Town of Bridgewater

Town Council

December 3, 2025
7:30 PM

Special Town Council Meeting

The meeting will be held virtually via Zoom.
To attend via video, click on the link below:
https://us06web.zoom.us/j/88910453854

To attend via phone, dial: 1(646) 876-9923
Meeting ID: 889 1045 3854

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting of the Town Council for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Zoom or Facebook Live.

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Zoning Ordinance Amendment D-FY26-001: MBTA Final Compliance Ordinance for the Town of Bridgewater

M. OLD BUSINESS

N. NEW BUSINESS

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

Introduced By:	Kevin Perry, Councilor
Date Introduced:	7/15/2025
First Reading:	7/15/2025
Second Reading:	11/4/2025
Amendments Adopted:	11/4/2025
Third Reading:	12/3/2025
Date Adopted:	
Date Effective:	

Zoning Ordinance Amendment D-FY26-001: MBTA Final Compliance Ordinance for the Town of Bridgewater

ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Ordinance regarding Section 3.1.1.1 (Principal Uses, Applicability of Use Regulations) and Section 9.9.4.2 (MBTA COMMUNITIES OVERLAY DISTRICT (MBTACOD), Requirements) for Final District Compliance with Executive Office of Housing and Livable Communities (EOHLC) for Section 3A. Currently the Town is Conditional Compliant whereas minor corrections are necessitated to correct issues after review.

These two issues are that of the following:

- The submitted compliance model did not capture the building footprint restriction in Section 9.8.6.5.4 of the Bridgewater Zoning Bylaw or the requirement of only one principal residential structure on a lot in Section 3.1.1.1. Taken together, these restrictions would reduce the estimated unit capacity below the minimum requirement. In discussions with EOHLC, Town staff proposed the solution of allowing more than one principal residential structure on a lot in the District, and EOHLC agrees that this amendment would resolve the issue.

- Section 9.9.4.2 limits residential density to 15 units per acre in the District. This restriction also reduces the District's estimated unit capacity below its minimum requirement. In discussions with EOHLC, Town staff clarified that the intent of this Section was to encourage development at a density of *at least* 15 units per acre, and not to serve as a cap on density. Town staff proposed removing the cap, and EOHLC agrees that its removal would resolve this issue.The following Zoning language are to be amended for full compliance.

REFER TO ADVERTISING
VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Amend 3.1.1.1

3.1 PRINCIPAL USES

3.1.1 Applicability of Use Regulations. Except as provided by law or in this Ordinance, in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations. Any use not listed shall be construed to be prohibited.

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot.

becomes

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot. [1.]

Footnote 1. Multiple Principal Buildings, on one lot, are permitted within the CBD-S, CBD-R, and the MBTA OVERLAY districts.

9.9.4 Requirements.

1. Multi-family dwellings shall be permitted by right within both subdistricts of the MBTACOD.
2. Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is *15 units* per acre.

becomes

1. Multi-family dwellings shall be permitted by right within both subdistricts of the MBTACOD.
2. Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is: up to 18 units per acre in the MBTA - partial CBD-R subdistrict and up to 30 units per acre in the MBTA-Residential D district.

These corrections would allow for multiple multifamily buildings to be allotted on one lot as not to be restricted by one single building per lot as the definition of "Dwelling, Multifamily: A dwelling or building containing three (3) or more separate dwelling units in residential or mixed-use buildings." already allows for multiple buildings for multifamily uses and would not change.

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**

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• Town Council	• 7/15/25: Referred to Planning Board and Community and Economic Development Committee
• Planning Board/Community and Economic Development Committee	• 8/2025: Public Hearing opened and continued
• Planning Board	• 9/17/25 Continued Public Hearing: Voted 5-0 to not recommend
• Community and Economic Development	• 10/28/25 Continued Public hearing: Voted 3-0 to not recommend

Attachments:

1. Bridgewater - Determination of Conditional Compliance 20250402
2. Zoning Amendment D-Fy26-001 PB comment letter signed
3. Advisory Concerning Enforcement of the MBTA Communities Zoning Law (PDF)
4. CED Staff Report 11_4_25

REFER TO ADVERTISING
VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Via Email: brobinson@bridgewaterma.org

April 2, 2025

Blythe Robinson, Acting Town Manager
Town of Bridgewater
66 Central Square
Bridgewater, MA 02324

Re: Bridgewater –Determination of Conditional Compliance under Section 3A of the Zoning Act

Dear Acting Town Manager Robinson:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the district compliance application for the Town of Bridgewater's "MBTA Communities Overlay District" (District). After careful review and analysis, EOHLC determined that Bridgewater is **CONDITIONALLY compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Bridgewater to meet the requirements of the MBTA Communities Law. EOHLC's review of the District identified two issues that the Town has agreed to address in order to remove the condition from this determination.

