

Zoning Reform Senate Ways and Means proposed redraft

S. 2144 An Act promoting the planning and development of sustainable communities

Makes several changes to Massachusetts' statutes on planning, permitting and zoning to promote housing, offer modern zoning tools to cities and towns and incentivize communities to plan for sustainable growth and provide affordable housing options.

The bill provides statutory authority for important zoning tools, including:

- Site plan review
- Inclusionary zoning
- Development impact fees
- Minor subdivisions/Approval Not Required

The bill includes many pro-housing improvements based on the recommendations of the Special Senate Committee on Housing including:

- As-of-right zoning required for:
 - Multifamily
 - Cluster developments
 - Accessory apartments

The bill reforms and improves existing zoning tools including:

- Special permits (currently require a super-majority; reduced to a simple majority)
- Zoning amendments (currently require a super-majority; allowed to reduce to simple majority)
- Variances (current standard is difficult to meet and unevenly enforced; replaced with a more realistic standard to promote development)
- Master planning (modernizes the process to promote sustainable growth)
- Appeals (streamlined appeals process for site plan review and subdivisions; gives judges tools to limit frivolous appeals)
- Vesting (current law allows developers to submit a preliminary subdivision plan before a vote on a zoning change, and that submission freezes the town from making a zoning change for 8 years)

The bill extends the duration of certain permits including:

- Building permits (current: 6 months; proposed: 2 years)
- Special permits (current: maximum of 2 years; proposed: minimum of 3 years)
- Site plan review permits (current: varies from town to town; proposed: 2 years)

The bill creates an opt-in section that encourages communities to establish by-right housing and economic development districts in strategic areas. Municipalities who choose to opt-in receive incentives and preference for certain state funding in exchange for implementing pro-development tools.