Proposed Agenda

1. 7:15  Board Business
    A. Public Input
    B. Board Member Updates
    C. Bills and Payroll
    D. Minutes: October 2, 2019 and October 21, 2019
    E. FY21 Budget Process
    F. Form-Based Code Work
    G. EEA Planning Assistance Grant Contract

2. 7:30  ANR – 17 Spruce Street; 13 and 15 Douglas Road - Durkee Farm Estates/Kaye Estates – lot line change, no new lots

3. 7:40  Continued Public Hearing – Healy Corner Definitive Open Space Subdivision, Special Permit, and Joint Public Hearing with Tree Warden for Scenic Road Review - 195 Tahattawan Road – 17 lots

3. 8:30  Housing Choice Initiative – Littleton’s Perspective

ADJOURN
PLANNING BOARD MEETING
THURSDAY NOVEMBER 7, 2019 AT 7:15PM
ROOM 103
37 Shattuck Street Town Offices

Approved 12/5/19

Members Present: Ed Mullen, Chair; Anna Hueston, Vice Chair; Mark Montanari, and Gerald Portante, Members.
Also Present: Maren Toohill, Town Planner.
Absent: Delisa Laterzo, Clerk

The Pledge of Allegiance was recited and the meeting started at 7:15P.M.

1. Board Business:
   A. Board Member Updates:

      Montanari in regards to Affordable Housing Trust: indicated there is a meeting scheduled for 11/12/19. Will introduce one of the local large land owners to talk about Senior Affordable housing and share his thoughts on the subject. Toohill indicated there are a couple of completed applications for the rental housing program. Montanari explained that there is an available rent voucher program available for 18 applicants.

      Portante asked who is responsible for making sure that the builder keeps that unit in shape after the board approves the affordable senior housing. Toohill explained that the builder hires a lottery agent to take him through the process, to make sure it is in compliance with the state requirement. Portante asked if there is a time frame for selling the units, so they don’t sit empty. Toohill replied that there is a time frame in the decision that addresses when the affordables have to be sold; the developer can’t get building permit for building 5 until unit 4 is built as an affordable unit. That is enforced by the zoning enforcement officer.

      Hueston noted that the Transportation Advisory Council (TAC) met and she was able to update them after the last conversation for Wellington Drive. They have people who are working on the trails and so connected them with the appropriate people to be able to continue to work out the improvement of that trail. The transportation advisory committee also learned about the current status of Form-Based Code and, and they would be amenable to communicating more on that as well. Spoke about a document that was sent to the entire board, for a landscaping ecology event on Friday night, 11/8, 7PM at the High School. It’s a talk about landscapes.

      Toohill stated there is a small bond in place for Chestnut Lane, and it’s been in place for a number of years. The roadway deteriorated to the point that it will take much more money than the amount of the bond that’s in place. There have been recent complaints from residents on Chestnut Lane about the condition of the road. Town council has reviewed it, and recommended that the board inform the developer the town will not issue any more building permits until the developer increases the bond to the amount needed to complete the road work. Chris Stoddard estimated it will take $200,000 to $250,000 to complete the work. State law regulates how the town can use the bond, and the process to appropriate it. Montanari requested that Toohill send the developer a letter pursuant to Chris Stoddard’s findings.

   B. Bills and Payroll: Approved.
C. Minutes: October 2, 2019, and October 21, 2019: Hueston had previously requested revisions made to the 10/2/19 minutes. Revisions made and ready for review. Montanari motioned to approve the minutes from 10/2/19 and 10/21/19 as written. Portante seconded. Approved 3:0.

D. FY21 Budget Process:
Toohill indicated she has put the budget numbers in to Munis. The budget includes the request for a second town planner, current planner and clerk. It reflects past years’ actual expenses instead of allotted expenses. Includes professional development for 2 professional staff. Increased the budget to $300 for board member training.

