



TOWN OF WALPOLE

COMMONWEALTH OF MASSACHUSETTS

Walpole Town Hall
135 School Street
Walpole, MA 02081
Phone (508) 660-7289
Fax (508) 660-7303
Email: JJohnson@walpole-ma.gov

September 27, 2023

Dear Representative Town Meeting Member,

Enclosed you will find materials to help you prepare for the 2023 Fall Annual Town Meeting which is set to begin at 7:30PM on Monday October 16, 2023 at the Walpole High School. This Warrant will address a wide range of Town matters. Some articles of note that I would like to bring to your attention include:

Article 2 – Fiscal Year 2023 Budget Adjustment

This is a standard article that is on the Warrant each Fall to address the current Fiscal Year budget. This year, Town Meeting is being asked to consider a request of \$1,496,500 from taxation to modify the budgets listed below. The requested budget adjustments are:

- | <u>Department</u> | <u>Amount</u> | <u>Account Number</u> |
|---|---------------|-----------------------|
| ➤ Reserve Fund | \$125,000 | 01132200-578000 |
| Explanation – Funds are being requested to cover additional unexpected costs that may come up during the remainder of the fiscal year. | | |
| ➤ Legal | \$40,000 | 01151200-573500 |
| Explanation – Additional funds are being requested due to some liabilities that have come up since the budget was finalized. | | |
| ➤ Town Clerk Salary line | \$6,500 | 01161100-511000 |
| Explanation - Funds are needed to cover the costs of two employees who have left for promotions in other communities. | | |
| ➤ Walpole Public Schools | \$250,000 | 13920000-535055 |
| Explanation - School officials have explained that the projected Medicaid reimbursement declined by \$234,000 after the FY24 budget was appropriated, requiring an increase to the School Department's budget of the corresponding amount. Furthermore, Special Education tuition expenditures this year are expected to exceed the appropriated budget due to changes that occurred after the School Department budget was set | | |
| ➤ Norfolk County Agricultural High School | \$15,000 | 01395200-532050 |
| Explanation - Funds needed to cover increased enrollment costs. | | |
| ➤ Board of Health | \$10,000 | 01510200-530901 |
| Explanation - The Board of Health Director has requested an additional \$10,000 in the BOH expense line for the purposes of supplementing and strengthening resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery. The Health Department is actively working to build and enhance protective factors in Walpole through evidence informed strategies which include increasing participation in the Walpole Coalition for Alcohol and Drug Awareness. The funds will help support the cost of a | | |

consultant to assist with such work furthermore the funds will assist in providing upstream community prevention to align with the strategy options to address the harms of residents impacted by opioid addiction

- | | | |
|---|-------------|-----------------|
| ➤ OPEB | \$50,000 | 75122750-497001 |
| Explanation – The Finance Committee voted to place some additional funds in the OPEB account in order to save funds for the OPEB liability. | | |
| ➤ Capital Stabilization | \$1,000,000 | 82122160-497001 |
| Explanation - Funds to be placed in the Capital Stabilization account to cover the anticipated costs for the upcoming renovations to the Walpole High School. | | |

Article 3 –OPEB

This article addresses the Town's Other Post-Employment Benefits (OPEB) Account. The Finance Committee is recommending that \$1,071,252 be used from Free Cash. These are benefits (other than pensions) that state and local governments provide to their retired employees. These benefits principally involve health care benefits, but also may include life insurance, disability, legal and other services. The balance in OPEB as of July 31, 2023 was \$9,985,625. The last actuarial audit determined the total unfunded liability was \$64,748,047.

Article 4 – Stabilization

This article addresses the Stabilization Fund. The Finance Committee is recommending that \$1,300,000 be transferred from Free Cash to the Stabilization Account. The purpose of the Stabilization Fund is to set aside money to mitigate unforeseen needs such as a reduction in state aid, or in instances where revenue is not meeting projections. As of the end of Fiscal Year 2023, the market value balance in the Stabilization account was \$10,458,408.

Article 5 – Capital Stabilization

This article addresses the Capital Stabilization Fund. The Finance Committee is recommending \$1,360,000 from Free Cash be placed in the Capital Stabilization Account. The current market balance in the stabilization fund is approximately \$2,904,397.

