

Massachusetts' Housing Choice Initiative: Expanding Opportunities for Multifamily Housing in Bedford



November 28, 2023

Jacinda Barbehenn: jacinda.barbehenn@icloud.com & Chris Gittins: chris.gittins.tob@gmail.com

What? Multifamily Zoning “As-of-right”



- **Legislative Requirements:**

- minimum density of 15 units per acre
- 50 acres minimum (0.6% of Bedford's land area)
- at least on reasonably-sized area (>25 acres)
- no age restrictions, suitable for families

- **“As-of-right”**

- No Special Permits, variances, or
- other discretionary zoning approvals (e.g., ZBA review)

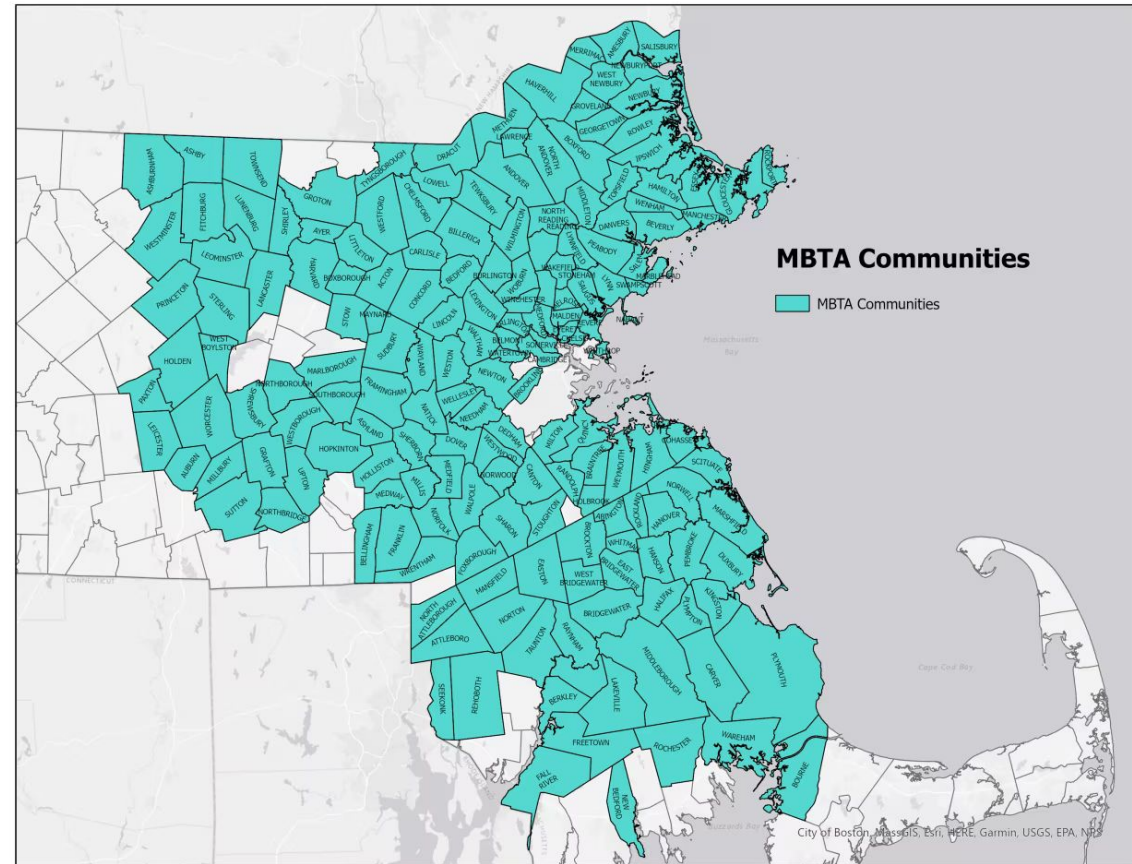
- **Wetlands and stormwater regulations still apply**
- **Proposals may be subject to Site Plan Review**

Units do not have to be built, but property owners must have right to build



Who? Communities Affected By Multifamily Zoning Legislation

- Legislation applies to 177 “MBTA Communities” – essentially all of eastern MA
- Specific requirements vary from community to community based on MBTA services
 - “rapid transit” 25% of current housing stock
 - “Commuter rail” 15% of current housing stock
 - “Adjacent Community” 10% of current housing stock



Why? Economic and Financial Benefits

- **Expand housing opportunities in both size and price point; better options for:**
 - First-time home buyers
 - People who grew up in town who cannot now afford to buy or rent here
 - Seniors wanting to downsize
 - Young families
 - Local police, fire, teachers, public works employees
- **Housing for employees of growing industries, e.g., biotech, residential services (in home healthcare and other services)**
 - Supports the regional economic prosperity that we depend on
- **More potential customers for local restaurants and businesses**



Why? Health and Environmental Benefits

- **Decrease Greenhouse Gas emissions (Higher density housing has lower emissions per household.)**
- **Higher density in existing developed areas reduces further loss of open land**
- **Reduce need for car trips**
- **Reduce traffic congestion**
 - Enable more people to live closer to where they work → less passthrough traffic
 - Easier access to public transportation



Why? Legal and Financial Consequences

- **Legal consequences**

- The Massachusetts Office of the Attorney General has issued an advisory stating the communities that fail to comply with the Housing Choice Law are subject to prosecution.
- Town, staff and boards will be liable for financial damages.

- **Financial consequences**

- Receive the millions of dollars of state grants that we currently rely on to maintain and improve our local infrastructure (roads, water, sewer, etc).
- Bedford relied on \$4 million in these state infrastructure grants in the last two years.
- Not complying with the law would result in additional financial burdens to the town. Potentially higher property taxes for residents and businesses

- **All but one of the 177 MBTA Communities have filed the necessary documents to stay in compliance. The one community that didn't (Holden MA) is currently being sued.**



When? Schedule and Deadlines

- **Planning Board's timeline**

- October & November 2023: Outreach and engagement
- December 2023: Draft bylaw revisions and warrant article(s)
- January 2024: Public Hearings
- February 2024: Revise draft bylaws and warrant article
- March 2024: Annual Town Meeting presentation and vote

- ***New zoning needs to be approved by the State and implemented no later than December 31, 2024.***



What?



TOWNHOUSE



DOUBLE DECKER



MANOR HOUSE



WALK-UPS



- **Multiple types of multifamily housing**
 - There are strengths and limitations to each type
 - What balance do we want?
- **Location of multifamily by-right areas will affect what housing gets built**

Examples of Multifamily Housing In Bedford



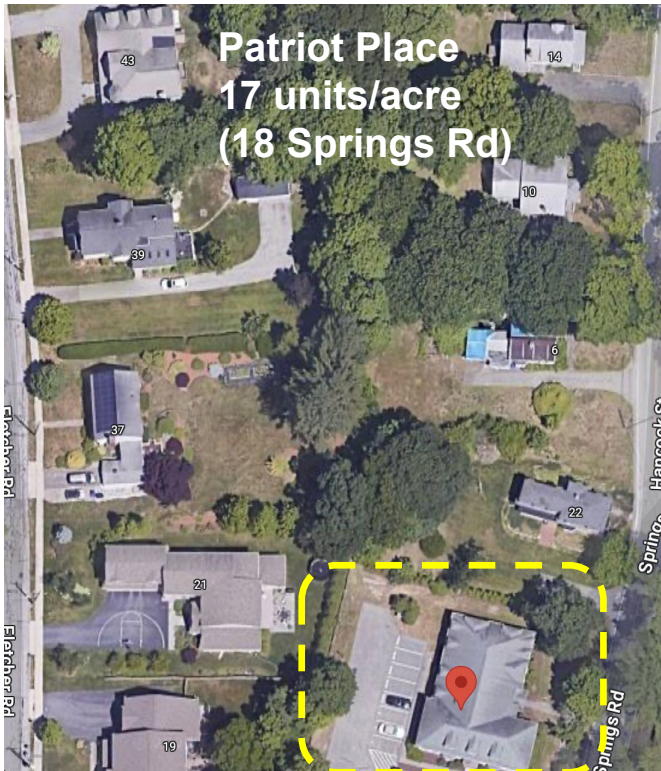
**Examples of 15 unit/acre
density currently in Bedford**



**Existing multifamily units can NOT be counted towards the new requirement.
Capacity for 750 additional units needs to be zoned for.**



Examples of Land Use Patterns of Multifamily Housing In Bedford



Examples of Small-Scale Multifamily Housing In Bedford



There are 3 housing units on this 11,768 sq/ft parcel



Adding an apartment (4th unit) over the garage would yield the density needed to comply with the new MF rules



