Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

February 28, 2024

By email jletterie@town.winthrop.ma.us

James Letterie
President, Winthrop Town Council
Town Hall
1 Metcalf Square
Winthrop, MA 02152

RE: MBTA Communities Requirements

Dear Mr. Letterie,

Thank you for your letter to Governor Maura Healey dated February 4, 2024, requesting special consideration for the Town of Winthrop's MBTA Communities compliance requirements. We appreciate your partnership in implementing this critical tool for addressing our local and regional housing crises. Your letter specifically requests recategorizing Winthrop to the "Adjacent small town" category, and adjusting Winthrop's zoning requirements and compliance deadline to align with the requirements of that category.

Winthrop does not meet the definition of Adjacent small town, which is used to identify Adjacent communities that are rural, based on existing population or population density. In choosing this definition, EOHLC used the same criteria as the Executive Office of Economic Development uses to identify the communities eligible for its "Rural Development Fund" competitive grant program. To qualify as an Adjacent small town, an Adjacent community must have a population of 7,000 or fewer year-round residents, or a population density of less than 500 persons per square mile. Winthrop has a population of 19,316 residents and a population density of 9,702 persons per square mile according to the 2020 US Census. It is not the kind of community that the Adjacent small town category is intended or designed to include. For this reason, EOHLC cannot reclassify Winthrop as an Adjacent small town.

EOHLC has already significantly revised its MBTA Communities requirements between the Draft Guidelines of December 2021 and the Guidelines that are in place now, in part because of the factors you identified in your letter. These changes substantially reduced the minimum multi-family unit capacity that Winthrop's reasonably sized multi-family zoning district must accommodate, and also provided Winthrop with greater flexibility in determining where to locate its multi-family zoning district. These changes included:

- A change in the definition of "Rapid transit community" to exclude communities with limited developable land within ½ mile of transit stations. This change, coupled with the elimination of

the "Bus service" community category noted below, resulted in Winthrop being recategorized as an Adjacent community.
    - Under the draft Guidelines, Winthrop would have been categorized as a "Rapid transit community" due to the presence of an MBTA station within 0.5 mile of its border. This would have required Winthrop to zone for a minimum multi-family unit capacity at least equal to 25% of its year-round housing units (2,205 units).
    - As an Adjacent community, Winthrop is only required to zone for a minimum multi-family unit capacity equal to 10% of its year-round housing units (882 units).

- The elimination of the "Bus service" community category, which was eliminated because routes and stops are not sufficiently permanent to serve as a basis for zoning district locations.
    - Because Winthrop has MBTA bus service, if EOHLC had revised the definition of "Rapid transit community" but otherwise left the community categories unchanged, Winthrop would have been categorized under the Draft Guidelines as a "Bus service" community. This would have required Winthrop to zone for a minimum multi-family unit capacity at least equal to 20% of its year-round housing units (1,764 units) – double the number of units required for an Adjacent community.

- The adoption of a new rule that caps minimum land area requirements for communities like Winthrop with small amounts of developable land.
    - For Winthrop, this reduced the minimum land area requirement from 50 acres to 12 acres

- Elimination of locational requirements for Section 3A districts for MBTA communities with less than 100 acres of developable land within 0.5 miles of a transit station. Under the Draft Guidelines, because Winthrop did have some land area within 0.5 miles of a transit station located in another MBTA community, it would have been required to locate at least half of its multi-family district within 0.5 miles of the transit station.
    - The current Guidelines eliminated this requirement for Winthrop and other communities with a small amount of land within ½ mile of a transit station.

EOHLC recognizes that densely populated neighborhoods may have a limited ability to accommodate *new* housing. It is important to note that the minimum unit capacity requirements for MBTA Communities refer to zoning capacity, and not to production of new housing units. Under the Guidelines, zoning capacity means the number of units that the zoning would allow if all of the land was undeveloped. Adopting compliant multi-family zoning would not require Winthrop to add 882 new housing units. Indeed, given Winthrop's relatively high existing density, the number of "net new" units that could be created under compliant zoning would likely be much less than the minimum unit capacity.

The Healey-Driscoll Administration values our strong partnership with local cities and towns to move Massachusetts forward. We are grateful for the strong communication between state officials and town leaders with respect to developing new local zoning to allow multifamily housing development near transit. Our administration has worked diligently to support Winthrop in complying with the MBTA Communities law, including providing the community with multiple community planning grants totaling nearly $70,000 (including ~$20,000 Massachusetts Housing Partnership grant and $48,500 Community Planning grant) for technical assistance to help craft the new zoning by-law. As you noted in your application for the Community Planning grant, the proposed 3A districts will support economic development in your growing business district, and will support one of the major sub goals in the Town's Economic Development Plan: increasing housing opportunities for young professionals and mid-market

families. Our program staff stand ready to assist Winthrop in your continued progress, including a pre-adoption review of your proposed 3A zoning and compliance model.

The MBTA Communities Act was signed into law by then-Gov. Charlie Baker in January 2021. The law was passed unanimously by the Senate and overwhelmingly by the House (143 to 4). The significance of the MBTA Communities Act cannot be overstated. This law presents a transformative opportunity for 177 communities served by the MBTA to come together to zone for multi-family housing near transit to help address the greatest challenge facing our state – the high cost of housing.

Thank you for all you do for your community. We sincerely hope to continue this partnership, assist Winthrop towards 3A compliance, and build a stronger, more affordable Massachusetts for everybody.

Sincerely,

Edward M. Augustus, Jr.
Secretary

cc: Governor Maura Healey
Lieutenant Governor Kimberley Driscoll
Senate Majority Leader Cynthia Stone Creem
Senate Minority Leader Bruce Tarr
Speaker of the House Ronald Mariano
Senator Lydia Edwards
Representative Jeffrey Rosario Turco
Winthrop Town Council members