Articles 6-10 – Capital Improvement Requests

The Capital Budget Recommendations are included in the Warrant booklet that was distributed to each resident in Walpole. The Capital Budget Committee met earlier this summer to carefully review and examine each request. Town Meeting members that may have a specific request regarding any of the recommendations are urged to contact this office.

Article 12 - Revolving Funds

There are two increases that need to be made to a few of the Revolving Funds due to increased revenue being taken in for both the COA and the Recreation Department which is outlined in the Warrant booklet. Both departments are experiencing increased programming and attendance/participation in the programs that are being offered.

Article 13 – Annual Town Election

This article requests that Town Meeting vote to change the date of the annual Town Election from the first Saturday in June to the third Tuesday in May. The Select Board proposed this change based on feedback and requests from multiple residents and election workers in order to attempt to create greater voter turnout for Town elections.

Article 14 Animal Control Bylaw update

This article requests that Town Meeting vote to allow for some minor edits to the Animal Control Bylaw to reflect the current intermunicipal agreement Walpole has with the Town of Norwood.

Article 15 - Disposition of Unclaimed Property

This article was placed on the Warrant at the request of the Finance Director. This Article requests that Town Meeting vote to accept M.G.L. c.200A, §9A. This law provides for an alternative procedure for the disposing of abandoned funds known as Tailings, held in the custody of the Town. Tailings can include uncashed accounts payable checks; uncashed payroll checks and certain tax overpayments where the property owner cannot be found. Adopting this statute allows for a more efficient process for the disposing of abandoned funds, allowing the Treasurer to take these funds as revenue into the General Fund after there have been several attempts to notify the check recipient, once one full year has passed since original issuance.

Article 16 – Accessory Dwelling Unit Bylaw

After receiving feedback from multiple Town officials and residents, the Select Board has decided to sponsor this latest version of the accessory dwelling unit bylaw in order to in continue to find creative ways to address the housing situation throughout the State. This Article seeks to amend the Zoning Bylaws, to delete the current section that addresses in-law suites and replace it with a new section for Accessory Dwelling Units in Walpole. Currently the Zoning Board of Appeals oversee and make decisions regarding permits relating to in-law suites which accounts for around 25% of their case workload. The new bylaw if approved, would allow for ADUs by right if an applicant meets the requirements that are outlined in the new bylaw instead of requiring a Special Permit. Not only would the new bylaw reduce the ZBA's caseload each year, it would also provide for a more streamlined process which will result in savings for Walpole homeowners that wish to construct an accessory dwelling unit. In short, applicants will be able to seek approval for their accessory dwelling unit in line with their application for a building permit

Article 17 – Citizen Petition – Marijuana establishments

This Article was placed on the warrant at the request of a Walpole resident. During the Planning Board's public hearing on September 21st the lead petitioner indicated that he was going to request that the Finance Committee vote to refer this Article back to the petitioner for further consideration.

Article 18 – Citizen Petition - Recreational Vehicles

This Article was placed on the warrant at the request of a Walpole resident. The lead petitioner offered some additional language during the Finance Committee's discussion to address a concern that was raised during the Planning Board's public hearing on August 17th. The Finance Committee agreed with the petitioner and decided to recommend Favorable Action on the following motion:

Motion to amend the Zoning Bylaws, Schedule of Use Regulations, Table 5-B.1.3.q. by adding clarity to the garaging and maintaining of house trailers, motor homes, and recreational vehicles. Or do or act anything in relation thereto. Text to be deleted is strikethrough and text to be added is underlined.