There was a request from MPIC for $10,000 for community outreach for some of the initiatives they have moving forward, and $35,000 combined MPIC and Economic Development Committee working group to step forward economic development community development for the town of Littleton. Total MPAC is $45,000. Hueston requested that for that amount, the MPIC chair present a justification. Zeldin, MPIC chair, agreed to do so. Will need to be discussed with the chair and members of the economic development Committee.

Hueston asked that the board be kept updated of the process and what the board needs to do in advance.

Toohill explained that in the past there was a “super Saturday” session, at which all departments would meet and jointly present to the finance committee, board of selectmen and the school committee. This year, it was decided to bring in only the large departments to do that.

E. Form-Based Code (FBC) Work: Hueston indicated she has been working with Utile on some slides that can be used at outreach meetings. The meeting scheduled for November 13th is now pushed out to December 11th.

F. EEA Planning Assistance Grant Contract:
Toohill stated the draft contract from the EEA was received for the planning assistance grant, for $37,500 this fiscal year and the remaining $12,500 next fiscal year. Most of the work for Form-Based Code can go under that. Has been in communications with Metropolitan Area Planning Council (MAPC) for their advice on how to ... the transfer of development rights piece of it. Mark Racicot from MAPC is willing to come talk about Transfer of Development Rights (TDR). Schedule to be determined. Hueston proposed a joint meeting with the board of selectmen.

Ed Mullen joined the meeting.

After some discussion, the board agreed to attend the selectmen meeting on December 2nd. Toohill recommend the board vote to authorize the planning board chair to sign the EEA grant contract as soon as it is ready. Portante motioned that the planning board chair or vice-chair sign the EEA grant contract. Montanari seconded. All in favor, 4:0.

G. Tri Party Agreement for Kaye Estates, Cypress Lane:
Toohill stated that the board had agreed on a tri-party agreement, in the amount of $133,000. The bank drafted a document and signed it, however, when they sent it to town council for review, he pointed out several issues with the document. Currently being re-worked. Toohill signed off on the building permit applications knowing it was in process, but asked for no occupancy permits until the board receives the finalized bond documentation.
Mullen reiterated that the tri-party agreement wasn’t complete or satisfactory to town council, and instead of holding up their (applicant) building permit until the bond was corrected, Toohill released the building permits knowing that they can’t sell or occupy them until the tri-party agreement is completed.

2. **ANR – 17 Spruce Street; 13 and 15 Douglas Road – Durkee Farm Estates/Kaye Estates – lot line change, no new lots:**

   Brian Geaudreau, Hancock associates on behalf of Durkee Farm Estates: referred to the ANR plan to show the location lot 19. Indicated they are taking some land from Kaye Estates lots #49 and 48, and transferring that land via ANR into lot #19 to get additional lot area. 3 sections: the first is going from lot #49 into lot #19, the second is going from lot #48 into lot #19, and parcel B is going from lot #48 into lot #49, to maintain conformity to zoning between all 3 lots. Parcel C came from lot #48 and is being deeded to lot #19.

   The changes were done to increase the area for lot #19 and maintain conformity. Montanari motioned to approve the changes to the ANR for lots #48, 49 and 19 as presented on the plan by Hancock and Associates. Portante seconded. Approved 3:0. The Mylar was signed by the board.

3. **Continued Public Hearing; Healy Corner Definitive Open Space Subdivision, Special Permit, and Joint Public Hearing with Tree Warden for Scenic Road Review – 195 Tahattawan Road – 17 lots:**

   The Public Hearing was opened and immediately continued due to the lack of supermajority quorum to Thursday, December 5th, at Town Offices room 103.

   Toohill noted that the applicant requested that the planning board extend the time for the board to file a decision, from the 90 day deadline of November 15, until December 12. That will give the board a full week after the December 5 meeting to file a decision with town clerk. Toohill recommend the board vote on granting the extension to December 12th. Portante made a motion to grant the extension to December 12th. Montanari seconded. Approved 3:0.