West Concord Residential Infill Example



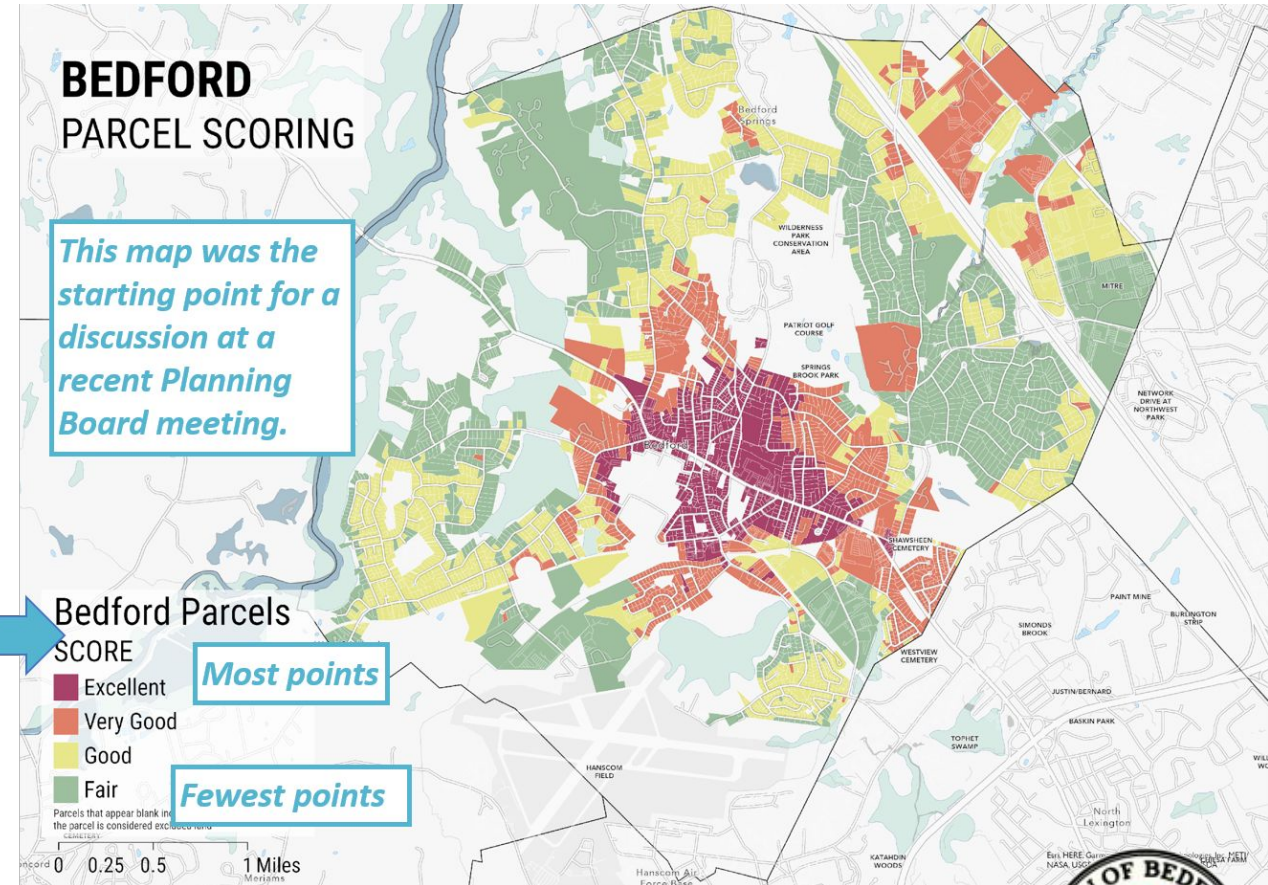
**3 units on a 7,197 sq/ft parcel
= 18.2 units per acre**



Where? Bedford decides for itself

- Location to be determined
- Many factors to consider
- Planning Board will develop recommendation incorporating resident input
- Town Meeting will vote to accept recommendation

Criteria	Measurement	Score
Distance to Downtown	1/4 Mile Radius	4
	1/2 Mile Radius	3
	1 Mile Radius	2
Distance to a Public School	1/4 Mile Radius	3
	1/2 Mile Radius	2
	1 Mile Radius	1
Distance to Grocery Store	1/4 Mile Radius	3
	1/2 Mile Radius	2
	1 Mile Radius	1
Distance to MBTA Commuter Rail Station	1/4 Mile Radius	4
	1/2 Mile Radius	3
	1 Mile Radius	1
Proximity to Bus Routes	1/8 Mile Buffer	3
	1/4 Mile Buffer	2
	1/2 Mile Buffer	1
Parcel is within Zoning District that Allows MF	Yes	3
	No	1
Existing Use of Parcel	Vacant Undeveloped	4
	Existing Multifamily	2
	Industrial	2
	Commercial/Retail/Office	2
	1-3 Family	1
	Publicly Owned	1
Presence of Excluded Land	Open	0
	Space/Protected/Water/Other	0
	0-25% of Parcel	2
	25%-50% of Parcel	1
Parcel within the Floodplain	51%+ of Parcel	0
	No	2
	Yes	1



Four Areas Currently Under Consideration

- 50 acres at 15 units an acre
- one sub-area need to be 25 acres or more
- no sub-area is allowed to be less than 5 acres
- Not limited to these areas
- Actual area will be determined by a combination of:
 - floodplain restrictions
 - underlying zoning requirements - can be changed, examples:
 - parcel size
 - setbacks
 - height
 - parking