Please note that this determination of compliance by EOHLC does not qualify Bridgewater for the MBTA Communities Catalyst Fund. You can learn more about this grant program at the MBTA Communities Catalyst Fund website. This grant program is a part of the Community One Stop for Growth, a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions. Bridgewater will be eligible for the catalyst fund when it receives a determination of compliance that is not conditional.

Bridgewater is designated as a Commuter Rail Community with 9,342 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,401 units. At least twenty percent (20%) of the District's requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following preliminary determinations:

1. The District comprises **75.7 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,902 units.**
3. The gross density of the District is estimated at **27.3 dwelling units per acre**.

4. At least **fifty percent (50%)** of the District is one contiguous land area.
5. **At least twenty percent (20%)** of the required District land area and estimated unit capacity is within transit station areas.
6. There are dimensional zoning requirements not captured by the compliance model that will clearly reduce the District's estimated multi-family unit capacity below its requirement, these requirements require amendment.
7. Taken as a whole, the geography of the District meets the land area, multi-family unit capacity, gross density, and contiguity requirements of Section 3A and the Regulations once the dimensional zoning requirements are amended.

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **determined** by EOHLC following its review:

	Required	**Submitted**	**Preliminarily Determined**
Land area (acres)	50	75.7	75.7
Multi-family unit capacity (units)	1,401	2,137	1,902
Gross density (units per acre)	15	30.6	27.3
One 50% contiguous area	Yes	Yes	Yes

EOHLC identified the following **discrepancies from the unit capacity and gross density metrics:**

- Unit capacity: Footnote 20 in Bridgewater's Table of Dimensional Requirements requires a minimum amount of open space depending on the size of the lot. The submitted compliance model did not account for this requirement. Accounting for this requirement reduces the estimated unit capacity to 1,902 units from 2,137 units.

- Gross density: Accounting for the adjusted unit capacity in connection with the above reduces the estimated gross density to 27.3 units per acre.

EOHLC identified the following issues that must be resolved:

- The submitted compliance model did not capture the building footprint restriction in Section 9.8.6.5.4 of the Bridgewater Zoning Bylaw or the requirement of only one principal residential structure on a lot in Section 3.1.1.1. Taken together, these restrictions would reduce the estimated unit capacity below the minimum requirement. In discussions with EOHLC, Town staff proposed the solution of allowing more than one principal residential structure on a lot in the District, and EOHLC agrees that this amendment would resolve the issue.

- Section 9.9.4.2 limits residential density to 15 units per acre in the District. This restriction also reduces the District's estimated unit capacity below its minimum requirement. In discussions with EOHLC, Town staff clarified that the intent of this Section was to encourage development at a density of *at least* 15 units per acre, and not to serve as a cap on density. Town staff proposed removing the cap, and EOHLC agrees that its removal would resolve this issue.

EOHLC identified the following **additional factors** that could affect as of right multi-family housing development in the District:

- Bridgewater's Floodplain Overlay District requires a special permit; however the District and the Floodplain Overlay District have minimal overlap and it does not appear to affect the estimated unit capacity.

Please note that continued district compliance is **subject to** the following requirements:

- Bridgewater must submit its amended zoning and an updated compliance model no later than 180 days after the date of this letter.

- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.

- EOHLC may rescind a determination of conditional district compliance or require changes to the District to remain in conditional compliance as per Section 72.10 of the Regulations if it becomes aware of additional information not identified in this conditional compliance review that would render the District noncompliant with Section 3A.

EOHLC will consider the Town of Bridgewater's zoning amendments and compliance model if they are received within 180 days after the date 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,

Edward M. Augustus, Jr.
Secretary

cc: Senator William Driscoll, william.driscoll@masenate.gov
Representative Dennis Gallagher, dennis.gallagher@mahouse.gov
Robert Rulli, Town of Bridgewater rrulli@bridgewaterma.org

TOWN OF BRIDGEWATER
PLANNING BOARD

Academy Building, 66 Central Square, Room 003

Bridgewater, Massachusetts 02324

☎: (508) 697-0942 ✉: CED@bridgewaterma.org

Patrick Driscoll, Chair
Michael MacDonald, Vice Chair
Steven Geller, Clerk
Thomas Pratti,
Eric Costa, Associate
Kris Fabroski, Associate

Bridgewater Town Council

President John Loretti

October 01, 2025

RE: Proposed Zoning Amendment D-FY26-001: MBTA Final Compliance Ordinance for the Town of Bridgewater

Dear President Loretti,

At the September 17, 2025 Planning Board meeting, after 2 continuations, the Planning Board considered the above referenced ordinance. After discussion with the CED Committee, the public, and the board, a motion was made to NOT recommend the proposed ordinance. The Planning Board voted 5 in favor and 0 against the motion, NOT recommending proposed ordinance.

