Town of Winthrop
Planning Board

November 14, 2024

Jim Letterie, Council President
& Winthrop Town Council
Town of Winthrop
1 Metcalf Square
Winthrop, MA 02152

Dear Council President Letterie and Town Councilors,

I am writing on behalf of your Planning Board to share our recommended plan for compliance with Section 3A of MGL c 40A, otherwise known as the MBTA communities Act.

The requirement is codified as Section 3A of MGL c. 40A:

Section 3A. *(a)(1)An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable*.

(b) *An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27½ of chapter 23B*.

(c) *The executive office of housing and livable communities, in consultation with the executive office of economic development, the Massachusetts Bay Transportation Authority and the*

Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

The Winthrop Planning Board has worked throughout 2024 to develop a plan that ensures compliance with Section 3A of Massachusetts General Laws (MGL), while minimizing the impact on the town. This plan aims to meet state requirements and maintain Winthrop's eligibility for future state grant funding. The process was iterative, refined through public feedback, town council input, and guidance from our consultant, RKG Associates, Inc.

On November 12, 2024, the Planning Board unanimously voted to recommend the creation of two distinct overlay zoning districts to comply with 3A: **Seal Harbor Road** (covering Seal Harbor and Fort Heath) and **Governors Park**. Please refer to the attached PDF for the final presentation of this plan.

Additionally, the Central Business District (CBD) is included as part of the compliance strategy as a Mandatory Mixed-Use overlay, though it is not formally designated as a 3A overlay district. However, the units already permitted in this district will contribute to the town's compliance, without any direct impact on the CBD.
The Planning Board also passed a motion outlining the necessary zoning changes, including the elimination of a special permit process for applicants seeking to pay the parking in lieu fee. Going forward, this fee will be paid during the site plan review process, with the Planning Board's approval.

This plan recognizes that Winthrop's already dense neighborhoods include areas where special permits created density that aligns with the goals of the MTA 3A law, despite existing base zoning not permitting the density we currently experience. These zoning overlays, without changes to base zoning, will support the town's compliance plan without causing additional strain or disruption to the community.

We appreciate your support throughout this process and are confident that this plan represents a practical path forward for Winthrop.

Thank you for your time and service,

Christopher Boyce
Chairperson Winthrop Planning Board