

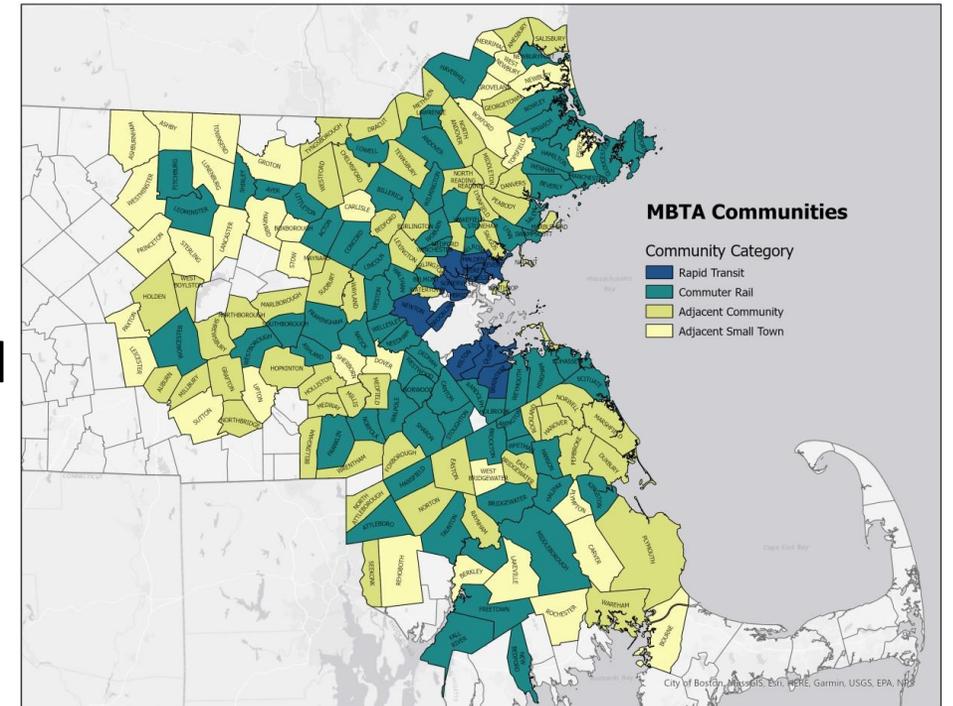


By-Right Multifamily Housing Zoning Requirements for MBTA Communities

Planning Board Public Hearing
February 12, 2024

Agenda

- Summary of Section 3A MBTA Communities Multi-family Zoning Requirements
- Impacts of Noncompliance
- Local Process
 - Public Outreach
 - Proposed Overlay District
 - Review of Working Group Analysis of Potential Locations
 - Detailed Presentation of Alternatives Considered
- Potential Responses to Concerns related to Board questions and public comment
- Discussion of Next Steps
- Schedule for Continued Public Hearings



State Imposed Multifamily Zoning Requirement

2021 State Law Requires Zoning Capacity, Not Production

Section 3A of M.G.L. c. 40A (the Zoning Act) now requires that an MBTA community **shall** have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute, including:

- Minimum gross density of 15 units per acre;
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal, or bus station, if applicable;
- No age restrictions; and
- Suitable for families with children.

2022 DHCD/EOHLC 3A Guidelines Include More State Requirements for MBTA Communities

| Community | Community category | 2020 Housing Units | Minimum multi-family unit capacity* | Minimum land area** | Developable station area*** | % of district to be located in station area |
|-----------|--------------------|--------------------|-------------------------------------|---------------------|-----------------------------|---|
|-----------|--------------------|--------------------|-------------------------------------|---------------------|-----------------------------|---|

Impact of Noncompliance

Statute: Housing Choice, MassWorks, HousingWorks, and Local Capital Projects Fund (Housing Authority)

Discretionary:

Community Planning Grants

Massachusetts Downtown Initiative

Urban Agenda

Rural & Small Town Development Fund

Brownfields Redevelopment Fund

Site Readiness Program

Underutilized Properties Program

Collaborative Workspace Program

Real Estate Services Technical Assistance

Commonwealth Places Programs

Land Use Planning Grants

Local Acquisitions for Natural Diversity

(LAND) Grants, and

Municipal Vulnerability Preparedness (MVP)

Determinations of compliance also may inform other funding decisions by EOED, EOHLC, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

Attorney General Advisory on Civil Enforcement Action

MBTA Communities Local Process

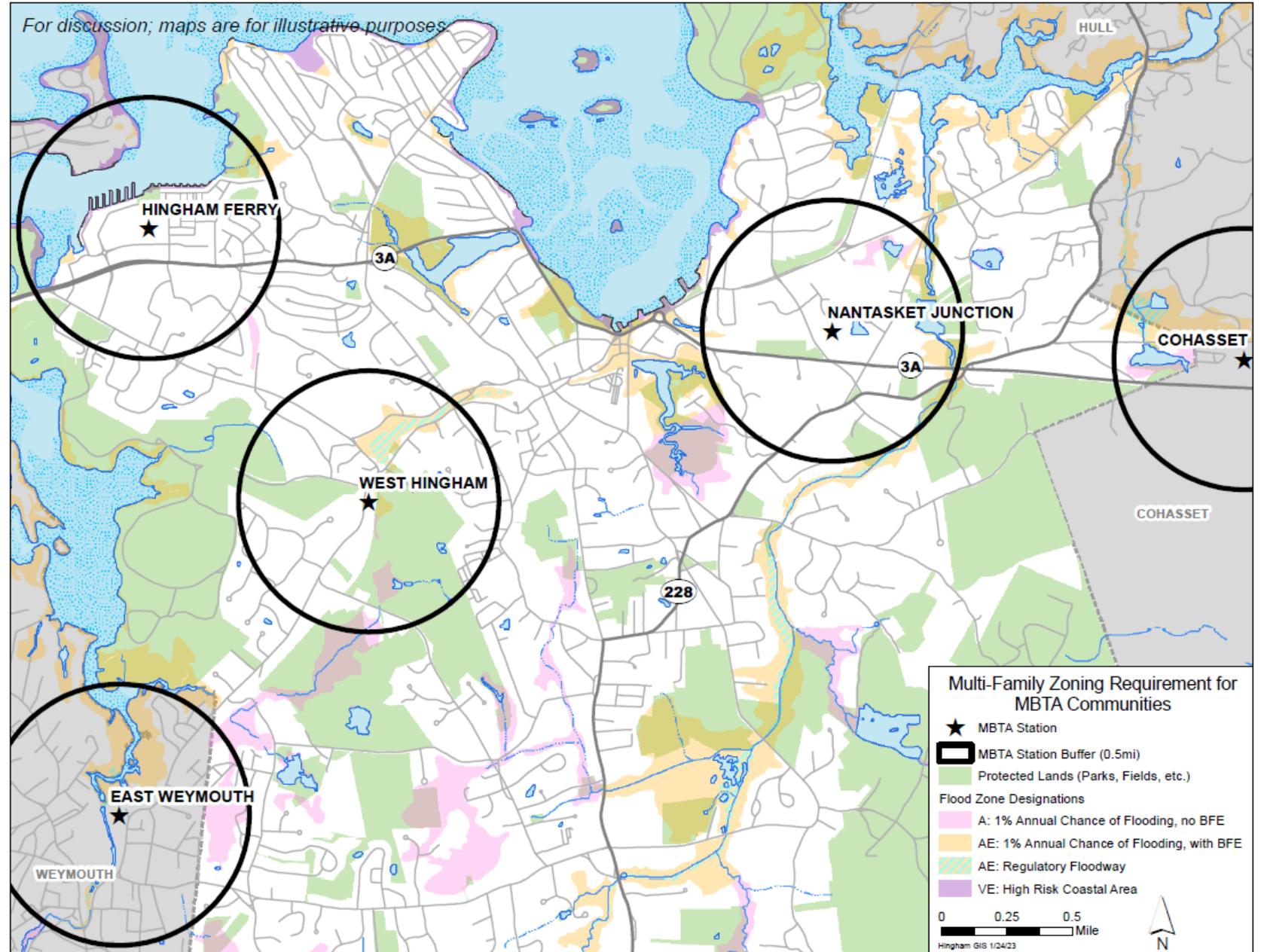
**2022-2023: 3 Joint Select Board/Planning Board Public Meetings
2 Additional Planning Board Public Meetings**