4. **Housing Choice Initiative – Littleton’s Perspective:**

   Toohill indicated it is a departure from the normal for Littleton to weigh in on a house bill. The town of Needham has, and they sent a copy of their letter to Littleton, asking Littleton to support their point of view on it. From Toohill’s perspective, the master plan goals do not support Needham’s view. Asked the board to entertain a deeper board discussion.

   Toohill shared 2 of the slides from Cindy Napoli’s Affordable Housing presentation, where she did outreach from the Affordable Housing Trust to other boards and committees, showing what is known about housing in Littleton, and some of the goals of the housing trust.

   At Montanari’s request, Toohill explained what House Bill 3507, the Housing Choices Act filled by the governor, does.

   Mullen indicate that his opinion is to support the governor’s proposal instead of the Town of Needham’s view. Toohill explained that Needham would like to apply the housing act only to towns that aren’t at 10% subsidized housing inventory threshold. Littleton worked hard to get to the 10% threshold, and has more influence on future 40B applications. However, the housing needs for Littleton aren’t being met.
Mullen clarified that Littleton would be going from 4/5 to 3/5, or at town meeting from 2/3 to a simple majority vote for zoning changes. It affects both votes, Planning Board and Town meeting.

Hueston indicated she agrees with Toohill, in that 10% of affordable housing is a mandated level, and Littleton needs more affordable housing to meet its needs. If the town can create more housing by changing the zoning for 40R, it should be considered. Feels that 10% is too low, and should be increased.

Montanari indicated he agrees with zoning changes to include 40R. Agrees to move from 4/5 to 3/5.

**Public Input:** Michael Zeldin: stated that most of the information on the slides has been part of the MPIC goals for some time. Suggested that the information regarding Littleton’s needs, although well documented, needs to be explored further. Recommended that the planning board fully assess the repercussions of the proposed change before meeting with the board of selectmen. Housing is not an isolated item, it affects many other areas that are meaningful to the town. Suggested the board look at the current population of Littleton, and the possible future population based on the changes discussed. Take into consideration what the change does to income level, and employment. Housing is intended to create jobs, high, mid or low tech and attract a younger population. Littleton is losing that battle because of housing and transportation. Needs to be fully evaluated.

Hueston distributed Littleton census information to the board members. It indicates that out of 3440 homes in 2017, the median income is $119,000. The census breaks it out by % of households in the various income categories. Hueston highlighted that the category “$50,000 to $74,000” and below, shows the number of people in Littleton who are in the housing at 80% AMI category. Need to ensure the needs of that population are met. Portante commented that is 70%.

Montanari clarified the board isn’t being asked to change policy, but facilitate what is being proposed at the State level, for Special Permits to require 3/5 instead of 4/5 vote.

**ADJOURN** – Mullen motioned to adjourn, Portante seconded. All in favor. Meeting adjourned at 8:15 PM.

The next meeting is scheduled for December 5th, 2019.

**DOCUMENTS:** (location – attached unless otherwise noted)
Agenda
Public Attendance Sign-in Sheet
Landscape Ecology Flyer
Spruce St ANR
   Application
   ANR Plan
Healy Corner
   Request for continuance
   Request for timeframe extension
Housing Choice Initiative
PPT Slides
Housing Bill No. 3507
Town of Needham Housing Choice Letter
THANK YOU FOR ATTENDING!!

Please Sign In
Planning Board
November 7th 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Holmes</td>
<td>31 Central St. Acton</td>
</tr>
<tr>
<td>Mike Zeleny</td>
<td>11 Looy Ave 5</td>
</tr>
</tbody>
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[Additional rows for signatures]
Friday 11/8/2019
Littleton Conservation Trust
Annual Business Meeting at 6:30pm

Landscape Ecology: Towns, Ecology, and the Land at 7:00pm
with Professor Richard T. T. Forman
of the Harvard Graduate School of Design

at the Littleton High School Performing Arts Center
56 King St. (Route 2A/110)
(1 mile west of I-495, exit 30)

Professor Forman’s presentation is co-sponsored by the local all-volunteer Littleton Conservation Trust and the regional Sudbury Valley Trustees conservation land trust. The Sudbury Valley Trustees works to protect natural areas and farmland for wildlife and people in the 36 communities that surround the Sudbury, Assabet, and Concord Rivers.

