

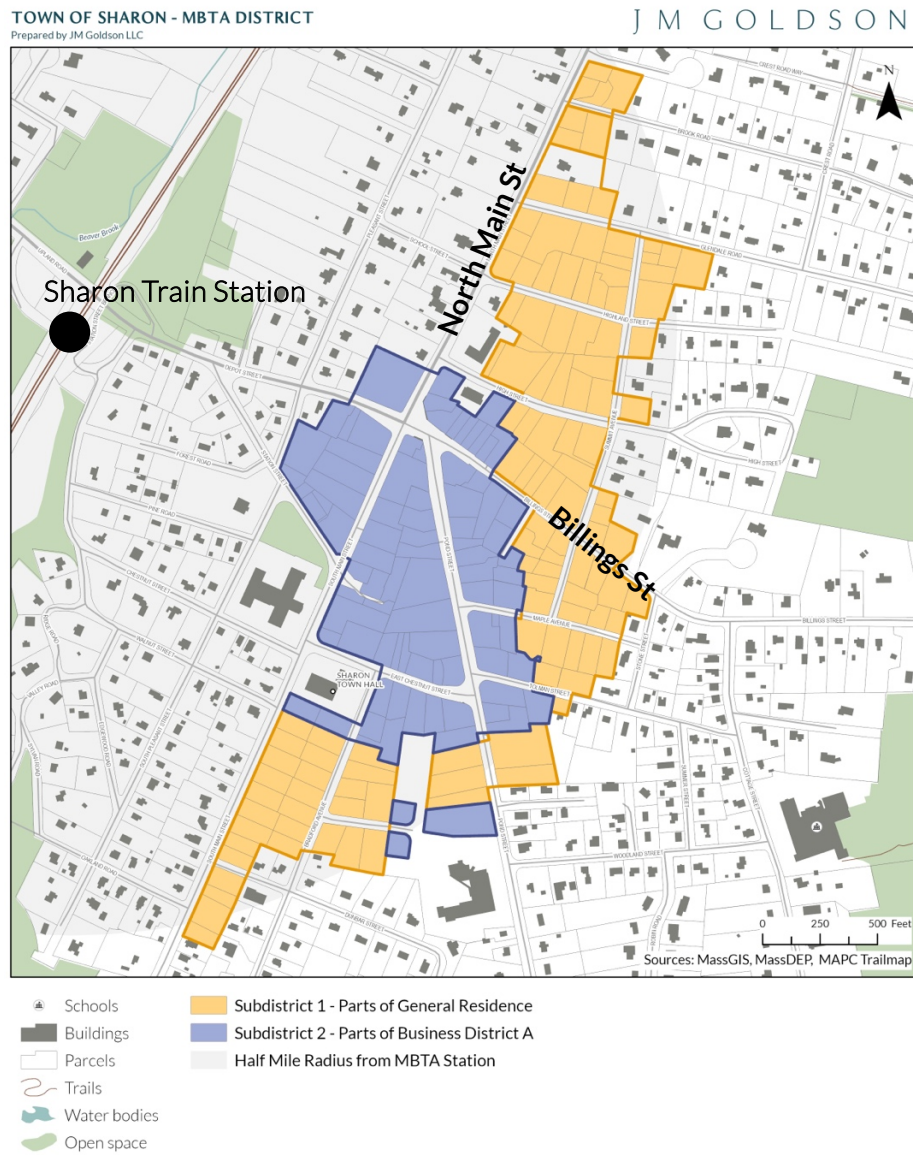
Sharon MBTA Communities Law Frequently Asked Questions

