

Community Questions & Answers
MBTA Communities Law – Zoning Compliance
April 2024

Resident Question: *What would the increased costs to the town be from such a large development in Hingham Street/ Route 3 location?*

Answer: Based on data related to the [Union Point Zoning](#) that was passed by vote at Special Town Meeting on November 7, 2023 , and the adopted companion [Map](#), 82% of land in the former Base will be restricted open space. That will result in a maximum of 1274 potential units at full build out. The proposed zoning for compliance with MBTA Communities law at a maximum build out has the potential to yield 1264 units.

Given that there is only a 10-unit difference in total potential unit count we can use the Union Point data, which has Rockland specific figures, to understand the fiscal impacts with 99.215% confidence in accuracy.

Table 10. SWNAS Base Redevelopment – Education Cost Metrics			
Town	2020 Total Enrollment	2020 Full Cost Per Student Metric	Variable Cost per Student Metric
Weymouth	5,736	\$16,061	\$4,896
Rockland	2,273	\$15,653	\$6,018
Abington	2,143	\$13,721	\$5,573

Table 14. SWNAS Base Redevelopment – Municipal Costs per Acre in Rockland				
Land Use Type	Jobs per Acre	DU per Acre	Avg. Number of SAC per Acre	Total Municipal Costs per Acre
Retail	55	-	-	\$2,100
Commercial	166	-	-	\$6,400
Industrial	53	-	-	\$2,000
Residential	-	23	7.16	\$54,000

Source: RKG Associates, Urban Land Institute, DESE, FY22 Municipal Budget

Table 17. SWNAS Base Redevelopment – Net Fiscal Impacts per Acre in Rockland					
Land Use Type	Value per Acre	DU or SF/Acre	Municipal Property Tax Revenue per Acre	Municipal Costs per Acre	Net Fiscal Impact per Acre
Retail	\$4,000,000	16,600 SF	\$68,500	\$2,100	\$66,400
Commercial	\$4,000,000	29,000 SF	\$67,000	\$6,400	\$60,600
Industrial	\$1,900,000	26,300 SF	\$31,500	\$2,000	\$29,500
Residential	\$9,000,000	23 DU	\$150,800	\$54,000	\$96,800

Source: RKG Associates, Urban Land Institute, DESE, FY22 Municipal Budget

The proposed MBTA Communities zoning or “MUDD” allows mixed-use development which required 25% of the project include commercial and 75% include residential. The graph below reflects that use split.

Table 20. Heavy Residential (75% Resi / 25% Non-Resi)						
Use Category	Weymouth		Abington		Rockland	
	Net Acres	Net Fiscal Impact	Net Acres	Net Fiscal Impact	Net Acres	Net Fiscal Impact
Retail	16.3	\$1,190,700	6.25	\$374,375	5.3	\$354,133
Commercial	16.3	\$1,095,967	6.25	\$341,250	5.3	\$323,200
Industrial	16.3	\$522,667	6.25	\$165,625	5.3	\$157,333
Residential	147	\$9,746,100	56.25	\$4,533,750	48	\$4,646,400
Total Net Impact	196	\$12,555,433	75	\$5,415,000	64	\$5,481,067
% of FY22 Town Tax Levy		10.0%		4.3%		4.4%

Resident Question: *Did the law about the location of MBTA Communities zoning requirements change to allow for the Park & Ride to qualify as an MBTA stop or is there now an actual MBTA stop located within the proposed district?*

Answer: The MBTA Communities Zoning law has new [Compliance Guidelines](#);

On August 10, 2022, EOHLC released Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act (the “Guidelines”). One revision was made in October 2022. This is a summary of the second change. In response to feedback from municipal leaders in several MBTA communities, EOHLC is revising the Guidelines to offer MBTA communities a path to receive some credit for mixed-use development zoning districts. The revision also specifies how Section 3A compliance may affect certain discretionary grant award decisions.