Fall 2023: 3 Public Meetings – Planning Board reviewed draft zoning during the fall

Jan 2024: 3 Public Hearings

- Staff discussions with representatives of the Democratic Town Committee, World Affairs Group, Town Hall Coffee at the Senior Center, and owners of parcels that may be rezoned
- MHP 3A/TA technical services grant – Bohler Engineering completed draft compliance model
- Housing Choice Grant – RKG engaged to complete Economic Feasibility Analysis to increase affordable zoning
- More public sessions in coming weeks
- Submission of draft zoning to EOHLC for informal review

MBTA Communities District Options



District Location

| Community | Community category | 2020 Housing Units | Minimum multi-family unit capacity* | Minimum land area** | Developable station area*** | % of district to be located in station area |
|-----------|--------------------|--------------------|-------------------------------------|---------------------|-----------------------------|---|
| Hingham | Commuter Rail | 9,930 | 1,490 | 50 | 757 | 75% |

State Requirements:

- Distance from Transit (75%/25%)
- Size Requirements
 - 50 acre minimum
 - One of at least 25 acres
 - Others not less than 5 acres
- Developable Land Exclusions
 - Publically owned land
 - Streets
 - Wetland resource areas
 - Private school, utilities

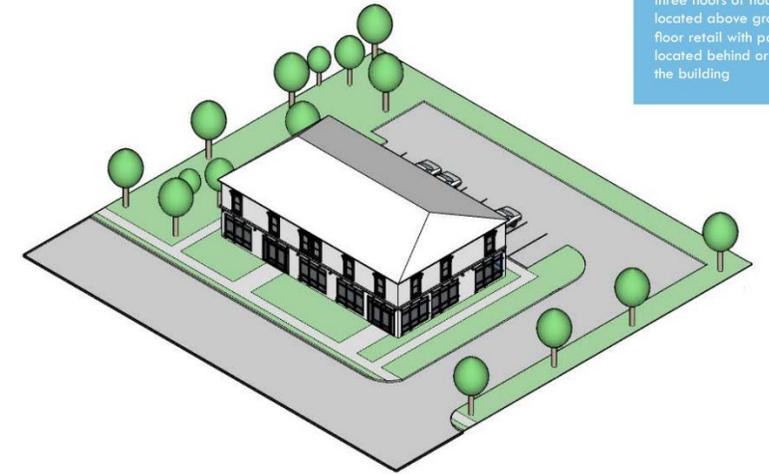
Town Working Group Considerations:

- Incorporate Existing Multifamily Housing Locations Proximate to Transit
- Encourage Residential Use in Residential District through Conversion of Inappropriate Uses
- Preserve Properties Zoned for Business/Commercial/Industrial Land Uses
- Consider Wastewater Capacity
- Consider Other Environment Sensitivities, including ACEC, Floodplain, and Future Effects of Sea Level Rise

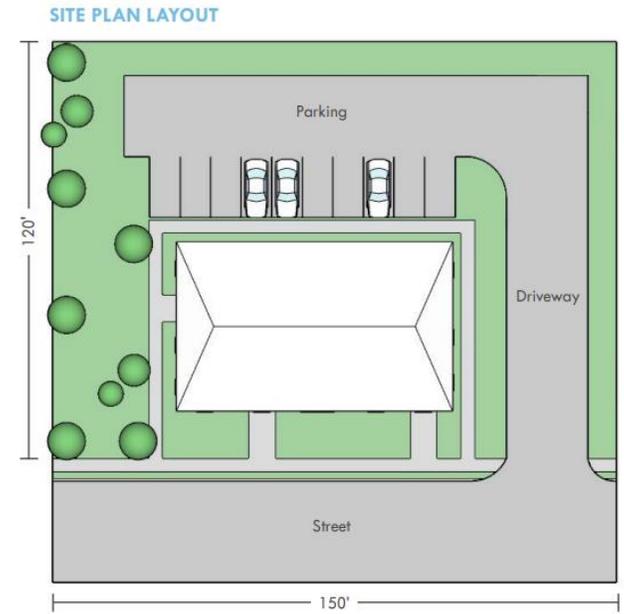
Mixed Use Option

Does not count toward Minimum Land Area; May Offset up to 25% Minimum Unit Capacity, if the District...

- Meets “eligible location” standard (existing village-style or downtown development is essential to preserve pedestrian access to amenities)
- Imposes no restrictions on age, unit size, bedrooms, or occupants
- Allows for housing that is suitable for families with children
- Limits nonresidential use to ground floor of buildings and no more than 33% of the floor area of a building, lot, or project
- Does not preclude a minimum of 3 dwelling units per lot
- Permits a range of nonresidential uses as-of-right
- Requires no minimum parking requirement for commercial uses



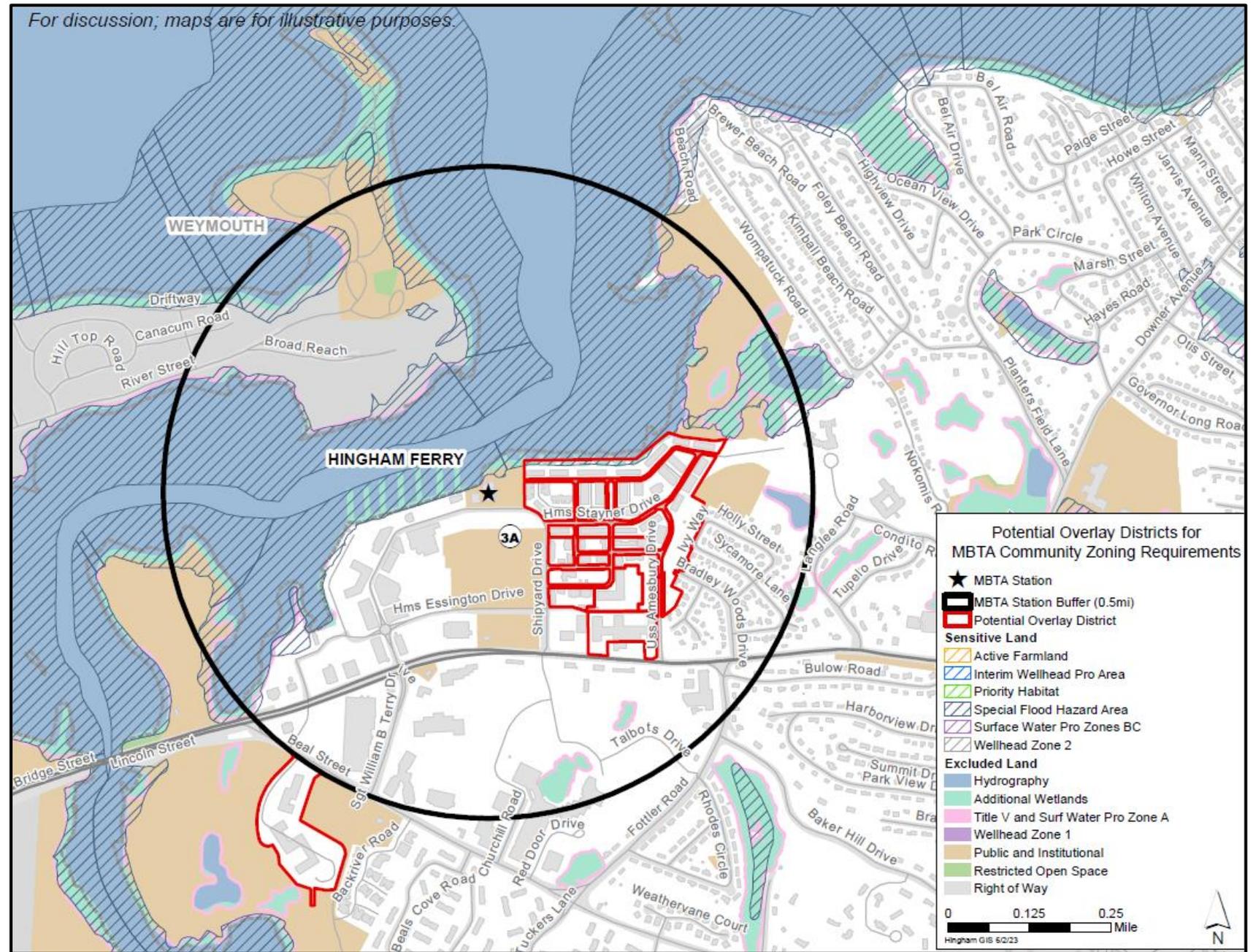
Definition: One to three floors of housing located above ground floor retail with parking located behind or below the building



