

MCMOD ZONING ARTICLE FOR TOWN MEETING WARRANT – December 2024

ZONING ARTICLE – Adopt new MBTA Communities Multi-family Overlay District (MCMOD) Zoning

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning By-Law as amended in October 2022 to add a new overlay district in compliance with Massachusetts General Law 40A Section 3A for the MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT as Section 5.E.12 MBTA Communities Multi-Family Overlay District. And to further amend the Zoning By-Law in accordance therewith as follows:

- a) Add a reference to Section 5.E.12. to the Table of Contents.
- b) Add “MBTA Communities Multi-family Overlay District” as a subsection k. to Section 3.a.3.
- c) Add “MCMOD- MBTA Communities Multi-family Overlay District” in District Abbreviations under the Overlay category in Section 5.f.

And to further amend the Zoning Map to add the MBTA Communities Multi-family Overlay District as depicted on the maps entitled: “MCMOD - Subdistrict A Outer Mills”, “MCMOD - Subdistrict B Inner Mills”, “MCMOD - Subdistrict C Federal Street”, and “MCMOD - Subdistrict D Kenmar”, copies of which have been placed on file with the Town Clerk; or act in relation thereto.

Explanation:

Due to the ongoing, well-documented housing crisis in Massachusetts, in 2021, Governor Baker signed the multifamily zoning requirement for the 177 communities served by the MBTA into law (MGL 40.3a). This new law requires that an MBTA community (those with access to transit stations) shall have at least one zoning district of reasonable size in which multi-family housing (any residential property containing three or more housing units) is permitted as of right (without a special permit). Under the guidelines released by the Executive Office of Housing and Livable Communities, Billerica is considered a “Commuter Rail” community which requires a portion of our new district to be directly adjacent to the North Billerica MBTA Commuter Rail station.

This new overlay preserves the underlying zoning but allows for the development flexibility to meet the state’s compliance guidelines. The key compliance requirements include:

- Future Capacity (total land area x density allowed) of 2,323 units
- A minimum land area of 50 acres
- A minimum gross density allowed of 15 units per acre
- 40% of the district must be located not more than .5 miles from the MBTA service
- 50% of the district must be in one contiguous area

See the attached proposed bylaw language and district maps.