

March 29, 2022

Mr. Michael Kennealy, Secretary
Executive Office of Housing & Economic Development
100 Cambridge Street, Suite 300
Boston, Massachusetts 02114

RE: Multi-Family Zoning Requirements for MBTA Communities

Dear Secretary Kennealy:

The undersigned North Shore officials offer these comments on the proposed Draft Multi-Family Zoning Guidance for MBTA Communities.

Massachusetts has an undeniable shortage of housing which contributes to the high cost of housing in the State. We understand the need to increase the supply of market and affordable housing in Massachusetts. Doing so will be better for our citizens and make our State more competitive. We do not believe applying the same standard across all 175 MBTA communities makes sense. We have seen that a one size fits all approach is rarely the best or most effective tactic.

The signatories to this letter are MBTA communities. Notwithstanding, many of us lack a commuter rail stop, park and ride facility, subway service, ferry service, or bus service. Many of us have no convenient connection to transit.

In light of the shared similarities across our communities, we offer the following comments on the proposed guidance:

- The draft guidance requires a minimum of 50 contiguous acres at 15 housing units per acre. This equates to a minimum of 750 housing units. Many of our communities have fewer than 10,000 residents and fewer than 3,000 housing units. Adding 750 new units would have an enormous impact on each of our communities.
- Many of our communities have no transit district. The requirement that a multifamily district be located near a downtown area if more than 0.5 miles from transit would change the character of our rural downtowns. In some cases, this would require that the multifamily district be located in prime agricultural areas. This is contrary to the State's long-held commitment to preserving open space, particularly working farms.

- The fiscal impact on the communities is incalculable. Adding 750 dwelling units would have the following impacts:
 - An explosion of school age children. This will likely require the construction of new schools:
 - The Massachusetts School Building Authority is stretched beyond its means as it is; we cannot assume there will be funds to assist this newest unfunded mandate
 - Antiquated and burdensome procurement laws needlessly drive up the cost of public construction while providing no added value. This places the onus on local taxpayers
 - Dramatic increase in traffic:
 - This will further clog already congested roads, increasing commute times, contributing to more road rage, and burdening the environment with more vehicular emissions
 - Increase demand for local public safety to police these roads and respond to a likely increase in motor vehicle accidents. As with other costs, the expense will be borne by local taxpayers
 - Environmental degradation:
 - Satisfying the requirement will push development into environmentally sensitive areas, including wetlands, salt marshes, areas subject to flooding, and critical habitats
 - Disturbance of such areas is completely contrary to the need to plan for climate change. Building in sensitive areas will increase the need for more funding to mitigate climate impacts. This is a vicious cycle from which escape is impossible
 - Water and Wastewater Infrastructure:
 - Several of our communities are within severely strained watersheds, including the Ipswich, Parker, and North Coastal watersheds. Many of the signatory communities do not know if we can meet baseline future housing and economic development within the constraints of the Water Management Act. Accommodating baseline growth plus 750 or more additional dwelling units is inconceivable without violating the Water Management Act. The additional units will only further compromise the health of the watersheds
 - Many of our communities are served overwhelmingly by onsite septic systems
 - The required density is likely to force developers to construct wastewater treatment plants. This is a significant additional cost for them. It raises serious doubts about the affordability or

quality of the units that will be built. We fear that the quality of housing units will suffer in order to make projects economically viable

- The guidance requirements appear at conflict with Chapter 40B. A community that has achieved 10% on its subsidized housing inventory or is in safe harbor would appear to lose those protections
- Community character could be severely degraded by poorly designed, cheaply built projects that are incongruous with the community. The regulations are unclear as to the ability to apply design criteria.

We know that simply offering our criticisms is not helpful. The signatory communities offer the following solutions and recommendations in hopes of improving the implementation of the Partnerships for Growth:

- Eliminate the 50 contiguous acre minimum
- Provide exemptions for communities that lack adequate water or wastewater infrastructure
- Give credit for units already existing in transit and downtown areas
- Give credit for units that could be constructed in transit and downtown areas under current zoning
- Give more time for communities to comply
- Provide adequate funding to enable communities to plan for these units and construct the infrastructure needed to support these units. Another unfunded mandate only makes communities more resistant and unsympathetic to a legitimate problem facing the State
- Eliminate the ½ mile radius for communities that have no public transport facilities
- Provide for a waiver for communities that cannot comply due to the absence of proximate MBTA facilities
- Relax the ½ mile radius requirement for communities that operate a shuttle from an MBTA station.

As you can see, we are concerned about the guidance as proposed. However, with reasonable accommodations and flexibility we believe it can accomplish the Administration's goals while respecting communities' unique characteristics. We want to be part of the solution, not part of the problem. Please embrace these suggestions in the spirit in which they are intended.

Thank you for your consideration of our comments.

Sincerely,

Matthew Coogan

Town Administrator
Boxford

Ruth Pereen

Chairman, Board of Selectmen
Essex

Joseph Domelowicz Jr

Town Manager
Hamilton

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