

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

The following document contains the descriptions, questions, and draft answers to the MBTA Communities Action Plan Form that can be found at the following URL on the mass.gov website:

<https://www.mass.gov/forms/interim-compliance-action-plan-form>

The Section 3A Guidelines establish zoning metrics that apply uniquely to each MBTA community based on its local transit stations, existing housing stock, population, and developable land. This section of the Action Plan helps to identify the transit stations that determined each community's category. Appendix 1 of the Section 3A Guidelines lists each community's category and minimum multi-family unit capacity requirement.

Section 1: Identification

1.1. MBTA Community Name* Town of Tyngsborough

1.2. Community Category* Adjacent Community

Community categories are listed in Appendix I of the Guidelines. For more information about the methodology that was used to determine community categories, please refer to the Definitions of each category in Section 2 of the Guidelines.

1.3. Multifamily Unit Capacity Requirement* 750

Multifamily unit capacity requirements are listed in Appendix I of the Guidelines. For more information about the methodology that was used to determine capacity requirement, please see Section 5 of the Guidelines. The capacity requirement represents the number of multifamily housing units that a compliant district's zoning must accommodate. It does not represent a production requirement or expectation.

1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?* NO

If Rapid Transit to 1.2 and no to 1.4

Although there are no MBTA rapid transit stations within its municipal boundaries, this municipality's community category is Rapid Transit. This is because the methodology used to determine community category considers not only stations located within municipal boundaries, but also any stations that create 100 or more acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made. Developable station area from stations located

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

outside of municipal boundaries may also affect district location criteria as further described in Section 8 of the Guidelines.

If Commuter Rail to 1.2 and yes to 1.4

Although there is a MBTA rapid transit station within its municipal boundaries, this municipality's community category is Commuter Rail. This is because the methodology used to determine community category considers not only stations that are located within municipal boundaries, but also whether the transit station area associated with those stations creates at least 100 acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made. Developable station area from stations located outside of municipal boundaries may also affect district location criteria as further described in Section 8 of the Guidelines.

If Adjacent to 1.2 and yes to 1.4

Although there is a MBTA rapid transit station within its municipal boundaries, this municipality's community category is Adjacent. This is because the methodology used to determine community category considers not only stations that are located within municipal boundaries, but also whether the transit station area associated with those stations amounts to at least 100 acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made.

If Adjacent Small Town to 1.2 and yes to 1.4

Although there is a MBTA rapid transit station within its municipal boundaries, this municipality's community category is Adjacent Small Town. This is because the methodology used to determine community category considers not only stations that are located within municipal boundaries, but also whether transit station areas associated with those stations amount to at least 100 acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made.

If yes to 1.4

1.4a. Please list MBTA rapid transit stations that are located within this municipality's boundaries*

Please enter all station names separated by commas

1.5. Does this municipality have any MBTA commuter rail stations within its boundaries?* **NO**

If Rapid Transit to 1.2 and Yes to 1.5

Although there is an MBTA commuter rail station within its municipal boundaries, this municipality's community category is Rapid Transit. This is because a community's category is determined by the transit station with the highest level of transit service. If there are 100 or more acres of rapid transit stations' developable station area within municipal boundaries, then the community category is Rapid

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

Transit regardless of whether the community is also served by the commuter rail. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area" and "developable land" to explain how this determination was made.

If Commuter Rail to 1.2 and No to 1.5

Although there are no MBTA commuter rail stations within its municipal boundaries, this municipality's community category is Commuter Rail. This is because the methodology used to determine community category considers not only stations located within the boundaries, but also any stations that have 100 acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made. Developable station area from stations located outside of municipal boundaries may also affect location criteria as further described in Section 8 of the Guidelines.

If Adjacent to 1.2 and Yes to 1.5

Although there is an MBTA commuter rail station within its municipal boundaries, this municipality's community category is Adjacent. This is because the methodology used to determine community category considers not only whether a station is located within municipal boundaries, but also whether that station has at least 100 acres of "developable station area" within the boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made.

If Adjacent Small Town to 1.2 and Yes to 1.5

Although there is an MBTA commuter rail station within its municipal boundaries, this municipality's community category is Adjacent Small Town. This is because the methodology used to determine community category considers not only whether a station is located within municipal boundaries, but also whether that station has at least 100 acres of "developable station area" within municipal boundaries. Section 1 of the Guidelines provides definitions of "transit station area", "developable station area", and "developable land" to explain how this determination was made.