Question	Response
<p>What is the MBTA Communities Law?</p>	<p>The “MBTA Communities Law,” or Massachusetts General Laws Chapter 40A, Section 3A, was passed in January 2021 by the Legislature. The Law requires communities with or adjacent to MBTA service to create a zone of reasonable size for multifamily construction by right with a minimum gross density of 15 units per acre. The district must be located not more than ½ mile from a transit station (where applicable). The district must have no restrictions on unit size, number of bedrooms, size of bedrooms, or number of occupants. It must be able to support a certain number of units, proportional to the type and population of the community.</p> <p>Sharon is classified as a “Commuter Rail Community” by the Executive Office of Housing and Livable Communities (EOHLC). It is required to zone a district of 50 acres, with at least 40 percent of the district within ½ mile of the commuter rail station. This district must allow for at least 987 units in the Town, with a minimum density of 15 units per acre. The deadline for Sharon to comply with the law is December 31, 2024.</p>
<p>Current update on the development of Zoning</p>	<p>The Town contemplates a MBTA Communities Multi-family and Mixed-Use Overlay District (MCMMOD) with two subdistricts in the town center. Subdistrict 1 includes selected parcels from the General Residence District. Subdistrict 2 includes selected parcels from the Business A District. See the map on page three for locations. Subdistrict 1 would require a maximum lot coverage of 40 percent on each parcel, and up to four stories. Subdistrict 2 would also allow four stories, with up to 60 percent lot coverage. JM Goldson is currently working with the Town on community outreach and education for the proposed overlay district.</p>
<p>Why must Sharon comply with this law?</p>	<p>Cities and towns that do not comply with the new requirements will be ineligible for the following state funding programs (subject to change). Sharon has taken advantage of several of these funding programs in the past.</p> <ol style="list-style-type: none"> 1. MassWorks 2. The Housing Choice Initiative 3. Local Capital Projects Fund 4. Community Planning Grants, EOHLC 5. Massachusetts Downtown Initiative, EOED 6. Urban Agenda, EOED 7. Rural and Small-Town Development Fund, EOED 8. Brownfields Redevelopment Fund, MassDevelopment 9. Site Readiness Program, MassDevelopment 10. Underutilized Properties Program, MassDevelopment 11. Collaborative Workspace Program, MassDevelopment 12. Real Estate Services Technical Assistance, MassDevelopment 13. Commonwealth Places Programs, MassDevelopment 14. Land Use Planning Grants, EOEEA 15. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA

16. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

In March 2023, State Attorney General Campbell [clarified](#) that failure to comply may result in civil enforcement action or liability under federal and state fair housing laws, e.g., the state will sue municipalities that do not comply. Further, the Office of Attorney General has stated: “MBTA Communities cannot avoid their obligations under the Law merely by foregoing state funding; the Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement”. MBTA Communities that fail to comply with the Law’s requirements risk liability under federal and state fair housing laws.

Where will the new zoning be located?



<p>How does this requirement fit into Sharon's Master Plan and Housing Production Plan?</p>	<p>The intention of the law is for all communities in the metro area to share in the creation of diverse housing options. By working jointly over time to create more housing, the region can begin to address its dire affordability issues as the aggregate increase in housing stock releases pressure in the housing market over the long term.</p> <p>The three stated goals for the Imagine Sharon 2019 Master Plan were:</p> <ol style="list-style-type: none"> 1. Support and encourage mixed-use development in appropriate areas in town (e.g., Post Office Square, Cobbs Corner, Shaw's Plaza, and the Heights Plaza area). 2. Promote and allow housing types for aging in community, especially options that foster community and intergenerational connections in walkable neighborhoods with access to services and shops. 3. Create green and sustainable housing, including mixed-use options and walkable locations in close proximity to shops and services. <p>Stated goals from the Housing Production Plan (2018-2023) include:</p> <ol style="list-style-type: none"> 1. "Seek opportunities to promote housing development near the train station and downtown, in mixed-use areas..." 2. "Encourage affordable housing development to achieve, exceed, and maintain the Chapter 40B 10% goal...within all zoning districts." 3. "Continue to build upon...the "Sharon Commons Smart Growth Overlay District" (Chapter 40R) zoning by considering other potentially appropriate locations for other Chapter 40R districts..." <p>Complying with the law will bring Sharon closer to these goals.</p>
<p>Can we zone for mixed use in our town center to maintain our town center character?</p>	<ul style="list-style-type: none"> • Sharon is proposing to continue to allow mixed-use in the Town Center, as well as expand the allowed uses to include multi-family. • Districts that require ONLY mixed use cannot be counted as a 3A MBTA Communities district.
<p>What if the Town wants to see affordable housing or age-restricted housing built? Will we be forcing these sorts of developments out?</p>	<p>No, the law only requires that the zoning overlay we create allows for building multi-family housing. A developer could still build affordable housing, age-restricted housing for seniors, or a building with all studios, etc. Sharon is not allowed to restrict the zoning to only allow for age-restricted housing.</p> <p>Sharon is proposing to require 10% of units in developments of 10 units or greater to be deed-restricted and affordable to households making 80% of the area median income. Any higher percentages of affordability are not allowed without further study and approvals by EOHLC.</p>

