



Great Neighborhoods legislation (House 2420 and Senate 81) will make a difference in the communities we call home.

Supporting Families and Seniors by Offering Housing Choices

- Multifamily housing in sensible locations

Creating more multifamily housing in sensible locations meets millennial and baby boomer demand and helps stabilize prices & rents, which makes them more affordable.

The House bill requires every community to provide “reasonable and realistic opportunities” for multifamily housing sufficient to meet regional demand and in locations defined as smart growth, but leaves the “how” (permitting rules, density, etc) to each city or town.

The Senate bill requires every community to have at least one multifamily district “of reasonable size” sufficient to meet regional demand and in locations defined as smart growth. The district(s) must be “by right” and at a density of either 14 units/acre or 8/acre (rural towns). Waivers are possible.

- Accessory dwelling units (ADUs) so that seniors can live with family or caregivers

Creating more ADUs provides flexibility for families—the ADU can be for the senior, for family, for caregivers, or rented to add more income and make it easier to age in place.

The bills make ADUs within the main structure of existing homes easier by setting some statewide rules (applies to lots greater than 5,000 square feet, ADU must be less than 900 square feet) with local options (can require owner-occupancy, can cap the number).

- Allow artist live-work spaces (House bill only)

Artists help make neighborhoods vibrant, with open studios, street murals and local theatre and readings. They often need flexible live-work arrangements to make their creativity feasible.

The bill would make artist live-work space part of every community’s zoning plan, but each community would establish its own special permit criteria (or allow them by right).

- Making it illegal to discriminate through land use policy or decisions

When communities have restrictive zoning, it not only affects the people who are excluded, but the neighborhood suffers in the long term. It limits housing choice for everyone—fewer apartments and affordable single family homes for millennials, young families and down-sizing seniors who want to stay in their community.

The bills would make it illegal for state or local governments to discriminate in land use decisions based on race, family status or other protected classes. There is a defense in situations where there is a legitimate public interest behind the policy or decision.

Promoting Vibrant/Healthy Places, Protecting Open Space and Natural Resources

- Encourages walkable development patterns and a vibrant mix of uses

The neighborhoods we love are often walkable/bikeable and close to the places we want to visit. Studies show that walkable neighborhoods are healthier.

By promoting multifamily housing in smart growth locations, the bills will lead to more and better sidewalks, bike lanes and foot traffic that supports nearby local businesses.

- Promotes zoning that saves land and protects natural resources

We needlessly consume land by relying on large lot, cookie-cutter subdivision plans. That approach also encroaches on precious natural habitats and actually costs more for widely dispersed municipal services.

Where the minimum lot size for a single-family home is 40,000 square feet or more (roughly an acre) and a developer proposes to build five or more homes, the House bill provides the developer with an option to “cluster” the homes on smaller lots if the plan conserves 40% of the overall land permanently and configures the homes to protect natural habitats.

The Senate bill requires every community to create one or more cluster by-right districts or overlays. Some part of the land (no percentage is specified) would be permanently preserved in return for smaller dimensions on the lots to be developed.

Both bills also define natural resource protection zoning for the first time, which communities can adopt at their option.

- Curbs roadside sprawl

Outside our cities you will often see home after home built along the roads, each with a separate driveway. This sprawl pattern arose from an “only in Massachusetts” approach to subdividing roadside lots—they are not subject to any review. The result: unsightly sprawl, traffic and safety issues, and (on rural roads) a burden on municipal budgets.

The bills provide municipalities the option to end “approval not required” for such roadside lots, with a 2 lot/year exemption for farmers and foresters. In those communities, modest regulation would replace no regulation.

Providing Cities & Towns with Tools they Need for Planning their Future

- Enables Development Impact fees

Development sometimes requires infrastructure to mitigate its effect. While developers are routinely required to pay for on-site infrastructure, state laws limit the ability of municipalities to impose fees for nearby but off-site impacts.

Both bills allow cities and towns to impose such fees, if they do a study covering the relevant area and link specific off-site impacts and proportion fees amongst developments. Most states allow this.

- Authorizes inclusionary zoning

Many communities want to promote mixed income neighborhoods; they think that diversity makes them stronger.

Inclusionary zoning is one way to promote mixed income neighborhoods while choosing where and how it occurs. Developers provide for a certain percentage of “affordable” units. The bills would authorize cities and towns to adopt inclusionary zoning. Up to now, lack of state authority discouraged some communities from adopting it.

- Reduce excessive vesting rights for developers

When a city or town proposes to change its zoning rules, there is tension between the rights of property owners and municipalities. If an owner has invested time and money on a development plan, a sudden change in the rules can be unfair; on the other hand, freezing an owner’s rights for many years retards change that residents may want.

Existing state law on “vesting” greatly favors developers. The House bill would make the rules more balanced, giving developers “vesting” rights for 8 years only when they timely propose a specific development plan.

The Senate bill cuts back on vesting rights for developers but does not go as far as the House bill.

- Makes it easier to master plan

Every community should periodically have a conversation about its future. Having such a vision—a “master plan”—makes it easier to get the zoning and projects that the community wants. Many communities in our state don’t have a current master plan.

Both bills make it easier (and less expensive) to master plan by streamlining the requirements—cutting required elements under state law and allowing communities to choose whether to add others. Once there is a master plan, the bills provide for a Planning Board report on whether a proposed rezoning is consistent with the plan.

- Expand local board training opportunities

The people on local planning boards and boards of zoning appeal are volunteers and most are not land use professionals. It isn't easy for them to learn the state and local laws in their spare time! Having better trained board members will lead to better results.

Both bills would require a state agency to develop a local board training program, with the House bill specifying that the training be available online and in various locations around the state.

- Secure additional funding for local planning and rezoning

While not in the bills, we separately support the funding needed for local planning, especially to implement the first overhaul of the zoning laws in over 40 years.

Establishing predictable permitting rules

- Lower thresholds for zoning and special permit approval as a local option

A major reason why it is so difficult to build in our state is that state law requires a two-thirds majority for rezoning and special permit decisions on projects. A vocal minority can stop cities & towns from implementing a vision supported by most residents.

Both bills will allow each municipality to decide what voting majority to use for rezoning and project approvals.

- Authorizes site plan review

In permitting developments, there is a time for the big picture and a time for all the detail (e.g., the height of scrubs that shield a building). Having a good process lowers development cost and leads to better outcomes.

Even though some communities do it, Massachusetts doesn't authorize site plan review or provide consistent standards statewide. There is a broad consensus that site plan review—where the details are worked out—should be in our state zoning law.

- Make variance rules more reasonable

When property owners want relief from dimensional requirements (e.g., to make an addition to their home), they ask the city or town for a variance. Our state law makes that extremely hard, even when there is good reason for the request.

The House bill makes the variance rules more reasonable while protecting neighborhoods. Owners would still need to prove a “substantial hardship.” The bill also allows cities and towns that want a much more liberal approach to choose that route instead.

The Senate bill changes the variance standard to “practical difficulty” (easier to meet) and allows a more discretionary decision by the board.

Help us make Great Neighborhoods a reality

MASSACHUSETTS SMART GROWTH ALLIANCE

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