Different combinations of areas & geographic extents may be considered



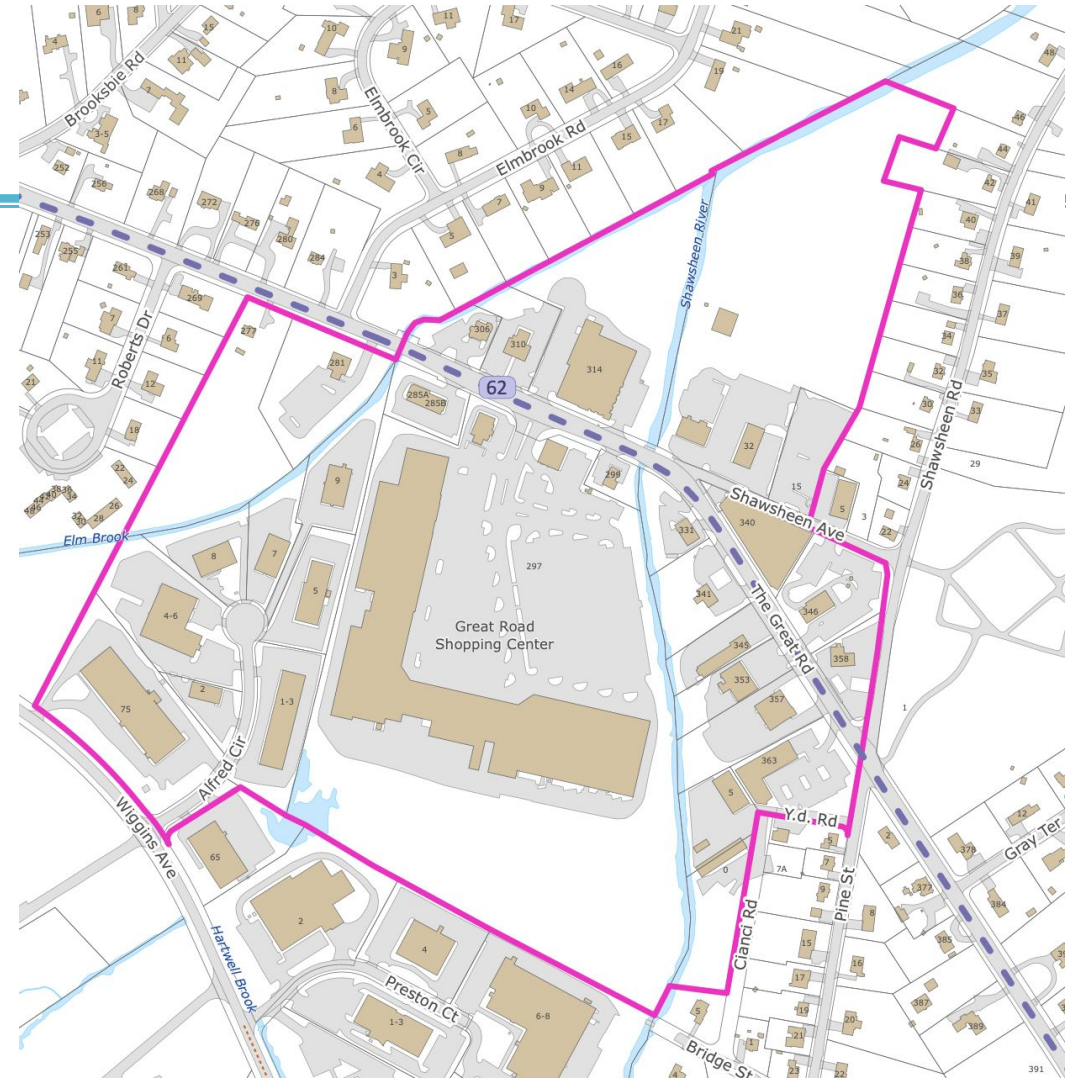
Shawsheen Mixed Use Area

Shawsheen + Alfred = 73 total acres

- 57.3 acres usable for compliance

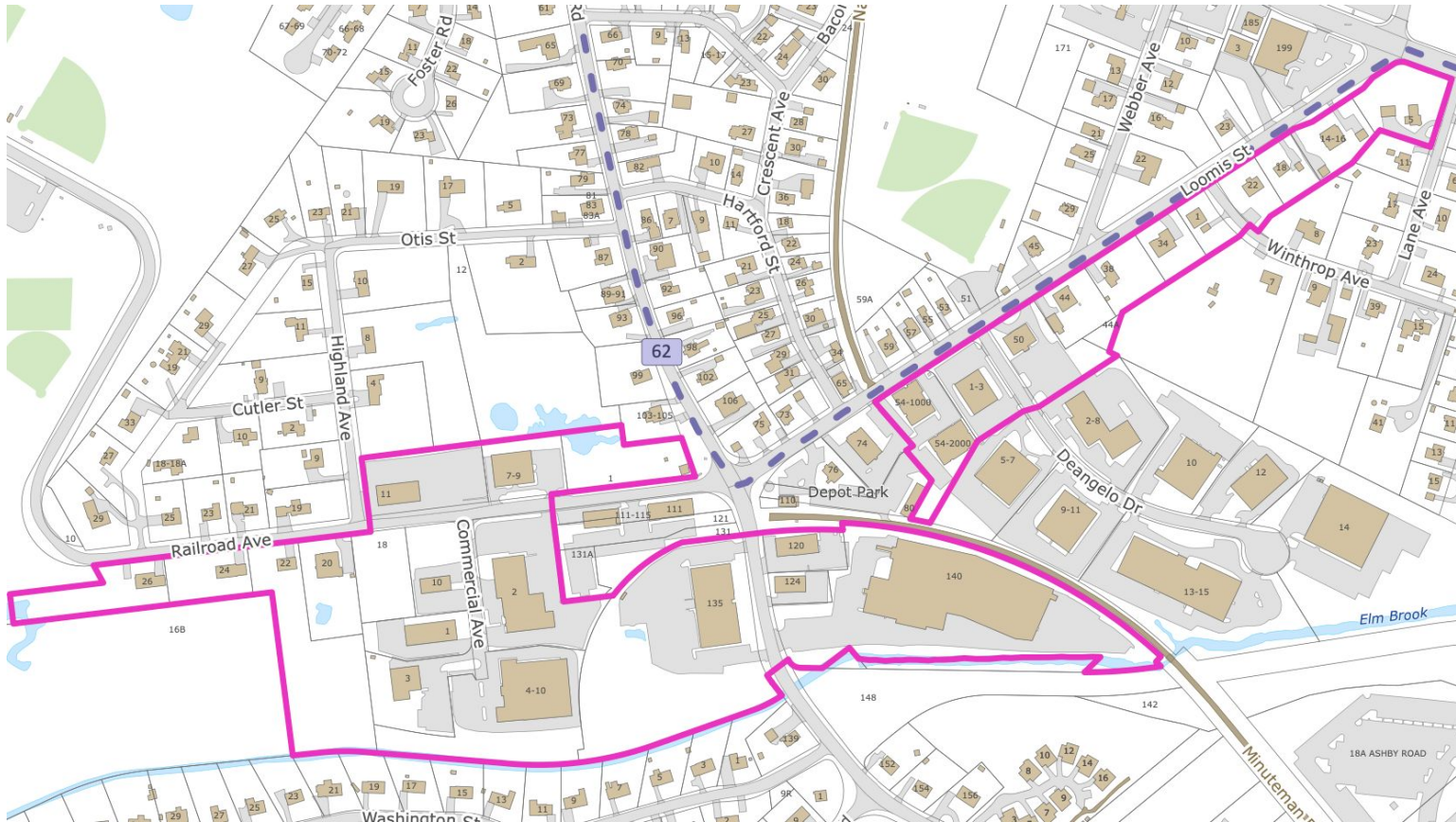
Considerations:

- currently has a mix of industrial and mixed use zoning
- tax revenue implications?
- New capacity can be zoned as residential by-right
 - could do with height incentives for mixed use, but no guarantees
- Adding parcels along Shawsheen Rd might allow for redevelopment that allows for a “riverway” focus



Depot Park/Loomis Area

- Depot Area = 24.8 total acres
 - 20.5 acres usable for compliance
- Loomis St corridor = 6.8 total acres
 - 6.8 acres usable for compliance

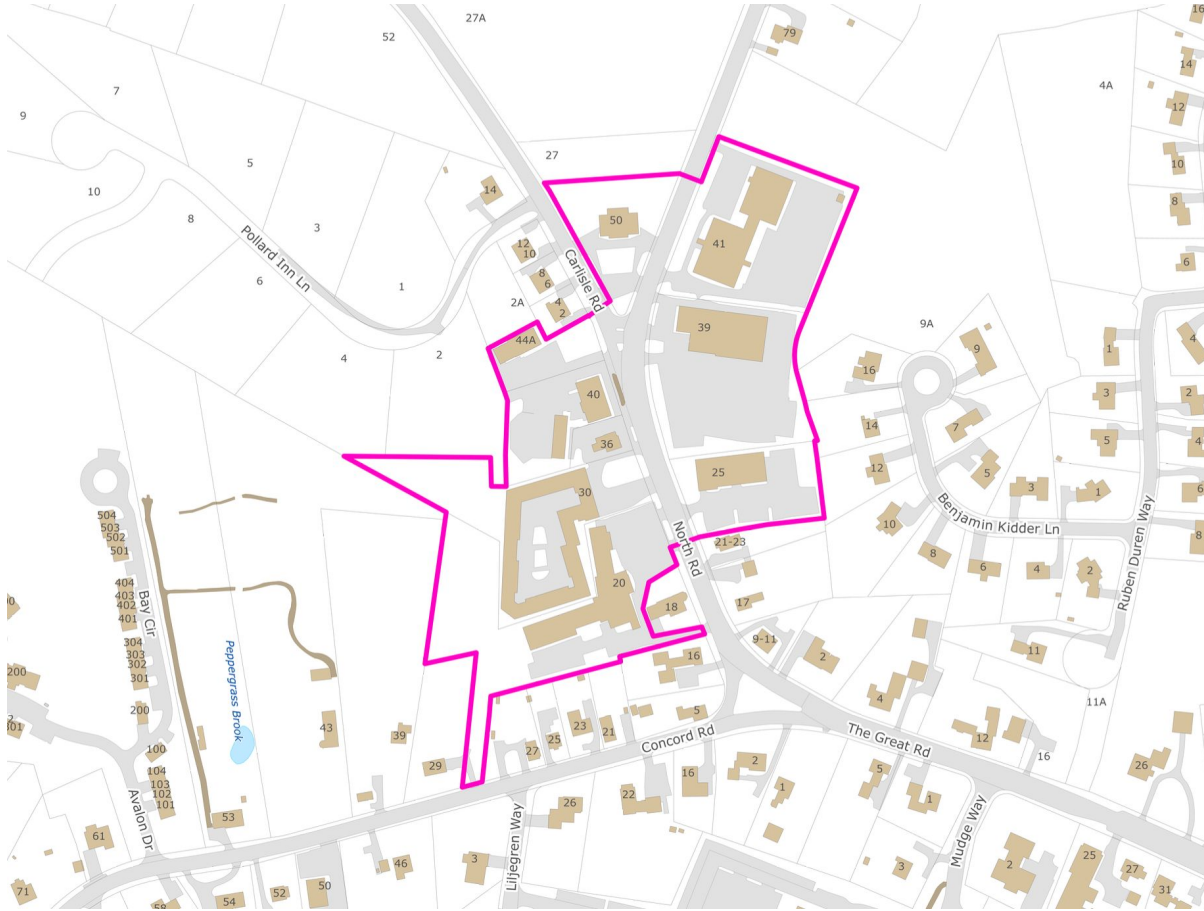


Considerations:

- Currently has a mix of commercial, industrial, residential, and mixed use zoning
- New capacity can be zoned as residential by-right
 - could do with height incentives for mixed use, but no guarantees
- tax revenue implications?