Table of Use Regulations 5-B.1.3.q

| | RA | RB | GR | R | PSR C | B | CBD | H B | L M | IN D | Parkin g Code |
|--|----|----|----|---|----------|---|-----|--------|--------|---------|---------------------|
| q. The garaging or maintaining of a trailer or semitrailer (as defined in Chapter 90 Section 1 of the General Laws) more than fifteen (15) feet in length; except for including house trailers, motor homes, or recreational trailers, for not more than one (1) month in any consecutive twelve (12) month period provided they are stored only within the side or rear yards of the property, and shall encroach no less than five (5) feet from the property's side and rear yard setbacks. | A | A | A | A | A | A | A | A | A | A | 6 |

In addition, providing Town Meeting Members some additional information I would also like to take this opportunity to provide each of you with some additional information regarding some important Town Matters:

- MBTA Communities – I have included a brief memo in this packet that provides an overview of the status of this State mandate. I urge Town meeting Members to review this information to familiarize yourself with this requirement. I expect Town Meeting will be asked to act on this in 2024.
- Migrants – I have been approached by multiple residents inquiring as to the status of migrants in and around Walpole. At this time to the best of my knowledge Walpole has not been selected to serve as long term, temporary housing for migrants. This could change at any time. I have been told by my peers in other Communities that they have received little to no notice prior to migrants being brought to their Town. If Walpole is selected to host migrants the Town will adhere to any mandates handed down by the Commonwealth of Massachusetts.
- Inquiry transfer the Town's employee pension accounts - Some Town Meeting members my recall in the Fall of 2020 and again in 2021 there was an unsuccessful effort to leave the Norfolk County Retirement system and move assets over to the State pension system. It was explained on multiple occasions that there simply is no statutory provision that would allow for this furthermore, the Norfolk County Retirement System remains on track to be fully funded in 2029. Recently multiple residents attended the Select Board Meeting to once again advocate for leaving the Norfolk County Retirement system. I want Town Meeting members and Walpole residents to know that this topic has been researched and explored by this office, the Select Board, Finance Committee, the Capital Budget Committee, Town Counsel, the Director of the Norfolk County Retirement System, the Finance Director, the Treasurer/Collector and Senior Counsel to the State Board of Retirement and everyone came to the same conclusion which was the Town of Walpole cannot join the State Retirement System. If you would like more information regarding this matter please contact this office and I will share it with you.

- Walpole High School Renovation Project – Town Meeting members may have heard the Town continues to move forward with work to the Walpole High School. The School Committee voted to endorse the schematic design in June 2023 and the Select Board voted to fund the complete design (approximately \$2,000,000) using ARPA funds in July 2023. The construction phase of the project is on track to be presented to Town Meeting in the Fall of 2024.

Town officials have worked over the last few years to develop a budget plan that allows for this work to occur within the limits of Proposition 2 ½. I expect Town Meeting will be presented with a request next Fall which identifies funding for this project through Borrowing, Capital Stabilization, Cash on hand in the form of Free Cash and completed project and other funding sources. As we progress through the design phase I am confident the Select Board, School Committee, Permanent Building Committee and other Town Officials will work collaboratively over the next year to present a detailed plan of the work to occur at Walpole High School. If you would like addition information on the work that has occurred to date please reach out to Superintendent Gough or this office.

Thank you for taking the time to review all of this information. Please visit the Town's website to view the most recent information related to Town Meeting. Thank you for your service to the Town of Walpole and for the time that you devote to this process. Please feel free to contact this office or any other Town Official to address any questions or concerns you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "James A. Johnson", is written over the typed name.

James A. Johnson
Town Administrator

Fall 2023 ANNUAL TOWN MEETING
Finance Committee and Select Board Votes

| | Title | FinCom Vote | Select Board Vote |
|-------------------|---|----------------------------------|-----------------------------|
| Article 2 | FY24 Supp Budget | FA 8-1-3 | FA 4-0-0 |
| Article 3 | OPEB | FA 11-0-0 | FA 4-0-0 |
| Article 4 | Stabilization Fund | FA 12-0-0 | FA 4-0-0 |
| Article 5 | Capital Stabilization Fund | FA 12-0-0 | FA 4-0-0 |
| Article 6 | Capital Infrastructure | FA 7-4-1 | FA 4-0-0 |
| Article 7 | Capital Equipment | FA 10-2-0 | FA 4-0-0 |
| Article 8 | Capital Street Improvements | FA 12-0-0 | FA 4-0-0 |
| Article 9 | Capital – Water Retained Earnings | FA 12-0-0 | FA 4-0-0 |
| Article 10 | Capital – Sewer Retained Earnings | FA 12-0-0 | FA 4-0-0 |
| Article 11 | School Dept Transfers | FA 11-0-0 | FA 4-0-0 |
| Article 12 | Revolving Funds | FA 11-0-0 | FA 4-0-0 |
| Article 13 | Annual Town Election | FA 11-0-1 | FA 4-0-0 |
| Article 14 | ACO Bylaw Edit | FA 11-1-0 | FA 4-0-0 |
| Article 15 | Disposition of Unclaimed Property | FA 12-0-0 | FA 4-0-0 |
| Article 16 | Zoning - Accessory Dwelling Unit | Recommend @ TM 12-0-0 | FA 4-0-0 |
| Article 17 | Citizen Petition - Marijuana Establishments | Recommend @ TM 12-0-0 | Refer Back 4-0-0 |
| Article 18 | Citizen Petition - Recreational Vehicles | FA 10-1-0 | FA 4-0-0 |

