



MBTA Communities: 3A Compliance

April 15, 2025



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Presentation Agenda

- Overview of Section 3A Requirements for MBTA Communities
 - What is the MBTA zoning law
 - Development Process
 - Proposed Compliance Plan
- Compliance Deadline Discussion
 - Legal and Financial Considerations
 - Grant examples
- Q&A

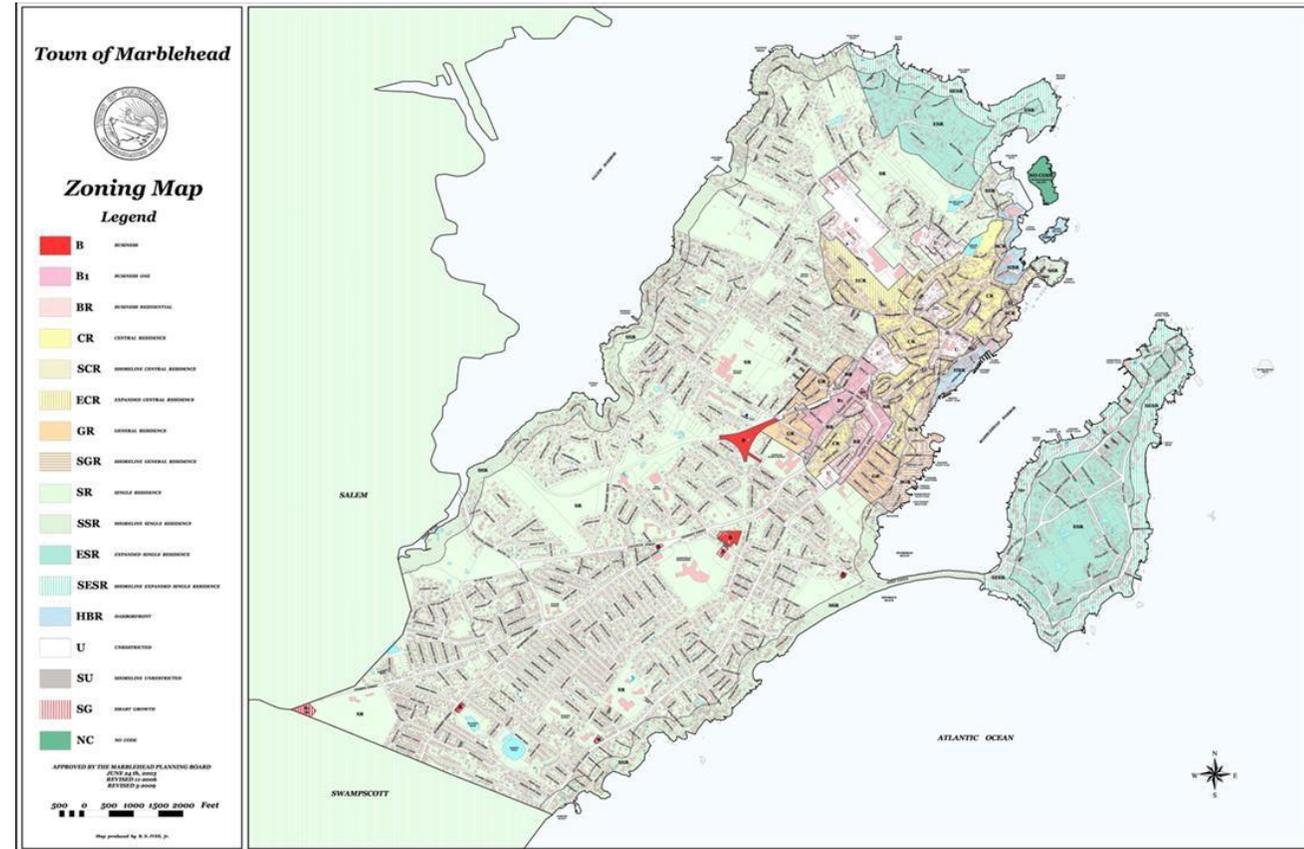
Zoning in Marblehead

What is Zoning?