North Rd (north of Willson Triangle area)



North Rd Area = 13.8 total acres

- 12.4 acres usable for compliance

Considerations:

- Not far from center of town and bus route
- Older buildings could be ripe for redevelopment
- Partly in Historic District, but these buildings not historic
- Currently zoned as mixed use
- New capacity can be zoned as residential by-right
 - could do with height incentives for mixed use, but no guarantees

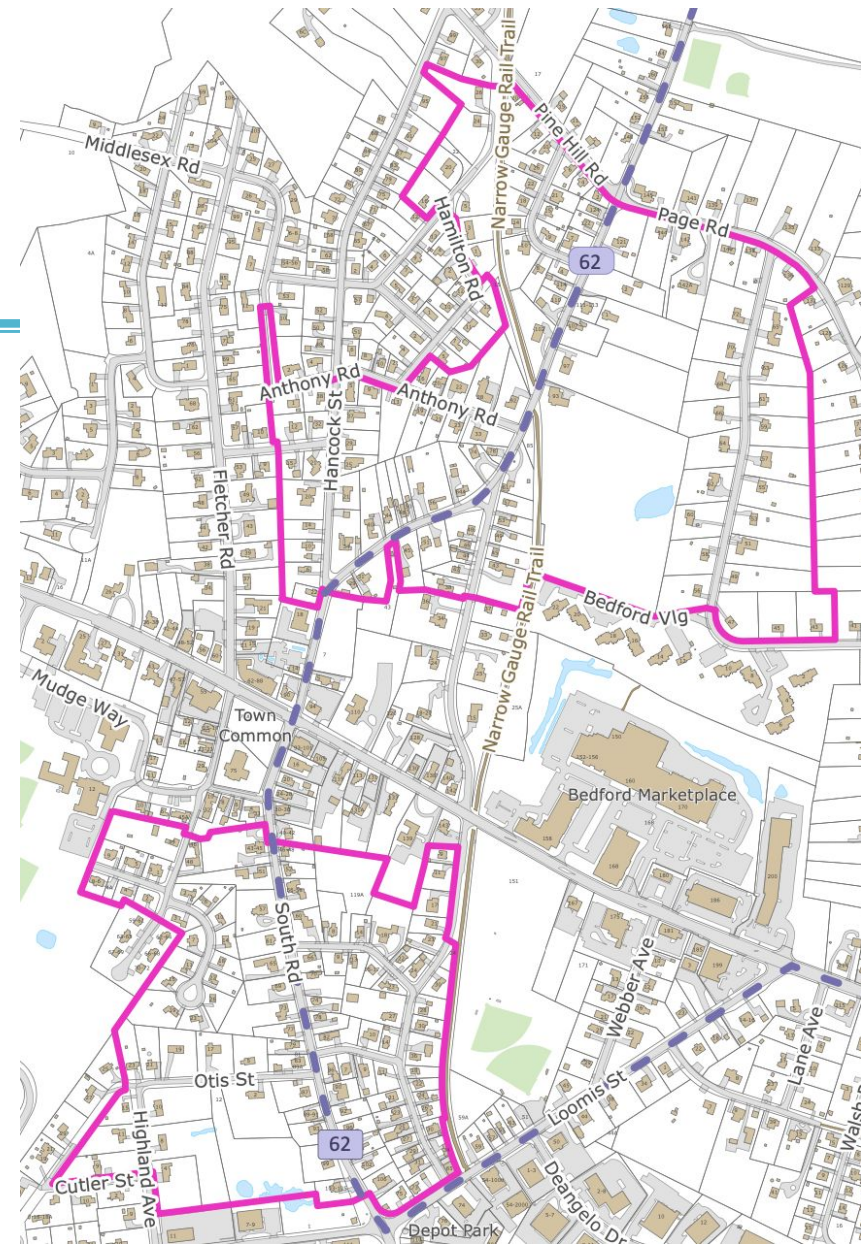


Center of Town Incremental Infill

- Town Center north = 73.4 total acres
 - 62 acres usable for compliance
- Town Center south = 45.8 total acres
 - 42.4 acres usable for compliance

Considerations:

- Underlying zoning, how would we like to change it?
- parcel size
- setbacks
- height
- parking
- ADU & duplex rules



Summary and Next Steps

- **Planning Board has begun outreach and community engagement**
 - Informational brochures distributed at Bedford Day and available at Library
 - Meeting with Town Boards, Town Committees and community groups to inform, hear comments and answer questions
 - Community opinion survey open - <https://www.bedfordma.gov/836/MBTA-Communities-Multifamily-Zoning-Requ>
- **Planning Board and staff developing multiple concepts for multifamily zone**
 - Maps being developed to motivate community discussion.
 - We expect to revise current multifamily zone concepts!
 - Maps will be on display in lobby at Special Town Meeting, Nov. 6
- **Received Technical Assistance grant from MA Housing Partnership**
 - Begin working with consultant in early November
 - Consultant will assist with defining multifamily zone, compliance with State requirements, community outreach
- **Public information session scheduled for 11/29 – all welcome and encouraged to attend**



Next Up: Open Forum - Wednesday 29 November



Massachusetts MBTA Communities Multifamily Zoning Law and the Town of Bedford's Compliance Process

New Multifamily Zoning Law in Brief:

- **"As-of-right" means No:**
 - special permits,
 - variances, or
 - other discretionary approvals (e.g., ZBA review)
- **Legislative Requirements:**
 - minimum density of 15 units per acre
 - 50 acres minimum (0.6% of Bedford's land area)
 - at least on reasonably-sized area (>25 acres)
 - no age restrictions, suitable for families
- **Units do not have to be built,
but property owners must given the option**



Planning Board Open Forum

- Learn about the law and the Town's compliance efforts to date
- Let us know your thought on how to best comply

Date: Wednesday, 29 November 2023

Time: 7:00 - 9:00pm

Place: Reed Rm, Town Hall, 10 Mudge Way

If you can't join us that evening, watch the **recording** available on **BedfordTV** and email you're thoughts to: afields@bedfordma.gov



Questions?

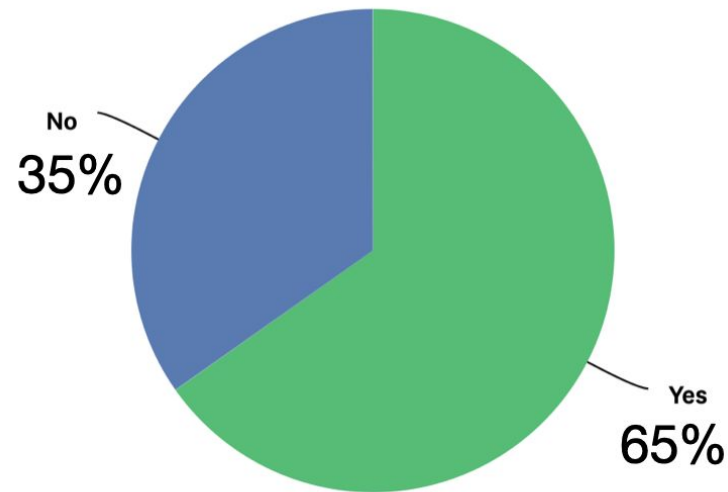


Supplemental Material

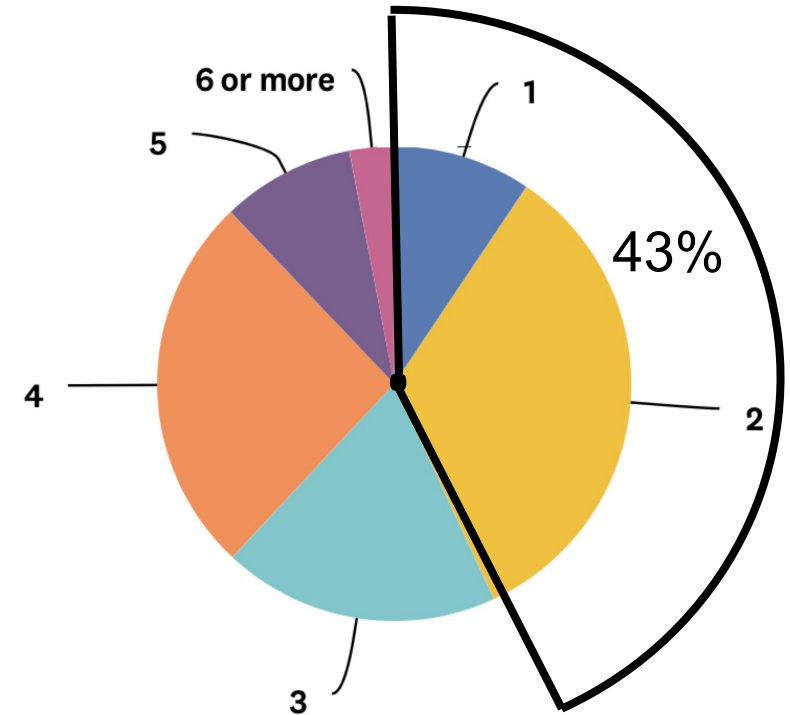
Planning Board MBTA Housing Choice Survey

- 23 September - 31 October 2023
- 307 respondents
- 51 Focus Group Volunteers

Generally supportive of the idea?