Fall Town Meeting Article 11

School Transfers from Free Cash

Article 11: To see if the Town will vote to transfer from Free Cash a sum or sums of money to supplement the FY24 School Budget in the amounts equivalent to the following:

- Funds received for Medicaid reimbursements totaling **\$431,541**
- Funds deposited into the General Fund for Parking **\$30,600**

Total Transfer Request \$462,141

Medicaid Reimbursement- The School-Based Medicaid program allows cities and towns to seek cost-based reimbursement for providing medically necessary Medicaid services (direct services) to eligible MassHealth-enrolled children as well as administrative activities such as outreach and activities that support direct service delivery. Reimbursements are paid to the Town throughout the fiscal year and are deposited into the Town's General Fund. At the end of the fiscal year, the receipts become part of the overall free cash total for the Town.

As part of the annual budget process every year, the School Department estimates the reimbursement amount based on the current year's expenses and reduces the appropriated budget request for the following fiscal year by the corresponding amount. The School Department anticipates receipt of the reimbursed funding to offset the Extended School Year Summer Program for special needs students and salaries for instructional staff that support the delivery of Medicaid services throughout the school year. This arrangement has been a long standing agreement between the School Department and the Town Administration.

Parking Receipts- Parking fees are collected each year by the Walpole High School administration and are deposited into the Town's General Fund and are declared free cash at the fiscal year end. The School Department reduces their appropriation request for the yellow bus transportation contract by the amount of the projected parking receipts.



Town of Walpole
Commonwealth of Massachusetts
Office of Community & Economic Development

JAMES A. JOHNSON
Town Administrator

Patrick Deschenes
*Community & Economic
Development Director*

What are Accessory Dwelling Units (ADUs)?

*This brief explanation of Accessory Dwelling Units is a general overview and not intended to be an exact representation of the proposed article.

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- Often known by many different names such as accessory apartments, secondary suites, in-law suites, or granny flats
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can enable family members to live on the same property while having their own living spaces, or provide housing for a hired caregiver
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- This flexibility in housing can be beneficial for a homeowner for both financial reasons and as their needs change as they age
- ADUs can help older residents remain in their community and "age in place"

Accessory Dwelling Unit Examples:



<https://www.planning.org/knowledgebase/accessorydwellings/>

Article 16 Explained

The purpose of Article 16 is to amend our existing zoning for In-law Suites by redefining the use as an Accessory Dwelling Unit (ADU), amending the regulations and the enforcement of the use, and to allow the use to be processed as a by-right use rather than through a Special Permit as it is currently allowed.

Why redefine the use?

The purpose of changing the language from “In-law Suite” to “Accessory Dwelling Unit” is to utilize the States definition of this use (As found within Massachusetts General Laws, Chapter 40A, Section 1A). Not only does this make the Town’s Zoning conforming to State standards, it provides us with the flexibility should the Town ever wish to further amend the bylaw in the future.

What’s changed from the previous bylaw?