1.6. Does this municipality have any other MBTA transit stations that are located outside of its municipal boundaries that may have "developable station area" within them?* **NO**

Generally, stations located within 0.5 miles outside of municipal boundaries can cause developable station area to be inside of the municipal boundaries.

If Yes to 1.6

Stations that are located outside of municipal boundaries but that have "developable station area" within the boundaries might affect district location criteria, as further described in Section 8 of the

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

Guidelines. Please refer to Section 1 of the Guidelines for definitions of "transit station area", "developable station area", and "developable land".

1.6a. Please list the MBTA transit stations that are located outside of the municipal boundaries but might have developable station area within them.*

Please enter all station names separated by commas. If unsure, consider that generally, stations located within 0.5 miles outside of municipal boundaries can cause developable station area to be inside of municipal boundaries.

1.7. Please provide the name of the person filling out this form*

First Name* **Eric**

Last Name* **Salerno**

1.7a. Title* **Town Planner/ Economic Development Director**

1.7b. Email Address* esalerno@tyngsboroughma.gov

1.7c. Phone Number: **(978) 743-5361**

1.8. Please briefly describe other members of the core team developing the multi-family zoning district.* **Jennifer Raitt, Executive Director, NMCOG**

(Municipal staff, planning board members, regional planning agency, private consultants, etc.)

Section 2: Housing Overview

2.1. Does this municipality have any established housing related goals or strategies from municipal planning documents, such as a Housing Production Plan, Master Plan, or Economic Development Plan?*

YES

If Yes to 2.1

2.1a. Please briefly describe any relevant strategies, goals, or objectives, and the work that has been done to date.*

The Town of Tyngsborough has a Housing Production Plan 2019-2024 (adopted by the Planning Board and Select Board and approved by DHCD in 2019) and a Master Plan adopted in 2021. Both plans provide the most relevant strategies, goals and objectives related to housing. The following summarizes

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

goals, objectives and recommendations in local and regional plans that MBTA zoning could potentially support.

Housing Production Plan

- Rezoning to allow multifamily units as-of-right could potentially support the following Housing Production Plan Goals:
 - “Continue to create diverse rental units for existing and future Tyngsborough residents. This includes diversifying the types of units (duplexes vs. multi-family) in addition to providing units with three or more bedrooms.” (p. 61)
 - “Continue to pursue the creation of workforce housing units and broaden the range of potential home-buyers and tenants.” (p. 61)
 - “Develop rental and ownership options for senior citizens that allow them to age in place.” (p. 61)
 - “Provide a diversity of housing types affordable to people with a wide range of socioeconomic background, especially those below 80% of the area median income.” (p. 61)
 - “Encourage new housing development to fit into the existing design and character of the community.” (p. 61)
 - “Coordinate the work of Town boards and departments with permitting responsibilities and the Tyngsborough Housing Authority in order to achieve consistency in the interpretation and administration of local affordable housing requirements.” (p. 61)
 - “Ensure that affordable housing development in Tyngsborough adheres to the Commonwealth’s Sustainable Development Principles.” (p. 61)
 - “Ensure the DHCD-approved Housing Production is used as a tool for systematic growth and new housing opportunities.” (p. 61)
- Rezoning to allow multifamily units as-of-right could potentially support the following Housing Production Plan Strategies and Recommendations:
 - “Encourage the development of more affordable rental housing with choices for 1, 2, 3 and 4 bedroom units, with the goal of keeping the percentage of their income spent on housing below 30%.” (p. 62)
 - “Document the specific needs for veterans living in and around Tyngsborough and construct affordable veterans housing units that meet those needs. Organizations like the Veterans Northeast Outreach Center and the Tyngsborough Office of Veterans Services can be consulted for housing assistance. Consider the development of affordable veterans housing.” (p. 62)

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

- “Evaluate and revise existing development regulations and guidelines for fairness and efficiency. A result of this evaluation could be the development of an Affordable Housing Permitting Guide to assist applicants in navigating the review process.” (p. 62)
- “Actively review zoning changes that will provide for more affordable opportunities including special permits for multi-family and open space residential subdivision incentive, accessory apartments, assisted living facilities, retirement communities, etc. This will be done in conjunction with the Planning Board, Board of Selectmen, Zoning Board of Appeals and other town committees and boards. In particular, focus on R-3 multi-family zones and work to expand the zone, as appropriate.” (p. 62)

