

STATE HOUSE

NEWS SERVICE

IN LATEST BID, ZONING OVERHAUL ADVOCATES CITE STATE'S FAILURES

By Colin A. Young

STATE HOUSE, BOSTON, SEPT. 15, 2015....Legislators, mayors, city planners, architects and environmental advocates pushed Tuesday for a bill they said would bring the state's "antiquated" zoning laws into this century, continuing an uphill fight to make the first major overhaul to the state's zoning and subdivision laws since the 1970s.

"Our zoning laws are widely known to be as antiquated and as out of touch with the modern world as any you'll find anywhere in the country," said Rep. Stephen Kulik, who has co-sponsored the bill.

The bill (S 122) would modernize the state's zoning, subdivision and planning laws to encourage balanced development and land preservation while giving municipalities the flexibility to pursue the kinds of development they want and addressing the state's need for affordable housing, supporters said.

The bill would "bring Massachusetts more in line with the zoning and permitting rules of our competitor states," which have been more effective at building affordable housing, by, among other things, imposing impact fees on developers, extending the duration of permits, and establishing housing development districts to promote walkable, mixed use neighborhoods, according to the Massachusetts Smart Growth Alliance.

"We are managing, at the same time, to produce fewer homes than our residents want, at a higher cost than many can afford, making it harder to attract employers, forcing municipalities to spend on unsustainable infrastructure, not producing enough of the walkable neighborhoods that make our communities healthy, consuming too much forest and farmland, and putting too much greenhouse gas into the air. That is quite a feat," the alliance wrote in testimony to the Community Development and Small Business Committee.

Proponents of the bill in recent years have been unable to propel it to the top tier issues that consume the time and attention of governors and legislative leaders. This year, advocates say they're encouraged that the bill (S 122) is being pushed by Sen. Dan Wolf, who chairs the Senate Steering and Policy Committee, and in the House by Kulik, the Ways and Means Committee vice-chair. Fifty-seven more lawmakers are signed on as co-sponsors.

"Clearly there needs to be zoning reform and I think that is a unanimous, consensual belief among the 200 legislators here," said Wolf. "What has continuously happened in this process is good ideas are embodied in bills that for one reason or another either don't see the light of day before a session runs out or get derailed mid-stream by groups that have legitimate concerns but very often are narrower concerns than I think we're trying to shoot for as we look for serving the Commonwealth overall."

Wolf and Kulik's bill, they said, is a re-file of a bill that was reported out of the Committee on Municipalities and Regional Government but never made it to the House or Senate floor.

"It's time we came into not even the 21st century, it's time we came into the 20th century in terms of our zoning regulations," said Rep. Sarah Peake, who chaired the Municipalities and Regional Government Committee last session. "It would be great if we could take a big step forward and come into the 21st, but let's first get out of the 19th century, which is really where we stand today."

Even though zoning reform is not the kind of issue that often commands the attention and interest of the common voter, supporters of the bill argued Tuesday that changes to the zoning laws would have ripple effects that would impact other, more mainstream, issues.

"I know that zoning is not usually seen as one of the most fascinating or interesting public policy issues with which you might deal, it does not make very good dinner party conversation," Metro Area Planning Council Executive Director Marc Draisen told the committee. "But, literally, these are the rules of the game. In terms of developing physical space, it decides what we build, where we build, how much we build, what we save, how many people we house, how many jobs we create, where we concentrate those jobs and homes."

Despite the unsuccessful attempts to pass zoning reform, Wolf said he is optimistic the goal could finally come to fruition this session.

"The politics of getting this done is really, really hard as you know," Wolf told the mayors of Salem and Somerville, who testified in support of the bill. "I do think we have a moment in time that we can do this, I do think it is a balanced bill."

Kulik, too, expressed hope that the reform bill will pass this session, pointing to the years of work that went into crafting the legislation and the broad support the bill has garnered from groups around the state.

"I think this is really the best bill we've seen over the course of the last 10 or 12 years," Kulik said. "I think this is the year we really, really need to advance this issue and get a bill passed."