



MEMORANDUM

TO: Patrick Deschenes, Director of Community and Economic Development

FROM: Tyler Maren, AICP, Senior Planner
Judi Barrett, Principal-in-Charge

RE: Initial Analysis: Potential District Compliance, MBTA Communities Law

DATE: April 5, 2023

In 2021, the Massachusetts legislature enacted Section 3A of the Zoning Act, requiring that municipalities in the MBTA service area adopt zoning to allow multifamily residential development by right (i.e., without the need for a discretionary permit). The MBTA service area consists of 175 cities and towns, excluding Boston. As host to a commuter rail station, Walpole is subject to the new law. The Department of Housing and Community Development (DHCD) issued final “Compliance Guidelines for Multi-family Zoning Districts under Section 3A of the Zoning Act” (Section 3A Guidelines) in October 2022. Under these guidelines, communities have until December 31, 2024, to certify to DHCD that they have adopted a conforming zoning district.

Shortly after DHCD issued the Section 3A Guidelines, the Massachusetts Housing Partnership (MHP) announced that it had established a “3A-TA” grant program to help communities work toward compliance. The Town of Walpole applied for a 3A-TA grant. Barrett Planning Group was retained to provide support to Town staff to assess potential locations for an MBTA Communities compliant district. We met with you and other staff members to identify and discuss possible district locations and local priorities. Thereafter, we used DHCD’s Compliance Model to assess three different district scenarios for their ability to comply with MBTA Communities guidelines.

Technical Review: Scenario Modeling

Walpole’s MBTA Communities district requirements include all of the following parameters:

- Minimum Area: 50 acres
- Minimum Area within station radius (“Station Area”): 75%
- Minimum district unit yield (“Unit Yield”): 1,506
- Minimum Gross Unit Density: 15 units/acre

A compliant district must meet or exceed these parameters. Town staff also agreed that Downtown Walpole should be the priority location for a 3A District due to the presence of the commuter rail station along with the Town’s own existing zoning. Town staff said the existing district in the area, the Central Business District (CBD), could be a good basis for a compliant district. Accordingly, every district tested so far has fallen almost entirely within the station area around the Walpole Commuter Rail station, so the 75 percent station area threshold was never an issue.

The Town was clear about its desire to promote commercial development in Downtown Walpole, but a compliant district cannot require a commercial component in a mixed-use scenario. Mixed-use may be *allowed* in a Section 3A district as long as multifamily-only projects are also allowed by right. Much of the scenario modeling described in this section was aimed at creating a compliant district compatible with the Town’s economic development goals. Below is a description of our approach and conclusions. Table 1 summarizes the relevant findings from our modeling efforts. Attachment A includes maps of each scenario.

SCENARIO 1: EXISTING CBD BOUNDARIES

We tested two sets of regulations for the existing CBD: one where we modeled the Town’s existing zoning as closely as possible, and a second where we adjusted those regulations until we arrived at a compliant district. The Town’s current zoning does not comply with MBTA Communities guidelines, but modeling existing regulations as closely as possible will establish a baseline for the Town to directly compare the CBD with a proposed new district.

The compliance model analyzes districts on a parcel-by-parcel basis, so a proposed district must not cut across property lines. The district shown for Scenario 1 has been modified slightly from the official boundaries of the CBD to conform with parcel boundaries. Modeling current zoning as closely as possible, the CBD produces a yield of 835 units, only slightly more than half the required number.

The modified CBD in Scenario 1 works once the mixed-use requirement is removed, without any other significant change to district regulations. This is largely because the lack of maximum lot coverage gives the model adequate space for units. However, zoning the entire CBD for multifamily development without any additional incentives for mixed-use could result in the loss of valuable commercial space, depending on market incentives. Scenarios 2 and 3 are designed to create a compliant district that minimizes this risk.



SCENARIO 2: SUBDISTRICTS

A potential drawback to converting the entire CBD into a 3A-compliant district is that the Town could not require mixed-use development. However, there are several options available to encourage mixed-use in appropriate areas of a compliant district. For Scenario 2, we divided the CBD into two subdistricts: one covering key commercial areas and the other covering the rest of the district (see Part 2: Attachments). The commercial subdistrict would allow lower residential density by right than the rest of the district, but with the ability to obtain as-of-right density bonuses if developers provide ground-floor commercial space. This incentive scheme will need to be considered carefully to try and ensure that the mixed-use option is as attractive as possible.