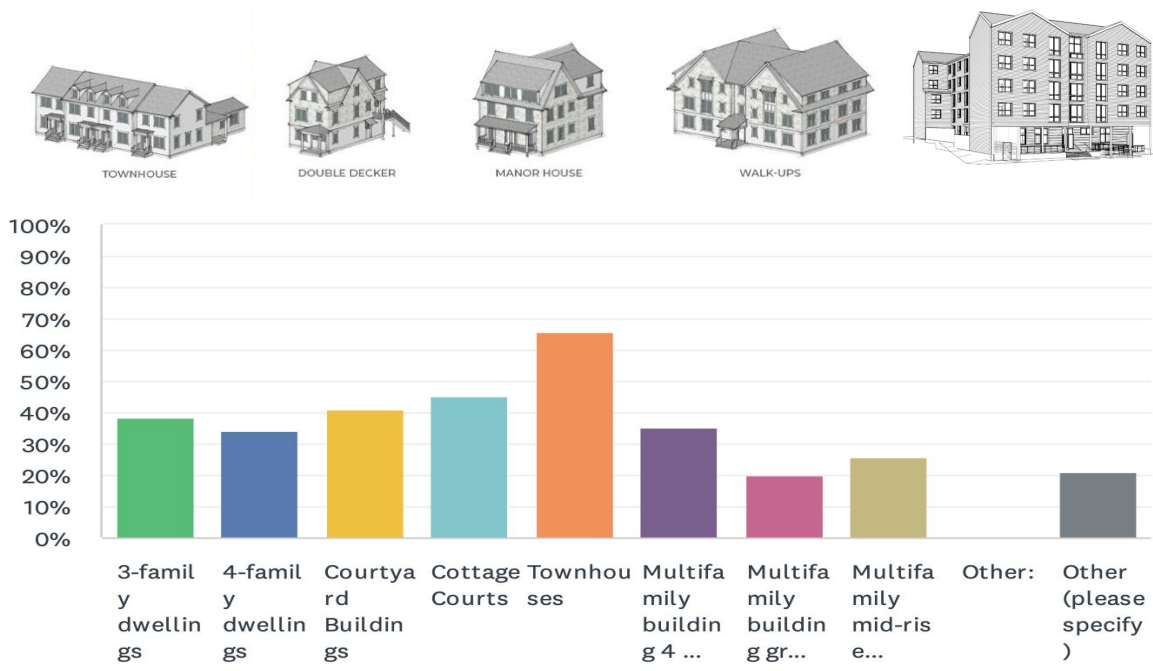
How many people in your household?



Planning Board MBTA Housing Choice Survey

(con't)

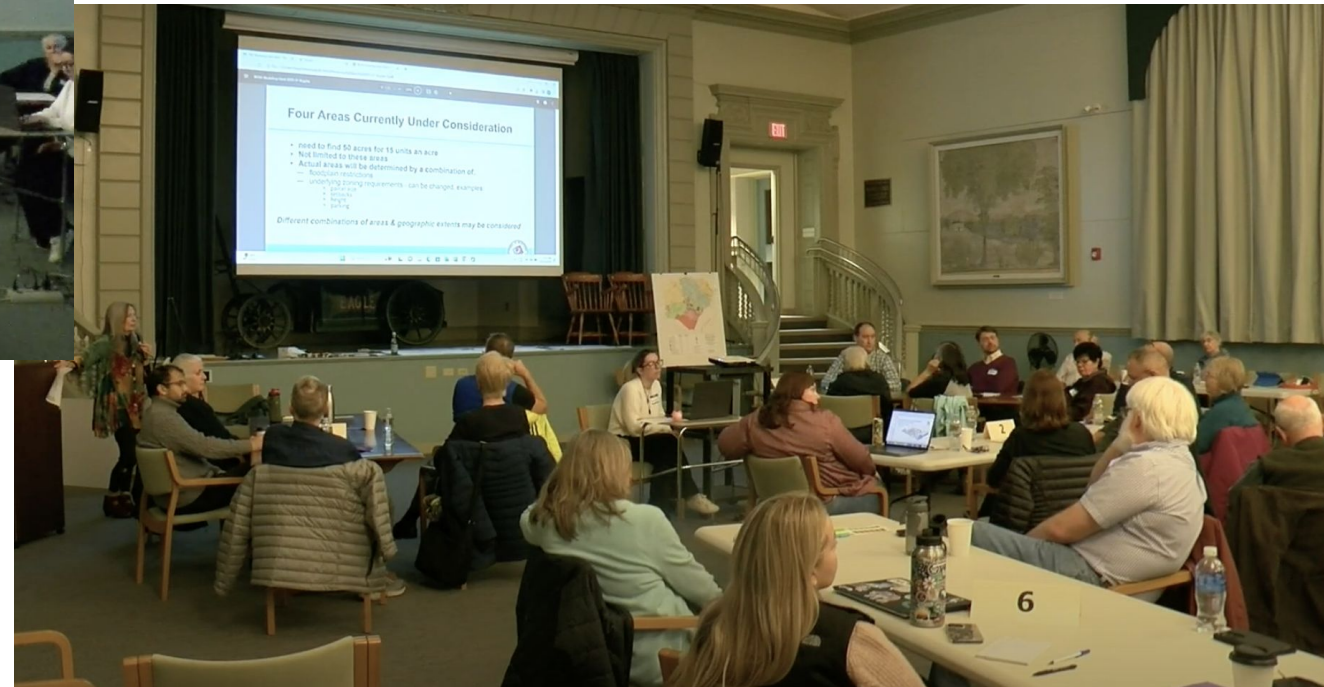
Supportive of a variety of housing types



Support a variety of locations



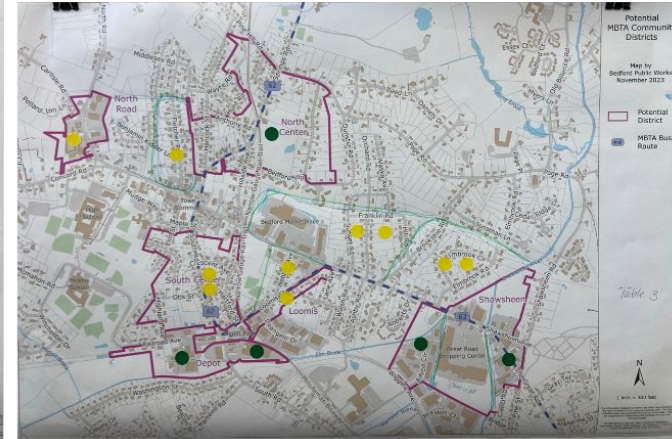
Focus Group Workshop - 16 November 2023



Focus Group Workshop - Teams at Work



Focus Group - Team Solutions



Consulting Support

- initial pro-bono help (sept)
- applied for and awarded a \$25,000 Massachusetts Housing Partnership Technical Assistance Grant (MHP TA) (oct)
- working with RKG (same firm that helped us with the Great Rd Business Districts (nov-feb)
 - district evaluation
 - compliance testing
 - zoning changes/rewrites



Resident Questions and Concerns - I

- **Will residents' opinions be considered?**

- Yes, absolutely!
- The Planning Board wants to use this opportunity to create a long term viable vision for the town's future that reflects the town's wishes for itself while also addressing our town's and the region's housing crisis.
- Answers to some resident questions depend on how we - as a town - decide to design our new districts

- **Are our mixed-use districts an option?**

- Yes, for some of the designated area.
- The law allows for up to 25% of new district capacity (12.5 acres /187.5 units) to be zoned for mixed-use. Requires State pre-approval.

- **Is compliance optional?**

- No.
- The Attorney General has indicated municipalities which do not adopt zoning changes will be sued.



Resident Questions and Concerns - III

- **Effect on schools?**

- Townwide average is 0.5 students per household (slightly higher for single-family, lower for multifamily)
- 750 new units would yield ~375 additional students, ~14% increase from today's enrollment of 2535 students
- For comparison, enrollment increased by 232 students (10%) between 2010-2020

- **Effect on traffic congestion?**

- A lot of Bedford's morning and evening commute traffic is passthrough (much as a result of suburban sprawl)
- The new law is intentionally designed (by mandating the compliance of the 177 communities of the metro area) to reduce regional commute trips and passthrough congestion.
- Multifamily district(s) located within walking distance of schools and daily errands would minimize in town car trips

- **Effect on services (fire, police, etc)?:**

- If multifamily districts are in existing residential zones - service, response time will remain the same
- If multifamily districts are in areas on the town's periphery, it may become necessary to consider substations to maintain response times.
- Planning Board is working with DPW to establish where existing infrastructure could most easily support additional housing



Resident Questions and Concerns - II

- **MBTA related?**
 - Only based on a community's level of service.
 - Bedford is classified as an "MBTA Adjacent Community" so can locate our new multifamily district(s) anywhere in our town.
 - Metro communities with higher levels of service (bus depots, train stations) need to locate their new district(s) within a ½ mile of those facilities.
- **Is Eminent Domain involved?**
 - No.
- **Are there affordability requirements?**
 - No, but communities can require some if they so choose, up to 10%, or 15% with a supporting economic feasibility study.