- Zoning gives local governments the ability to regulate the use and development of land

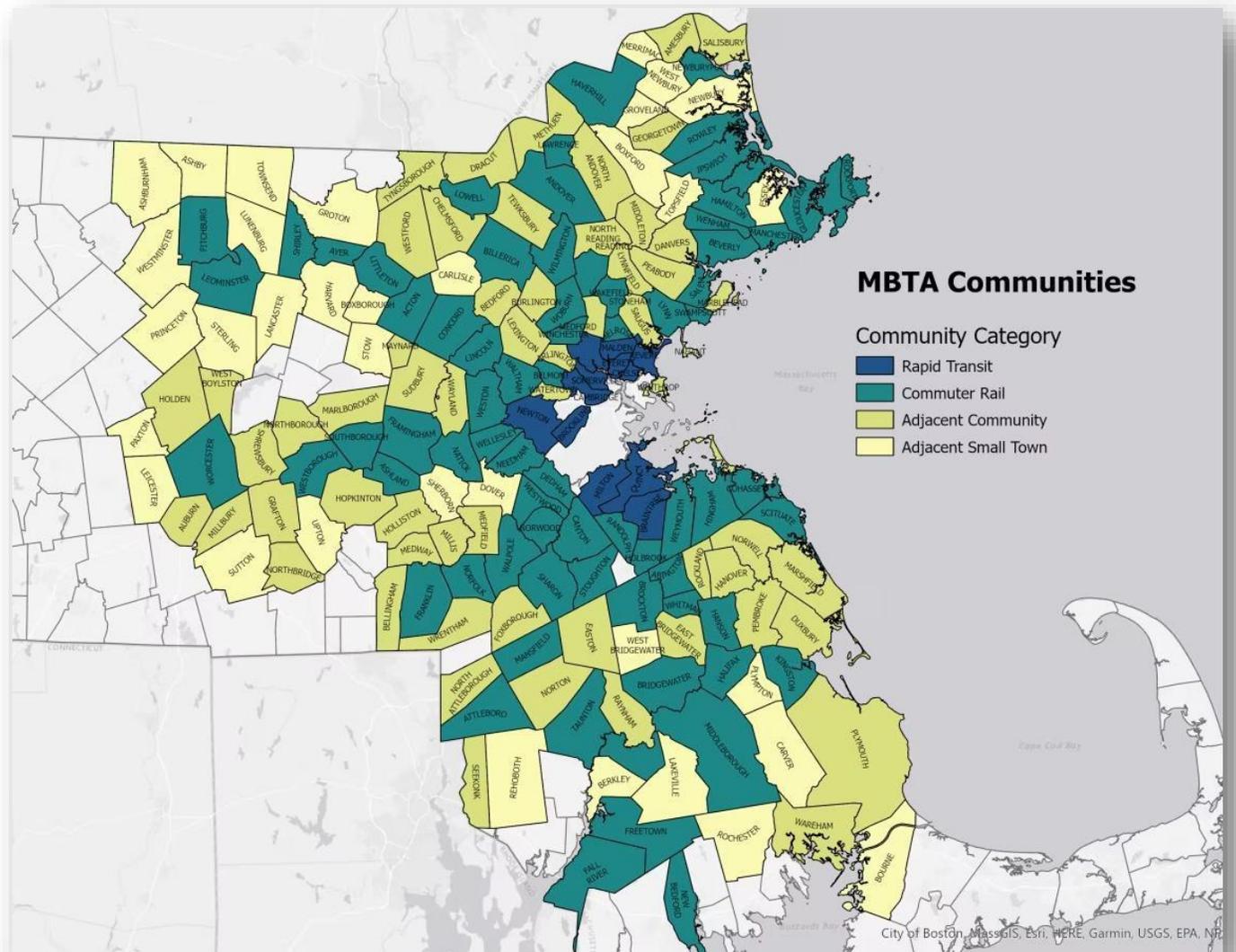
This includes:

- Dimensional size of buildings (“building envelop”)
 - Distance between buildings and other land uses (setback and frontage requirements)
 - What the land can be used for (Residential, Commercial, Industrial)
- Marblehead has 15 zoning districts and one overlay district
 - The first zoning bylaw was adopted in the 1920s
 - Hundreds of years after the establishment of the Town
 - Has been amended many times
- **What Zoning is not: A mandate for building**



What is the MBTA 3A Communities Law?

- Adopted January 2021 by Governor Baker
 - Passed with broad bipartisan majorities in the Legislature
- The law requires that 177 communities in the Commonwealth zone for “at least 1 district of reasonable size in which multi-family housing is permitted as of right”
- Marblehead is classified as an **Adjacent Community**
 - Adjacent communities are those that are adjacent to municipalities that contain MBTA stations



Parameters for Developing a Compliance Plan

- Zoning must equal to at least 1% of the Town's total land area
 - Marblehead is 2,771 acres in size
 - Not less than a total 27 acres

- Multi-family must be allowed as a matter of right
 - Without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. Local bulk, density, dimensional requirements still apply.

