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March 30, 2022

Chris Kluchman
Deputy Director, Community Services Division
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, Mass. 02114

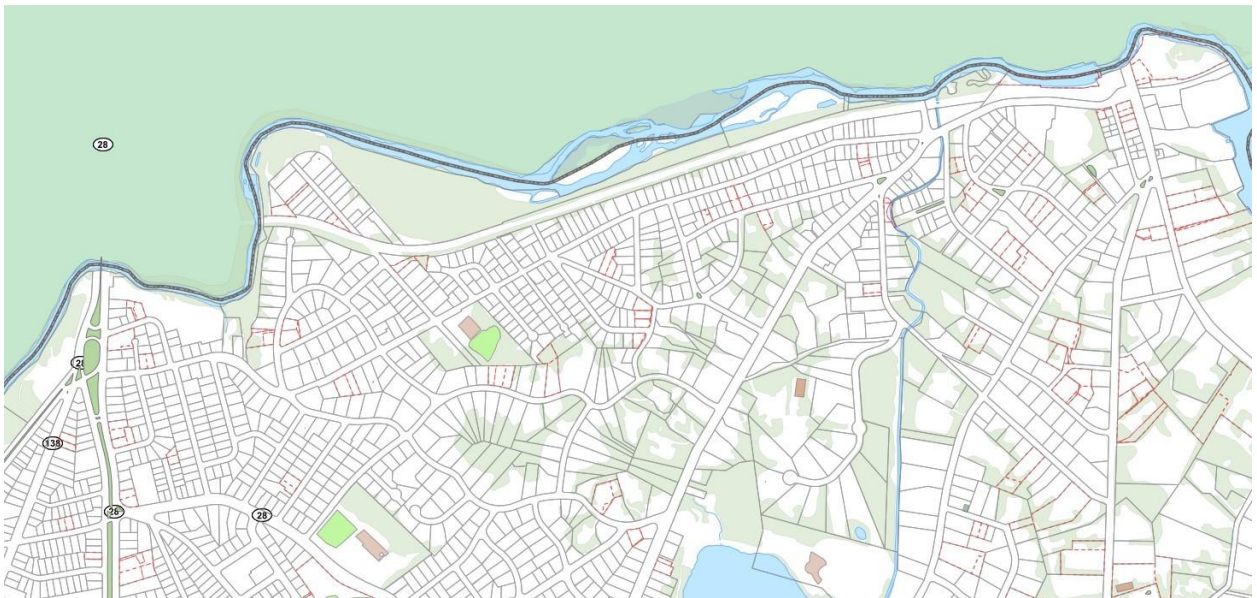
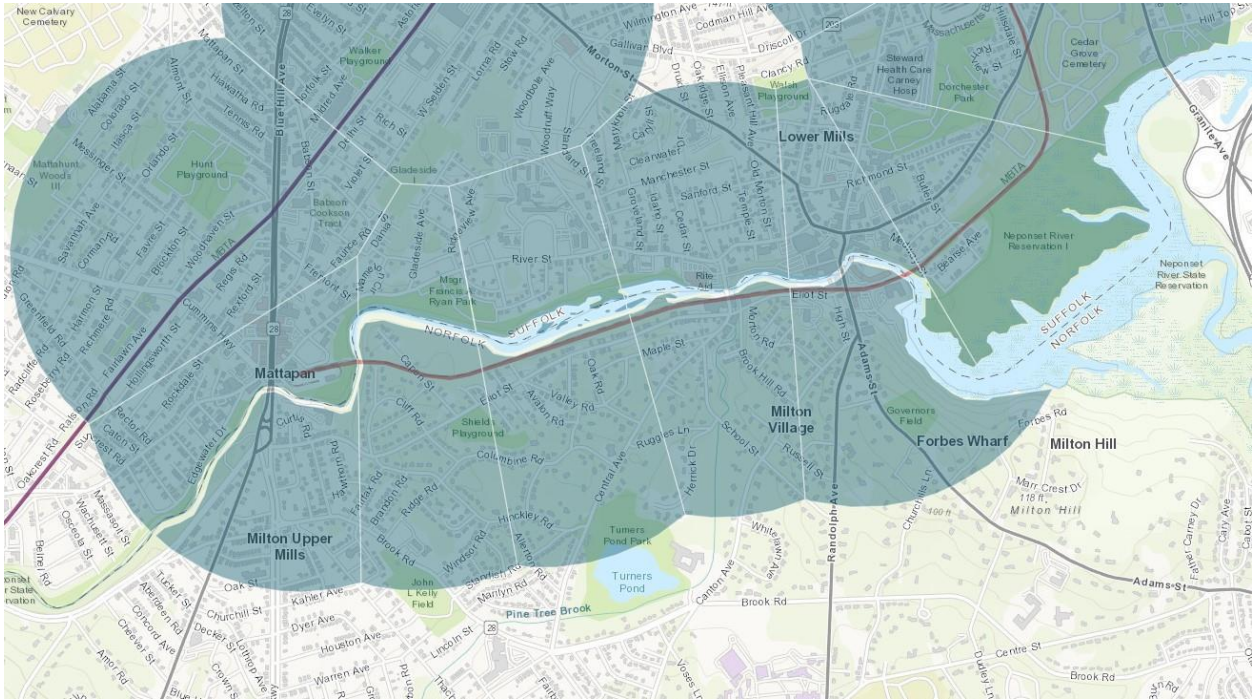
Dear Ms. Kluchman,