The board did not support the proposed and voted to NOT recommend it for the following reasons:

- The proposed edit to section 3.1.1.1 affects all zoning districts. It appears the proposed change was made to allow multiple structures within the MBTA zone, however this change, as proposed, affects all zoning districts. 3.1.1.1 is not exclusive to the CBD or the MBTA zone and if adopted it could adversely impact other districts and significantly change the character of the town. The council should consider other language or add a footnote to exempt CBD/MBTA zones from this section if this is the desired change in the CBD/MBTA zones.
- The proposed edit to 9.9.4.2 needs to be reconsidered. Adding ***at least 15*** units per acre limits a developer from a lower density project if so desired and on the other end provides no maximum development threshold. Discussions on what the cap needs to be to meet the minimum requirements need to happen. The language of not less than needs to be removed and a cap needs to be discussed.

Overall, the board found the proposed ordinance to not be well thought out. A workshop with the planning board should be held prior to considering edits or a new proposal.

Sincerely,

Patrick Driscoll, Planning Board Chair

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Advisory Concerning Enforcement of the MBTA Communities Zoning Law

The Office of the Attorney General is issuing this Advisory to assist cities, towns, and residents in understanding the requirements imposed by the MBTA Communities Zoning Law (G.L. c. 40A, § 3A) (the "Law"). The Law was enacted to address the Commonwealth's acute need for housing by facilitating the development of transit-oriented, multifamily housing. By any measure, Massachusetts is in a housing crisis that is inflicting unacceptable economic, social, and environmental harms across our state – particularly on working families and people of color. The Law directly responds to this crisis by implementing zoning reforms that require MBTA Communities to permit reasonable levels of multifamily housing development near transit stations.[1]

Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.[2] The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted "as of right."[3] The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.[4] MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.[5] For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.[6] These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.[7] These guidelines provide

[1] An MBTA Community is a town or city which hosts MBTA service; which abuts a town or city that hosts service; or which has been added to the Transit Authority pursuant to a special law. *See* G.L. c. 40A, § 3A(a)(1); G.L. c. 40A, § 1. Currently, there are 177 MBTA Communities in Massachusetts. A list of these MBTA Communities, and other information related to the Law, can be found here.
[2] *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the "Zoning Act").
[3] G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities "shall have" a compliant zoning district).
[4] *Id.*
[5] *Id*.
[6] G.L. c. 40A, § 1A.
[7] G.L. c. 40A, § 3A(c) ("The [D]epartment . . . shall promulgate guidelines"); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.[8] Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.[9] Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.[10]

MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law[11] and federal Fair Housing Act[12] prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.[13] An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

[8] *See, e.g.,* G.L. c. 12, § 10 (the Attorney General shall take notice of "all violations of law" and bring "such…civil proceedings before the appropriate state and federal courts…as [s]he may deem to be for the public interest"); G.L. c. 231A, § 2 et seq. (authorizing declaratory judgment actions to "secure determinations of right, duty, status, or other legal relations under…statute[s]").
[9] G.L. c. 40A, § 3A(b).
[10] G.L. c. 40A, § 3A(a)(1).
[11] G.L. c. 151B § 1 et seq.
[12] 42 U.S.C. § 3601 et seq.
[13] *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to "persons who…interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4…persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or rental of any dwelling or land covered by M.G.L. c 151B, § 4…[and] persons who aid or abet in doing any illegal acts…"); 804 C.M.R. § 2.01(5)(f) ("Examples of unlawful housing practices include…to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.").

