

January 30, 2008

To: Jim O'Connell, Chair, Zoning Reform Working Group
From: Larry Koff, President Massachusetts Association of Consulting Planners (MACP)
Re: Response to the "Framework for a 'Land Use Partnership Act'"
from the Massachusetts Association of Consulting Planners

As President of the MACP, I am forwarding you some comments on the draft Framework. Given the limited time of our membership to respond to the draft Framework, you should recognize that these comments do not reflect a true consensus.

The membership of the MACP supports the efforts of the Zoning Reform Working Group (ZRWGA) to forge a consensus around Zoning Reform. We acknowledge the need for compromise and possibly taking a series of smaller steps as opposed to obtaining support for a wholesale reform of Article 40-A. We encourage efforts to:

1. Mandate comprehensive planning
2. Ensure that zoning is consistent with local plans
3. Provide funding for local planning
4. Require State and RPA involvement in the process
5. Provide State incentives

However comments from our membership note the following issues:

- Overly Prescriptive descriptions of "eligible locations". 40R and "Fort Devens are not appropriate models as the trade-off for obtaining zoning reform. These projects, Fort Devens in particular, have required enormous state resources and coordinated State planning which is beyond the capacity of either the State or localities to easily duplicate. Getting communities to designate "as of right zoning" within growth areas and the State to permit and fund the infrastructure within these districts is a complex task currently beyond the capacity of State and local government.
- The establishment of a "two -class system" of communities that opt in and the rest who by default opt out will create more frustration and inefficiencies in the development process.
- Some of the requirements re. timing, consistency, need for Town Meeting Approval, will foster further confusion.
- The locational requirements for new growth centers (50,000 sq ft one mile from a municipal border) artificially circumvents appropriate planning considerations.
- Preservation of agricultural lands will require larger lots (+20ac)

A model for zoning reform is a framework which will "float like a butterfly and sting like a bee"- it will build in incentives for communities to plan as well as penalties if communities do not comply. In order to provide both the state and communities the correct motivation we need the following:

- The adoption of certain basic reforms as noted in your letter providing for :
 - Reduction of statutory limits on transfers of development rights.
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- Clear statutory model for site plan review
- Clear statutory authority for form-based zoning
- Clear statutory authority for inclusionary zoning
- The adoption of additional planning tools as noted in your letter which would give communities the tools they need to do planning and identify growth zones.
- The adoption of State regulations separate from zoning reform legislation requiring conformance and certification with built in penalties for non performance.

Thank you for your efforts on behalf of the ZRWG. We look forward to working with you to obtain the needed legislative reforms.