

Zoning Reform

S 122: An Act Promoting the Planning and Development of Sustainable Communities

Sponsored by Senator Daniel Wolf and Representative Stephen Kulik
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Why we need to reform our planning, zoning, and subdivision laws

For us to maintain our high quality of life and competitive economy, we need to be strategic about what and where we build. The decisions we make today will affect where we live, work, and play for generations to come.

Current development trends are not protecting the quality of life in our communities and they are not providing the foundation for long term economic development:

- We are building fewer than half of the homes we need annually to meet our current needs and to prevent the loss of workers to other states. Meanwhile, combined housing and transportation costs are eating up a larger share of family budgets – averaging 50%.
- Too many development proposals become unpredictable, costly battles over their impacts. Massachusetts does not have a state legal framework for many of the modern zoning tools regularly used in other states, forcing cities and towns to create their own, varying versions.
- More residents want to live in walkable neighborhoods; these neighborhoods make a difference for public health. Residents are 65% more likely to walk in a neighborhood with sidewalks, reducing the risk of obesity and making our communities more livable.
- Every day, thirteen acres of forests and farmland are being lost to low-density, residential sprawl, which generates more car trips and requires more infrastructure.



What S.122 would do

This legislation will update our state's outdated zoning, subdivision, and planning laws. These changes will:

- **Promote economic prosperity** by encouraging more housing and mixed-use developments;
- **Enhance quality of life** by providing modern planning and zoning tools to our municipalities;
- **Encourage healthy communities and protect our landscapes** by promoting land conservation and walkable places.
- **Incentivize communities to plan ahead for growth** through adopting local smart growth ordinances.

The legislation amends Chapter 40A (zoning), Chapter 81D (master planning), and Chapter 41 (subdivision). In addition, it proposes a new "Planning Ahead for Growth" section as Chapter 40Y.

Summary of Key Provisions

Improve the permitting process to create more homes & businesses

- Consolidated permitting allows local boards to receive common information and brings them together for a joint hearing at the beginning of a project review.
- Establishes reasonable, standardized zoning protections for building permits and subdivision plans (2 and 8 years, respectively).
- Early opportunity for neutral facilitator to resolve land-use disputes at the municipal level.
- Streamlined appeals will expedite resolution of disputes and lower development costs.
- Improves special permits by reducing their approval from a super-majority to a simple majority (with local option to increase); increasing their duration to a minimum of three years; and establishing a process for further extending them if necessary.

Enhance quality of life through modern planning and zoning tools

- Authorizes a rational process for impact fees from development to help fund local infrastructure needed to accommodate new growth.
- Variance reforms will facilitate small-scale residential projects that don't harm the neighborhood.
- Local master plans will become less difficult and less costly to create.
- Project development rights become protected when a property owner submits a definitive plan, not an imprecise preliminary plan.

Preserve open space, discourage sprawl, & promote public health

- Authorizes and encourages modern zoning tools like cluster development, natural resource protection zoning, and transfer of development rights.
- Communities can choose to regulate so-called Approval-Not-Required subdivisions through an expedited subdivision review process.
- The bill establishes public health as a purpose of master planning and includes notice of development projects to local health boards.



Local Opt-In: Planning Ahead for Growth

This section encourages communities to make four specific zoning changes that allow compact housing and economic development and protect open space and water quality. In exchange for taking these smart growth actions, municipalities would receive:

- Preference for state infrastructure funding and discretionary grants;
- Broader allowable uses of development impact fees for capital facilities such as schools & libraries;
- Authority to adopt very low density natural resource protection zones (5 or more acres per dwelling unit) to protect land of high natural resource value.

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