SCENARIO 3: REDRAWING BOUNDARIES

Another solution to the mixed-use issue is to redraw the boundaries of the district to avoid areas where the Town wants to require commercial or mixed-use development. This way, the Town would not need to worry as much about the district encouraging replacing commercial space with residential. For Scenario 3 (Figure 3), we pulled the district boundaries away from the core downtown commercial corridor and expanded to the west to meet minimum area requirements. A downside of this approach is that allowing increased density further away from the core downtown area might be less appealing to the community. To mitigate these potential concerns, Scenario 3 requires shorter structures and more open space per lot.

Table 1: Summary of Modeled District Scenarios					
	Existing CBD*	Scenario 1	Scenario 2: Residential Subdistrict	Scenario 2: Commercial Subdistrict	Scenario 3
Model Results					
Area (acres)	61.8	61.8	45.89	15.91	53.77
W/in Station Area	99%	99%	99%	99%	100%
Unit Yield	835	1,529	1,307	270	1,526
Gross Density (units/acre)	14.5	26.6	30.9	17.8	31.6
Selected Dimensional Regulations					
Min. lot size (sq. ft.)	5,000	5,000	5,000	5,000	5,000
Max. building height (stories)	3.6**	3.6	3.6	2	3
Max. lot coverage	100%	100%	80%	90%	50%
Parking spaces per unit	2	2	1.5	2	1.25
Min. open space	0%	0%	20%	10%	35%
<p><i>*Note that the parameters of the compliance model do not perfectly match how Walpole regulates its zoning districts, so some approximations were necessary, e.g. CBD building height limits are given in feet whereas the model uses stories (assumed to be 14 feet per story).</i></p> <p><i>**We accounted for the mandatory first-floor commercial component in the CBD by removing one story of height from the model.</i></p>					



Recommendations and Next Steps

The Town should examine the draft district boundaries and zoning regulations presented in this memo and provide feedback about a preferred approach. Based on that feedback, we can refine any of the three scenarios to better meet the Town's needs. Some key questions include:

- Is the Town comfortable keeping important commercial areas within the district?
- Have the subdistricts in Scenario 2 been drawn in a way that makes sense to the Town?
- If the district is expanded beyond the existing CBD, what dimensional regulations will be acceptable? These will need to be modeled further.

Other issues to consider include parking. It will be very difficult to create a compliant district that requires two parking spaces per unit, as Walpole's zoning bylaw currently does, unless the district also allows for 100 percent lot coverage. Two spaces per unit is an excessive parking requirement for multifamily housing, especially when located near public transit. We recommend that you consider reducing it.

In addition, the district does not need to be located entirely in Downtown Walpole. One-quarter of the district can be outside of the half-mile radius around transit stations, and the Town does technically have the Plimptonville Station radius to work within as well. Whether it makes good planning sense to direct higher-density development to that part of town is something you will need to weigh and decide.

Once we determine (in consultation with you) the most appropriate boundaries and basic dimensional regulations to move forward with, there are some additional details to work out that this first memo does not address. These include inclusionary zoning requirements for affordable housing and how to incorporate site plan review and design review into district regulations. Since Walpole does not have zoning for affordable housing at this time, you will not be required to perform an economic impact analysis. If the Town decides to adopt inclusionary zoning, an affordable housing requirement of up to 10 percent will be considered safely within the bounds of DHCD's 3A Guidelines and also would not require an economic impact analysis.