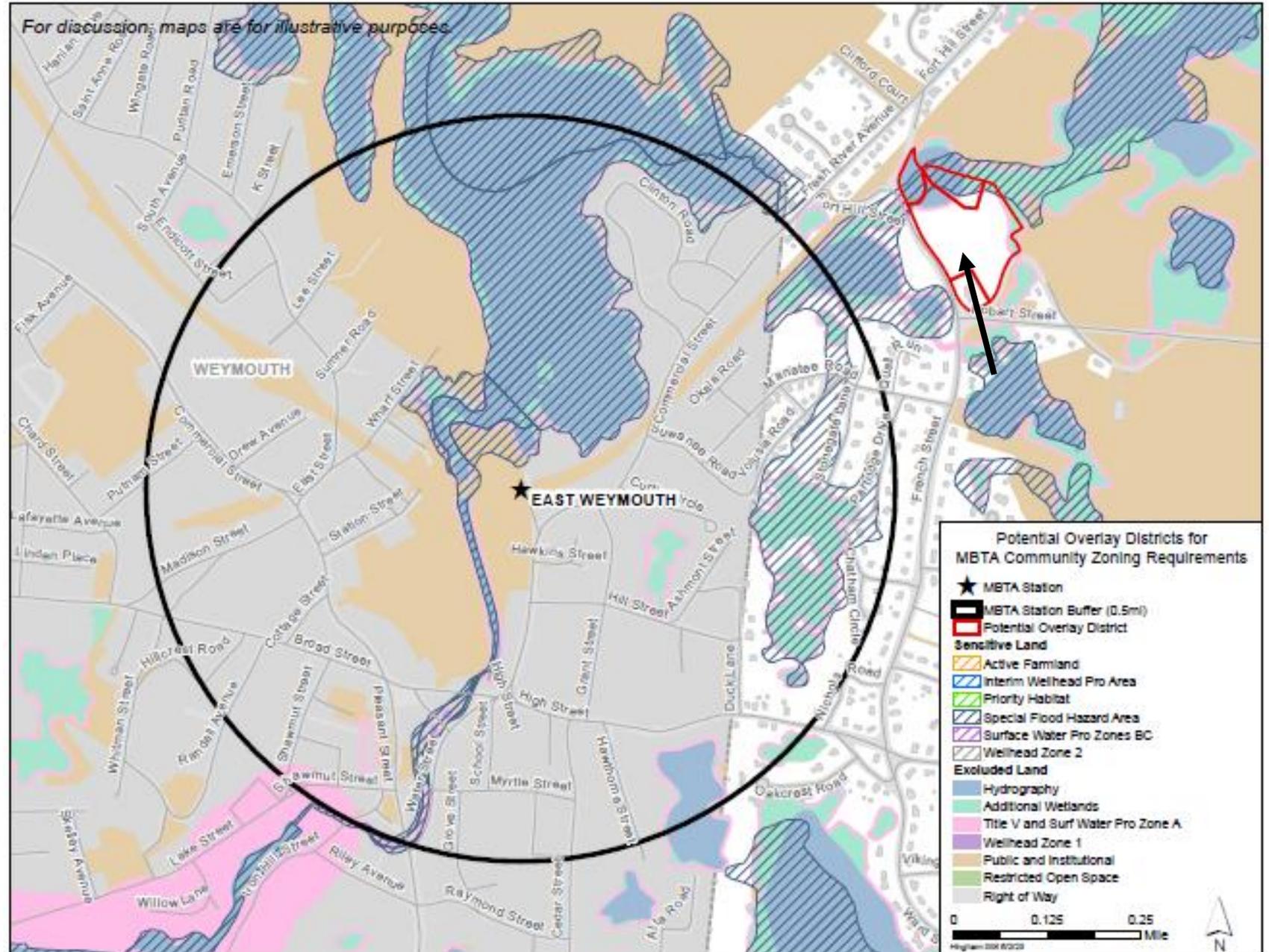
Graphics from the South Shore Living Little to Middle Report from MAPC

For discussion; maps are for illustrative purposes.

MBTA Communities District Proposed Subdistricts



MBTA Communities District Proposed Subdistricts



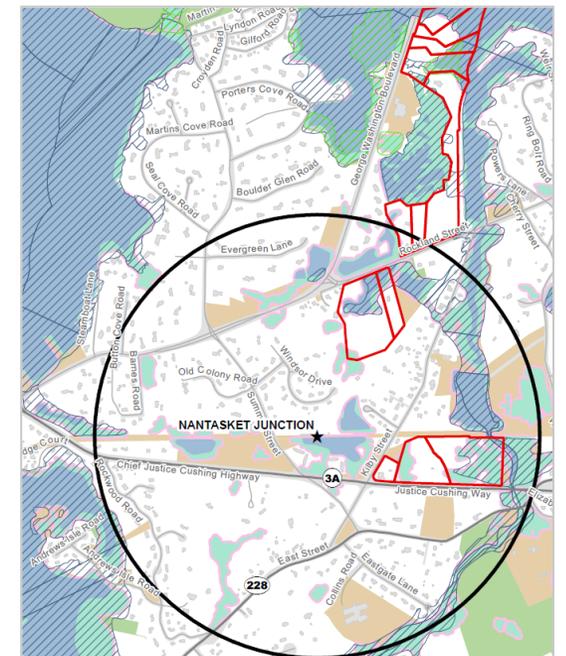
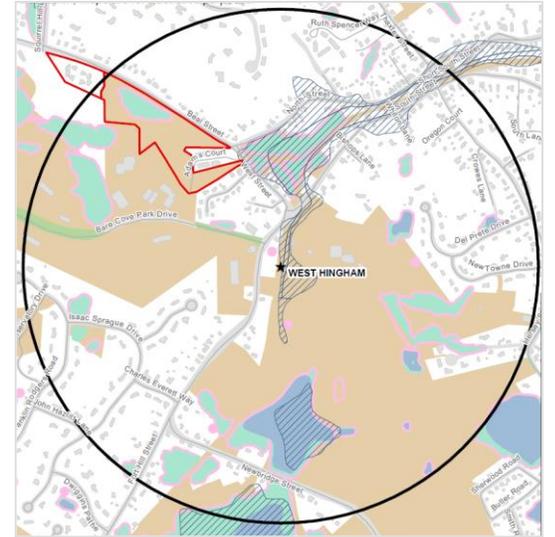
Potential Locations

Potential Areas Proximate to Public Transit

- Selectmen's Parcel, 2 Beal Street
- Nonconforming Contractor Yards on Rt 3A and Rockland Street
- 116 - 134 Rockland Street
- Commercial Properties on Beal Street and South Side of Rt 3A
- 175 Beal Street
- 29 Shipyard Drive
- Cohasset Golf Club, O East Street

Potential Areas Not Required to be Proximate to Public Transit

- AW Perry Property on Abington Street
- Commercial Properties on Rt 53
- Nonconforming Contractor Yard on French Street



Selectmen's Parcel, 2 Beal Street

Pros:

Located in West Hingham Station Area

Total Land Area: 13.5 acres

Cons:

The property does not count toward the minimum land area requirement of 50 acres.