- Minimum density 15 units per acre

- The district(s) can be located anywhere within the Town
 - Can be more than one area, no area less than 5 acres
 - One of the areas must be 50% of the total

- Must zone for 10% of the total number of housing units
 - Marblehead has 8,965 total housing units
 - Not less than the capacity of 897 units

Existing Zoning in Marblehead that permits Multi-family Housing

- Marblehead currently permits similar zoning in the following ways:
 - Smart Growth Districts
 - Incentive Zoning
 - Chapter 40B
- Existing zoning allows for row houses (a type of multi family) in four of our zoning districts by special permit
- Existing zoning allows mixed use commercial with residential above in one district as a matter of right and by special permit in the others

Compliance Plan Development – Existing Density

- Existing density was considered as part of development
 - Marblehead has several parcels that are at least 15 units/acre
 - Majority located around Business/Historic District
- Sub-District #1 and #2 include parcels that already meets or exceeds 15 units/acre



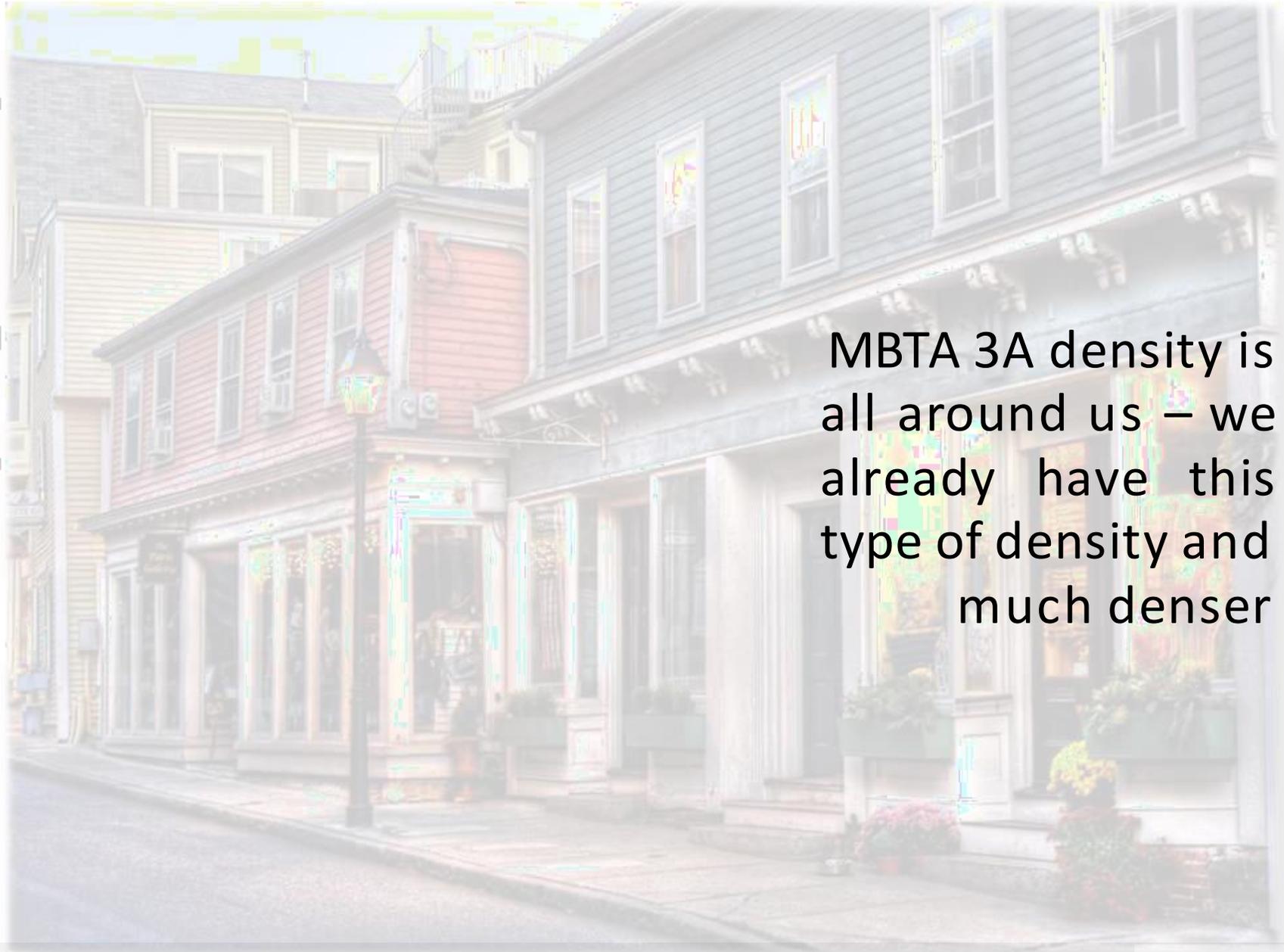
Key

<15 units/acre – Brown

>15 units/acre – Red

Note: Not all parcels are represented

Source: Massachusetts Housing Partnership, Massachusetts Property Records



MBTA 3A density is all around us – we already have this type of density and much denser