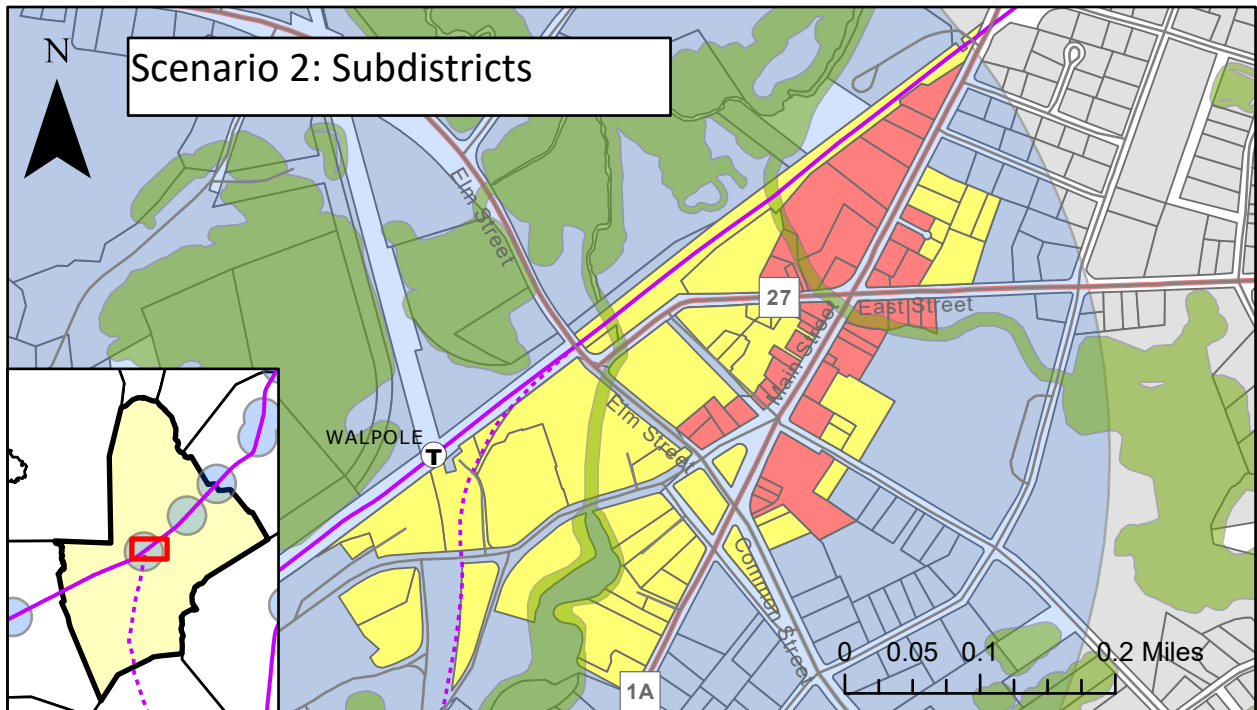
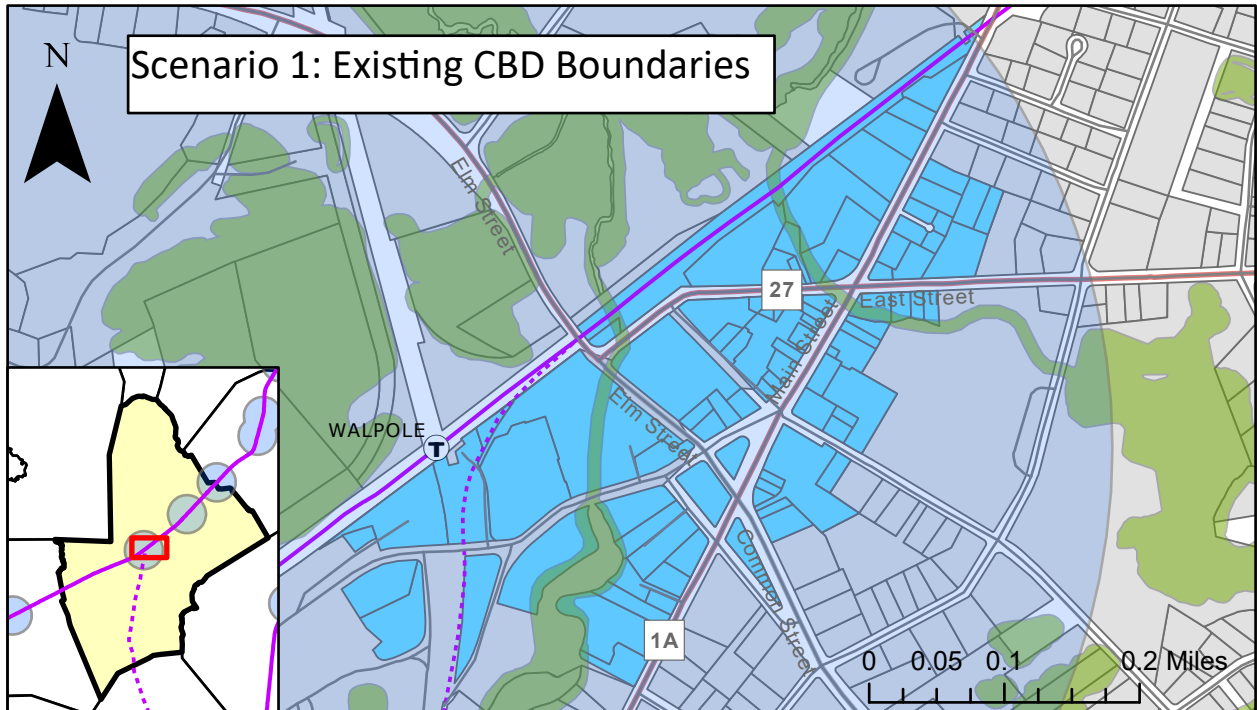
Please let us know how you would like to proceed.