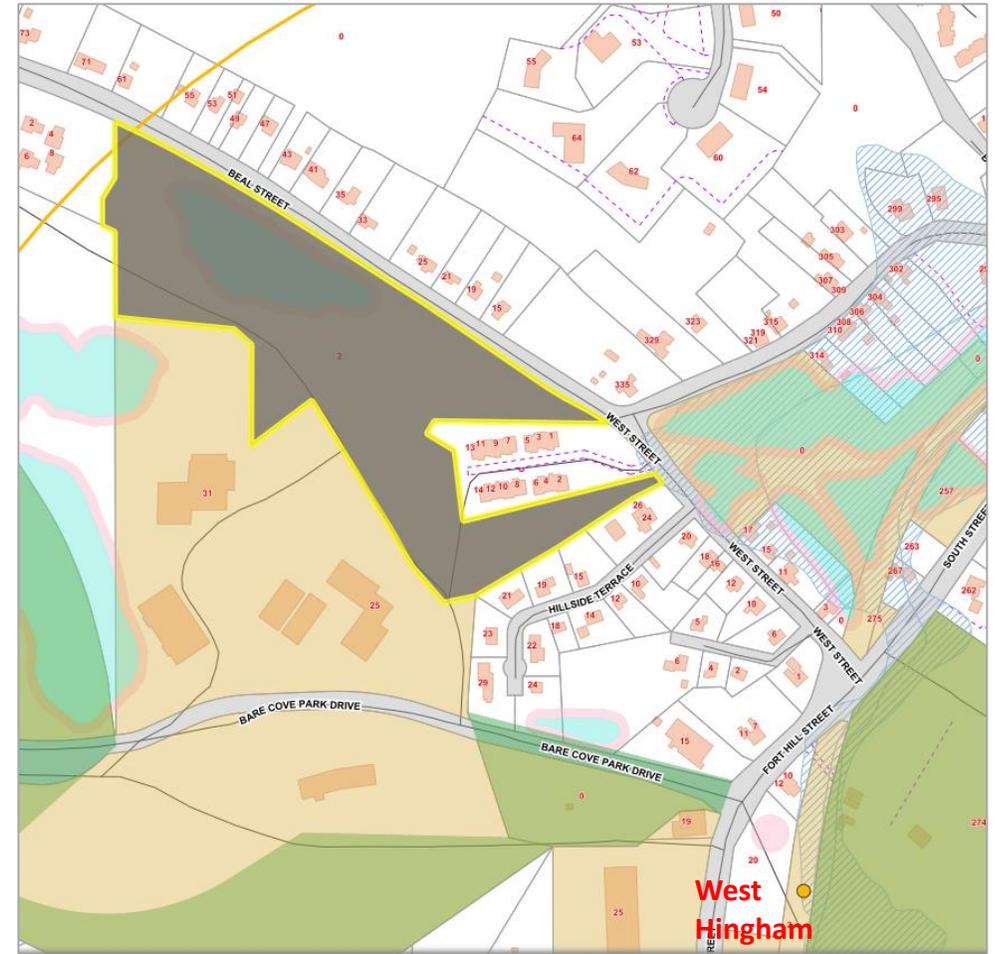
Excluded Area: 13.5 acres (100% Public)

Other Excluded Areas:

Wetlands 1.7 acres

Title V 0.8 acres

Total: 2.5 acres



Nonresidential Use on Rt 3A/Justice Cushing

Pros:

- Located in Nantasket Junction Station Area
- Meets min. 5-acres land area requirement (7.5 ac)
- Encourages conversion of nonresidential use in Residence C District



90 and 116 Chief Justice Cushing Way

Cons:

- 8.1 acres of Excluded Land (wetlands)
- 5.3 acres of Sensitive Land (floodplain)
- No remaining capacity in the Weir River Sewer District and concerns about ability to treat wastewater onsite

(Note: The sewer district was created “...to resolve the on-going and worsening water pollution of the Weir River Watershed Area (WRWA) caused by the failing septic systems of the homes within and adjacent to the WRWA.”¹)

- Future risk from flooding from SLR (Note: 2015 Climate Change and Adaptation Report projected that the Foundry Pond area will experience “significant transition of high marsh to low marsh, loss of major upland areas, and connection of various marsh regions along the river” by 2070.²)
- 3 potential vernal pools on site

¹ 1982 Annual Town Meeting Warrant, Advisory Committee Comment on Article 18

² 2015 Climate Change, Risk Assessment and Adaptation Report, Kleinfelder

Nonconforming Use on Rockland Street

Pros:

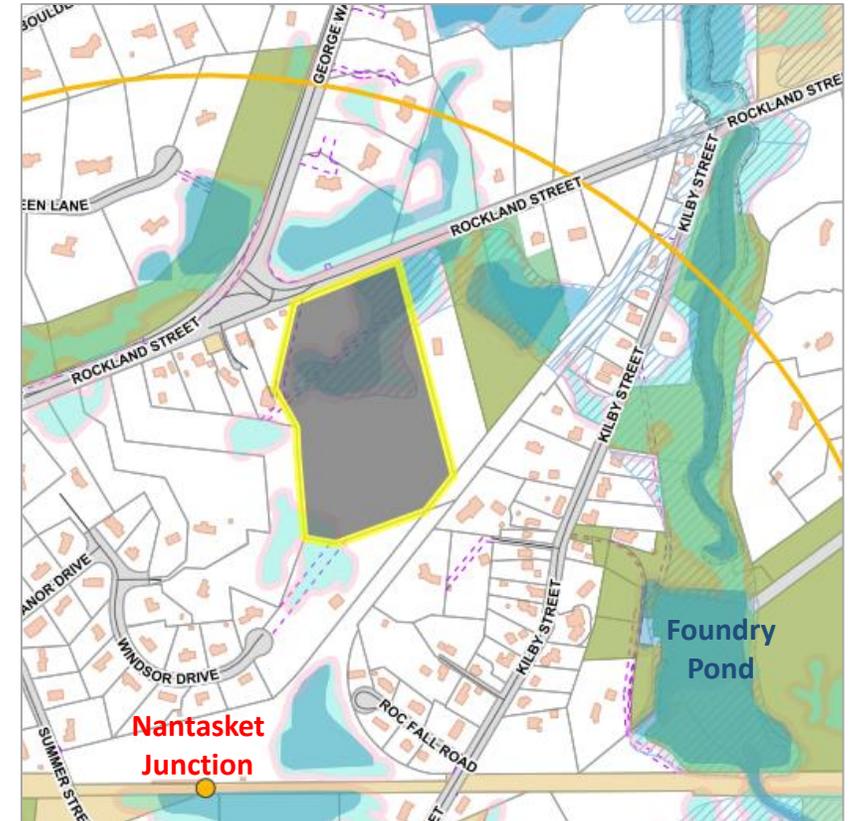
- Located in Nantasket Junction Station Area
- Meets min. 5-acres land area requirement (7.1 ac)
- Encourages conversion of nonresidential use in Residence C District

Cons:

- 3.8 acres of Excluded Land (water, wetlands, Title 5); Requires wetlands crossing to access buildable area
- 2.4 acres of Sensitive Land (floodplain)
- No remaining capacity in the Weir River Sewer District and concerns about ability to treat wastewater onsite
- Present risk and increased future risk from flooding from SLR