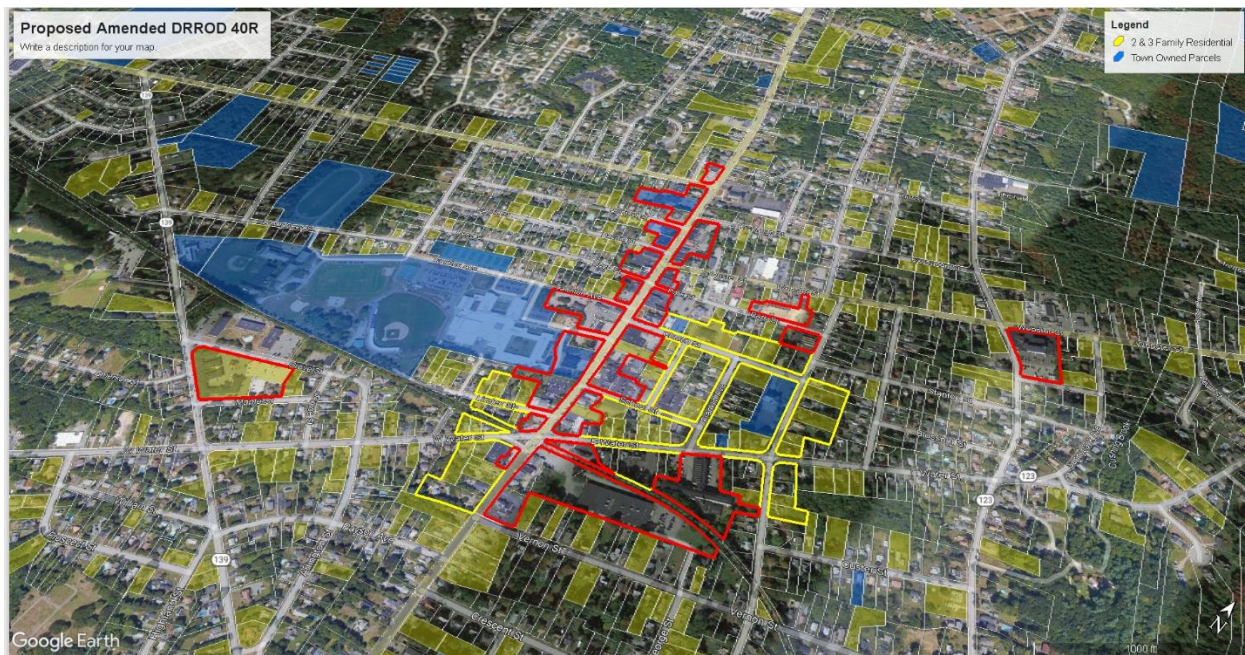
These revisions:

1. Allow an MBTA community to “offset” the minimum multi-family unit capacity requirement in certain multi-family zoning district(s) by up to 25%, based on the unit capacity of a mixed-use zoning district that meets key requirements of Section 3A and the Guidelines, but for requiring a ground floor non-residential component. Such “offset” – only available where existing village-style or downtown development is essential to preserve pedestrian access to amenities – still requires a municipality to demonstrate the same total amount of unit capacity.
2. Protect the financial feasibility of achieving housing goals where mixed-use zoning requires groundfloor non-residential uses by (i) setting forth location criteria for mixed-use development districts and requiring that EOHLC has pre-approved the location before the MBTA community’s vote on its zoning changes; (ii) capping the percentage floor area of each development that may be required to be non-residential (ground floor only); (iii) requiring a broad mix of non-residential uses allowed as of right; and (iv) prohibiting minimum parking requirements for non-residential uses.
3. Allow MBTA communities to locate more housing in walkable and transit-oriented neighborhoods without jeopardizing existing non-residential resources and amenities. Many MBTA communities expressed a desire to locate districts in village-style or downtown neighborhoods but feared that allowing multi-family housing as of right in

those areas could risk a loss of existing businesses and buildings. Many residents expressed a desire to live in village-style, downtown, and transit-oriented neighborhoods.