The Milton Select Board submits the following comments to the Department of Housing and Community Development (DHCD) regarding its draft compliance guidelines on the Multi-Family Zoning Requirement for MBTA Communities. We appreciate the legislature's intent in writing this new law, but, as with any legislation that puts a standard mandate on a large number of municipalities, we find that there are aspects of the draft guidelines that will lead to implementation challenges in Milton. Our comments generally reflect the need for flexibility that will allow us to create a zoning district that accomplishes the goals of the MBTA Communities legislation while also working with Milton's development pattern, infrastructure, and planning goals.¹

Small existing parcel sizes

Below are two maps. The first is from the MHP Transit Oriented Development Explorer (TODEX), which shows the half-mile radii around each of Milton's four Mattapan Trolley stations (plus Mattapan station, which catches a portion of Milton). The second is from Milton's GIS online mapper showing the parcelization in the general area where our zoning district must be located.

¹ In their joint comment letter dated March 28, 2022, the Massachusetts Municipal Association and the Massachusetts Municipal Lawyers Association opined, among other things, that DHCD's draft guidelines exceed the statutory authority conferred upon DHCD. We share this concern and encourage DHCD to consider whether the draft guidelines are overly broad in light of the legislative mandate.



Most of the parcels that are closest to the Mattapan trolley (along Eliot Street, which generally parallels the train tracks, and its side streets) are small, ranging from 5,000 to 7,500 square feet. Parcel sizes increase further south, but most of the next tranche of parcels are less than half an acre. The larger parcels in the upper right portion of the map have already been redeveloped for multifamily housing (88 Wharf Street, 50 Eliot Street, 131 Eliot Street, and 36 Central Avenue are examples).

Two general options for multifamily zoning emerge from this parcelization pattern:

- Option 1: Work with the existing lots by requiring a low minimum lot size and allowing a small number of units (three to four) on a lot.

- Option 2: Require a larger minimum lot size and allow for larger apartment buildings,

Both of these options present difficulties, outlined below, that could lead to minimal production of actual housing units.

Option 1

Acknowledging and zoning around the existing parcel pattern would have the least impact on a lot-by-lot basis: some of the existing houses are large enough to accommodate multiple units with interior renovation and some additional footprint or height. This option would allow existing homeowners or small-scale contractors to do work themselves, without the necessity of sophisticated planning, design, and legal services. Finally, growth in this potential district would be incremental, rather than an acute change from single-family to mid-rise multifamily. This would be attractive to Milton's Town Meeting.

However, in recent years, Milton residents have become much more concerned about affordable housing and the status of Milton's Subsidized Housing Inventory (SHI). Many have expressed concerns during other zoning efforts about the need to incorporate an inclusionary component that will help Milton keep pace with its M.G.L. c. 40B obligation. In this regard, the small-scale zoning option could present a problem. Inclusionary zoning requires a certain scale of unit count for a project to be financially feasible. In a small (three to four units) project, even requiring a single inclusionary unit would be a ratio beyond M.G.L. c. 40B requirements. In 2019, the City of Somerville implemented an option for two-family houses or projects to add a third unit if it is deed-restricted affordable; only two units have been created under this program.