Professor Forman focuses on towns and villages as significant environmental “hotspots”. He presents principles common to all towns. He provides guidelines contributing toward their better performance and their maintenance for more sustainable and robust conservation lands. His perspectives are of prime interest to individual homeowners, community residents, developers, business owners, and planners alike.

Continuous development and urbanization of communities, resulting in natural land loss and fragmentation, further exacerbated with the ongoing onslaught of climate warming, imposes tough challenges. Forman explores the natural dimensions that need to be accommodated to create a good balance between conservation considerations and human well-being.

Clever examples are given on how some local communities have overcome barriers.

LittletonConservationTrust.org

SVTweb.org
APPLICATION: ANR – 17 Spruce Street
Map R08-15-31, Lot 19 Durkee Farm Estates
No new lots proposed

APPLICANT/OWNERS: Durkee Farm Builders, Inc. Kaye Land, LLC
487 Groton Road
Westford, MA, 01886

ENGINEER: Brian Gaudreau, Hancock Associates
34 Chelmsford Street
Chelmsford, MA 01824

DATE OF MEETING: November 17, 2019

MEMBERS PRESENT: Anna Hueston, Mark Montanari and Gerald Portante

REFERENCE PLANS: “Plan of Land in Littleton, Massachusetts” Date: October 25, 2019;
Record Owner: Durkee Farm Builders, Inc. Kaye Land, LLC.

At the Planning Board meeting of November 17, 2019, it was unanimously voted with a vote of 3 to
0 to approve the above ANR in accordance to the reference plans.

Signed:  

Maren Toohill, Town Planner
TOWN OF LITTLETON, MA

FORM A: APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW (Ch. 41)

Date: 10/23/2019

File completed form with the Planning Board with 3 copies of the plans, plus original Mylar. File a copy of form and plan with the Town Clerk in accordance with the requirements of Section 81P

To the Planning Board:

The undersigned Applicant, believing that the accompanying plan of property located in the Town of Littleton does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits such plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Location of Property:
   17 Spruce Street (R08 15 31), 13 Douglas Road (R08 13 21), 15 Douglas Road (R08 13 22)

2. Name(s) and Address(es) of Applicant:
   Durkee Farm Builders, Inc, Kaye Land, LLC

3. Name(s) and Address(es) of Record Owner(s):
   487 Groton Road, Westford, MA 01886

4. Name and Address of Engineer or Surveyor:
   Hancock Associates, 34 Chelmsford Street, Chelmsford, MA 01824

5. Title of Plan:

6. Date of Plan:
   Agnes E Durkee Revocable Living Trust, Kaye Land, LLC, Sidney P Durkee Trust 7/1/2016

7. Owner's Title Reference: Deed of Kaye Land, LLC dated 1/28/2016, [recorded at Middlesex South Registry of Deeds in Book 67620, Page 6745], [filed 67620-72 at the Middlesex South Registry District of the Land Court as Document No., and noted on Certificate of Title no. , in Registration Book , Page .]

8. Zoning District: Resience R, Open Space Development

Page 1 of 2
TOWN OF LITTLETON, MA

9. Assessor's Map and Parcel Number: R08 15 31, R08 13 21, R08 13 22

10. The Applicant believes that the division of land shown on this plan is not a subdivision for the following reason(s):

17 Spruce St is a conforming Open Space Development Lot and 13 & 15 Douglas Rd are conforming conventional lots

Signature of Applicant  10/23/19

Date

Signature of Applicant

Date

Signature of Record Owner
(if other than Applicant)

Date

Signature of Record Owner
(if other than Applicant)

Date

All evidence to show that the plan does not require approval under the Subdivision Control Law must be filed with this application.

Filing Fee: ($100 plus $100 per lot or parcel created or revised) $400

(For all revisions to lots and parcels as well as new ones created.)