Master Plan

- Rezoning to allow multifamily units as-of-right could potentially support the following Master Plan Goals:
 - “Support market-rate and affordable housing units that address the housing needs of the community by partnering with non-profit and for profit developers.” (p. 137)
 - “Provide a variety of housing options with varying styles and densities to meet the needs of all residents.” (p. 137)
 - “Continue to exceed the 10% affordable housing goal after the release of the 2020 U.S. Census.” (p. 137)
 - “Implement the 2020-2024 Housing Production Plan approved by DHCD.” (p. 137)
- Rezoning to allow multifamily units as-of-right could potentially support the following Master Plan Objectives and Recommendations:
 - “Consider eliminating the requirement for Town Meeting approval of multi-family development in the R-3 district. The permitting process for such projects would then lie with the Planning Board and other appropriate boards and commissions.” (p. 53)
 - “Diversify the housing stock to address the needs of the elderly, disabled, veterans and families.” (p. 180)
 - “Develop “starter homes” for young families and assisted living and independent living facilities for seniors.” (p. 180)
 - “Examine the Chapter 40R program as a means to establish mixed-use districts and Starter Homes.” (p. 180)
 - “Research various zoning issues that could increase the number of affordable housing units in the community.” (p. 180)
 - “Provide a range of housing types for a wide range of incomes in order to strengthen the local labor force and make the town more attractive for economic development.” (p. 180)

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

Greater Lowell Comprehensive Economic Development Strategy for 2020-2024

- The CEDS does not address directly Tyngsborough’s housing or zoning issues, but does include Goal 6: “Create more market-rate and affordable housing throughout the region to ensure that businesses can expand and relocate to the region with the assurance that their workforce will be able to own, lease or rent affordable, quality housing”. This goal and several of its objectives and recommendations would be supported by rezoning to allow multifamily units as-of-right in Tyngsborough.

2011 Regional Strategic Plan for Greater Lowell

- The Regional Strategic Plan does not directly address Tyngsborough’s housing or zoning issues, but does include the following goals that would be supported by rezoning to allow multifamily units as-of-right:
 - “Create more affordable and market-rate housing throughout the region to ensure that businesses can expand and relocate to the region with the assurance that their workforce will be able to own, lease or rent quality housing;
 - Encourage mixed-use development that ties together residential and commercial uses in city and town centers and mill districts throughout the region;
 - Increase housing options available to families, young couples, single adults, seniors, artists, students, the disabled, veterans, and other groups so that they may live and work in the Greater Lowell region;” (p. 7)

The Town is currently in the process of revising significant portions of its Zoning Bylaw. Town Meeting recently approved the recodification and reorganization of the Zoning Bylaw. The Zoning Review Committee is also continuing its work to evaluate areas that need improvement and make suggested amendments to propose to subsequent Town Meetings.

2.2. Is this municipality currently working on any other planning for housing?* **Yes**

If Yes to 2.2

2.2a. Please briefly describe the housing work underway.*

At the 2022 Fall Town Meeting, the Town recodified the zoning bylaw to prepare for more substantive amendments at future Town meetings. The Town also approved bylaws for their affordable housing trust. The Multi Family Housing zoning bylaw will be reviewed and amendments developed for proposal to Town Meeting concurrently with the efforts to comply with the MBTA Communities requirements.

Section 3: Preliminary Zoning Strategies

3.1. To the best of your knowledge, which of the following zoning strategies is this community most likely to use for compliance? (Select all that apply)*

a. An existing zoning district or districts that you believe already complies with the Section 3A Guidelines

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

- b. An existing zoning district or districts that must be amended to comply with the Section 3A Guidelines
- c. A new 40R or other overlay zoning district
- d. A new base zoning district or districts
- e. Other zoning strategy

(Tyngsborough will select b, c, and d)

If select a

3.1a. Please identify and briefly describe the possibly-compliant district(s), including any characteristics of existing development or transit options that make it suitable for use as this community's 3A-compliant district. Optional: Attach any supporting documents.*

If select b

3.1b. Please select the changes that may be necessary for the existing district to comply. Optional: Attach any supporting documents that describe this district.*

The **Residential 3 Multi-Family (R-3) Zoning District** comprises 219.6 acres or 1.96% of the town's total land area and the **Mixed-Use Village Overlay District (MUVOD)**. This district allows multi-family housing by special permit and site plan review by the Planning Board and with Town Meeting approval. The minimum lot area in the R-3 district is 20,000 SF, the minimum lot frontage is 75 feet, and the maximum building height is 2.5 stories or 36 feet. The five-acre site must have public water and sewer available, or the developer is required to fund needed sewer improvements or provide evidence that on-site systems are adequate.