(Note: 2015 Climate Change and Adaptation Report identified Rockland Street the number 1 most at risk roadway.¹)

- ACEC located on front third of the property



| Time Horizon | Roadway Name(s) |
|--------------|--|
| Present | Rockland St and Kilby St |
| | Beach Road and Beach Lane |
| | Otis St (Rt 3A) at Hingham Bathing Beach |

¹ 2015 Climate Change, Risk Assessment and Adaptation Report, Kleinfelder

116 - 134 Rockland Street

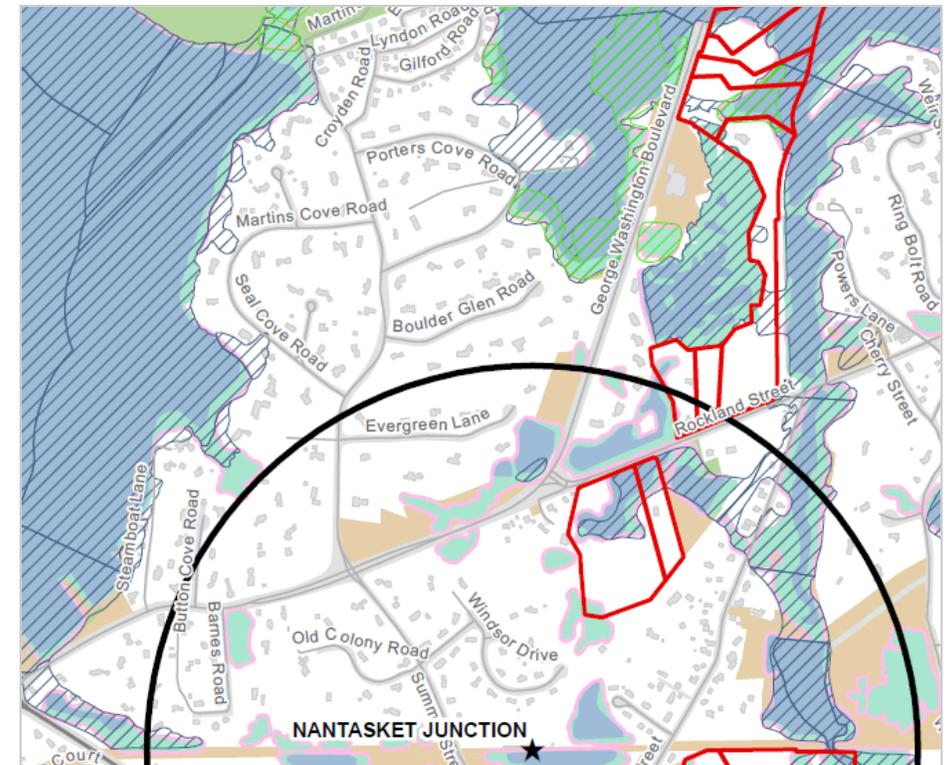
Pros:

- Located partially in Nantasket Junction Station Area
- Meets min. 5-acres land area requirement (14.9 acres)

Cons:

- 1.6 acres of Excluded Land (water, wetlands, Title 5)
- 2 acres of Sensitive Land (floodplain, priority habitat)
- No remaining capacity in the Weir River Sewer District and concerns about ability to treat wastewater onsite
- Present risk and increased future risk from flooding from SLR
(Note: 2015 Climate Change and Adaptation Report identified Rockland Street as the number 1 roadway at risk of flooding.¹)
- ACEC impacts all three parcels
- Potential vernal pool identified on 116 Rockland Street

¹ 2015 Climate Change, Risk Assessment and Adaptation Report, Kleinfelder



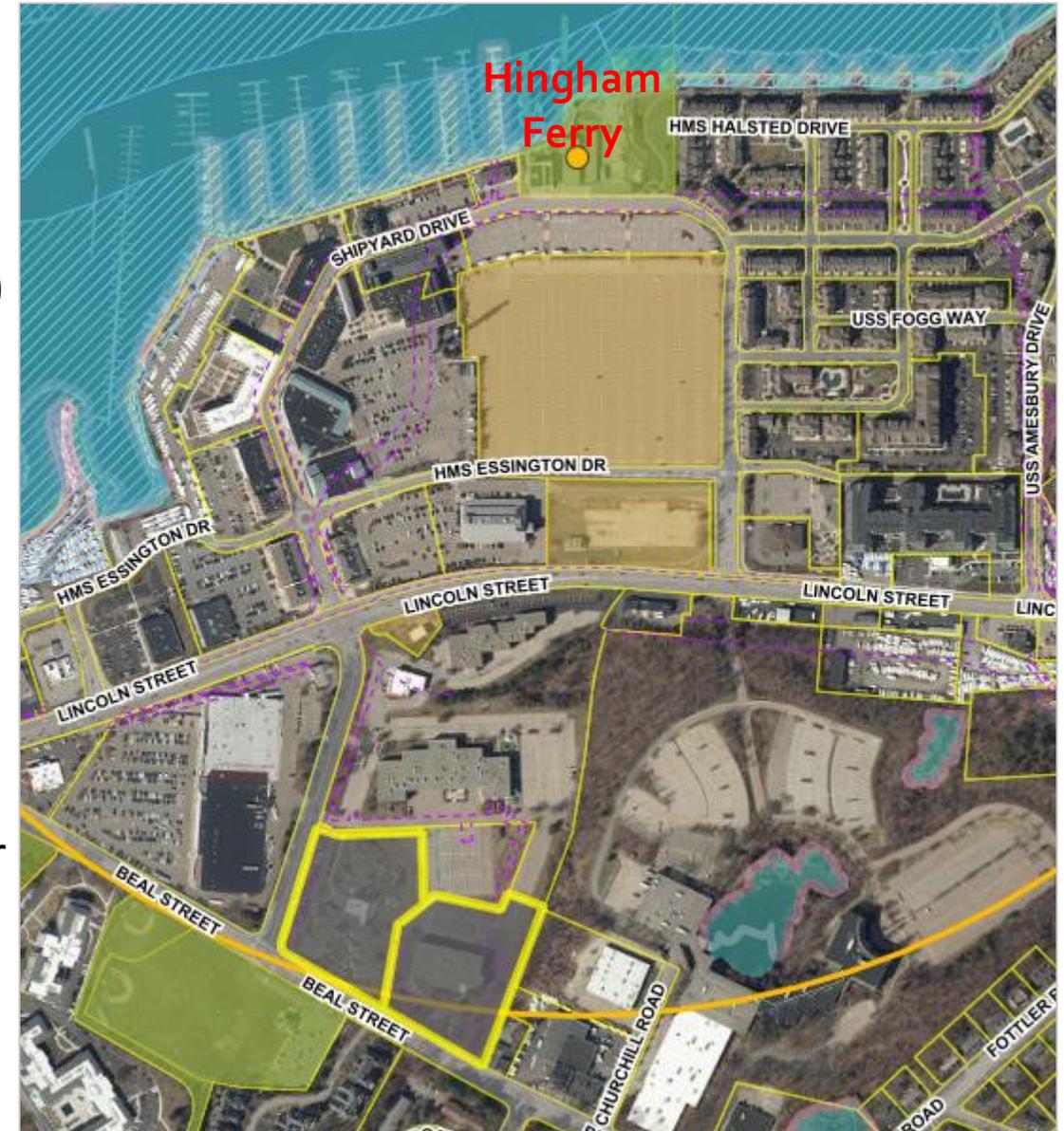
Beal Street

Pros:

