

May 4, 2011

Senator James T. Welch, Co-Chair
Representative Michael F. Kane, Co-Chair
Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

RE: Comprehensive Land Use Reform and Partnership Act (CLURPA)

Dear Senator Welch and Representative Kane:

The Commission of the Southeastern Regional Planning and Economic Development District (SRPEDD) is composed of local elected and appointed officials from 27 cities and towns in Southeastern Massachusetts. SRPEDD is a regional planning agency that is involved with planning and development issues throughout the region. SRPEDD also works closely with its member cities and towns on these issues.

The Commission has reviewed and debated the proposed Comprehensive Land Use Reform and Partnership Act (CLURPA) on multiple occasions. As part of our effort to reach consensus, the Commission also employed a survey to tabulate member opinions.

As a result of these deliberations, the Commission voted to support most of the features proposed in the reform but is opposed to others. This position was affirmed by a vote of the full Commission at its meeting on April 27, 2011. Specifically, **SRPEDD is in support of these sections** as written in the proposed bill:

- Consistency with Master Plan: The requirement that zoning ordinances and by-laws not be inconsistent with an adopted master plan (*Ch 40A:3*).
- Exclusionary Zoning: The requirement that municipalities provide opportunities for the creations of housing for households of median income (*Ch 40A:5.Q*).
- Vested Rights: Revisions to vested rights apply to a development proposed in a building permit, special permit, or definitive subdivision plan and the effective date of zoning amendments (*Ch 40A:6.B*).
- Site Plan Review: The establishment of Site Plan Review in the Zoning Act (*Ch 40A: 9.B*).
- Variances: The revision of criteria for which a variance may be granted and the extension of the lapse of a variance to two years (*Ch 40A:9.C*).
- Inclusionary Zoning: The new subsection to provide parameters for zoning measures that require the creation of affordable housing in development projects (*Ch 40A:9.E*).

- Development Impact Fees: The establishment of the required steps for adopting a local development impact fee ordinance or by-law (*Ch. 40A: 9.F*).
- Master Plan: The requirement for a master plan with an interval of 10 years for redoing, updating or extending the plan (*Ch 41:81.D.1*).
- Required Subjects: The number of required master plan sections reduced from nine to five (*Ch 41:81.D.3*).
- Optional Subjects: Six optional subjects for inclusion in a master plan (*Ch 41:81.D.4*).
- Adoption of Plan: The process for adoption of a master plan that requires the Planning Board to hold a public hearing, propose a master plan to the legislative body, which then adopts the plan with a simple majority vote (*Ch 41:81.D.6*).
- Definition of Subdivision: The striking of some exclusions of the current definition of subdivision, including ANR and the addition of a definition for “Minor Subdivision” (*Ch 41:81.L*).
- Subdivision Plan Submittal Date: The adjustment of the submittal date of a subdivision plan to the next scheduled Planning Board meeting (*SECTION 7*).
- Revisions to Ch 41, section 81P: The striking of Chapter 41, section 81P and inclusion of procedures for Minor Subdivisions (*SECTION 8*).
- Revision of Ch 41:81.Q: Requirement that subdivision rules and regulations not be inconsistent with an adopted master plan (*SECTION 11*).

Conversely, **SRPEDD does not support these sections** in the bill:

- Ch 40A:9.A. Special Permits: The option for municipalities to reduce the required 2/3 vote for approval to a majority.
- Ch 40A:7.G. Adoption and Amendment of Zoning Ordinances and By-laws: The option for municipalities to change the required 2/3 vote of the legislative body for the adoption or amendment of a by-law to a simple majority.
- Ch 40A:5.D. Interior Area: The option for municipalities to restrict the maximum floor area of a single family residential building.

Finally, the provision in SECTION 9, for the revision to Ch. 41, section 81Q relating to excessive roadway width (over 24 feet), the Commission does not support that change because it appears to be a blanket provision that would prohibit roads wider than 24 feet in all cases. The Commission believes that for industrial subdivisions or very large residential subdivisions, a wider width might be warranted but excluded by the language as written.

We hope that these comments are helpful and constructive in your committee’s deliberations.

Sincerely,

Randall Kunz, SRPEDD Chairman

Cc: SRPEDD Area Legislators