Resident Questions and Concerns - IV

- **Effect on population density?**

- Current population density: $14,161 \text{ residents} / 8,855 \text{ acres} = 1.6 \text{ people per acre}$
- Additional density if all 750 possible units are built: $2.2 \text{ person/household} \times 750 \text{ household} = 1650 \text{ more people}$, ~11% additional residents, 1.7 people per acre
- Compare with Lexington today: $34,454 \text{ residents} / 10,560 \text{ acres} = 3.2 \text{ people per acre}$

- **Effect on property values?:**

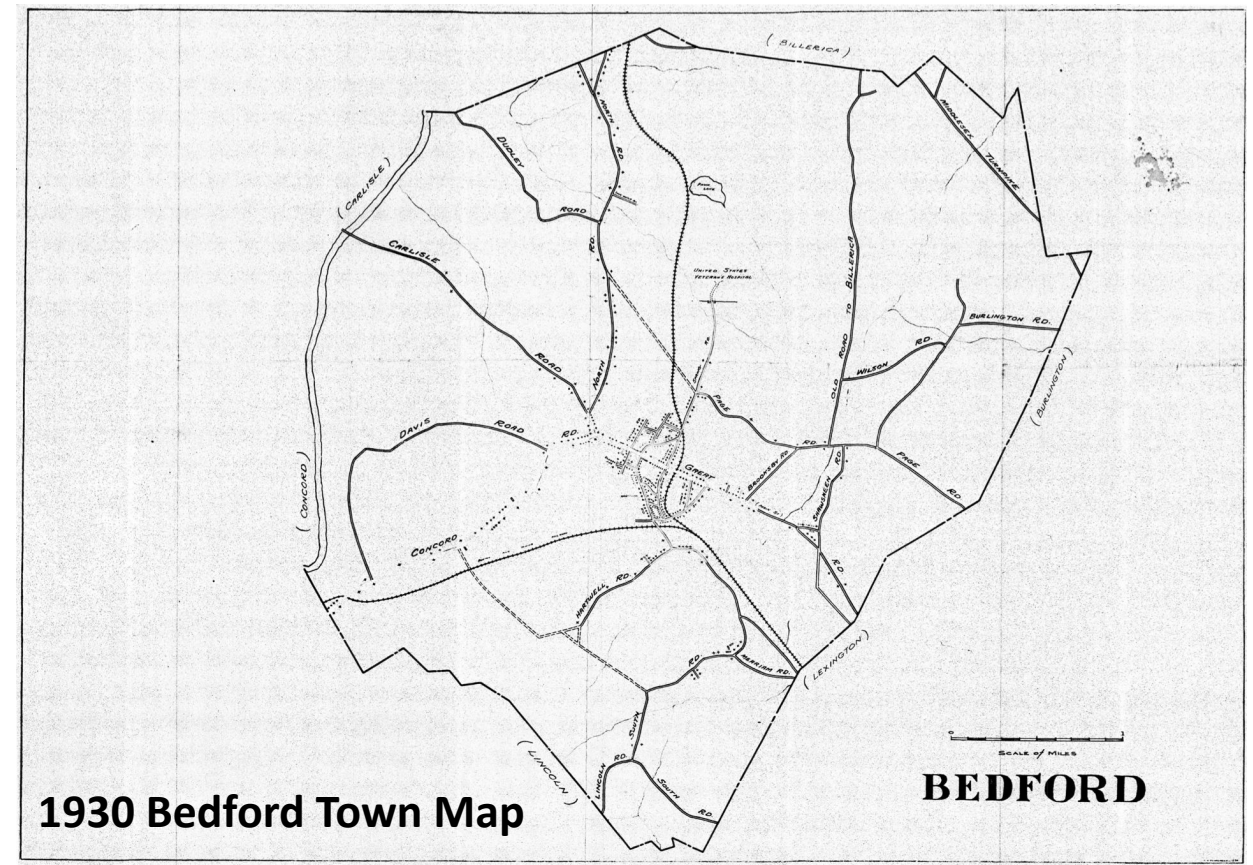
- Studies indicate that increasing multifamily housing opportunities in a neighborhood, increases or maintains single-family home values in that neighborhood.
 - <https://www.dvrpc.org/smartgrowth/multifamily/pdf/dvrpc-multifamily-housing-impact-literature-review.pdf>
 - <https://gardner.utah.edu/wp-content/uploads/HighDensity-Feb2021.pdf>

- **Effect on historic character?**

- New zoning could reinforce walkable central areas, more like Bedford's early development.

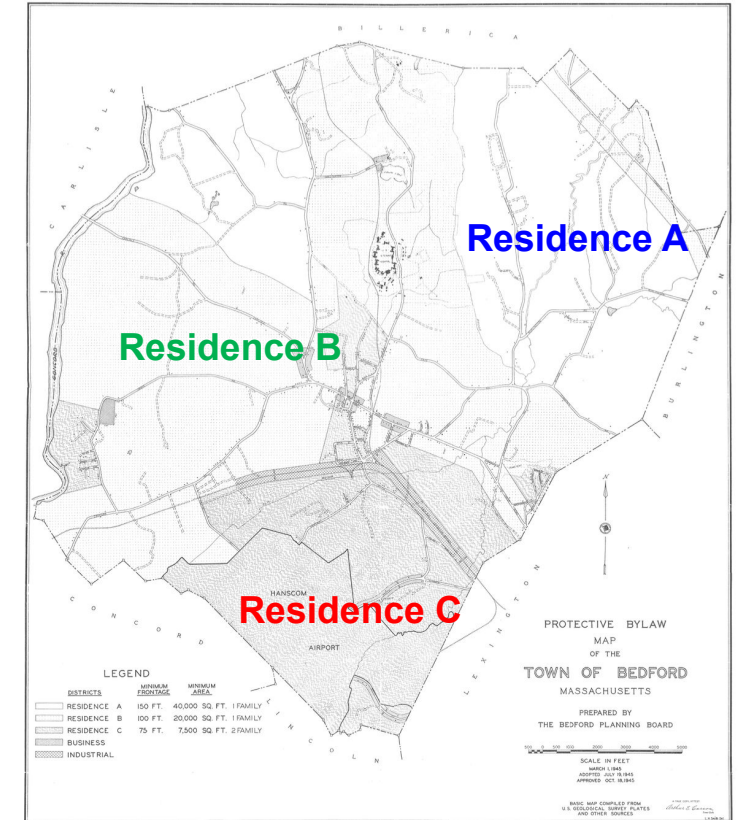


Historical Development








Bedford's Zoning History: First Residential Zoning Bylaw

- In 1945 Bedford enacted a “Protective ByLaw” establishing laws for residential property size and location for the first time
 - Residence A = 40,000 sq/ft & 150 ft frontage (1-family only)
 - Residence B = 20,000 sq/ft & 100 ft frontage (1-family only)
 - Residence C = 7,500 sq/ft & 75 ft frontage (2-family allowed)
- The smallest parcel size allowed (in “C” district) applied to the then only existing housing, many of these still exist today.
- These older homes are now deemed “non-conforming” by our by-law and would not be legal to build today.