THE PLANNING BOARD'S ENDORSEMENT ON THIS PLAN, THAT APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED, SHALL NOT BE CONSTRUED AS THE PLANNING BOARD FINDING THAT THE LOTS CREATED BY THIS PLAN CONFORM TO THE REQUIREMENTS OF THE LITTLETON ZONING BYLAWS EXCEPT AS TO AREA AND FRONTAGE.

Received by Town Clerk:  Date/Time:

Form Updated August 2008

Page 2 of 2
TIME EXTENSION REQUEST FOR ACTION
ON DEFINITIVE SUBDIVISION PLAN

File 2 forms with the LITTLETON PLANNING BOARD. If the request is favorably voted by the Planning Board, one form will be delivered by Planning Staff to the Town Clerk for notification of such time extension.

PLAN IDENTIFICATION

Subdivision Name: Healy Corner
Applicant’s Name: GLAVES FAMILY TRUST
Date Submitted: Aug. 19, 2019

TO THE MEMBERS OF THE LITTLETON PLANNING BOARD:

I hereby request the Planning Board extend its time limit for action (M.G.L., Chapter 41, Section 81-U) on the above referenced Definitive Plan from 
Nov. 15, 2019 to Dec. 12, 2019.

See ATTACHED EMAIL REQUEST

Sincerely,

Applicant’s Signature: ____________________________
(applicant on original Form C must sign)

Date: ____________________________

cc: Town Clerk

Phone: 978/540-2425  Fax: 978/952-2321
Maren Toohill

From: Bruce D. Ringwall <BRingwall@gpr-inc.com>
Sent: Monday, November 04, 2019 5:03 PM
To: Maren Toohill
Subject: Healy Corner

Maren,

Upon learning of the lack of a quorum for the November 7, 2019 Littleton Planning Board meeting relative to Healy Corner the applicant has agreed to extend the review period to December 12, 2019. The Littleton Planning Board is trying to have a full quorum on either November 14th or 21st to continue the hearing. Said extension should provide time to close the hearing, draft conditions and vote on the application. On behalf of the applicant I respectfully request the Planning Board accept this request to extend the review time frame as noted above.

Thank you,

Bruce

Bruce D. Ringwall, President
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432
P 978-772-1590 F 978-772-1591
mailto:BRingwall@gpr-inc.com
www.gpr-inc.com

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Goldsmith, Prest & Ringwall, Inc.
Littleton's Perspective

INSERT POLICY HERE
House Bill 3507

"Housing Choices Act"

- Reduce the Town Meeting 2/3 voting threshold to a simple majority for zoning changes to increase housing production or density.
- Lower the threshold for new residential projects from a supermajority (4/5) to a simple majority (3/5) for certain multifamily or mixed-use developments, such as 40R Smart Growth, or starter-home districts.
To Create What We Need...

- A variety of housing types to meet needs of local preference groups.
- Utilizing Master Plan determine specific locations in Littleton for creation of affordable housing (Littleton Common, Taylor/Foster Street).
- Work proactively with land owners and developers to create the housing we need in the location we want.
- Avoid overdevelopment by staggering projects to allow for assessment of effectiveness and impact (positive or negative) on our community.
Use What We Know...

- Littleton's Housing Stock is out of balance.
- Littleton is in need of multi-unit, multi-generational housing to create affordable housing for our Local Preference Groups (Ages 25-39 and Age 60+).
- As Seniors downsize many of their homes will be sold at a much more affordable market rate than new construction.
- Recycling existing homes puts less strain on our town municipal resources.
- Affordable housing will attract new businesses and employees to our community.
To the Honorable Senate and House of Representatives,

In December 2017, the Baker-Polito Administration launched the Housing Choice Initiative. This program encourages cities and towns to plan and build the additional housing that is vital to the success of our Commonwealth. By providing incentives, rewards and technical assistance to municipalities, the Housing Choice Initiative has put us on a path to produce 135,000 new units of housing by 2025. We are proud that nearly seventy communities have been designated Housing Choice communities and are participating in the program. Last fall we announced $5 million in capital grants for thirty-one communities to assist them address crucial infrastructure needs to support local housing production efforts.