- State Street
- No. of Units: 4
- Parcel Acreage: .256
- Density: 15 units/acre

182 Pleasant Street
No. of Units: 4
Parcel Acreage: .216
Density: 18 units/acre

53 Allerton Place
No. of Units: 4
Parcel Acreage .114
Density: 35 units/acre



Compliance Plan Development – Town Input

Focus Group with Department Heads:

- Municipal Light Department
- Water and Sewer
- Drainage
- Engineering
- Planning Board
- Marblehead Public Schools



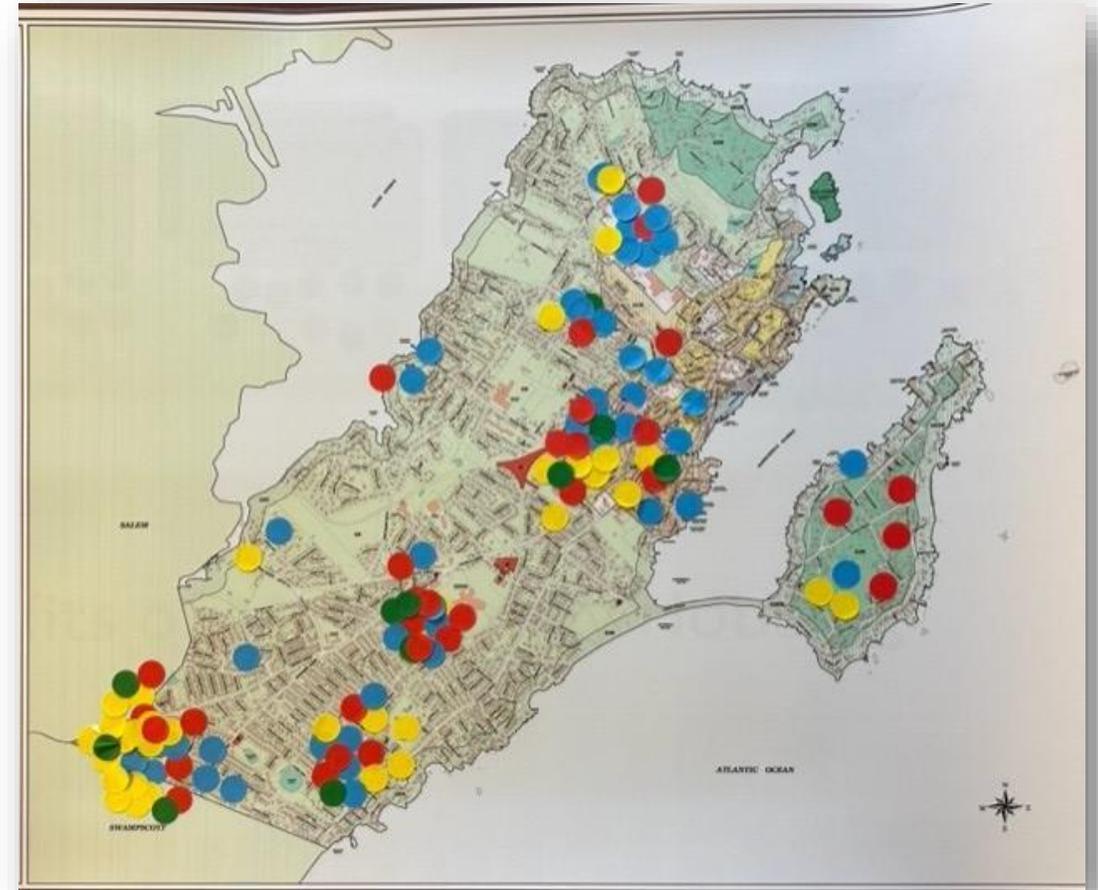
Compliance Plan Development – Public Input

Planning Board and Town Planner supported by Bohler Design Group

- Two grants awarded by the State to assist development
- Developed over one year

