

# **An Act Promoting the Planning and Development of Sustainable Communities H.1859**

**Sponsors: Representative Stephen Kulik and Senator Daniel Wolf  
March 2013**

## **Goals of the act**

This legislation will update our state's outmoded zoning, subdivision, and planning laws. The goal is to encourage balanced development and land preservation that will meet the needs of the Commonwealth's communities now and for the next generation. These changes will:

- Grant our cities and towns the tools they need to make their vision for the future a reality;
- Provide more certainty to property owners and developers; and
- Realize better regional land use outcomes – jobs and homes in the right places, less spending on excess infrastructure, and important natural resources protected.

## **Why we need to reform our planning, zoning and subdivision laws**

For us to maintain our high quality of life and competitive economy, we need to be strategic about what and where we build. The decisions we make today will affect where we live, work, and play for generations to come.

Current development trends are not protecting the quality of life in our communities nor are they providing the foundation for healthy, long term economic development. For example, we are building fewer than half of the homes we need annually in Metropolitan Boston to meet current needs and to prevent the loss of workers to other states.



Other reasons we need new planning and zoning tools include:

- The difficulty of finding housing that is affordable and that meets the needs of our changing demographics, including seniors and young people starting a family or beginning their careers;
- Twenty-two acres a day of forests and farmland are being converted to primarily low-density, residential sprawl; and
- Combined housing and transportation costs are eating up a larger share of family budgets. For a household earning the median income, these costs now account for 50% of their income.

## **I. Provisions available to all municipalities**

### **Prompt and predictable permitting to encourage economic development**

- Consolidated permitting allows local boards to receive common information about a project and brings permit-granting boards together for a joint hearing at the beginning of a project review;
- Establishes reasonable and standardized zoning protections for building permits, special permits, and subdivision plans (2, 3, and 8 years, respectively);
- A community may lower the zoning vote from a super majority to as low as a simple majority; and

- Local decisions are given deference during appeals and an opportunity is established to use a neutral facilitator to resolve disputes over land use proposals.

## **More homes & different types of homes for families, new workers, and seniors**

- Inclusionary zoning is authorized, which allows a community to require that a percentage of homes in a new development be affordable. In exchange, a municipality may offer a density bonus.



## **Discourage sprawl & promote public health**

- Communities can choose to regulate so-called Approval-Not-Required subdivisions through an expedited subdivision review process. This change will minimize sprawl; and
- The bill establishes public health as a purpose of master planning and provides incentives for more walkable, healthy neighborhoods.

## **Predictable infrastructure improvements that promote community investment**

- The bill authorizes impact fees for local capital needs that are related to a development. This enables the community to fund water and sewer upgrades, and sidewalks or traffic management measures. This will provide developers with predictability about the investments they are expected to make; and
- Homeowners can seek variances from minor barriers to property renovations instead of requiring more onerous zoning changes.

## **II. Planning ahead for growth**

This section grants additional tools and incentives to communities that choose to “opt-in” by making four specific zoning changes. The changes include adopting districts allowing compact housing and economic development and protecting open space and water quality in certain types of development projects. In exchange for taking these local actions, municipalities would receive enhanced benefits that include:

- Preference for state infrastructure funding and discretionary grants;
- Eligibility for state planning funds;
- Broader allowable uses of development impact fees for capital facilities such as schools, libraries, and other municipal buildings;
- Authority to adopt very low density natural resource protection zones (10 or more acres per dwelling unit) to protect land of high natural resource value; and
- Reduced vesting period for definitive subdivision plans.

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