



**Town of Hudson**  
**Planning and Community Development Department**

78 Main Street, Hudson, MA 01749  
Tel: (978) 562-2989 Fax: (978) 568-9641

**MEMORANDUM**

**TO:** Thomas Gregory, Executive Assistant  
**FROM:** Kristina Johnson, AICP, Director of Planning and Community Development.  
**DATE:** April 16, 2024  
**RE:** MBTA Communities- Petitioned Article 37

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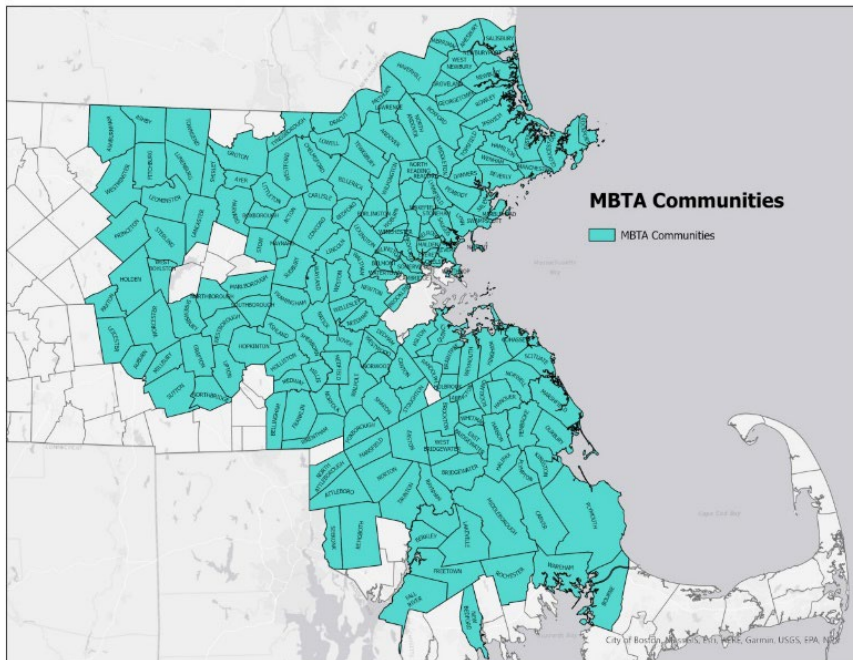
**STATUTORY OVERVIEW**

MGL Chapter 40A Section 3A requires that an “MBTA community” shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right (no discretionary process can be used) and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions and suitable for families with children

**“MBTA Community” is defined by reference to Section 1 of MGL c. 161A:**

- one of the “14 cities and towns” that initially hosted MBTA service;
- one of the “51 cities and towns” that also host MBTA service but joined later;
- other “served communities” that abut a city or town that hosts MBTA service; or
- a municipality that has been added to the MBTA under G.L. c. 161A, sec. 6 or in accordance with any special law relative to the area constituting the authority.



I should note that the Town of Hudson, along with the nearby Towns of Berlin, Bolton, Clinton, and Boylston are not considered by Statute as an MBTA Community, as these communities do not meet the aforementioned criteria to be defined as an “MBTA Community.” I should also note that the City of Boston is also not defined



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as an MBTA Community, as the City is not subject to the provisions of Chapter 40A (the State Zoning Act) and follow their own, unique zoning regulatory framework.

**IMPLICATIONS FOR HUDSON**

**1) REQUIRED COMPLIANCE MBTA COMMUNITIES LAW**

If this Article were to be enacted, Hudson would be subject to the MBTA Communities compliance requirements set forth by the Executive Office of Housing and Livable Communities (EOHLC), and it is my understanding that once a community is part of Chapter 161A, there is no mechanism to undue this action.

EOHLC has created four categories of MBTA Communities: rapid transit, commuter rail, adjacent, and adjacent small town, and assigned the required land area, unit capacity, location, and a compliance deadline accordingly. Based on my understanding of the EOHLC requirements criteria the assignment of an MBTA Community category, Hudson would most likely be designated as an “adjacent community” with the following requirements:

- A multi-family zoning district of at least 50 acres, which allows the development of multifamily housing by-right and not subject to a Special Permitting process.
- A unit capacity of at least 10%. Unit capacity is expressed as a percentage of the 2020 housing stock, so for example an adjacent community formula would be **unit capacity= housing stock x .10**.
- There is no requirement for a specific location for the multifamily zoning district;
- Deadline for compliance would be December 31, 2024. Non-compliance could result in the community being ineligible for discretionary grant funding and other state funding as well as litigation by the Attorney General’s Office.

**2) REQUIRED ANNUAL MBTA ASSESSMENT**

If this article were to be enacted, the Town of Hudson would be required to pay an annual MBTA Assessment pursuant to Chapter 161A Section 9, which is the weighted percentage of the total population of the authority. Said section establishes the weights to apply for each of the MBTA Communities, and the Department of Revenue certifies the municipal MBTA assessment, which then appears on the annual cherry sheet. Kindly note that paying an assessment **does not require or compel the MBTA to provide service to the municipality**. Here is the list of some example communities who pay an assessment (FY24) and do not receive service from the MBTA: **Sudbury (\$21,268); Stow (\$2,626) Sherborn (\$32,127) Dover (\$136,428) Rockland (\$70,874).**