The MUVOD is intended to encourage a mix of commercial, residential, and recreational uses and to promote compact, village style development that is pedestrian oriented, minimizes impacts on public services, creates a thriving small business environment, attracts new investment and economic development, and creates diverse housing opportunities. The overlay district applies to 43 acres of land located off Westford Road. Maximum lot coverage in the MUVOD is 25%, the minimum lot size is 2 acres, maximum building height is 2.5 stories or 45 feet, and a minimum separation of 20 feet is required between buildings on the same lot. However, the Planning Board may waive the dimensional requirements. The MUVOD also requires that public restrooms be made available. There are separate parking and landscaping requirements for this district.

When affordable housing is incorporated into the multifamily housing proposed, a developer may increase the number of dwelling units in a multi-family development by 25% above the standard one (1) unit per 20,000 square feet of parcel area by: 1) offering no less than 50% of the additional units at an affordable sale or rental price, or 2) transferring no less than 20% of the additional units to the Tyngsborough Housing Authority. The Town's inclusionary zoning requirement may apply to multifamily development such that at least 12% of the new units must be affordable in perpetuity. For projects with sixteen (16) or fewer units, a cash fee or a donation of developable land may be made in-lieu of providing on-site affordable units. A donation of developable land in the Town of Tyngsborough can be

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

provided to the Tyngsborough Housing Authority, the Town Affordable Housing Trust Fund, or a comparable entity.

If select c

3.1c. Please briefly describe the potential district and location. Optional: Attach any supporting documents that show planning work the community has already done for this district(s).

There are multiple potential locations for a 40R or other overlay district described as follows:

Northern Retail Corridor

This portion of town contains the highest concentration of retail and office space. It is also the future home of 500,000 square foot warehouse in the area north of Locust Ave. The most significant retail plaza for the town is located at 440 Middlesex Road. The former location of large retailers TJ Maxx, Trader Joe's, and others is undergoing redevelopment by Sam Park & Co. with a focus on entertainment and hospitality. The AMC Theater is still operating, but is for sale.

There are 41+ acres of underdeveloped overflow parking for the Pheasant Lane Mall located on the east side of Middlesex Road. In this location, Simon Properties and Seritage (Sears' holding company) either have property for sale or are investigating future development potential. This area is also adjacent to land in New Hampshire that is the priority location for the Capitol Corridor Project's southern Nashua station. This is proposed at the southern portion of the Mall – the portion owned by Seritage.

To the north, Nashua is very close and has extremely dense retail and multi-family development. Tyngsborough does not have any residential development (multi-family or otherwise) in this area. To the south, there is one multifamily condominium development at Pondview Place.

B-2 Business District / Town Center

The Town completed a Town Center Plan in 2008 which was incorporated into the Master Plan from 2021. It's not likely that the Town would be supportive of "high density" housing at 15 units per acre so close to the center of Town, but there is a 27 acre parcel at 84 Kendall Road that could support housing development IF sewer service could be extended from Flint Road or if it crosses over Kendall Rd. from anticipated development at 93 Kendall.

Westford Rd. Mixed Use Corridor

The Town has not been able to realize the potential of the existing MUVOD. Future market conditions for office and retail may make it even more challenging to realize the district's goals. Increased residential density and foot traffic would be beneficial in this portion of town. This may awaken the reuse of underutilized retail space.

The history of this district includes a multifamily development which stalled and ended due to estate issues. The original Special Permit was for 96 condo units and an expansion of the retail development at the corner of Westford and Dunstable Roads. The Town has engaged a new developer in discussions about this site and a potential application for a new project with 144 units (possibly rentals) and a different non-residential use. The potential project would have a density higher than 15 units per acre.

If select d

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

3.1d. Please briefly describe the potential district and location. Optional: Attach any supporting documents that show planning work this community has already done for this district.

Tyngsborough has three existing multifamily developments which could not be developed today under current zoning. Through this planning process, these locations will be studied to understand the potential for a new district with densities that align with MBTA Communities requirements. These locations are Maple Ridge, Merrimac Commons/ Tyngsborough Crossings, and Colony Heights and Bench Mark Estates.

If select e

3.1e. Please briefly explain the strategy. Optional: Attach any supporting documents that show planning work this community has already done for this strategy.

For all 3.1. options a-e

File (optional)

Choose File Remove File

File uploads may not work on some mobile devices.

