

### What is the MBTA Communities Law

The MBTA Communities Law, also known as **Section 3A of MA General Law, Chapter 40A (The Zoning Act)**, passed as part of the State’s economic development bill in January 2021. Final 3A guidelines were issued in 2022.

It affects communities with MBTA stations (commuter rail, bus, subway) and adjacent MBTA serviced communities.

Gloucester is a MBTA Community because we have two designated commuter rail stations. There are 177 municipalities in MA that are considered MBTA communities.

### Why Does it Matter

The Commonwealth is facing the greatest housing crisis in the state’s history. We feel it here in Gloucester -- housing is scarce and financially unattainable for too many.

According to the Executive Office of Housing and Livable Communities, the state has among the highest and fastest growing home prices. High rents are causing financial pressures on low and middle-income families. High housing costs are a primary driver of homelessness.

Planning for housing near transit is good housing, economic, transportation, and climate policy for the state and for Gloucester.

Overcoming restrictions for multi-family housing can help us maintain a diverse Gloucester and address specific gaps in our housing supply. More housing options will enable seniors to downsize, families to stay here, and local employees to live where they work.

### What it Requires in Gloucester

Gloucester, as an MBTA Community, must adopt zoning that designates:

- At least one district(s) of reasonable size that permits new multi-family housing “by right”
- contains a minimum of 50 acres overall, which represents 1.5% of the City’s developable land area.
- with at least 50% located not more than 1/2 mile from a train station
- multiple zoning districts may be used to comply, as long as they meet Section 3A’s criteria
- allows for a minimum density of 15 units per acre
- without age restrictions, and is suitable for families with children

**One of the general principles of the law is to “encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses and minimize impacts to sensitive land.”**

**Gloucester’s two train stations, present flexibility for zoning district locations. Multiple zoning districts can be in compliance as long as they meet Section 3A’s criteria.**

### Why Multi-Family Housing

Multi-Family housing is defined as “a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential unit in each building.” A variety of building types, including townhomes and triple-deckers, meet this definition.

Studies show multi-family housing uses less energy thanks to shared systems, walls, and common spaces, and it can minimize buildings’ physical and operational footprints. As open space is a consistent top priority for Gloucester residents, multi-family housing and transit-oriented development is a good way to decrease development sprawl and preserve open space.

### Understanding Zoning Unit Capacity

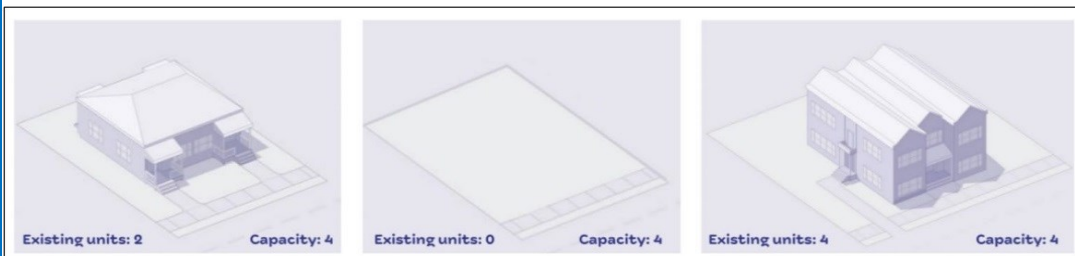
Unit capacity is a measure of the number of multi-family units that the zoning allows by right in the district. Each community’s minimum unit capacity is based on a percentage of its total existing housing stock and transit community type.

**Gloucester’s minimum total capacity for our new district number is 2,270 units, which is 15% of our total housing units.**

While this may at first sound like a large number of units, keep in mind it is a theoretical determination of how many multi-family units the zoning district would allow by right on a parcel if it were undeveloped.

**While the goal of the law is to produce more housing opportunities, we are not mandated to build this many units — only to create zoning districts that allow for them.**

## What does zoning capacity mean?



Capacity = what could theoretically be built under the new zoning code

It is NOT a production mandate!