Engagement Process

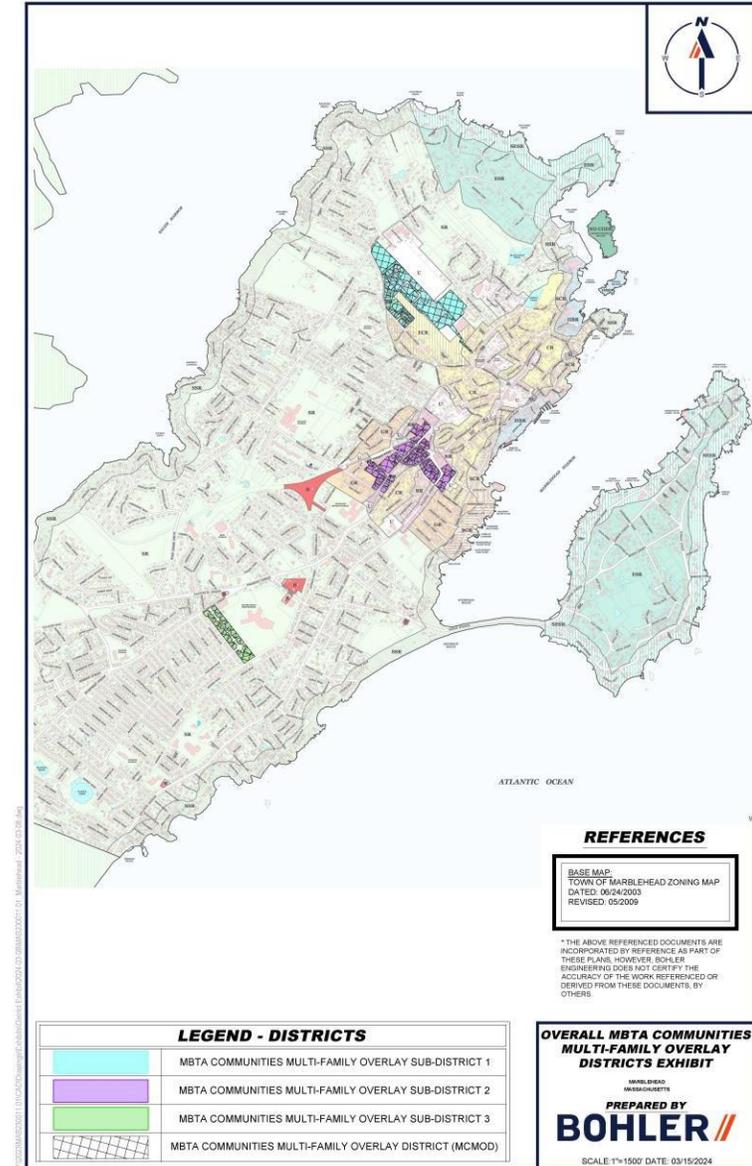
- Focus groups have been held with:
 - Architects, Developers
 - Landowners
 - Town Committees
 - Department Heads
 - Chamber of Commerce and Businesses
- Public Forums
- In-person workshops and meetings



Pictured: Public Feedback on locations to place MBTA Communities Zoning

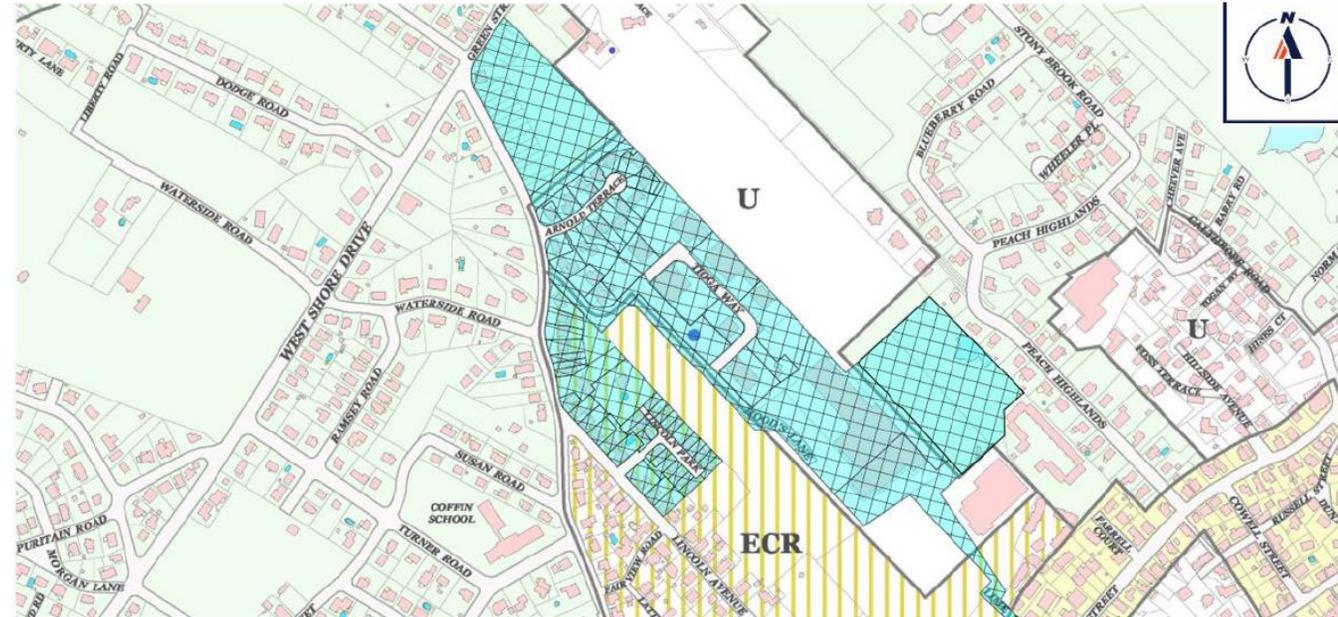
Proposed MBTA Compliance Plan

Proposed districts at a glance:



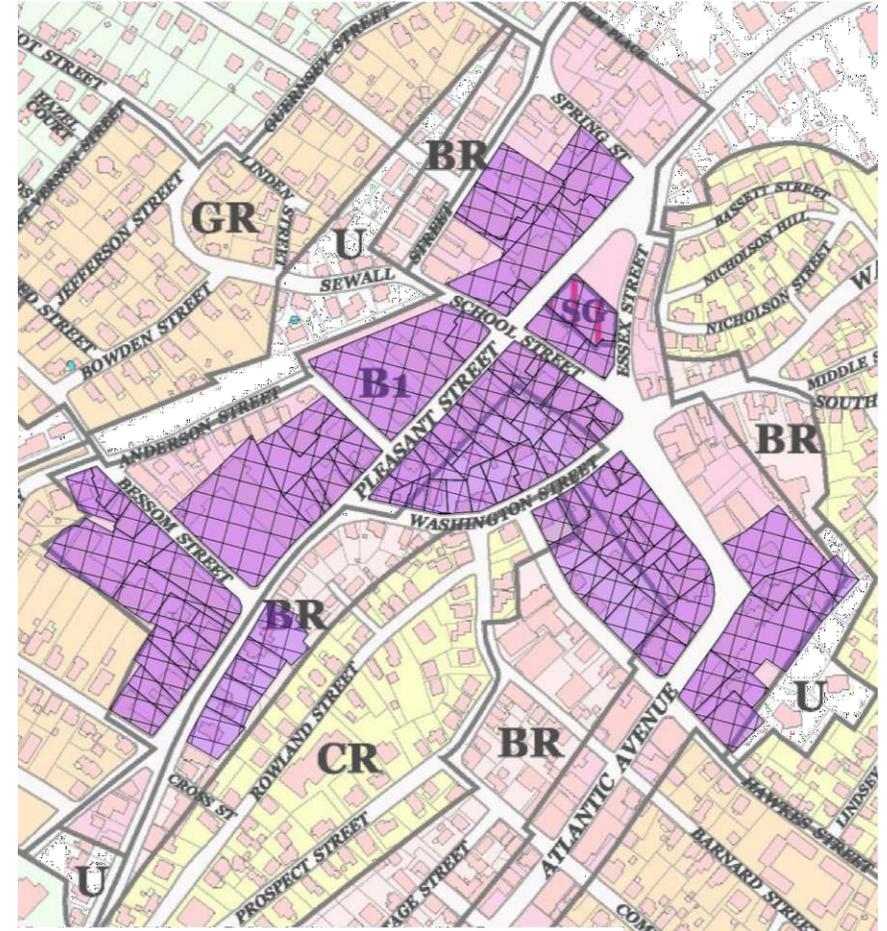
Sub-District #1 – “Tioga Way”

- Select of existing Unrestricted District
 - Presently the Town allows multi-family by special permit
- Includes under-utilized office buildings
- 5 developments that already meet density requirements
 - Marblehead Highlands – 40B Development
 - Sailmaker Place – 40B Development
 - Elbride Road – Incentive Zoning
 - Lincoln Park
 - Arnold Terrace



Sub-District #2 – “Pleasant Street”

- Expansion of Smart Growth District
 - Originally adopted by Town Meeting in 2009
 - One application for Pleasant Street District
- Considerations
 - Adding to walkable neighborhoods
 - Continuation of the integration of mixed land uses
 - Provides a means to incorporate more compact building design as an alternative to conventional, land consumptive development
 - Near public transportation to encourage the use of mass transit, thereby reducing the impact of the car



Sub-District #3 – “Broughton Road”

- Existing multi-family housing owned and operated by the Marblehead Housing Authority
 - First constructed in the 50’s and then expanded in early 80’s
- Marblehead Housing Authority is currently exploring ways to redevelop existing property
 - Development discussions happening regardless of MBTA Communities changes



Compliance Plan Summary

After a year of development and engagement, the Town has a compliant draft zoning plan that:

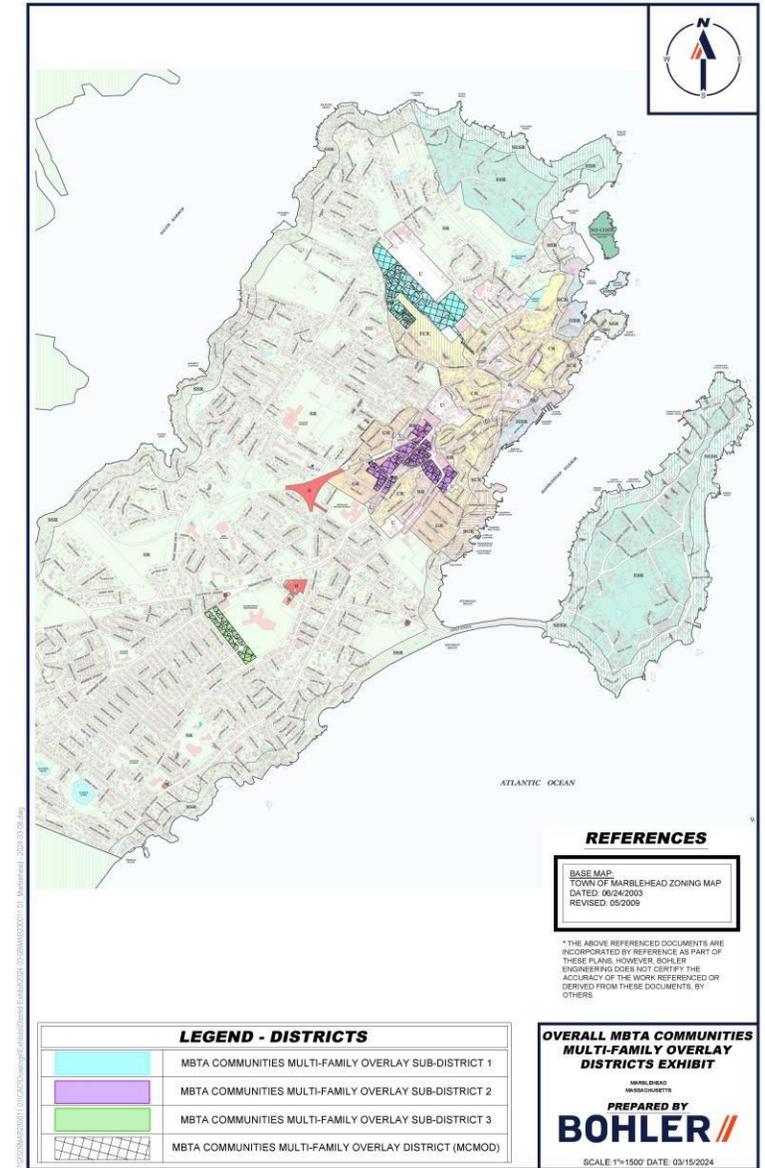
Preserves the character of Marblehead

- Proposal uses an incremental step approach – Zoning areas that already have or allow multi-family by special permit
- Old & Historic Districts not included

Takes into consideration existing multi-family and mixed-use development

- ~360 units already exist out of the 897 unit requirement

Is compatible with Marblehead's infrastructure capacity to accept additional development



Compliance Plan Summary - detailed comparison

	40B	3A
Where can it be built	Anywhere in Marblehead	3 Zones as identified
% Affordable Units	20-25%	10% on housing over 6 units
Height	Unlimited	35 Feet max
Max Units per Acre	Unlimited	20 per acre
Parking Requirements	None	2 Max
Open Land Requirements	None	1 ft per 2 ft of living area

Average parcel size of proposed zoning districts:

- Tioga Way 0.38 Acres
- Pleasant Street 0.18 Acres
- Broughton Road 0.21 Acres

Financial and Legal consequences associated with MBTA 3A Zoning

Why does Marblehead have to comply?

- Communities that fail to comply with the Law may be subject to civil enforcement action.¹
- Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.²
- 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.³

1. 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
2. G.L. c. 40A, § 3A(b).
3. G.L. c. 40A, § 3A(a)(1).

What happens if Marblehead fails to Comply?

- Marblehead would lose access to *specific* grants and lose competitiveness in others.

- At least 13 specific grant programs:

1. Collaborative Workspace Program, MassDevelopment,

2. Real Estate Services Technical Assistance, MassDevelopment,

3. Commonwealth Places Programs, MassDevelopment,

4. Land Use Planning Grants, EOEEA,

5. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA,

6. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

7. Community Planning Grants, EOHLC,

8. Massachusetts Downtown Initiative, EOED,

9. Urban Agenda, EOED,

10. Rural and Small Town Development Fund, EOED,

11. Brownfields Redevelopment Fund, MassDevelopment,

12. Site Readiness Program, MassDevelopment,

13. Underutilized Properties Program, MassDevelopment,



Town of Marblehead Discretionary Grant Awards impacted by MBTA 3A Communities Compliance

The Town Marblehead utilizes discretionary grant programs to offset total project cost, leverage additional grant funds, and advance town priorities, policies, and goals.