TOWN OF BRIDGEWATER
COMMUNITY & ECONOMIC DEVELOPMENT

Academy Building, 66 Central Square, Room 003
Bridgewater, Massachusetts 02324
☎: (508) 697-0942 ✉: CED@bridgewaterma.org
Bob Rulli, CED Director

MEMORANDUM

To: Bridgewater Town Council, Town Manager
From: Office of Community & Economic Development
Re: . Proposed Zoning Amendment D-FY26-001: MBTA Final Compliance Ordinance
Date: October 31, 2025

BACKGROUND

The MBTA Communities Act (the Act) was signed into law in January 2021 by Governor Charlie Baker to address a statewide housing shortage by requiring 177 cities and towns in the MBTA's service area to create zoning districts that permit multi-family housing. The legislation aimed to create transit-oriented development, reduce car dependency, and provide more housing options, particularly "missing middle" housing, closer to public transit.

The Act requires 177 Cities and Towns to establish “at least 1 district of reasonable size in which multi-family housing is permitted as of right.” Where possible, the district must be within a half mile from public transportation (commuter rail, bus station, ferry terminal or subway). MBTA Communities must permit the development of housing suitable for families with children, and may not impose age restrictions, within the district.

Several attempts by municipalities to challenge the “constitutionality” of the legislation have been rejected by the Courts. Pursuant to **Mass. Const. Art. Amend. art. 60** the State Legislature has the power to pass laws impacting local zoning. While the state has the authority to enact and enforce the legislation, the legislature in enacting the law chose to preserve significant local discretion to determine where that housing may be allowed in order to meet the particular needs of each community.

In April 2024 the Town Council adopted by a majority vote (8-1) an amendment to the Town’s Ordinance to meet the compliance requirements of the Act. Pursuant to the requirements of the Act, the Town submitted its Compliance Model together with a zoning ordinance amendment that provided for at least one (1) district of reasonable size in which multi-family housing is permitted as of right and meets the other requirements of the Act.

Despite the Town submitting the required documentation in April 2024, it was not until April 2025 that the Executive Office of Housing and Livable Communities (EOHLC) advised the Town that while it had been determined to be in "Conditional Compliance" there were required amendments to the Town's ordinance, to wit:

- The submitted compliance model did not capture the building footprint restriction in Section 9.8.6.5.4 of the Bridgewater Zoning Bylaw or the requirement of only one principal residential structure on a lot in Section 3.1.1.1. Taken together, these restrictions would reduce the estimated unit capacity below the minimum requirement.

- Section 9.9.4.2 limits residential density to 15 units per acre in the District. This restriction also reduces the District's estimated unit capacity below its minimum requirement.

PROPOSED LANGUAGE TO MEET COMPLIANCE REQUIREMENTS

The Office of Community & Economic Development is recommending that the Town Council consider making amendments this ordinance to provide a unit count closer to the 1,401 required by the state as well as limit multiple residential buildings on a lot to districts within the CBD-S, CBD-R, MBTACOD overlay districts, and Waterford Village.

Currently the existing Zoning ordinance provides a cap of 15 units per acre within the MBTA subdistricts, when placed in the compliance model as below

Data Metric	District 1	District 2
District Name	Sub-District Partial CBD	Sub-District Residential D
Modeled Unit Capacity	1,533	489
Dwelling Units per Acre Limit	799	249
District Unit Cap Limit		
Max Lot Coverage Limit	6,963	2,168
Lot Area per Dwelling Unit Limit		
Max Units per Lot Limit	1,533	489
FAR Limit		
Final Unit Capacity per District	**461**	**149**

This creates a current total of 610 units created, well below the 1,401 units required by the state. Additionally, District 2 (Subdistrict Residential D) requires that 20% of our 1,401 units be within a ½ miles of the train platform equaling out to 281 units to be provided within that area. The 149-unit capacity in District 2 keeps the Town below that number, while the final unit capacity in District 1 of 461 units keep us far from the 1,120 minimally within the 80%.

In order for the Town to meet the minimum unit capacity established by the state, and taking into consideration local concerns, this office recommends the following.

- Utilize existing zoning to meet the unit count of the 80%, by including the existing Waterford Village Smart Growth Overlay District (40R) and the developable area established within the Zoning Ordinance. The Zoning Ordinance allows for 22.5 units per acre by-right in the Developable area within that district. Therefore, there is no need to make any amendments to the Waterford Village Smart Growth Overlay. We would be solely including these units within our Compliance Model to be closer to the 1,401 unit minimum.