<p>How will this affect open space, recreation, wetlands, educational or other protected lands?</p>	<p>One of the general principles of the Law is to “minimize impacts to sensitive land.” Many categories of land where it is not possible or practical to construct multi-family housing are specifically “excluded” from consideration under the MBTA Communities Requirement. These include:</p> <ul style="list-style-type: none"> • All publicly owned land, except for lots or portions of lots determined to be developable public land, • All rivers, streams, lakes, ponds, and other surface waterbodies, • All wetland resources areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by Title 5 of the state environmental code, • Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), • Land likely to remain undeveloped due to functional or traditional use (for example, cemeteries), • All public rights-of-way and private rights-of-way, • Privately owned land on which development is prohibited to protect private or public water supplies, including but not limited to Zone I wellhead protection areas and Zone A surface water supply protection areas, and, • Privately owned land for educational or institutional uses, such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school. <p>Furthermore, Sharon has proposed the overlay district be located away from the Groundwater Protection Overlay District and other sensitive land, despite this area being closer to the commuter rail station.</p>
<p>Will the MBTA Communities Requirement result in the creation of affordable housing?</p>	<ul style="list-style-type: none"> • There are no express requirements for affordable housing. • However, a maximum of 10 percent of the dwellings can be required to be affordable for as-of-right multi-family in MBTA 3A compliance districts. The cap on income of families or individuals eligible to occupy the affordable units cannot be less than 80 percent of the area median income. • Sharon proposes projects in the MCMMOD reserve 10 percent of units as affordable housing; Any requirements above 10 percent for as-of-right construction in the Town’s designated MBTA zoning district would require an additional economic feasibility study and approval by EOHLC.
<p>Are we required to construct a public sewer system to support higher-density housing? If so, how can we pay for that?</p>	<p>No. Sharon’s requirement is only to adopt the zoning. Multi-family housing can be created at the required density using private septic and wastewater treatment systems that meet state environmental standards. It is not the Town’s responsibility to provide water and sewer infrastructure to support private development.</p>

<p>Could the MBTA multi-family overlay district increase traffic?</p>	<p>Site Plan Review of a specific multi-family project proposal will look at vehicular access and circulation on the site and allow for the incorporation of conditions to help mitigate impacts.</p>
<p>I am concerned that new multi-family housing will mean more children in the school system. What can we do?</p>	<p>The new law does not require immediate housing production—only creating compliant zoning districts where multi-family housing may be made as of right. It is unlikely that Sharon will see a rapid increase in school attendance, given the time needed to assemble land for development, design, and build housing. This only happens if current property owners agree. Additionally, any development would need space for a shared septic system, which is a development constraint. Sharon’s existing MUOD allows for up to 20 units an acre and has not seen any sizable redevelopment in the past decade.</p> <p>Moreover, an analysis from the Boston region’s Metropolitan Area Planning Council has found no meaningful connection between housing production rates and enrollment growth.</p>
<p>How will the new zoning affect property rights?</p>	<p>Zoning allows for what might be built on a parcel, but property owners remain the sole decision-makers. Any changes in the Town’s built environment will be the sole result of property owners making that choice. No one will be required to build because of the new zoning. Additionally, the proposed zoning would not increase assessed taxes on any included parcel but may increase the properties’ market value.</p>
<p>How can I provide input?</p>	<p>The Town of Sharon has contracted with planning consulting firm JM Goldson LLC to engage the local community in discussing the contemplated amendments. The Town encourages community feedback on the process.</p> <p>The Planning Board is holding two information sessions on Tuesday, February 13th, 2024, and Tuesday, March 12th, 2024. Both will be held from 7pm to 8:30pm at the Sharon Community Center (219 Massapoag Ave) with the same content. Virtual attendance is available. Additional information is available on the town website and social media.</p>
<p>Additional Resources</p>	<ul style="list-style-type: none"> • Mass.gov website for MBTA Communities: https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities • Webinar series on MBTA Communities requirement: https://www.mhp.net/news/2022/register-for-mhps-mbta-community-webinar-series • Guidelines for MBTA Communities: https://www.mass.gov/info-details/section-3a-guidelines • FAQs on MBTA Communities requirement: https://www.mass.gov/info-details/resources-for-mbta-communities#3a-fact-sheets-