The purpose of the ADU has remained fairly consistent with the previous bylaw in that occupancy of the ADU is still regulated to those within a third-degree of kinship to the owner of the primary dwelling. However, we are also proposing for an ADU to be permissible as a housing opportunity for individuals over the age of 55. Affordable housing opportunities for seniors to remain in town as they age is an important issue that this change seeks to address. We also acknowledge that how occupancy of an ADU is regulated is a topic that many communities grapple with. This change from the previous “In-Law Suite” bylaw is an attempt to find middle ground on the topic of occupancy while still being practical for enforcing.

The administration and enforcement section of the bylaw has also been further defined within this bylaw amendment. Keeping track of legally created ADUs is important as time goes on and property changes hands. This section is intended to provide a clear explanation that an ADU is to follow the defined use regulations, and that the legal standing of that use can be revoked if in violation. This is an accessory use to the primary use of a single-family home. It is not a two-family use nor does it conflict with the characteristics of an existing residential zoning district.

Why change the use from Special Permit to by-right?

Over regulation can create an unnecessary hurdle towards development, and in this particular situation we are discussing a use contained entirely within the footprint of a single-family home. To put this into perspective if your neighbor were to construct an addition to their home that conforms to the zoning bylaws you would not be notified and there would not be a public hearing process. However, by-right uses must still face appropriate regulation to ensure that they are constructed properly and conform to both building code and a municipality’s zoning.

If a use is frequently sought and approved with little to no concern then a Special Permit and public hearing can be interpreted as over regulation. Fortunately we have the benefit of local data backing the argument that In-Law Suites/ADUs are approved unopposed. In the seven years that the Town has had a bylaw for “In-Law Suites” there have been 43 cases to date. Of these 43 cases all have been approved with the exception of one withdrawal. This averages out to 6 cases a year, which is 25% of the Zoning Board of Appeal’s yearly caseload since enacting the bylaw. By having the review process of an ADU application handled by staff we are making better use of both the Board and homeowner’s time.

Use Regulations Storage of Trailers, Motor Homes, & RVs – Supporting information

Dear Town meeting members and fellow Walpole residents:

I will be presenting a motion at Fall Town Meeting to modify the existing zoning that governs the garaging or maintaining of recreational vehicles on private residential property. I am providing a summary of relevant information and ask you to support the motion.

MOTION SUMMARY

The proposed motion allows a zoning modification to allow garaging or maintaining a recreational vehicle more than 15 feet in length on private residential property for a period of more than one month, and includes vehicle placement restrictions to protect the visual aesthetics and privacy of residential neighborhoods.

BACKGROUND

My wife and I have resided in Walpole for the past 39 years. (She is also originally from Walpole and grew up here). During that time we have owned three different homes and for the better part of the past 30 years we have owned three different recreational vehicles (RV's). In all cases we have parked those RV's on our property. We were unaware that there was any issue with this until this past May when the zoning enforcement officer showed up at our house and informed us that we had one month to remove it from our property. He pointed me to the below article from the zoning bylaws schedule of use regulations that defines this one month limitation.

q. The garaging or maintaining of a trailer or semitrailer (as defined in Chapter 90 Section 1 of the General Laws) more than fifteen (15) feet in length; except for house trailers, motor homes, or recreational trailers, for not more than one (1) month in any consecutive twelve (12) month period.

My interpretation of the above description was that it applied to trailers and semitrailers over 15 feet, but did not apply to house trailers, motor homes or recreational trailers. During extensive discussion with the zoning enforcement officer, it was explained to me that this was not the proper interpretation, and that the one month restriction in fact referred to vehicles such as mine.

It seems reasonable that such a vehicle would primarily be on the property between camping trips and also during the times of preparation and cleaning. This would require that a recreational vehicle be stored throughout the year on one's property.

On numerous occasions I've asked various town officials why this one month restriction was imposed and I've never been able to get a definite answer for it. To me, the restriction is punitive in its very nature. I then began the process of submitting the request to reword the description and simply to eliminate this one month restriction.

SUMMARY OF PLANNING BOARD MEETING AUGUST 17th

On August 17th I presented my proposed change to the Planning Board, and they voted in favor of my proposal by a vote of 3-2. The two individuals that voted against also indicated that they were not opposed to a change, but they suggested that I add additional parameters to restrict where a vehicle

could be placed on the property, particularly with regard to buffers to adjacent property. Acting on their advice I subsequently modified wording to address their concerns and prepared a modified version of my proposal prior to the Finance Committee meeting on September 7th.

