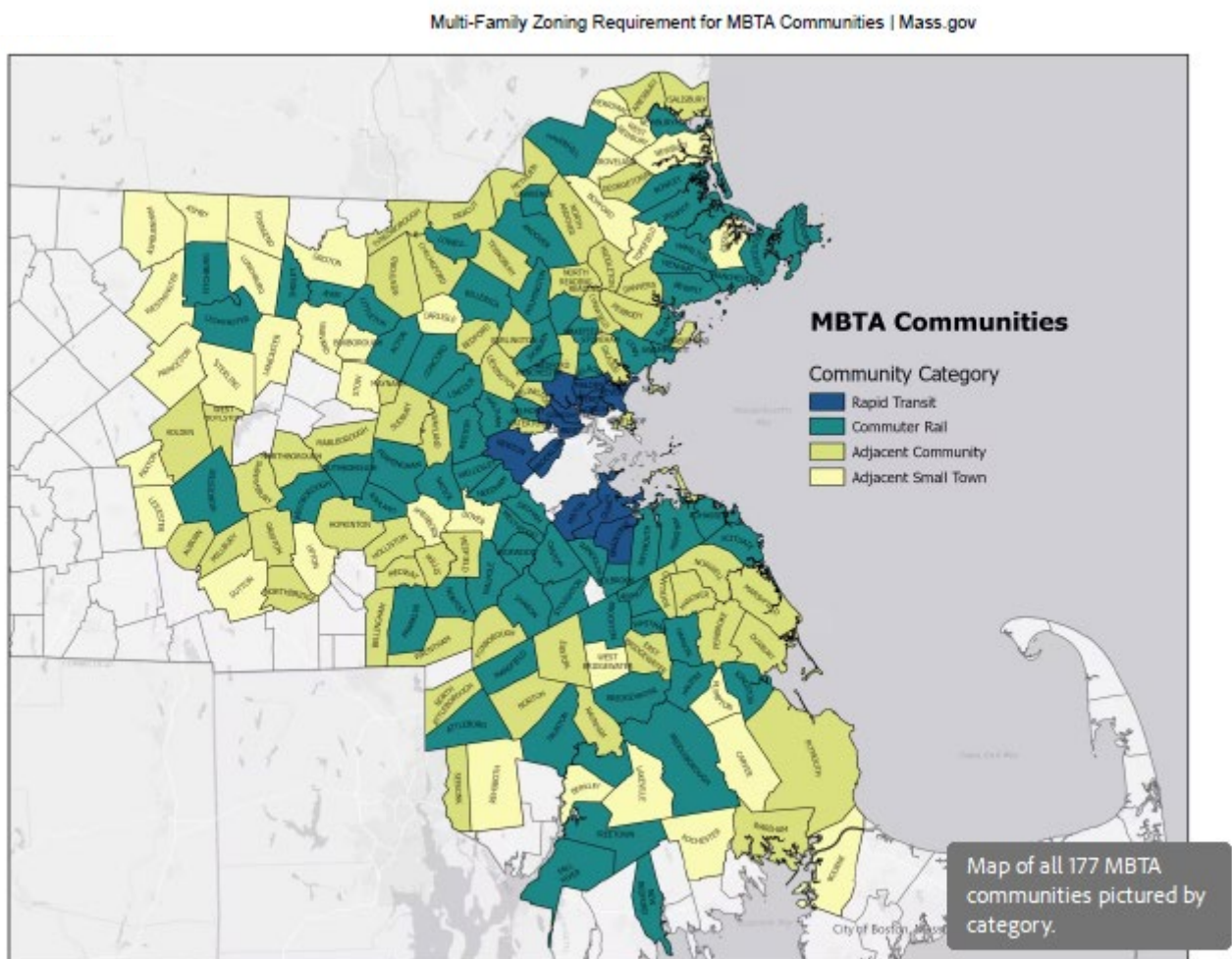
Communities that do not comply with the zoning requirement will not be eligible for certain state funding and, as the [Attorney General’s Office advised in March](#), “Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws.”

If Holliston does not comply with Section 3A's requirements, the town risks losing eligibility to receive MassWorks funding, as well as any funding through the Housing Choice Initiative and Local Capital Projects fund. Additionally, as of August 2023, the law has been amended to add 13 discretionary grant programs that will consider compliance with Section 3A in making grant awards.

### **What are Holliston's next steps?**

The town is in the preliminary stages of evaluating potential areas that could be zoned to help meet these requirements. The town plans to make opportunities for public input available as the work progresses.

The MBTA Communities zoning district that is ultimately identified by the town will need to be approved at a Town Meeting in 2024 in order to meet the state's compliance deadline of Dec. 31, 2024.



Appendix 1 MBTA Community Categories and Requirements