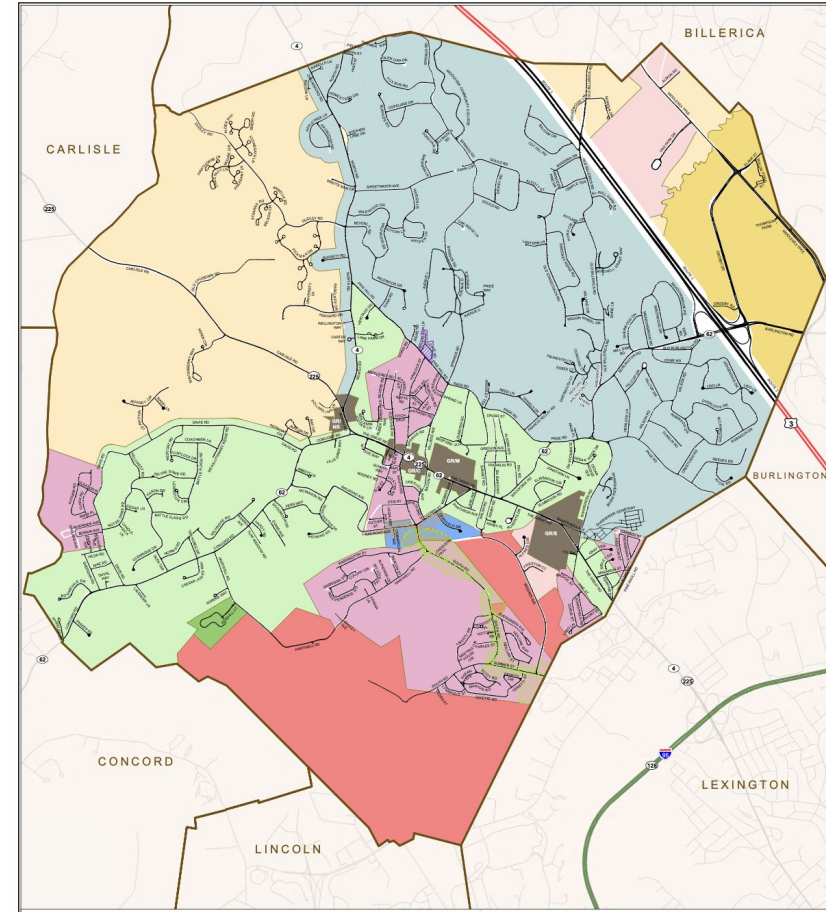


Bedford's Current Zoning

- Five (5) residential zones

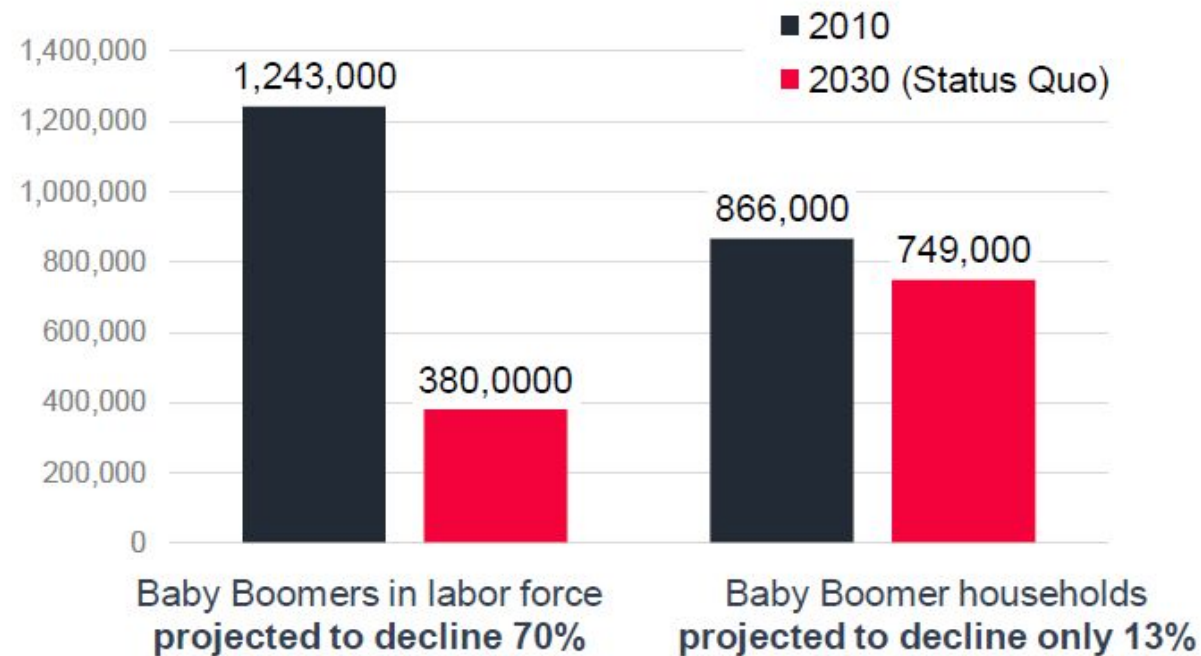
Zoning	Area (Sq. Ft.)	Frontage (Ft.)
 Residence R (R)	60,000	200
 Residence A (R-A)	40,000	150
 Residence B (R-B)	30,000	125
 Residence C (R-C)	25,000	115
 Residence D (R-D)	10 Acres	50

- Current zones have larger minimum lot sizes than original 1945 bylaw
- **Only ~1/2 of parcels conform with current zoning**
- 2022 Annual Town Meeting passed a bylaw amendment allowing 2-family residences on conforming parcels by-right and by Special Permit on non-conforming parcels



Supply Gap Will Increase Without Action

- Baby Boomers are leaving the workforce but not moving away and can't downsize locally
- People replacing Baby Boomers in the workforce need housing

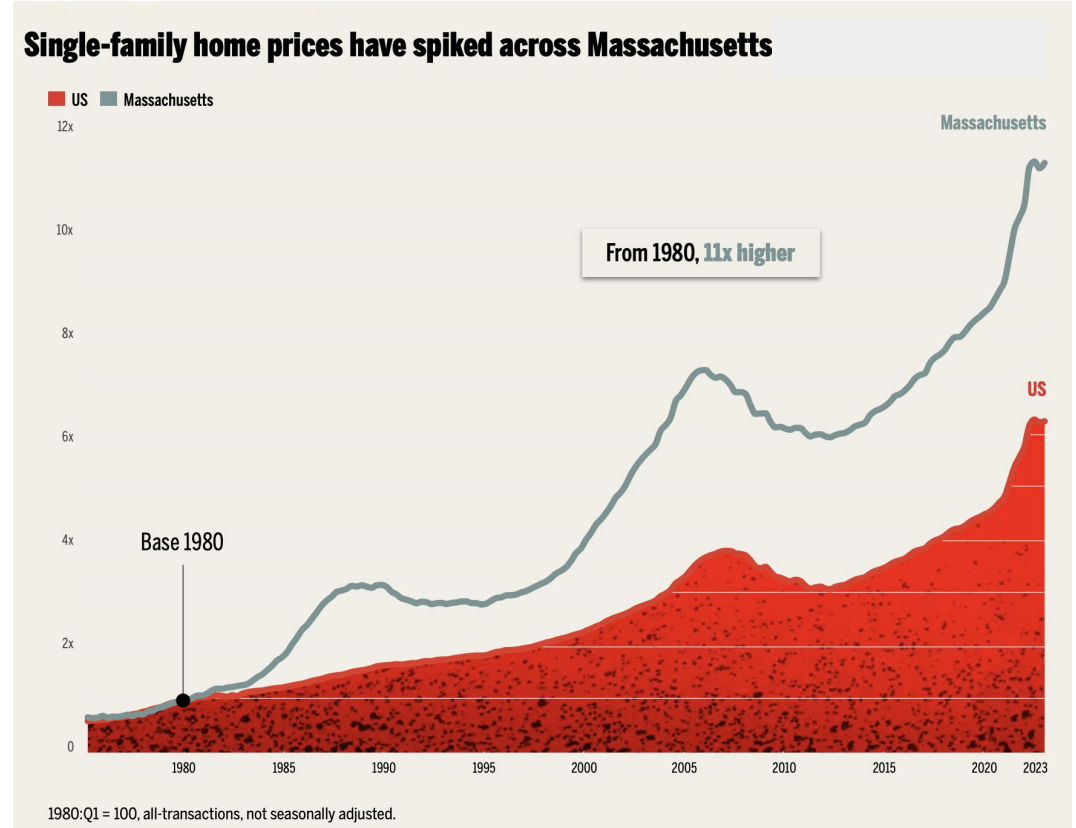


Data Source: MAPC population and labor force predictions for Greater Boston



Why? Address High Cost of Housing

- Massachusetts home prices have increased at the fastest rate in the nation.
- Metropolitan Boston rents are among the highest in the country.
- Massachusetts must add to its housing stock to support a growing economy and provide new housing choices.
- *High housing cost is a regional problem. It requires a regional solution.*
- *Regional standards for zoning and permitting can help.*



How? Implementing New Zoning

1. **With resident engagement, Planning Board develops recommendation for multifamily by-right area(s)**
2. **Planning Board drafts zoning by-law revisions**
3. **Planning Board works with State to ensure that new by-law(s) will comply with State law**
4. **Planning Board brings warrant article(s) to Town Meeting for vote.**
5. **Town Meeting votes to approve.**
6. **State reviews and approves new by-law(s)**



Increasing Supply Reduces Cost

Minneapolis has built more housing than other Midwestern cities...

Cumulative new dwelling approvals per 1,000 people



*Rents deflated by average incomes.

Sources: FT analysis of data from State of the Cities Data Systems, Apartment List, BLS, Census Bureau

FT graphic: John Burn-Murdoch / @jburnmurdoch

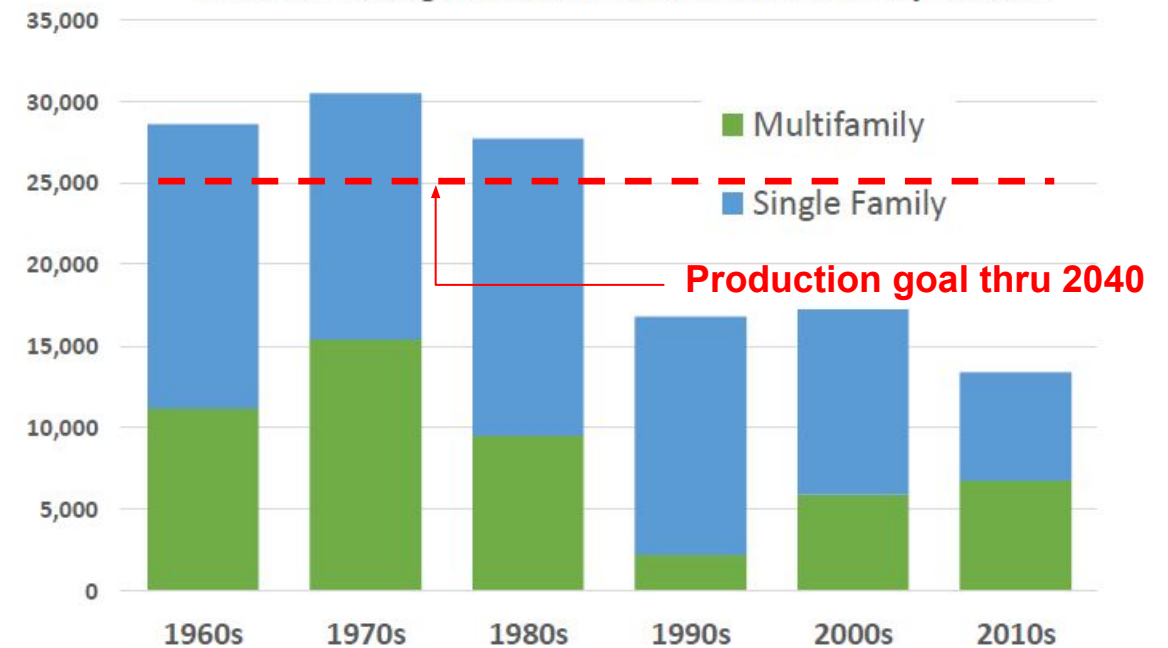
© FT

...and is reaping the rewards as rents fall relative to inflation

Real-terms change in median rent (Jan 2017 = 100)



Annual Housing Production in Massachusetts by Decade



Data from U.S. Census Bureau, Building Permit Survey. Multifamily is defined as a structure with 2+ units.

