

Highlights

An Act promoting the planning and development of sustainable communities HD 3216

Sponsors: Senator Dan Wolf & Representative Stephen Kulik

Powers of Cities and Towns: Explicitly confirms statutory authority for the use of inclusionary zoning, form-based codes, transfer of development rights, site plan review, and natural resource protection zoning.

Minor Subdivisions: Allows cities and towns to replace Approval Not Required (ANR) provisions with regulations for minor subdivisions. ANR developments are almost unregulated, producing sprawling development patterns. Minor subdivisions improves local oversight through a streamlined review process.

Consolidated Permitting: Encourages all decision-making boards to come together at the beginning of a project review and share common information. Each board still retains the authority to make an independent decision in accordance with its own standards.

Development Impact Fees: While standard practice across the United States, impact fees are generally unavailable to Massachusetts communities. This would establish a clear and predictable process for assessing fees to cover eligible impacts such as traffic, stormwater, and water supply.

Vested Rights (“grandfathering”): Provides reasonable and standardized zoning protections for development projects proposed in building permits, special permits, and subdivision plans.

Inclusionary Zoning: Provides explicit statutory language allowing municipalities to require the creation of affordable housing projects, which can count towards the 10% local requirement under Chapter 40B.

Variances: Benefits property owners by expanding the usefulness of the variance to address a wider array of zoning situations.

Dispute Resolution: Enables developers and municipalities to pursue alternative dispute resolution instead of litigation to resolve conflicts.

Parks and Playgrounds: Allows Planning Boards the option to set aside up to 5% of a subdivision as a park or playground for the development.

Master Plans: Makes master planning optional and allows cities and towns greater flexibility to choose the elements of that plan based on local needs.

Planning Ahead for Growth Act: Grants additional tools and incentives to communities that choose to “opt-in” by making four specific zoning changes consistent with the state’s Sustainable Development Principles. These benefits include: broader use of impact fees, development agreements, natural resource protection zoning, shorter vesting periods, the ability to regulate the rate of development, and priority for state infrastructure funding.

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