Fiscal Year	Grant Program	Amount	Project	Purpose	Leverage Funds
FY24 or before					
	Office of Coastal Zone Management: Coastal Resilience Grant Program	\$900,000.00	Coastal Resiliency Priority Plan, Municipal Shipyards Project	Outlying Marblehead's Coastal Resiliency Priority Areas, advancing Marblehead Shipyards Project to 75% Design	
	Boston MPO: Transportation Improvement Program (TIP)	\$672,750.00	Pleasant St @ Vine and Cross Streets Intersection	Complete Streets Intersection Improvement	80% Federal Funding, 20% State Funding. No Local Funding spent on construction
Total		\$1,572,750.00			

Since May 2024 Town Meeting the Town has secured approximately \$475,500 in MBTA 3A cited grant programs and is currently seeking an additional \$550,500 in FY25 from MBTA 3A cited grant programs.

Fiscal Year	Grant Program	Amount	Project	Purpose	Leverage Funds
FY25 (Since May '24 Town Meeting)					
	Office of Coastal Zone Management: Coastal Resilience Grant Program	\$210,502.40	State Street Landing, Tucker Wharf, Harbormaster Office	Coastal Resiliency	90% State Funding, 10% Local Match of \$29,216.08. Provided by in-kind staff hours.
	Community One Stop: MassWorks	\$135,000.00	Five Corners Intersection & School Street Public Parking Lot Redesign	Roadway/Pedestrian Improvements	90% State Funding, 10% Local Match from Department of Public Works Roadway Funding
	Community One Stop: Community Planning Grant	\$130,000.00	Marblehead Comprehensive Master Plan	Update the Town Master Plan	90% State Funding, 10% Local Match from Community Development & Planning Budget
FY25 Total		\$475,502.40			

In FY26, the Town is seeking approximately \$8.1M in MBTA cited grant programs. These grant funds are critical towards the Town’s goal to replace the Village Street Bridge, update the town’s Housing Production Plan, generate economic development, conduct Coffin School Reuse Study, implement coastal resilience projects at Commercial Street Boatyard (protect Marblehead’s working fishing fleet operations), and advance the design for Washington Street Business Connection for pedestrian and roadway improvements connecting the town’s two major business districts and historical landmarks.

FY26 (Seeking)	Grant Program	Amount	Project	Purpose	Leverage Funds
	Boston MPO: Transportation Improvement Program (TIP)	\$5,166,582.00	Village Street Bridge Replacement	Replacement of Village Street Bridge (Construction Year Estimated for FFY 2030)	80% Federal Funding, 20% State Funding
	Community One Stop: Community Planning Grant	\$80,000.00	Housing Production Plan	Housing Production Plan expires 6/17/25	90%-100% State Funding, Suggested 10% Local Match
	Community One Stop: Technical Assistance for Downtown	\$30,000.00	Marblehead Business District Parking Study	Asses MHD Business Districts Parking Needs	90%-100% State Funding, Suggested 10% Local Match
	Community One Stop: Real Estate Technical Services	\$125,000.00	Coffin School Reuse Study and Market Assessment	Explore potential redevelopment scenarios for former Coffin School	90% State Funding, Suggested 10% Local Match
	Community One Stop: MassWorks	\$155,000.00	Washington Street Business Districts Rehabilitation	Roadway, streetscape, and pedestrian enhancements between Five Corners Intersection and Washington St/Hooper Street Intersection	90%-100% State Funding, Suggested 10% Local Match

	Executive Office of Energy and Environmental Affairs: Dam and Seawall Repair or Removal Program Grant	\$1,400,000.00	Marblehead Shipyards Project: Construction Funding	Construction funding to support the Marblehead Shipyards Project	90% State Funding, 10% Local Match
	Federal Funds & Infrastructure Office (FFIO): Federal Grant Matching Funds Program	\$1,125,000.00	Marblehead Shipyards Project: Construction Funding. FFIO Funding would provide 10% local match need to support Federal Port Infrastructure Development grant application, which is a \$11.25 million federal grant request	Matching support for Federal construction funding to support the Marblehead Shipyards Project	100% State Funding
FY26 Total		\$8,081,582.00			
				Fed/State	Local
FY24 or before		\$1,572,750.00			
FY25		\$475,502.00			
FY26		\$8,081,582.00		\$6,729,765.00 (76%)	\$1,196,816.00 (24%)
TOTAL		\$10,129,834			

Compliance Information in Summary and Future Public events

Compliance Deadline: July 14th, 2025

- Non-compliance would have a negative effect on the Town's ability to capture state funding and bring legal risks

Upcoming Public Engagement:

6:00 pm, Wednesday, April 16th:
Sustainable Marblehead MBTA 3A information session at Abbot Hall

Q&A Session

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Thank you.