PUBLIC COMMENTS OF THE TOWN OF WINTHROP, MASSACHUSETTS REGARDING PROPOSED REGULATIONS UNDER G. L. C. 40A, § 3A

The Town of Winthrop respectfully submits the following comments regarding the proposed regulations promulgated pursuant to G. L. c. 40A, § 3A, titled "Multi-Family Zoning As-Of-Right in MBTA Communities." Given Winthrop's distinct geographic, demographic, and environmental characteristics, we propose the establishment of an additional regulatory category, the "Compact Coastal Community," to better address the practical limitations faced by municipalities with similar constraints.

I. Preliminary Statement

A. Town of Winthrop:

Winthrop is a uniquely compact coastal town located just north of Boston, along the shore of Boston Harbor. Covering only approximately 1.6 square miles, the town has a permanent population of approximately 19,000 residents. Its location on a peninsula significantly restricts available land for development, making it one of the most densely populated municipalities in Massachusetts.

B. Winthrop Housing:

Winthrop's housing stock is already predominantly multi-family, distinguishing it from the majority of Massachusetts communities. According to data from the Massachusetts Area Planning Council (MAPC) as of 2020:

Only 36% of Winthrop's housing units are single-family homes (compared to 76% statewide).

42% of all units are in two- to four-family buildings.

22.3% of all units are in multi-family buildings with five or more units.

Despite a statewide demand for increased housing, Winthrop has minimal remaining buildable land, making compliance with broad mandates under G. L. c. 40A, § 3A challenging without substantial adverse effects on existing infrastructure and coastal resiliency.

C. Winthrop's Government:

As one of the Commonwealth's oldest municipalities, Winthrop transitioned from a Town Meeting form of government to a Town Council/Town Manager system in 2005 under its Home Rule Charter. The town prides itself on its capacity for self-governance, preserving its historic, maritime character while addressing the unique challenges posed by its proximity to Logan Airport and the Massachusetts Water Resources Authority (MWRA) treatment plant. Although Massport and MWRA are cooperative neighbors, their necessary operations impose significant environmental and infrastructural burdens, including noise pollution, air quality concerns, and high traffic volumes.

II. Proposed Amendment to Regulations

To ensure that G. L. c. 40A, § 3A is applied equitably and effectively, we propose the formal recognition of a new category within the regulations, entitled "Compact Coastal Community," which acknowledges the distinct limitations of communities like Winthrop.

A. Definition of a Compact Coastal Community:

A municipality shall qualify as a "Compact Coastal Community" if it meets at least three of the following criteria:

1. Has three or fewer vehicular ingress/egress points.

2. Has a total land mass or developable land area equal to or less than three (3) square miles.

3. Possesses a housing stock consisting of at least 50% multi-family housing as defined in proposed 760 CMR 72.02.

4. Has at least 40% of its land mass located within a FEMA 1% Flood Zone (FEMA Floodplain) or designated Sensitive Land as defined in proposed 760 CMR 72.02.

B. Exemption and Compliance Flexibility:

A Compact Coastal Community shall comply with all requirements of G. L. c. 40A, § 3A unless it formally opts out via a majority vote of its legislative body.

A Compact Coastal Community that opts out shall not be penalized through loss of eligibility for state or federal grants or funding related to MBTA/3A compliance. However, such a community will forgo eligibility for funding under the MBTA Communities Catalyst Fund.

Should a Compact Coastal Community later decide to opt back in, it may do so through a majority vote of its legislative body and shall subsequently regain eligibility for MBTA Communities Catalyst Funds.

III. Justification for Compact Coastal Community Status

A. Geographic and Environmental Constraints:

Unlike many inland municipalities, coastal communities such as Winthrop are uniquely affected by climate change, rising sea levels, and flood risks. The application of uniform zoning requirements fails to account for the practical impossibility of expanding development in flood-prone areas without exacerbating environmental vulnerabilities and endangering residents.

B. Infrastructure and Public Safety Considerations:

Due to its geographic constraints, Winthrop has only two points of vehicular ingress and egress,

which poses significant emergency evacuation challenges, especially those that may be related to events or conditions at the MWRA Treatment Plant or Logan International Airport. Increased density under G. L. c. 40A, § 3A without tailored regulatory adjustments would severely strain existing emergency response capabilities and all transportation infrastructure.

C. Housing Stock and Compliance Burden:

Winthrop already far exceeds the state's average in multi-family housing composition, making further mandated expansion disproportionate and inconsistent with the town's physical capacity. Also, existing zoning language that has been in place for years has allowed Winthrop to create multi-family housing in our Center Business District (CBD) and other areas in Town that have been identified as advantageous for housing development, in fact one could argue that Winthrop's zoning is already creating the housing units that the MBTA/3A Communities Legislation was intended to launch. Currently Winthrop has an additional 158 new multi-family housing units in various stages of development.

IV. Conclusion

Given the exceptional characteristics of Compact Coastal Communities, it is imperative that they receive consideration under G. L. c. 40A, § 3A that reflects their distinct constraints and vulnerabilities. While Winthrop remains committed to responsible and sustainable housing development, the current regulatory approach does not adequately serve the needs of municipalities with extreme geographic and infrastructural limitations.

As currently drafted, the proposed regulations disproportionately burden Compact Coastal Communities. The establishment of the Compact Coastal Community designation, with corresponding opt-out provisions, ensures that these municipalities can balance their housing obligations with the realities of their geographic and environmental conditions. Given that only a handful of Massachusetts municipalities would qualify under this narrowly defined designation, the proposed amendment is both reasonable and necessary to achieve equitable regulatory treatment.

The Town of Winthrop appreciates the opportunity to provide these comments and urges consideration of the proposed Compact Coastal Community designation within the final regulations.