SUMMARY OF FINANCE COMMITTEE MEETING SEPTEMBER 7th

When discussion open up on my proposal at this meeting it was mentioned by a board member that also felt strongly that additional 'buffers' should be added to my proposal, and I then presented the revised wording to the Finance Committee who voted in favor of my proposal 10-1. The Finance Committee adopted my reworded proposal and is submitting the reworded version as the main motion at town meeting.

FINAL COMMENTS

I feel that the proposed motion represents a reasonable approach to allow garaging and maintaining of recreational vehicles on private property while respecting the character of residential neighborhoods. Without such a modification recreational vehicles currently garaged on residential property in Walpole are being done in conflict with existing zoning restrictions.

I want to thank each of you for considering this proposal and ask for a favorable vote of approval.

If anyone has more questions prior to Town Meeting, I am more than happy to discuss or answer you. Feel free to call me at 617-899-0046 or email me at mkirby1952@gmail.com.

ADDITIONAL BACKGROUND VIDEO

YouTube: Walpole Planning Board Meeting August 17, 2023 [starting approx 0:22:00] [<link>](#)

YouTube: Walpole Finance Committee Meeting September 7, 2023 [starting approx 1:02:00] [<link>](#)



TOWN OF WALPOLE

COMMONWEALTH OF MASSACHUSETTS

Walpole Town Hall
135 School Street
Walpole, MA 02081
Phone (508) 660-7288
Fax (508) 660-7303

To: Representative Town Meeting Members

From: James A. Johnson, Town Administrator

Date: September 25, 2023

Re: MBTA Communities overview and update

I would like to take this opportunity to inform Town Meeting members of a Zoning Bylaw change that will be presented to Town Meeting in 2024. In January 2021 Governor Charlie Baker signed an economic bond bill that included new language and requirements that impacted 175 Communities throughout the Commonwealth. The bill, which included the creation of [Section 3A of the state Zoning Act](#) has broadly become known as the MBTA Communities Zoning Law. State officials have explained that the purpose of the law was to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing can be built by-right without a special permit or variance. The law does allow Towns to require a site plan review process.

For Walpole this means that the Town is required to comply with the law and establish zoning district(s) or overlay(s) that allows for multi-family units no later than December 31, 2024; however, the law does not require the units to be constructed only that compliant zoning be in place. Walpole's MBTA Communities district requirements include the following parameters:

- Minimum Area: 50 acres
- Minimum Area within ½ mile station radius ("Station Area"): 75%
- Minimum Gross Unit Density: 15 units/acre
- Minimum district unit yield ("Unit Yield"): 1,506

If Walpole fails to comply with the requirement the Town will not be eligible for certain state funding and furthermore 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."

Community Development Director Patrick Deschenes has developed the attached informational handout regarding the MBTA Communities law. The Town has enlisted the services of the Barrett Planning Group to provide support to Town staff to assess potential locations for an MBTA Communities compliant district. To date the downtown area/Central Business District (CBD), in Walpole has been identified as a primary location due to the presence of the commuter rail station along with similarities within the Town's existing zoning at this location.

As the Town maneuvers through the preliminary stages of evaluating potential areas that could be zoned to help meet these requirements I expect that the Select Board will be appointing a Committee in the near future to assist in outreach and solicit input from Walpole residents. I expect that the Committee will hold multiple meetings between now and when the new zoning district is presented to Town Meeting. Those meetings will be posted with the Town Clerk and on the Town Website.

Residents and Town meeting members are urged to visit the [Walpole's MBTA Communities website](#) for more information. Thank you for taking the time to review this information and I look forward to having ongoing discussions going into 2024.

MBTA Communities

WHAT IS SECTION 3A OF M.G.L CH. 40A (THE STATE'S ZONING ACT)?

Section 3A states that an MBTA community shall have a zoning bylaw that provides for at least one district of reasonable size where multifamily housing is permitted as of right, provided that such housing shall be without age restrictions and be suitable for families with children. The law was enacted as part of the State's economic development bill in 2021. Final 3A guidelines were issued in 2022.