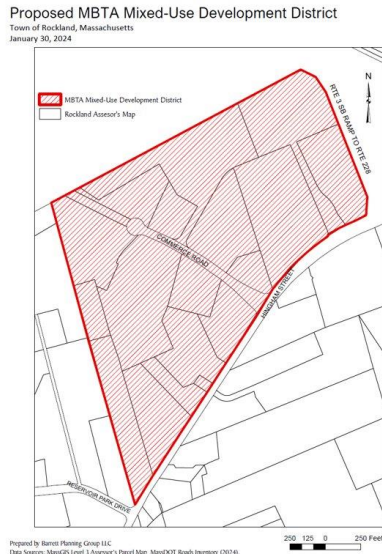
4. Add a list of thirteen discretionary grants programs to Section 9 to alert MBTA communities of additional grant programs that will consider compliance with Section 3A in making grant awards. These revisions to the Guidelines are intended to provide greater flexibility to MBTA communities to adopt new zoning districts in mixed-use neighborhoods, and to promote housing opportunities for residents in such neighborhoods. The revisions do not reduce the total unit capacity required by the Guidelines.

Initially, the MAPC mapped the existing 40R “DRROD” District and enveloped that boundary with a proposed MBTA Communities map area. However, an additional area was needed to meet minimum compliance, and the language to that expanded boundary would have to be changed to reduce the required Affordable Housing units ranging from 20% to 25% down to 10% and some additional modifications to fit those minimum requirements of compliance potentially requiring a change to the DRROD by Town Meeting vote and/or an approval of the MBTA Communities zoning. The area next to the Park & Ride had been in discussion as an option as a previous Planning Board proposal included that area.



Modifying the DRROD, and enveloping that DRROD with the MBTA Communities compliance zoning was a plausible solution, however with the new Union Point zoning that meets the Union Street corridor, and the density allowed under the existing DRROD, plus the potential for the new MBTA Communities zoning along Union Street, there was some concern over intensity of height and use along the Union Street corridor and what those competing zoning districts might impose along the Union Street corridor. Additionally, without one complete DRROD application, there was no way to understand the effect lowering the Affordable Housing requirements, and potentially changing density in and/or around the DRROD might have on the DRROD and on our SHI.

Working with the Planning Board, the Zoning Board of Appeals and Barrett Planning Group LLC, that area next to the Park & Ride became the focus as it had enough space to allow for higher open space requirements (50%), this area already has existing height inline with this proposed zoning, this area is generally far away from our small residential districts, and this area is next to the Park & Ride and Route 3.



Resident Question: What type of evaluation was done for having a sizable manufacturing facility (3M) in the middle of a large residential development?

Answer: This area is zoned as an industrial- park/hotel (H1) district. The existing structures are inline with that zoning. Both the Fire Department and the Building Department verified that they have had no complaints about odor or noise emanating from the 3M facility. Additionally, [Rockland's zoning bylaws](#) include performance standards; "Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent

towns."

This "MUDD", the proposed MBTA Communities zoning compliance is only zoning and not a guarantee of development. In fact, given that the Town is not required to provide infrastructure capacity in this proposed district, development may be challenging in this area.

Resident Question: There is a nice area in the Rockland section on the former NAS South Weymouth that our MBTA housing can be located, was that area considered?

Answer: The Town did consider trying to use other areas in Rockland, including the Rockland section of the former NAS South Weymouth for compliance with the MBTA Communities Law. However, the Southfield Redevelopment Authority had recently proposed and passed new zoning for that exact same area by Town Meeting vote on November 7, 2023.