## What does 15 units per acre look like?

Here are examples of existing multi-family developments in Gloucester with a greater density than the MBTA Communities minimum required of 15 units per acre.



8 Summer Street Condominiums  
16 Units



Harbor Village Apartments  
206 Main Street  
30 Units / 100% Affordable



Gloucester Mills Condominiums  
33 Maplewood Ave  
70 Units



Halyard Apartments  
School House Road  
200 Units / 30 Affordable

**What Does “By Right” Mean?** “By right” or “as of right” means that use is allowed without requiring a Special Permit or other discretionary zoning approval. Section 3A zoning will allow the multi-family use “by right” within the designated district. But, while the use is allowed, developers cannot just build whatever they want. Restrictions in our zoning ordinance (height limits, setbacks, parking requirements, wetlands, stormwater regulations, etc.) still apply, and there are numerous permits and check points required, including Building Permits and Site Plan Reviews, to ensure projects are compliant and well designed.

**Does This Override Our Local City Zoning?** No. Section 3A requires communities to use their local authority, granted to them by state law, to adopt or amend zoning to create the new district(s) just as they would normally adopt any zoning changes. The state is merely providing the guidelines to write our zoning to be compliant. There are many existing examples of such state mandated guidelines. Since zoning is a local matter, we have a lot of flexibility in terms of district(s) location, size, dimensional requirements, and what uses will be permitted. It is not a “one-size-fits -all” provision.

**Is Gloucester’s Compliance Mandatory?** Yes. The MA Attorney General [issued guidance on March 15, 2023](#) stating all MBTA Communities must comply with Section 3A. The law does not allow for any municipality to opt out of this requirement. Non compliant municipalities risk liability under federal and state fair housing laws as well as eligibility for multiple state funding opportunities in the future.

Gloucester has received nearly \$9M in critical funding from some of these programs including: MassWorks; Municipal Vulnerability Preparedness Planning and Project Grants; MassDevelopment Brownfields Redevelopment; and Executive Office of Energy and Environmental Affairs program grants.

**Does This Reduce Property Owner Rights?** No. Gloucester property owners within our designated district will continue to have the rights they currently have since the base zoning will remain. Individual property owners will have the option to decide if they want to redevelop their property under the new zoning. No one is required to change their property or develop new housing.

**What About Affordable Housing?** While Section 3A does not include any requirement for deed-restricted affordable housing, it does not prohibit affordable housing. In fact, Section 3A will ease development costs on non-profits which could lead to the production of more deeply affordable units. The law’s guidelines allow 10% to be set aside as deed restricted affordable. Gloucester’s current Inclusionary Zoning requires 15% set aside, with 80% or better of the area median income, in new multi-family buildings with six or more units which should be able to remain, depending on an economic feasibility study.

**What About Commercial Development?** Mixed-use development that blends first floor retail and commercial use with residential units above may be allowed and encouraged but cannot be made mandatory under Section 3A.

**Can Our Infrastructure Handle It?** State building code already requires the provision of adequate basic utilities (including water/sewer) before a building permit can be issued. It is typically the responsibility of a developer to provide utilities, and a site plan review of any potential multi-family projects will determine these impacts. If current infrastructure capacity does not allow for new development, none will occur.

**What about Traffic and Parking?** One of the primary goals of encouraging development near public transit is to reduce reliance on cars. Building more housing in walkable neighborhoods close to businesses and civic opportunities, provides alternative transportation options for how residents get to work, shopping and leisure activities reducing the need to drive for every trip. Additionally, research shows that apartment households in denser neighborhoods own fewer cars than single family households.

**Is There Opportunity For Public Input?** Yes. There will be several opportunities from March through October as the City drafts the zoning. You can access City information, including meeting presentations, draft plans, and timelines for engagement at: <https://www.gloucester-ma.gov/1250/State-40A-3A-MBTA-Communities-Info>

**Housing4All Gloucester** is a community organization focused on creating solutions to increase fair, affordable, and environmentally sustainable housing that supports the cultural and economic diversity of Gloucester.

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