The law of supply and demand applies to housing.



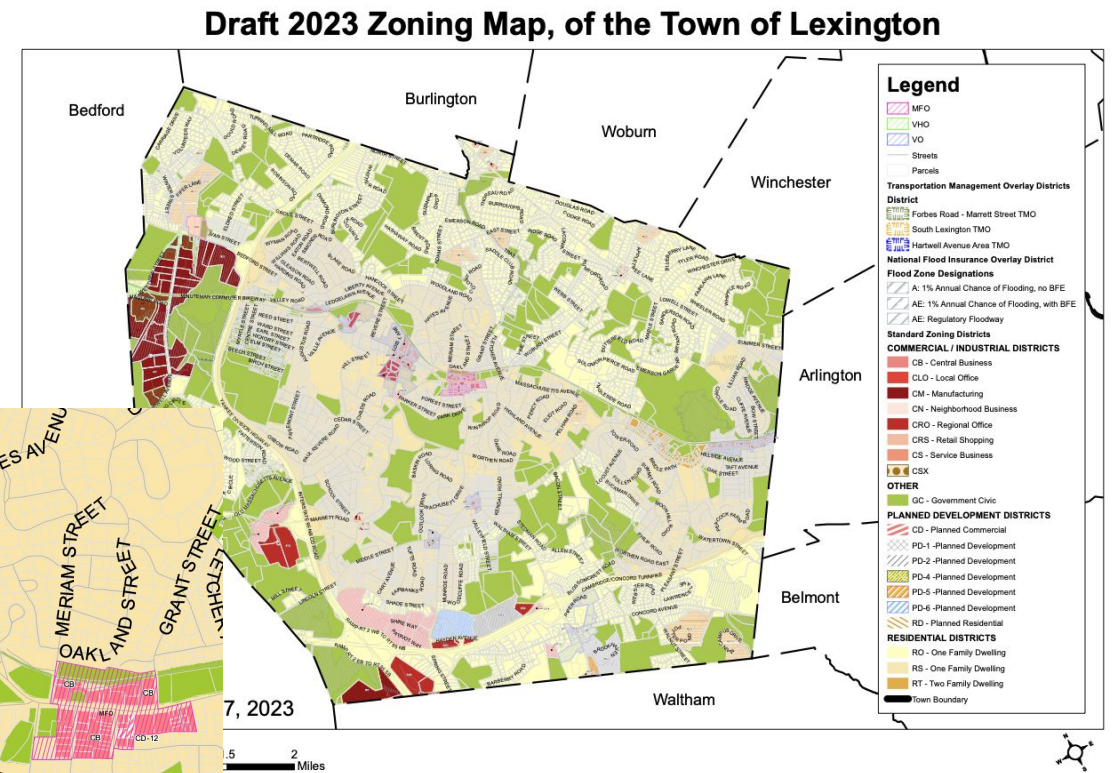
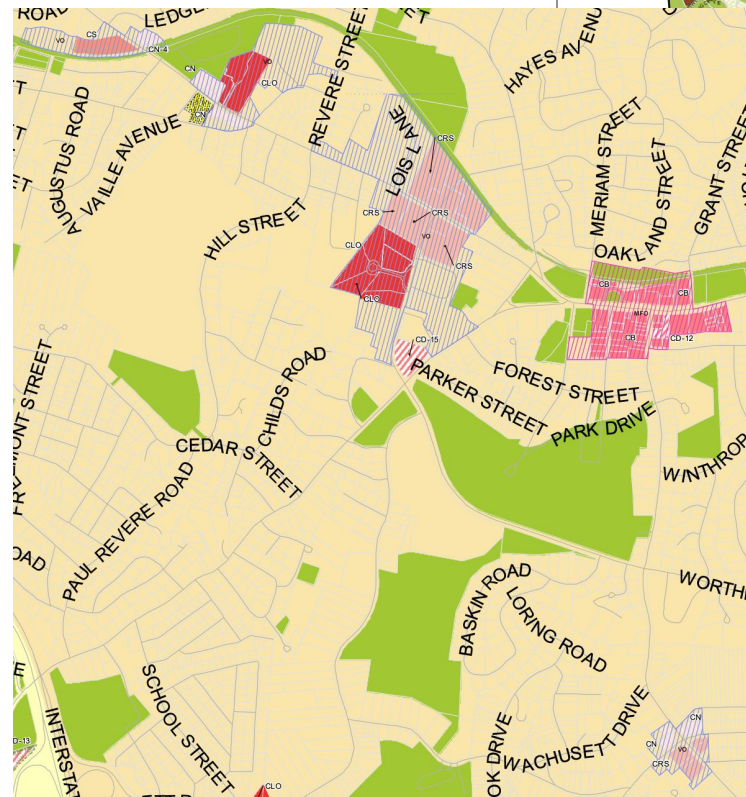
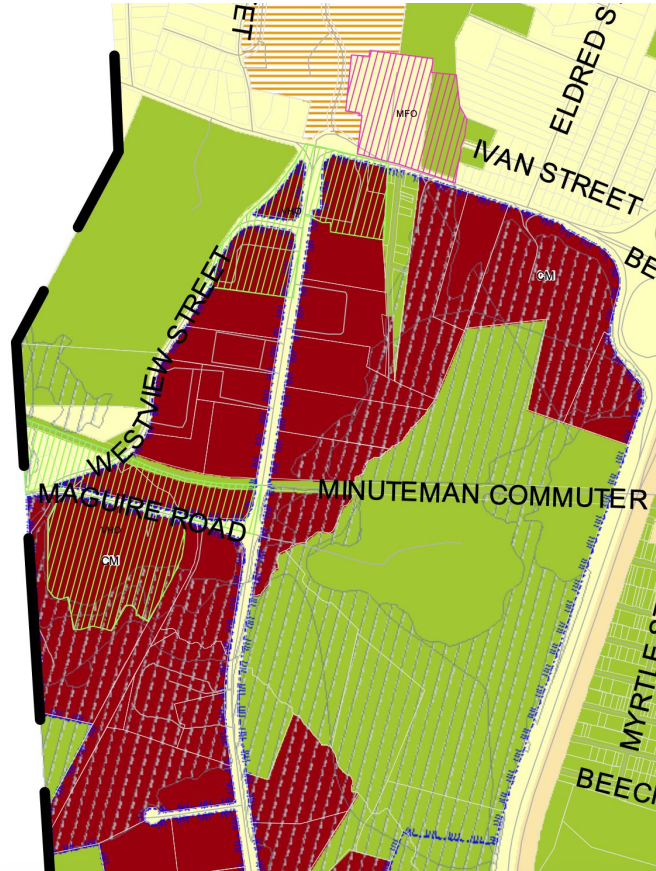
Choosing Location for Multifamily Zoning

Location of multifamily by-right areas will affect what type of housing gets built

- **Incremental infill in single-family residential zones**
 - Multifamily possible in size envelope of new single-family homes today
 - Example: Allow 4 unit buildings on 10,000 sq.ft. lots (17 units/acre)
 - Change will happen slowly over time as SF residences reach EOL or sold
- **Existing commercial and mixed-use zones**
 - Larger lots in commercial zones would enable mid-rise MF buildings
 - Larger buildings provide housing for different housing needs (elevators access, single floor living)
 - Changes would happen suddenly in large steps as new developments are completed and occupied
- **We can incorporate either or both types in designated area(s)**



What's Lexington Doing?



Financial Implications: Initial Analysis

- **Anticipate that homes created under multifamily zoning will be ≤ 2000 sq.ft.**
- **Statistics of Bedford homes ≤ 2000 sq.ft.:**
 - Number: 1890
 - Median value: \$715,200
- **Taxes and revenue to Town:**
 - 2022 tax rate per \$1000 home value = \$13.58
 - Average taxes raised per home ≤ 2000 sq.ft.: \$9712
- **Projected property tax revenue if all 750 potential units get built:**
 - 750 units \times \$9712 per unit = \$7.3 million



Additional Information

- Bedford Planning Board -
<https://www.bedfordma.gov/836/MBTA-Communities-Multifamily-Zoning-Requ>
- Commonwealth of Massachusetts -
<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>
- Massachusetts Housing Partnership (short video) -
<https://www.youtube.com/watch?v=iewb77s33XM>
- Town of Acton with Metropolitan Area Planning Council (long video) -
<https://www.youtube.com/watch?v=i9-n0trCPv4>
- Boston Globe, Spotlight on Housing -
<https://apps.bostonglobe.com/2023/10/special-projects/spotlight-boston-housing/>



Questions?

- **Planning Board members:**

- Chris Gittins (Chair 2023-24), chris.gittins.tob@gmail.com
- Jacinda Barbehenn, jacinda.barbehenn@icloud.com

- **Planning Department staff:**

- Tony Fields, Planning Director, afields@bedfordma.gov
- Catherine Perry, Assistant Planner, cperry@bedfordma.gov