Option 2

Allowing for a greater unit count in larger multifamily buildings would address the inclusionary zoning problem of Option 1; larger projects that could accommodate affordable units would be allowed. However, given the small size and shape of existing parcels, this option would require lot assemblage. These homes are in a desirable location and tend to be in good condition, so it is reasonable to assume that the acquisition costs inherent in consolidating enough lots to build a multifamily building would present significant challenges to a developer.

Definition of Multi-Family

The guidelines define multi-family housing as "a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building." Although most of Milton is zoned for single detached houses, two-unit houses are not uncommon, especially in the part of Town closest to transit. Milton has over 500 two-family houses. Thus, there are already pockets of two-family neighborhoods that meet the 15-unit/acre minimum density requirement. Being able to re-create those by-right in a compliant district would lead to family-friendly new units in a low-impact and contextual way.

Available Area for Zoning District

The legislation requires a zoning district to be located within a half-mile of a transit station. As the TODEX map above shows, a significant portion of the catchment area of Milton's stations are either (a) in the City of Boston or (b) part of the Neponset River Reservation. Although Milton has five different trolley stations to zone around, the proximity of those stations to each other and their location relative to our border with Boston mean that the overall area Milton has to work with is less than other towns with a similar configuration of transit stations. Even with five stations, the catchment area in Milton is less than 800 acres.

Wellesley, as an example, has only three commuter rail stations. Because they are more squarely within the town's borders, though, the catchment area of those stations represents more than 1,000 acres. Belmont, Needham, Newton, Natick, and Dedham are other similar examples. While there is certainly enough room in Milton to accommodate the minimum district size outlined in DHCD's guidelines, the shape and size of our transit catchment area will compel Milton to make choices about density and district size that other similar towns may not have to make.

Location of District Relative to Transit Station

Milton is classified as a Rapid Transit Community. Although we do not have a bus station as defined in the guidelines, we are served by four bus lines — routes 215, 217, 240, 245 — three of which go through East Milton Square. East Milton Square, the Town's largest business district, has been the subject of planning efforts for the past few years, and the Planning Board has discussed a rezoning initiative for the next fiscal year. East Milton Square is amenity-rich and has multiple potential redevelopment sites.

The guidelines disqualify East Milton Square from being the location of a compliant district because of its distance from transit. However, due to its commercial and other amenities, East Milton Square would be considered an eligible location under the Commonwealth's Chapter 40R Smart Growth Zoning Overlay Act. Given the above limitations on the areas around our transit stations, we believe East Milton Square could be an appropriate location for mixed-use multifamily development.

Other General Comments

We encourage DHCD, when issuing final guidelines, to (a) incentivize historic preservation and discourage demolition of historic structures and (b) encourage tree and landscape preservation. With specific reference to the Town of Milton, we are concerned about the effects of increased storm water runoff to the Neponset River (which was recently declared a Superfund site by the United States Environmental Protection Agency) and Pine Tree Brook (which feeds into the Neponset River). A significant portion of Milton's half-mile transit radius is parks, open space and conservation land. Lastly, we note that the neighborhoods in Milton that are part of the Mattapan station and Capen Street station catchment areas include multiple State (*i.e.*, MassDOT or DCR) roads that have high traffic volume and often are associated with high-speed traffic. Notwithstanding that Milton, like all other communities, has an obligation to zone for additional housing to meet regional needs, the State has an obligation to maintain safe and appropriate infrastructure. New residents of expanded housing opportunities deserve healthy neighborhoods with pedestrian and bicycle options as well as mass transit and

vehicular options. As such, Milton will have to analyze the capacity and condition of roads and utility infrastructure in the eligibility areas for zoning districts.

Conclusion

We understand and take seriously the housing crisis that led the Legislature to draft the MBTA Communities Zoning law. It is a regional problem that demands regional solutions. Our above comments — and the general sentiment for greater flexibility in choosing the size, location, and composition of a compliant zoning district — come from a desire to create zoning that will pass Town Meeting and have a reasonable hope of producing units that fit the context and character of Milton.

Thank you for your consideration of our comments.

Sincerely,

MILTON SELECT BOARD


Kathleen M. Conlon, Chair


Arthur J. Doyle, Vice Chair


Michael F. Lullas, Secretary


Melinda A. Collins


Richard G. Wells, Jr.

cc: Town Administrator Annemarie Fagan
Planning Director Tim Czerwienski
Milton Planning Board