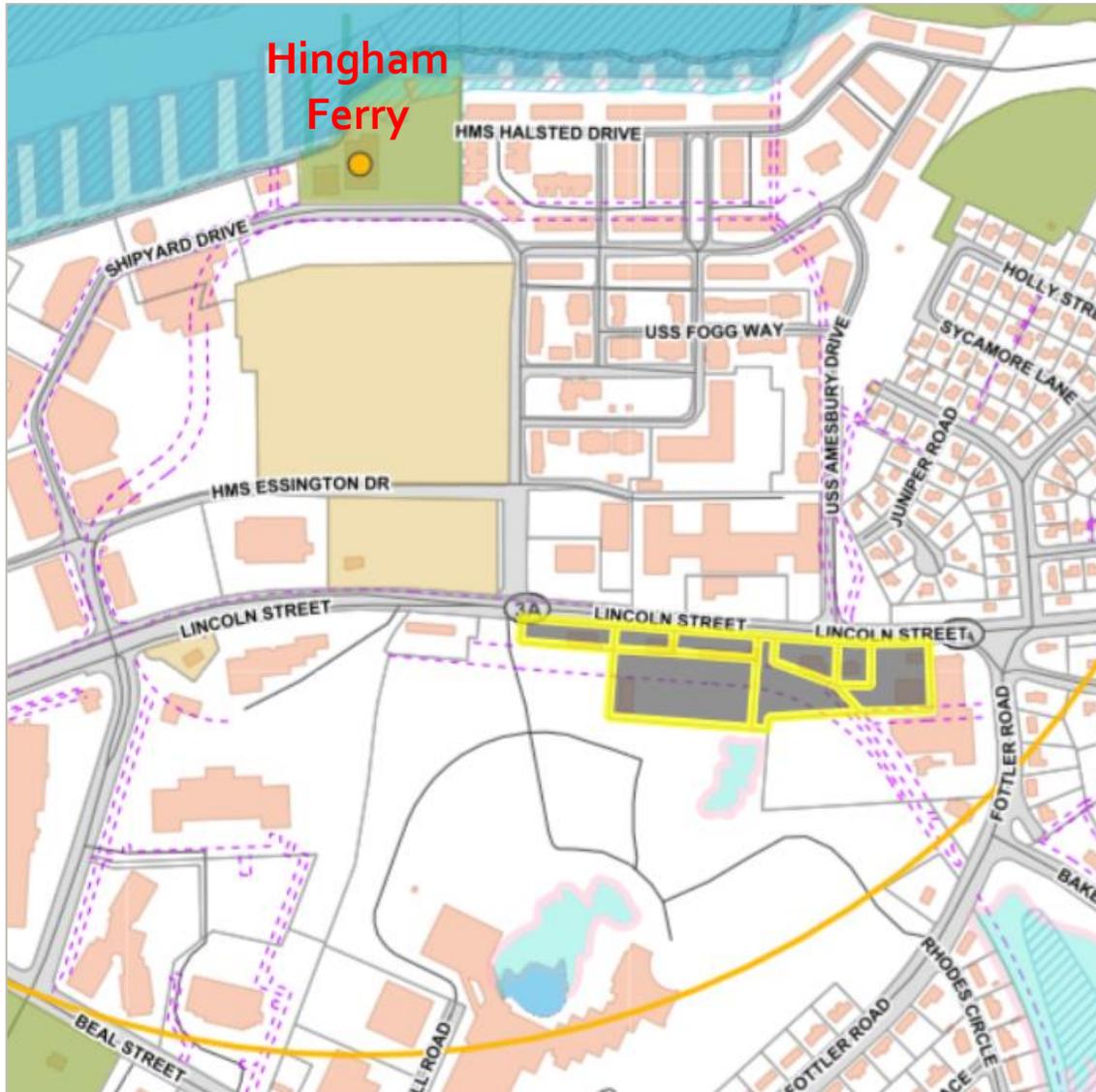
- Located in Hingham Ferry Station Area
- Meets min. 5-acres land area requirement (7.5 ac)
- MWRA Sewer Capacity
- No Excluded or Sensitive Land
- Near services, retail, recreation

Cons:

- Encourages conversion of industrial and limited industrial zoned land to residential use
(Note: The 2021 Hingham Master Plan reports that roughly 12 percent of the Town's land is commercial or industrial)
- Already approximately 950 multifamily units located in the Shipyard and this segment of Beal Street Corridor



Lincoln Street/Route 3A



Pros:

- Located in Hingham Ferry Station Area
- Meets min. 5-acres land area requirement (5.7 ac)
- MWRA Sewer Capacity
- No Excluded or Sensitive Land
- Near services, retail, recreation

Cons:

- Encourages conversion of industrial and business zoned land to residential use
- Already approximately 950 multifamily units located in the Shipyard and this segment of Beal Street Corridor
- Lot sizes and shape would result in housing close to Rt 3A
 - May not be family-friendly
 - Impact on major gateway to town

175 Beal Street/Lincoln Street/Route 3A

Pros:

- Located in Hingham Ferry Station Area
- Meets min. 5-acres land area requirement (38.9 ac)
- MWRA Sewer Capacity
- Near services, retail, recreation

Cons:

- 3 acres wetlands located in center of property
- Encourages conversion of industrial land to residential use
- Already approximately 950 multifamily units located in the Shipyard and this segment of Beal Street Corridor
- Based on large lot size and state limitation on split lots, the parcel could yield 580+ units with 15-unit per acre zoning

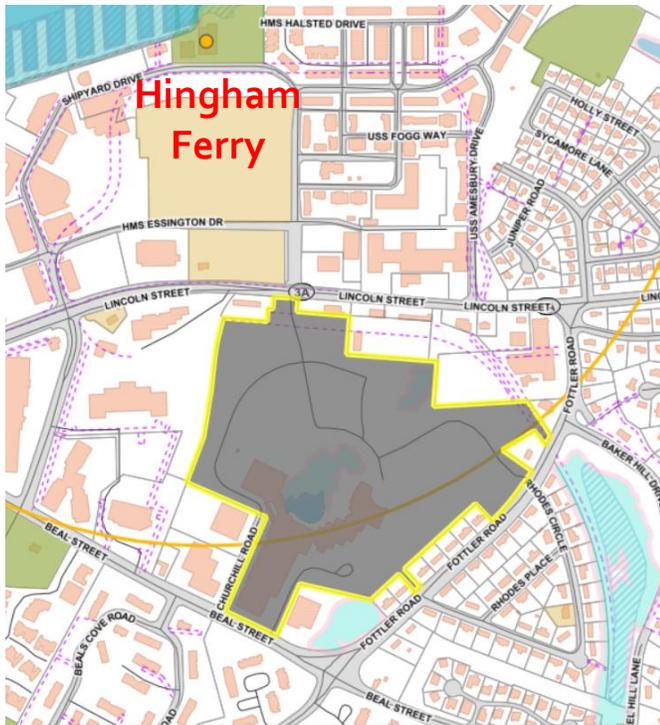
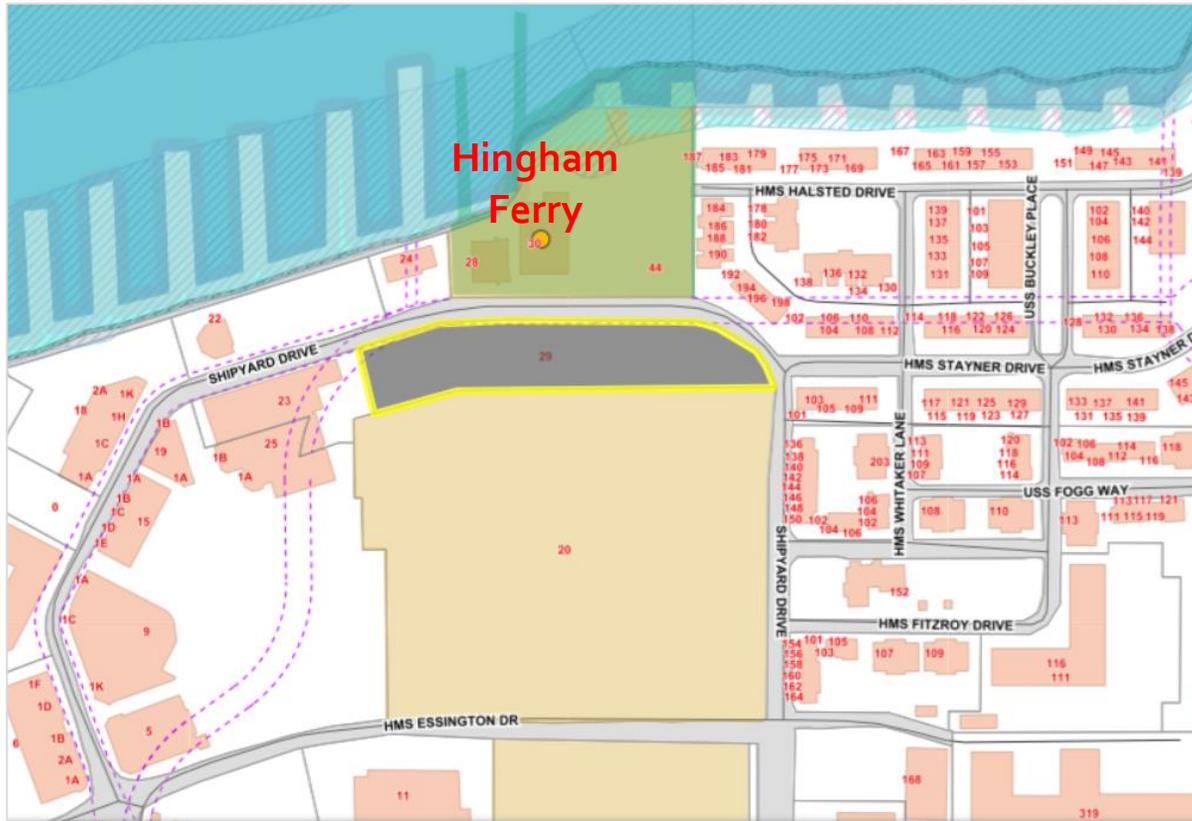