ZONING INPUTS - DISTRICT 1 **Sub-District Partial CBD**

Model Inputs for Calculating Unit Yield	Input
Minimum Lot Size	10,000
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	25%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.33
Building Height	4
Maximum Lot Coverage %	75%
Floor Area Ratio	0.00

Zoning Restrictions that Cap Unit Counts	Input
Lot Area per Dwelling Unit	0
Maximum Dwelling Units per Acre	18.00
Cap on Maximum Dwelling Units per District	0.00

ZONING INPUTS - DISTRICT 2 **Sub-District Residential D**

Model Inputs for Calculating Unit Yield	Input
Minimum Lot Size	18,500
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	25%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.33
Building Height	4
Maximum Lot Coverage %	75%
Floor Area Ratio	0.00

Zoning Restrictions that Cap Unit Counts	Input
Lot Area per Dwelling Unit	0
Maximum Dwelling Units per Acre	30.00
Cap on Maximum Dwelling Units per District	0.00

ZONING INPUTS - DISTRICT 3 **Waterford Village - New**

Model Inputs for Calculating Unit Yield	Input
Minimum Lot Size	1,000
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	15%
Excluded Land Counted Toward Open Space	Y
Parking Spaces per Dwelling Unit	1.50
Building Height	6
Maximum Lot Coverage %	85%
Floor Area Ratio	0.00

Zoning Restrictions that Cap Unit Counts	Input
Lot Area per Dwelling Unit	1,000
Maximum Dwelling Units per Acre	22.00
Cap on Maximum Dwelling Units per District	0.00

The foregoing adjustments would result in a Minimum Multi-family Unit Capacity of 1434 (1401required).

Comparison Table of Requirements and Modeled Results

Category	Guideline Requirements	Modeled Results
Community:	Bridgewater	Bridgewater
Community Category:	Commuter Rail	Commuter Rail
2020 Housing Units (Census PL-94):	9,342	9,342
Minimum Multi-family Unit Capacity:	1,401	1,434
Minimum Land Area:	50	102.1
Developable station area:	181.48	181.48
% Unit Capacity within Transit Station Areas:	20%	107%
% Land Area Located in Transit Station Areas:	20%	174%

In order to meet the compliance requirements and to satisfy the deficiencies identified by the state, we propose the following text amendments:

Section 3.1.1.1

• current

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot.

to

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot. ***Multiple residential buildings on one lot are permitted within: CBD-S, CBD-R, MBTA Overlay District and Waterford Village Overlay District)***

Section 9.9.4.2

current

- Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is 15 units per acre.

to

- Regardless of other standards in the underlying zoning, the allowable residential density for the two MBTACOD districts is: ***up to 18 units per acre in the MBTA - partial CBD subdistrict and up to 30 units per acre in the MBTA-Residential D district.***

Adoption of the aforementioned amendment would not result in the expansion of any existing zoning district nor any rezoning. There would be a need to establish a cap above 15 units per acre to allow for the Town to comply, but there would still be a maximum cap on the number of units which would result in the Town being able to fully comply with the Acts requirements, rather than conditionally comply.

FAILURE TO MEET COMPLIANCE REQUIREMENTS

The Commonwealth's Attorney General has provided legal guidance to municipalities as to the obligations for compliance and the enforcement action that that office will take for those communities found to be in non-compliance (see attached Advisory Opinion).

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Advisory Concerning Enforcement of the MBTA Communities Zoning Law

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Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.[2] The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted "as of right."[3] The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.[4] MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.[5] For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.[6] These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.[7] These guidelines provide

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[2] *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the "Zoning Act").
[3] G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities "shall have" a compliant zoning district).
[4] *Id.*
[5] *Id.*
[6] G.L. c. 40A, § 1A.
[7] G.L. c. 40A, § 3A(c) ("The [D]epartment . . . shall promulgate guidelines"); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.[8] Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.[9] Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.[10]

MBTA Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law[11] and federal Fair Housing Act[12] prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.[13] An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

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[8] *See, e.g.,* G.L. c. 12, § 10 (the Attorney General shall take notice of "all violations of law" and bring "such…civil proceedings before the appropriate state and federal courts…as [s]he may deem to be for the public interest"); G.L.
c. 231A, § 2 et seq. (authorizing declaratory judgment actions to "secure determinations of right, duty, status, or other legal relations under…statute[s]").

[9] G.L. c. 40A, § 3A(b).

[10] G.L. c. 40A, § 3A(a)(1).

[11] G.L. c. 151B § 1 et seq.

[12] 42 U.S.C. § 3601 et seq.

[13] *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to "persons who…interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4…persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or

rental of any dwelling or land covered by M.G.L. c 151B, § 4…[and] persons who aid or abet in doing any illegal acts…"); 804 C.M.R. § 2.01(5)(f) ("Examples of unlawful housing practices include…to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.").