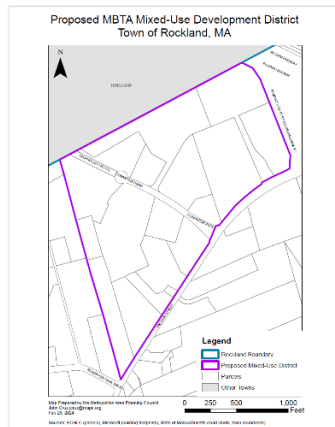
Most of that area of the former NAS South Weymouth in Rockland (82%) was restricted to open space. Throughout much of the public debate over the Union Point Zoning, it seemed clear that Rockland residents in opposition to the granting of the zoning were interested in preserving as much of Union Point as possible for restricted open space.

Adding to the likely negative outcome of proposing the former NAS South Weymouth site for compliance with the MBTA Communities Law was learning that it may be necessary to change the newly adopted Union Point zoning by all three municipalities; Weymouth, Abington, and Rockland by Town vote and to vote to change the correlating map as that newly adopted zoning would not have complied with the minimum requirements of the MBTA Communities law.

Resident Question: *If aid is going to be cut due to the immigrant crisis, how does the MBTA housing mandate project benefit Rockland and me as a taxpayer?*

Before we get into the nuts and bolts of this question, I want to parse out two issues.

1. This is not the same zoning as the Old Naval Base (Union Point), this proposed zoning compliance for the MBTA Communities Law is applicable to this area:



2. The MBTA Communities Law and the recent emergency shelter crisis are not related. Please see the [Emergency Shelter Fact Sheet](#) for details on that program.

Answer: The MBTA communities law requires that Rockland become compliant with the guidelines set forth as an “adjacent” community. [MBTA Communities Law](#) indicates that the State does have the authority to override local zoning control. Although the State has had a practice of deferring zoning to the local approval process, land use experts have concurred that we already have several state laws that establish legal authority over local zoning. [Chapter 40B](#) is but one of those laws. Chapter 40B allows developers to bypass local zoning bylaws if that local town is not in compliance with the minimum 10% affordable housing requirement. Part of that authority over local zoning control enforcement also includes revoking access to these State grant opportunities:

- Massachusetts Downtown Initiative, EOED
- Urban Agenda, EOED
- Rural and Small Town Development Fund, EOED
- Brownfields Redevelopment Fund, MassDevelopment
- Site Readiness Program, MassDevelopment
- Underutilized Properties Program, MassDevelopment
- Collaborative Workspace Program, MassDevelopment
- Real Estate Services Technical Assistance, MassDevelopment
- Commonwealth Places Programs, MassDevelopment
- Land Use Planning Grants, EOEEA
- Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA
- Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA
- MassWorks

The [Boston Herald](#) recently reported on comments made by Speaker Mariano at the State House on the emergency shelter and migrant crises. Mariano’s comments were in reference to

programming rather than local grant awards. It is important to note how the State earmarks funding for certain projects and programs. In this case, Mariano suggests that the programming that is generally available to migrants and other unhoused including pregnant woman, children and families that are protected by the State's [Right to Shelter](#) is not sustainable as he addressed a crowd of non-profit service providers on Immigration Day at the State House.

Considering the total amount of grant funding that the State has awarded to the Town over the past three years FY2021 through FY2024, is over 19 million dollars, the impact would be significant on Rockland taxpayers. Many of the projects that are funded by these grants are critical to Rockland and play a vital role in the quality of life of Rockland reside.

Resident Question: *Is this the same zoning as proposed at the May 3, 2021, Town Meeting "Gateway Mixed-Use Overlay District or GMOD"?*

Answer: No. The Gateway Mixed Use Overlay District or GMOD was a 140-acre zoning amendment proposed by the Selectboard to encourage mixed use development by which the Zoning Board of Appeals would have been the granting authority, there would have been a minimum 15% affordability requirement and only 20% of the lot would have been required to be retained as open space.

The Mixed-Use Development District of MUDD is 60.54-acre zoning amendment proposed by the Planning Board to comply with the MBTA Communities Law by which the Planning Board is the granting authority, there is a minimum of 10% affordability requirement and 50% of lots are to be retained as open space.