Figure 4 Include only complete parcels in the district

29 Shipyard Drive

Pros:

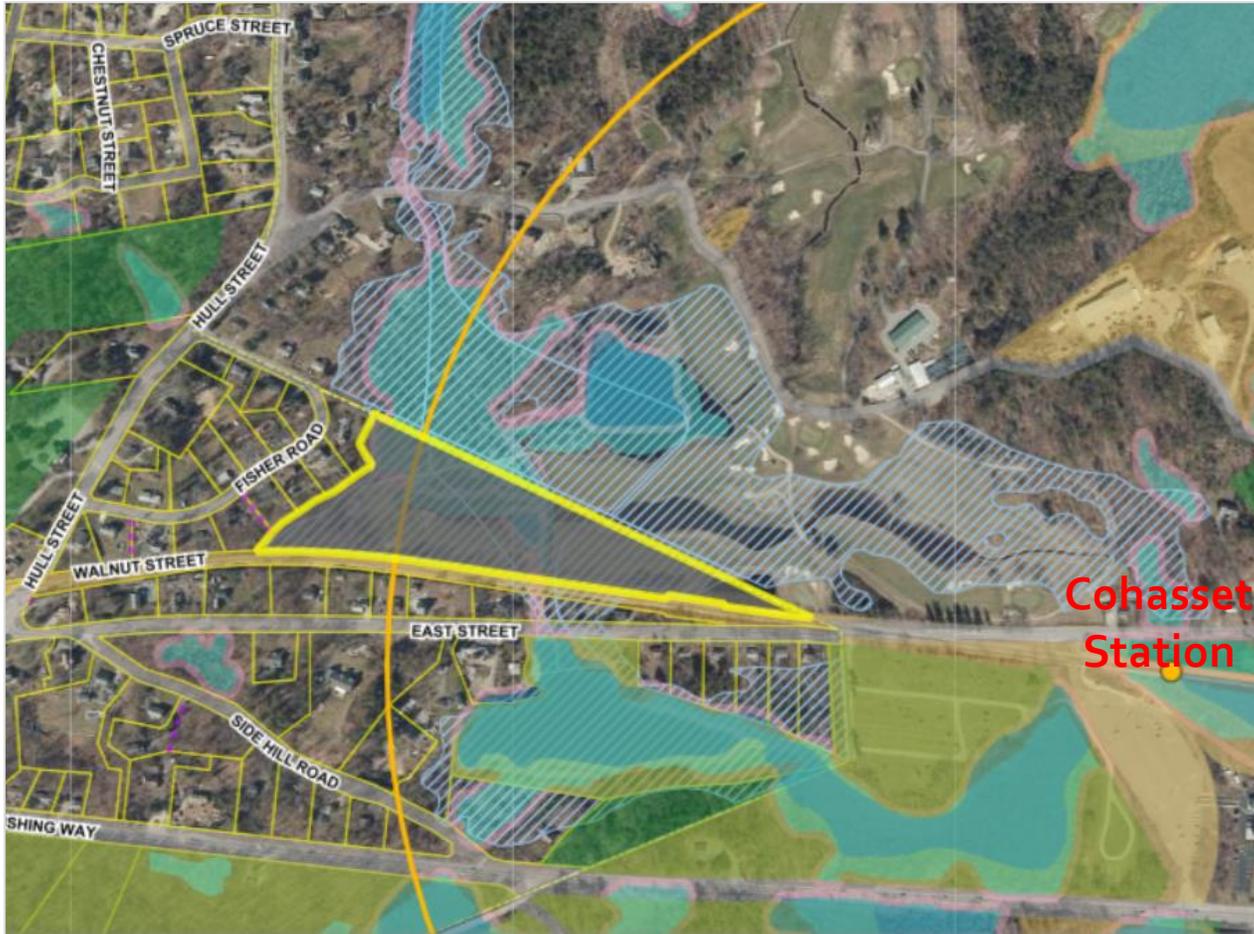
- Located in Hingham Ferry Station Area
- MWRA Sewer Capacity
- Near services, retail, recreation



Cons:

- Does not meet min. 5 acre land area-requirement (2.3 ac) and does not get the overall district to 50-acres
- Loss of parking for the Ferry and Shipyard Retail Center
- Encourages conversion of industrial/mixed-use zoned land to residential use
- Already approximately 950 multifamily units located in the Shipyard and this segment of Beal Street Corridor
- Lot size and shape would result in housing close to and at street level , deactivating the commercial streetscape of the Mixed-Use Redevelopment Area in a manner that may not be family-friendly

Cohasset Golf Club, 0 East Street



Pros:

- Located partially in Cohasset Station Area
- Meets min. 5-acres land area requirement (9.7 acres total; 6.7 developable)

Cons:

- No frontage or access in Hingham, landlocked
- 3 acres of Excluded Land (water, wetlands, Title 5)
- 8.7 acres of Sensitive Land (floodplain and floodway affects 90% of the land)
- Present risk and increased future risk from flooding from SLR

AW Perry Property off Abington Street

Pros:

- Meets min. 5-acres land area requirement (155 ac)

Cons:

- Land area exceeds 25% of the proposed district's Station Area
- 90 acres of Excluded Land (water, wetlands, Title 5)
- Encourages conversion of vacant industrial land to residential use
- Undermines long standing development goals
- Located in South Hingham Sewer District with no infrastructure
- Based on large lot size and state limitation on split lots, the parcel could yield 980+ units with 15-unit per acre zoning on developable land or 2300+ on entirety of land
(Note: Rockland is also considering an MBTA Communities Multi-family District on adjacent AW Perry land)
- Housing in an Industrial Park may not be family-friendly

X

Do not create partial lots. Several lots on the right of the map are split by the district boundary. This district will not work properly in the model.