3.2. What non-housing characteristics are important for this community to consider in its 3A zoning district?*

(For example: walkability, bike lanes, street retail, bus connections, accessibility, street tree canopy, municipal services, etc)

There are a number of non-housing characteristics that are important for Tyngsborough to consider in its 3A zoning district. These characteristics include items identified in the Master Plan. The plan notes that along the Middlesex Road and Westford Road corridors in particular the Town should develop design guidelines to improve the visual quality of commercial and industrial development relative to landscaping, signage, lighting, access and parking lot design, and façade treatments.

The Master Plan also discusses the importance of connectivity in relation to future development and existing neighborhoods. This includes the town pursuing additional pedestrian linkages through new sidewalks, pathways and trail connections. In order to enhance the comfort and safety of people utilizing trail and sidewalk network, the plan recommends added streetscape amenities, such as benches, street trees, and pedestrian scale lighting. Further, the plan notes that the town should revise and update the parking requirements outlined in the development regulations to reflect more current standards for commercial, industrial, and residential uses and consider multi-modal options and requirements, including for bicycle parking.

Lastly, the Town may work with NMCOG and the LRTA to explore the expansion of the Tyngsborough Park and Ride facility which may have increased usage due to increased development and demand. The Park and Ride facility is expected to receive improvements and additional parking spaces as part of a proposed development on an adjacent parcel.

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

The Master Plan and HPP plan also note the importance of addressing infrastructure issues related to sewer, water and wastewater treatment in order to support an expanding tax base and development. Low impact development scenarios, continued compliance with MS4, and protection of natural resources, trees, and agricultural resources are also important for the community to consider in relation to the 3A-compliant district and in alignment with the Master Plan and HPP.

The following section describes recommendations in the Northern Middlesex Regional Transportation Plan for 2020-2040 are also important to the selection of MBTA zoning district boundaries:

- Year-round bus service on Middlesex Road in Tyngsborough
 - A seasonal bus route currently serves the Pheasant Lane Mall, located at the north end of Middlesex Road, on Saturdays between Thanksgiving and January 15th. The public and Tyngsborough representatives felt strongly that service should be provided six days per week on a year-round basis. The expanded bus route is included in the LRTA Transit Service Plan for future implementation. (p. 6-29)
 - A significant portion of the acreage identified in the HPP for potential housing sites is located along or near Middlesex Road (see HPP map below). If developed, these sites would be serviced by the proposed LRTA line.
- Route 3 Exit 91 Southbound Ramp (pp. 5-32, 12-16)
 - The development of a Route 3 Southbound Ramp may impact one or more of the potential Danforth Road affordable housing sites identified by the HPP (see HPP map below).
 - At the time of the RTP writing, there this project had no identified funding source (p. 15-9).
- Extension of Commuter Rail from Lowell to North Chelmsford and Nashua, NH (p. 6-25)
 - The proposed extension does not appear to have a stop in Tyngsborough, but bus service linking portions of Tyngsborough with North Chelmsford and Nashua stations could benefit multi-family developments.
 - At the time of the RTP writing, there this project had no identified funding source (p. 15-9).

Section 4: Action Plan Timeline

This section creates a framework to input preliminary plans for a zoning adoption process. On the table below, please use Column 1 (from the left) to describe a task, Column 2 to input a start date, and Column 3 to input a finish date. Every community must provide a timeline for the below-listed tasks. Additional space is provided for any other tasks that a community wishes to list. DHCD will review proposed timelines for feasibility before approving an Action Plan.

- Public outreach
- Developing zoning
- Applying DHCD's compliance model to test for density and unit capacity

Action Plan for MBTA Communities, Tyngsborough

[DRAFT]

- Holding planning board hearings
- Holding legislative sessions and adopt compliant zoning
- Submit District Compliance application to DHCD

Task	Start Date	End Date
Regulatory Review	February 2023	March 2023
Development of Scenarios and Report on Scenarios	March 2023	May 2023
Evaluation and Modeling	March 2023	September 2023
Public Outreach: Coordinate public meetings for the community to review Scenario Reports that include potential combinations of district boundaries and implications on zoning, infrastructure, economic development, etc.	May 2023	July 2023
Draft Zoning and potential Zoning Map amendments	May 2023	September 2023
Apply DHCD's compliance model to test for density and unit capacity	October 2023	December 2023
Submit draft zoning to DHCD for review prior to warrant filing	October 2023	December 2023
Public Meetings/ Hearings (prep for Town Meeting with Planning Board)	January 2024	April 2024
Annual Town Meeting	May 2024	May 2024
Submit District Compliance application to DHCD	June 2024	June 2024
If necessary Prep for Fall 2024 Town Meeting	May 2024	September 2024