



March 31, 2022

Secretary Michael Kennealy
Undersecretary Jennifer Maddox
Department of Housing and Community Development
100 Cambridge Street #300
Boston, MA 02114
via email

Dear Secretary Kennealy and Undersecretary Maddox,

On behalf of MassINC's Gateway Cities Innovation Institute, thank you for the opportunity to weigh in on the MBTA Communities proposed Section 3A guidelines. We ask you to address the following considerations in the final guidelines and in the course of your program management:

1. In order to get the best results, the MBTA Communities program should be both flexible and focused on outcomes. That means helping communities set clear production goals while allowing them latitude to achieve those goals based on their unique local assets, physical constraints, and development patterns.
2. Allow Chapter 40R smart growth districts, Planned District Development (PDDs) and other similar zoning tools to qualify as "as-of-right zoning" districts.
3. Allow "as-of-right zoning" to include site plan review, district design guidelines, or other kinds of design review process. One of the reasons why communities often prefer special permits is the flexibility to require design improvements and mitigation. Enabling communities to plan for the appearance of the final build-out and address site concerns could go a long way to addressing some of the inevitable backlash against growth and change. This feature has been used effectively in 40R districts to ensure predictability for both the community and developers.
4. It is important for transit-dependent populations to live close to transit, and therefore essential for TOD areas to be designed for mixed-income communities with strict limits on parking for housing that is within walking distance. Commuter lots and garages will continue to be needed, but should be separated as much as possible from the walkable housing district. The state should help municipalities assemble land around stations and develop them as public-private partnerships with market affordability goals.
5. Explicitly allow communities to extend local inclusionary zoning ordinances to MBTA Communities districts. Currently it is unclear whether inclusionary zoning without a special permit or other regulatory relief (such as a density incentive, parking reduction, etc.) is legal or not. If a change to state law is required, then we urge the Baker Administration to propose language and include it in the forthcoming economic development bill.
6. Transit-oriented development districts should be dense, compact, and highly walkable around mass transit stations with frequent service, meaning 15 minute headways or less during much of the day. However, most of the 175 communities affected by these guidelines are not yet highly walkable.

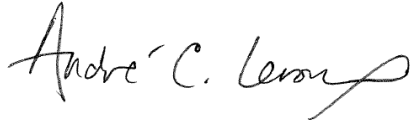
- Most commuter rail stations are exactly that—commuter stations that require ample parking. Taking into account this reality requires DHCD to apply a nuanced approach to transit stations. Commuter rail stations in Gateway City downtowns, for example, should be zoned for high density, mixed-use development, whereas other types of communities may require incremental growth and transition strategies, or targeted compact transit-oriented “villages” where infrastructure allows. Cookie-cutter 50 acre districts at 15 units/acre would not be a successful outcome of the program.
7. It must be explicitly recognized that MBTA Communities is a “transit-oriented zoning” strategy. As such, communities should articulate how zoning changes will help shift car-oriented communities to a more multimodal orientation. Zoning that creates isolated, car-dependent housing developments should be avoided. MassDOT and EOEEA must be brought in to review and provide recommendations on proposed districts, perhaps through an interagency task force.
 8. The community housing targets should be refined. On the one hand, it is important to make sure that the small number of dense communities that have a strong record of permitting multifamily housing are not punished for having already done so.
 9. At the same time, reducing vehicle miles traveled should be a criteria for each MBTA Communities district. The Department should take into account the unintended negative impacts of requiring rural areas to permit for large amounts of multifamily housing in terms of inducing sprawl. In short, DHCD should take the time to work with each community on a tailored strategy that supports smart and equitable growth. Location matters.
 10. DHCD should also consider allowing communities to pursue incremental multifamily growth over a larger area of the municipality as an alternative to smaller high-density districts in communities where that might be appropriate or more effective. This could be the case where the existing built environment is already well-established and unlikely to change in the short term. For example, Medford could—and should—have a high density zoning district around Wellington station, but that land is currently owned by the MBTA and used as parking lots or rail car parking and maintenance. That will be a medium to long-term project, yet in the short term it would be beneficial to encourage Medford to zone more of the community to allow two- and three-family homes as of right everywhere. These kinds of changes may be easier to accomplish quickly and should not be neglected.
 11. In the same vein, the most immediately actionable multifamily districts in a community may be further away from a transit station than the ½ mile specified, especially in the case of commuter rail. For example, not all commuter rail stations in Gateway Cities are in or adjacent to their downtowns. Yet Gateway City downtowns should be perfectly acceptable multifamily districts for the purposes of satisfying the Section 3A criteria. Looking again at my hometown of Medford, it is easy to identify other transformative areas that might be not right around mass transit stations but which are experiencing market pressures now and could become mixed-use, dense, and walkable in the near future, such as along Medford Square, Mystic Ave/Route 38, along McGrath Highway/Route 28, or Mystic Valley Parkway/Route 16.
 12. Likewise, transitioning industrial areas or underutilized shopping plazas may also be perfect locations for planned multifamily development, and communities should be able to propose these areas even if they are farther than ½ mile away for DHCD review and approval as long as thoughtful multimodal connections to transit stations are articulated—shuttle buses, multiuse paths, and the like.
 13. Other local regulations should be taken into consideration when rezoning—most importantly, dimensional requirements, FAR, and parking.
 14. Working collaboratively with municipalities could help encourage them to participate in MBTA Communities and pursue sensible, broader zoning reforms rather than doing the bare minimum to meet state requirements. This may take more time but could result in building local support for

housing that will sustain long-term transformation, thereby heading off a highly charged political battle that connects opposition across the region and unites anti-housing forces.

15. We should consider giving municipalities more time to design and implement appropriate zoning changes, perhaps by requiring them to submit a menu of options to DHCD by 2023, choose and design reforms in 2024, and implement by 2025.

Thank you for your attention. Please do not hesitate to contact me via phone or email below if I can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Andre C. Leroux". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Andre Leroux
Director, Gateway Hubs Project
MassINC
aleroux@massinc.org
617-251-3861 cell