At the same time that we announced the Housing Choice Initiative, I filed legislation to address a significant barrier to housing production that the state has created. State law bars cities and towns in Massachusetts from adopting changes to zoning laws unless the municipality is able to secure a 2/3 "supermajority" vote of its legislative body. Only a handful of other states have similar requirements. None of our neighbors in New England place this sort of restriction on local decision making. This self-inflicted wound has damaged our ability to build the housing our residents need.

Our bill received widespread, bi-partisan support. Therefore, I am re-filing this legislation in the form in which it was reported favorably by the Joint Committee on Housing as "An Act to Promote Housing Choices." As was the case with the original bill, this legislation
allows cities and towns to adopt the following local zoning by majority vote of their legislative bodies:

- Reducing dimensional requirements, such as minimum lot sizes, to allow homes to be built closer together
- Adopting smart growth zoning districts and starter home zoning districts
- Allowing multi-family housing as of right or by special permit in locations such as town centers, near transit and in other locations that would be eligible for a smart growth zoning district
- Allowing mixed-use developments by special permit in town and city centers, commercial districts and rural village districts
- Allowing a small accessory dwelling unit or “in-law” apartment in the same building or on the same lot as an existing home
- Providing for “Natural Resource Protection Zoning,” “Open Space Residential Development” and transfers of development rights to allow the clustering of new development while protecting open space or conservation land
- Allowing special permits to enable developments that have more density or fewer parking spaces.

When a majority of a city or town legislative body wants to adopt zoning that will encourage housing production, state law should not stand in the way. Each year that passes means another season of town meetings that come and go with the supermajority requirement in place. Each year is a missed opportunity to build needed housing in accordance with local decision-making governed by majority rule. Time is of the essence as we join together to meet our urgent housing needs. I urge your prompt enactment of this legislation.

Respectfully submitted

Charles D. Baker,
Governor
An Act to promote housing choices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 4A of chapter 40 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:

By a majority vote of their legislative bodies, and with the approval of the mayor, board of selectmen or other chief executive officer, any contiguous cities and towns may enter into an agreement to allocate public infrastructure costs, municipal service costs and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities generally, provided that said agreement is approved by the department of revenue.

SECTION 2. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the introductory paragraph the following 7 definitions:

"Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly
from the outside or through an entry hall or corridor shared with the principal dwelling sufficient
to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area
than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii)
is subject to such additional restrictions as may be imposed by a municipality, including but not
limited to additional size restrictions, owner-occupancy requirements, and restrictions or
prohibitions on short-term rental of accessory dwelling units.

“As of right”, development may proceed under a zoning ordinance or by-law without the
need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning
approval.

“Lot”, an area of land with definite boundaries that is used or available for use as the site
of a building or buildings.

“Mixed-use development”, development containing a mix of residential uses and non-
residential uses, including, without limitation: commercial, institutional, industrial or other uses;
all conceived, planned and integrated to create vibrant, workable, livable and attractive
neighborhoods.

“Multi-family housing”, a building with 3 or more residential dwelling units or 2 or more
buildings on the same lot with more than 1 residential dwelling unit in each building.

“Natural resource protection zoning”, zoning ordinances or by-laws enacted principally
to protect natural resources by promoting compact patterns of development and concentrating
development within a portion of a parcel of land so that a significant majority of the land remains
permanently undeveloped and available for agriculture, forestry, recreation, watershed
management, carbon sequestration, wildlife habitat or other natural resource values.
“Open space residential development”, a residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. Such open land may be situated to promote and protect maximum solar access within the development. Such open land shall either be conveyed to the city or town and accepted by it for park or open space use, or be made subject to a recorded use restriction enforceable by the city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

SECTION 3. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by inserting after the definition of “Special permit granting authority” the following 2 definitions:-

“TDR zoning”, zoning that authorizes transfer of development rights by permitting landowners in specific preservation areas identified as sending areas to sell their development rights to landowners in specific development districts identified as receiving areas.

