



# *Commonwealth of Massachusetts*

DEVAL L. PATRICK  
GOVERNOR

April 24, 2014

Chairman Brian Dempsey  
State House  
Boston, MA 02133

Dear Chairman Dempsey:

On behalf of the Patrick Administration, we write in regard to H 1859, a bill that would improve the planning and zoning laws of the Commonwealth and is critical to our state's continued economic prosperity. We are eager to see this bill move through the legislative process and look forward to working with you to enact the best legislation possible. Enhanced statutes would provide a much-needed framework for better land conservation and development decisions that advance transportation, housing, climate change, and other goals outlined in our Common Vision for Growth. Today's letter supplements written testimony provided in May of 2013 with additional thoughts about balancing the various interests involved.

First, we continue to believe that the zoning reform legislation is a major opportunity to increase housing production, particularly multi-family housing. Since Secretary Bialecki's testimony last May, the evidence has grown (e.g., the Metropolitan Area Planning Council's MetroFuture demand projections) that increasing the supply of such housing is critical to our ability to keep and attract the young workers needed for the innovation economy. While we continue to urge that municipalities be allowed to permit multi-family housing as-of-right in commercial districts, this specific approach is secondary to the need to address the existence of broad zoning barriers to multi-family housing production.

Next, one of the reservations expressed in testimony provided to the Municipalities Committee concerned the proposed vesting rules for subdivision plans. Our concerns would be mitigated by allowing preliminary plans to vest if they are followed within a reasonable time period (e.g., seven months) by a definitive plan for a project substantially similar to that depicted in the preliminary plan.

As you know, the Patrick Administration has engaged in a series of regional planning efforts designed to identify priority development and preservation areas on a local, regional and state basis. Since testifying last May we have begun such efforts in two additional regions (Metro North and the municipalities in Central Massachusetts not included in the 495/Metrowest plan). We believe it would be appropriate to recognize such Land Use Priority Plans in the proposed

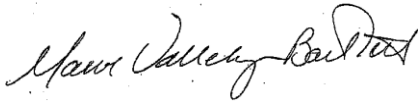
Planning Ahead for Growth Act (Chapter 40Y), establishing the framework of such planning for future years without requiring that any region or municipality engage in this process. We also believe that the Planning Ahead for Growth Act would be strengthened by a more comprehensive statement of how commercial and residential districts created under 40Y, state-recognized priority development and preservation areas, and state-approved zoning districts (e.g., under Chapter 40R) are treated when state investment and similar decisions are made. Finally, we also think that the Commonwealth's Sustainable Development Principles, which are now state policy, should be codified in the Planning Ahead for Growth Act.

We would be pleased to meet with you to discuss any of these additional ideas in more detail. Thank you again to your commitment to this important issue.

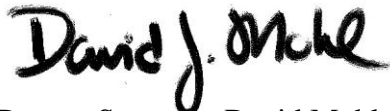
Sincerely,



Undersecretary Aaron Gornstein  
The Department of Housing and Community Development



Undersecretary Maeve Valley Bartlett  
Massachusetts Energy and Environmental Affairs



Deputy Secretary David Mohler  
Massachusetts Department of Transportation

cc: Vice-Chairman Stephen Kulik