This is the **FIRST** time that the Town of Rockland has taken a vote on the proposed compliance with MBTA Communities Law, this proposed zoning *does include 60.54 acres of the 140 acres* proposed for the GMOD overlay district that was **NOT** passed by Town Meeting vote on May 3, 2021.

Resident Question: *AW Perry has developed a project/s that's building is in both Rockland and Hingham, what benefit has Rockland received from those projects?*

Answer: AW Perry owns several parcels within the proposed zoning amendment to become compliant with the MBTA Communities law. A resident has inquired about the history of those parcels.

[December 14, 1999](#), by unanimous Zoning Board of Appeals vote, the Town granted a variance to the **AW Perry/Ares Serono property** located off Commerce Road known as **1 Technology Place**, the property is split between Rockland and Hingham. No one spoke in opposition to the project; many town officials & taxpayers spoke in favor of the project and its substantial benefits to the town of Rockland.

Related to 1 Technology Place, the Town entered into an agreement with AW Perry for the following:

- \$ 700,000.00 Rockland Sewer connection fee– May 2000 – (50,000 gpd or \$14/gallon/day)
- \$ 300,000.00 Rockland/Abington Joint Water connection fee – Nov 2002 – (25,000 gpd or \$12/gallon/day)

Rockland also collects all real estate taxes for that part of the building situated in Rockland and municipal fees as related to the entire complex.

The **Blue Cross and Blue Shield (BCBS) building** was an expansion of the December 13th, 1999, vote, and modified January 28, 2004 and [corrected July 28, 2004](#), by unanimous vote the Zoning Board of Appeals. The BCBS building is entirely located in Hingham and the payment in lieu of taxation or PILOT is a contract with Hingham. Blue Cross and Blue Shield has a non-profit status, and are therefore exempt from local property taxes. The PILOT contract is completely voluntary.

Related to the BCBS building, the Town entered into an agreement with AW Perry for the following:

- \$ 2,015,274.84 Hingham Street Road Work Improvements
- \$ 600,000.00 Rockland Sewer Connection fee- March 2005 - (30,000 gpd x \$20/gallon/day)
- \$ 469,800.00 Rockland/Abington Joint Water Connection fee March 2005 (30,000 gpd x \$15.66/gpd)
- \$ 455,000.00 Donation Ambulance and Police Cruiser to the town of Rockland - April 2005
- \$75,000.00 Donation to Parks - installments – \$25,000 starting Aug-2007

Rockland also collects all real estate taxes for the part of the building situated in Rockland and municipal fees as related to the entire complex.

[June 27, 2013](#) the Zoning Board of Appeals voted on the **BMW dealership at 1040 Hingham Street**. A special permit (use Variance) was granted for the automobile dealership. Both the conservation commission and the planning board reviewed and approved the site plan for 1040 through 1050 as part of the application and approval processes administered through the Town of Rockland. A portion of the 1040 BMW Dealership is over the Hingham town line.

The Town entered into an agreement with AW Perry for the following:

- \$ 50,164.00 Rockland/Abington Joint Water connection fee – Oct 2014 – (\$1/SF x 50,164 sf)
- \$ 250,000.00 Parks Department Pledge to Rockland – 10 installments of \$25,000.
- \$ 176,550.00 Rockland Sewer connection fee – Oct 2014 – (5,885 gpd or \$30/gallon/day)
- \$ 32,367.50 Rockland/Abington Joint Water connection fee– Oct 2014 – (5,885 gpd or \$5.50/gallon/day)

Rockland also collects all real estate taxes for that part of the building situated in Rockland and municipal fees as related to the entire complex.

In total the Town of Rockland has received **\$5,124,156.34** in fees and/or payments from AW Perry projects in question. Additionally, AW Perry is responsible for payment of all property tax or municipal service-related fees.