

Contiguity and Units in the MBTA Communities Zoning Requirements

The Belmont MBTA Communities Advisory Committee has been informed by its consultant MAPC, as well as the state EOHLC, that “contiguity” is a constraint on the number and sizes of compliant 3A districts. This is the interpretation based on paragraph 5(a)(ii) in the 3A Guidelines:

In all cases, at least half of the multi-family zoning district land area must comprise one group of contiguous lots of land.

Compliance in Belmont requires a district with at least half of the 3A acreage within ½ mile of a commuter rail station. This “transit station area” district must be comprised of abutting parcels (parcels directly across the street from each other are also treated as abutting). “Contiguity” refers to the percentage of the total required 3A acreage accounted for by this compliant district. This percentage must be at least 50%.

Potential dwelling units (hereinafter referred to simply as “units”) are treated differently in assessing compliance. While there needs to be a single contiguous district in terms of land area, the required number of “transit station area” units is calculated as the sum of all units within ½ mile of either Waverley or Belmont Center stations (per the Jan 25 MAPC presentation). The baseline required number of units in Belmont is 1,632. However, this unit count may be reduced based on the number of units in “mandatory mixed-use” buildings. For Belmont, this reduction may be as large as several hundred units.

If Belmont had only a single 3A district, contiguity would automatically be 100% and would not be an issue.

With more than one district, the transit station area district must be so large that its acreage meets or exceeds the combined acreage of the other districts. That is, “contiguity” must be 50% or higher for this district.

Contiguity does not have much impact with only two districts. But because we are interested in more than two districts (Waverley, Belmont Center, and others), contiguity has much more of an effect in determining district sizes.

The following example is meant only as an illustration. Assume it was desired to zone for 50 acres total. Until recently, we believed a hypothetical 16-acre Waverley district and a 14-acre Belmont Center district would be treated as 30 acres of transit station area, which is more than half of the 50 acres. Additional districts could then be defined for the remaining 20 acres, e.g., four more districts, each at 5 acres.

Contiguity does not permit this configuration because neither Waverley nor Belmont Center by itself accounts for at least 50% of the total acreage. The districts must be redefined to produce a single compliant transit station area district, which involves trade-offs in several dimensions. Districts can be made larger, smaller, and/or eliminated in various combinations.

The so-called “Lexington” exception refers to an EOHLC ruling for the town of Lexington. If the transit station area district is so large that it is fully compliant by itself (in terms of required acreage and units), then contiguity can be ignored. Additional districts could then add area and units even if contiguity fell below 50%. The result would be 3A acreage and units far in excess of the minimum requirements.

The Committee is now working on several alternatives that satisfy the contiguity measure. The Lexington exception is eligible for consideration as well.