Whiting Street/Route 53

Pros:

- Meets min. 5-acres land area requirement (5.3 ac) and 25% limitation outside Station Area



Cons:

- Far from Public Transit
- Encourages conversion of partially business zoned and used land to residential use
- 100% of the land is located in a Surface Water Supply Protection Area
- Main Street properties have multiple assets listed on the Historical Inventory
- Impact on major gateway to town
(Note: The 2021 Master Plan recommends that the Town “Target the commercial areas in the north and south gateways of Hingham for future economic development that will further diversify tax revenues...)

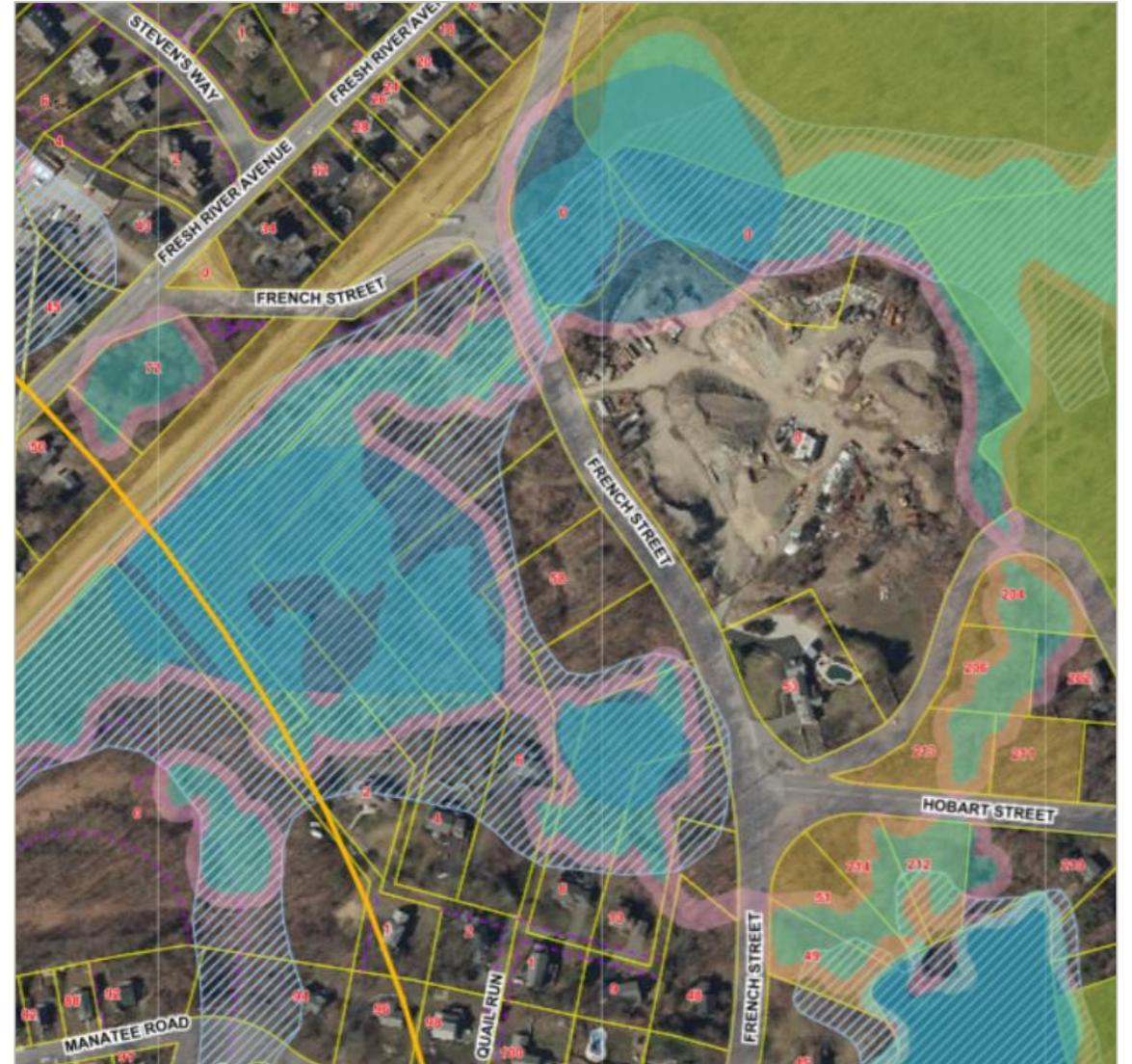
French Street

Pros:

- Meets min. 5-acres land area requirement (8.3 acres) and 25% limitation outside Station Area
- Close to East Weymouth (~0.6 miles) and West Hingham (~0.8 miles) Commuter Rail Stations
- Encourages conversion of nonresidential use to residential use in Residence B District
- Encourages environmental remediation of the previously disturbed site
- Soils assumed to be accommodate onsite to allow onsite wastewater disposal

Cons:

- Increases density allowed in underlying district
- Neighborhood concerns

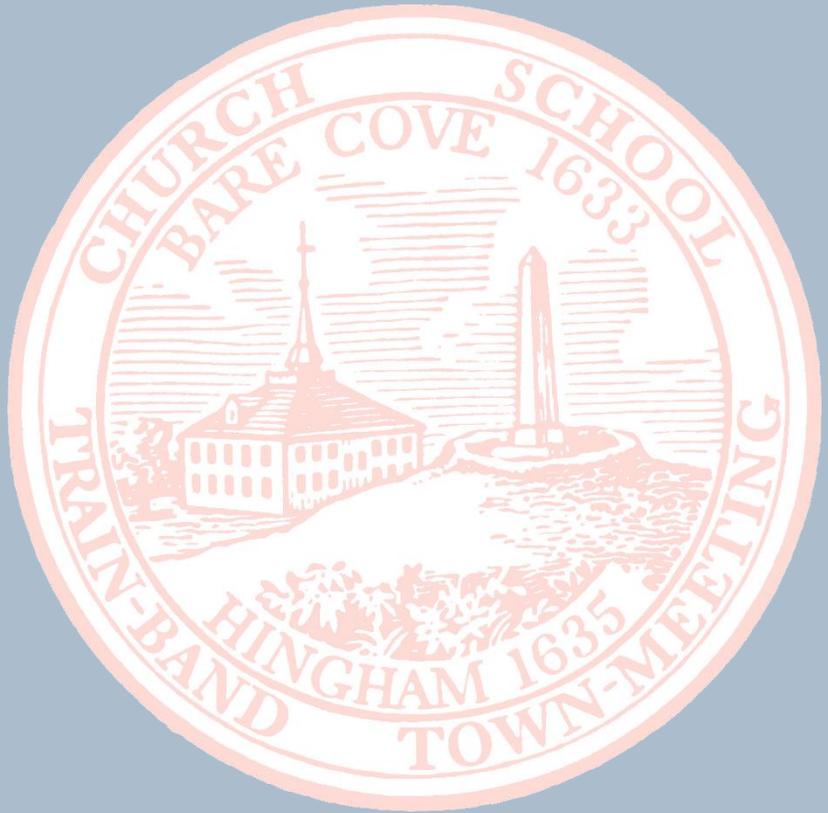


Existing Controls on Potential Future Project Review

- Multifamily housing must comply with all state and local regulations, including those of the Conservation Commission and Board of Health
- Multifamily housing must comply with all standards imposed in the Zoning By-Law
- Site Plan Review standards govern stormwater treatment, traffic impacts, outdoor lighting, landscaping, architectural design, etc. and Approval typically includes conditions intended to mitigate impacts on the neighborhood

Additional Zoning Modifications for Consideration

- Reduce the size of the District
- Reduce the allowed density in some subdistricts, which may require upzoning other subdistricts
- Increase setbacks and landscaping requirements
- Restrict the form of multifamily development to smaller scale in some subdistricts
- Add more explicit architectural standards



Questions and Discussion

Thank you for your participation!