



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

February 12, 2024

Stephanie Danielson  
Director of Planning & Economic Development  
136 Elm Street  
Easton, MA 02356

**Re: Town of Easton: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act**

Dear Ms. Danielson:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Easton submitted electronically on November 14, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Easton's proposed district called the "Community Housing Overlay District" (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of these technical corrections will assist the Town in creating zoning that can be deemed compliant.

Easton is designated as an Adjacent community with 9,132 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 913 units, a minimum land area of 50 acres and a gross density of 15 units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. EOHLC recommends reviewing Section 235:40C: Procedures and Regulations, and Section 235:57: Site Plan Review to ensure that the standards set forth are objective and nondiscretionary, and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.
2. There are two inclusionary zoning sections in the zoning bylaw, Sections 235:40E and 235:45. If both sections apply to the District, an Economic Feasibility Analysis (EFA) will be required due to the affordability requirement of 20% of units in Section 235:45. In the submitted draft zoning, the

affordability requirements were unspecified in Section 235:40E. If the requirements are greater than 10% of units at 80% are median income, an EFA will be required per Guidelines section 4b.

3. Due to the restriction in Section 235-47: Floodplain Overlay District for residential development within the floodplain, the unit capacity of the parcels within the floodplain must be removed from the compliance model. Additional alternatives include (a) removing the affected parcels from consideration in the compliance model, or, if Section 235:47.E.2 requires a special permit (b) revising the zoning to exempt the District from the special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).
4. Section 235:46: Aquifer Protection Overlay District (APOD) limits residential density to a density not greater than that allowed in Article IV. Please ensure that Article IV reflects the density allowed in the District, or that the density allowed in the District is permitted in the APOD.

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Easton. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at [nathan.carlucci@mass.gov](mailto:nathan.carlucci@mass.gov).

Sincerely,



Caroline "Chris" Kluchman  
Acting Director, Community Services Division

cc: Senator Walter F. Timilty  
Representative Carol A. Doherty