Attachment A

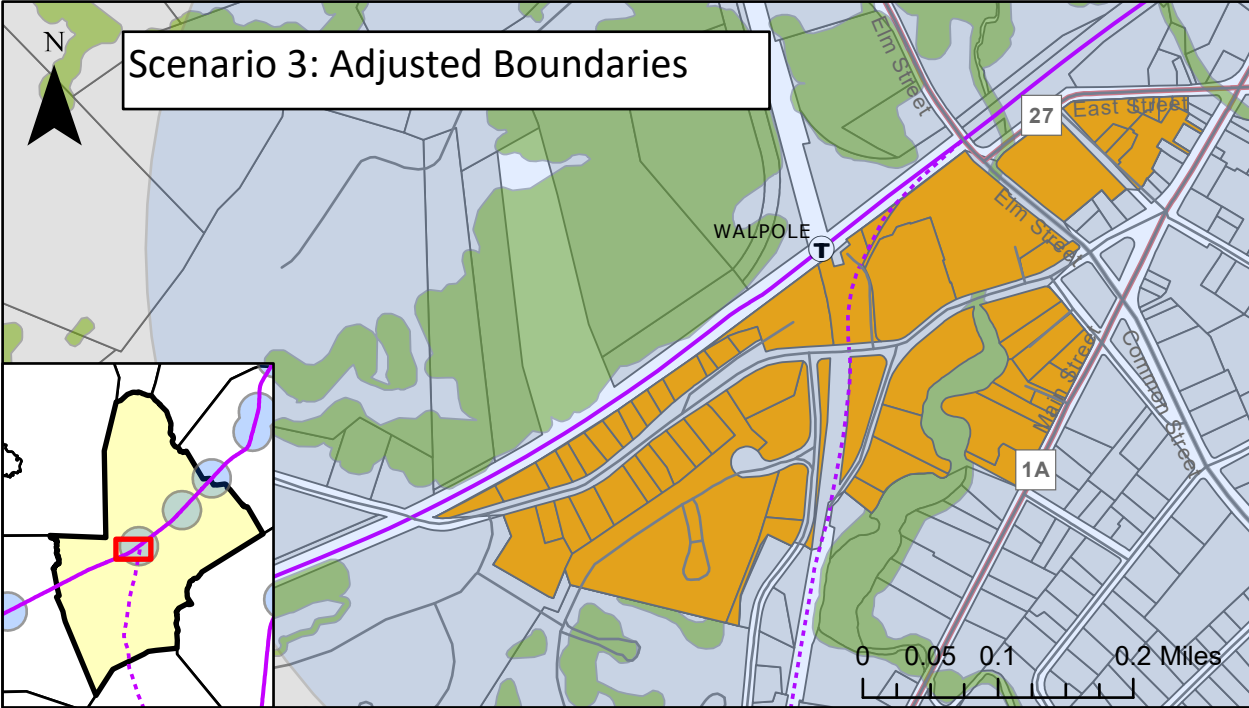
Maps of Draft MBTA Communities Districts: Scenarios 1-3





Legend (for all maps)

- | | | |
|---------------------------------------|------------------------------------|---------------------------------|
| Commuter Rail Station | Limited Access Highway | CBD Parcels |
| Regular Service Commuter Rail | Multi-lane Hwy, not limited access | Residential Subdistrict Parcels |
| Used Seasonally or for Special Events | Other Numbered Highway | Commercial Subdistrict Parcels |
| Density Denominator Deductions | Major Road, Collector | Parcels Outside District |
| Transit Station Half Mile Radius | Ramp | |



Legend

- Ⓣ Commuter Rail Station
- Regular Service Commuter Rail
- ⋯ Used Seasonally or for Special Events
- Density Denominator Deductions
- Transit Station Half Mile Radius
- Limited Access Highway
- Multi-lane Hwy, not limited access
- Other Numbered Highway
- Major Road, Collector
- Ramp
- Draft District Parcels
- Parcels Outside District