WHY DID THE STATE CREATE THIS LAW?

The law was created because the greater Boston region, for some time now, has been going through a housing crisis. The State's *Future of Work* study estimated a shortage of up to 200,000 housing units. Municipalities play a key role through zoning and permitting in determining whether or not housing is built. To relieve our housing crisis, the law requires communities to amend their zoning and permitting to encourage greater housing production.

IS THIS MANDATORY?

Yes. The State's Attorney General issued guidance on March 15, 2023 stating all MBTA Communities must comply with Section 3A and the Law doesn't allow any municipality to opt out of this requirement. The Attorney General says that if municipalities fail to comply, they risk liability under federal and state fair housing. In addition to facing possible legal action, a municipality would also be ineligible to receive grant funding from 16 specific state grant programs.

ARE WE AN MBTA COMMUNITY?

Yes. There are 175 municipalities in Massachusetts that are considered MBTA communities, and we are one of them. Walpole is designated as a *Commuter Rail Community*, which means we have until December 31, 2024, to comply with Section 3A.

WHAT DOES REASONABLE SIZE MEAN?

Walpole must zone for a district(s) with a minimum of 50 acres. The district(s) must also maintain a minimum gross density of 15 units per acre.

WHAT DOES "AS OF RIGHT" MEAN?

This means a special permit is not required for the use. However, Site Plan Review can still be required.

WHERE DOES THIS DISTRICT NEED TO BE?

A minimum of 75% of the district(s) must be located within a half-mile radius of the MBTA station (for Walpole that is a commuter rail station). The entire district can be completely within a half-mile radius of an MBTA station if we choose to, however, the law provides the option for expanding a district(s) outside of the half-mile requirement based on a community's category and amount of "developable station area". The developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.

CAN ANY UNITS BE AFFORDABLE?

While not required, we can only make 10% of the proposed units affordable by right. Up to 20% can be approved by the State if it is shown through an Economic Feasibility Analysis.

Learn More at:

www.walpole-ma.gov/community-and-economic-development/pages/mbta-communitieshousing-choice



HOW MANY UNITS DO WE HAVE TO ZONE FOR?

Walpole's minimum multifamily unit capacity is 1,506 units. This is based on 15% of the Town's total 2020 housing stock. Section 3A compliance is determined by how many multifamily units Walpole is **zoned for** in a 3A district. **There are no construction requirements for this housing.** The multifamily unit capacity number of measured as if there was nothing currently on the land within the proposed zoning district(s). It does not matter if a proposed district(s) has existing units, only that the proposed zoning equates to a buildout that could meet the minimum capacity.

WHAT HAS BEEN DONE SO FAR?

The Town has met all required compliance milestones for yearly compliance since the law was first proposed. In January of 2023, a required Action Plan was submitted by the Town to the Executive Office of Housing and Livable Communities (formerly the Department of Housing and Community Development). The Action Plan provides a timeline of actions the Town intends to take in order to meet compliance by December 31, 2024. We have also been fortunate to have received technical assistance grant funding through the Massachusetts Housing Partnership (MHP). The assistance from this grant has provided us with an in-depth analysis of compatible locations for a district, and zoning recommendations in order to make the district compliant.

NEXT STEPS:

We will need to work through the completion of our technical assistance grant which will assist in finding a district location that works for us, as well as providing recommendations for zoning needed to make the potential district compliant. This new zoning will need to be vetted through community outreach. Our intention is to provide many opportunities for residents to inform the vision and substance of the new zoning amendments. The goal is to have this zoning ready for the 2024 Spring Town Meeting.

MORE INFORMATION:

For more information, contact the Town's Department of Community & Economic Development.

email: edc@walpole-ma.gov
phone: (508) 660-7352

STATE RESOURCES:

- Executive Office of Housing and Livable Communities

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

- Guidelines for the required zoning:

<https://www.mass.gov/info-details/section-3a-guidelines>

- Massachusetts General Law, Chapter 40A, Section 3A

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section3A>

Learn More at:

www.walpole-ma.gov/community-and-economic-development/pages/mbta-communitieshousing-choice



