



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

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

Sent via email to dmcknight@northreadingma.gov

February 23, 2024

Danielle McKnight
Town Planner
235 North Street
North Reading, MA 01864

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

Dear Ms. McKnight:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of North Reading on November 27, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of North Reading's proposed district called the "Lowell Road Multi-family 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. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

North Reading is designated as an Adjacent community with 5,875 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 750 units, a minimum land area of 50 acres and a gross density of 15 dwelling units per acre.

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

1. EOHLC recommends reviewing Article XVII: 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, especially whether a disapproval under Section 200-96C conforms with as of right uses.
2. Due to the special permit requirements in Section 200-44: Floodplain District for residential development within the floodplain, the unit capacity of the parcels within the floodplain may need to be adjusted in the compliance model by removing the floodplain area from developable land

with an override. Although the 3A land maps classify flood zones as “sensitive”, they must be excluded when they trigger a special permit requirement. Alternatively, the Town can revise the zoning to exempt the District from the special permit requirement of the Floodplain District (while retaining the Floodplain District’s substantive requirements).

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

While EOHLC appreciates the work of the Town of North Reading, a Housing Choice Community, to develop the two completed projects that comprise the proposed District, we encourage the Town to reconsider its strategy for compliance with Section 3A by proposing a district location where it will be possible to develop new as of right multi-family housing.

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 North Reading. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage to town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay 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.

Sincerely,



Caroline “Chris” Kluchman
Director, Community Services Division

cc: Senator Bruce E. Tarr
Representative Bradley H. Jones, Jr.