“Transfer of development rights”, the regulatory procedure whereby the owner of a parcel may convey development rights, extinguishing those rights on the first parcel, and where
the owner of another parcel may obtain and exercise those rights in addition to the development
rights already existing on that second parcel.

SECTION 4. Section 5 of said chapter 40A, as so appearing, is hereby amended by
striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be
adopted or changed except by a two-thirds vote of all the members of the town council, or of the
city council where there is a commission form of government or a single branch, or of each
branch where there are two branches, or by a two-thirds vote of a town meeting; provided,
however, the following shall be adopted by a vote of a simple majority of all members of the
town council or of the city council where there is a commission form of government or a single
branch or of each branch where there are two branches or by a vote of a simple majority of town
meeting:

(1) An amendment to a zoning ordinance or by-law to allow any of the following as of
right: (a) multifamily housing or mixed-use development in a location that would qualify as an
eligible location for a smart growth zoning district under section 2 of chapter 40R of the general
laws; (b) accessory dwelling units; or (c) open-space residential development.

(2) An amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-
family housing or mixed-use development in a location that would qualify as an eligible location
for a smart growth zoning district under section 2 of chapter 40R of the general laws; (b) an
increase in the permissible density of population or intensity of a particular use in a proposed
development pursuant to section 9 of chapter 40A of the general laws; or (c) a diminution in the
amount of parking required for residential or mixed-use development pursuant to section 9 of
chapter 40A of the general laws;

(3) Zoning ordinances or by-laws or amendments thereto that (a) provide for TDR zoning
or natural resource protection zoning in instances where the adoption of such zoning promotes
concentration of development in areas that the municipality deems most appropriate for such
development, but will not result in a diminution in the maximum number of housing units that
could be developed within the municipality; or (b) modify regulations concerning the bulk and
height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage
requirements to allow for additional housing units beyond what would otherwise be permitted
under the existing zoning ordinance or by-law.

(4) The adoption of a smart growth zoning district or starter home zoning district in
accordance with section 3 of chapter 40R of the general laws.

Provided, further, that any amendment that requires a simple majority vote shall not be
combined with amendments that require a two-thirds majority vote. provided, further, that if in a
city or town with a council of fewer than 25 five members there is filed with the clerk prior to
final action by the council a written protest against a zoning change under this section, stating the
reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be
included in such change or of the area of the land immediately adjacent extending 300 feet
therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all
members.

SECTION 5. Section 9 of said chapter 40A, as so appearing, is hereby amended by
inserting after the word "interests," in line 34, the following words:-; provided, however, that
nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of
development rights to be permitted as of right, without the need for a special permit or other
discretionary zoning approval.

SECTION 6. Said section 9 of said chapter 40A, as so appearing, is hereby further
amended by striking out, in line 35, the word “cluster” and inserting in place thereof the
following words:— open space residential.

SECTION 7. Said section 9 of said chapter 40A, as so appearing, is hereby further
amended by striking out, in line 39, the word “cluster” and inserting in place thereof the
following words:— open space residential.

SECTION 8. Said section 9 of said chapter 40A, as so appearing, is hereby further
amended by inserting, after the word “control,” in line 43, the following words:—; provided,
however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open
space residential developments to be permitted as of right, without the need for a special permit
or other discretionary zoning approval.

SECTION 9. Said section 9 of said chapter 40A, as so appearing, is hereby further
amended by striking out the 7th paragraph and inserting in place thereof the following
paragraph:—

Zoning ordinances or by-laws may also provide that special permits may be granted for
reduced parking space to residential unit ratio requirements after a finding by the special
permit granting authority that the public good would be served and that the area in which the
development is located would not be adversely affected by such diminution in parking.
SECTION 10. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting after the 12th paragraph the following paragraph:-

However, a special permit issued by a special permit granting authority shall require a simple majority vote for any of the following: (a) multifamily housing that is located within .5 miles of a commuter rail station, subway station, ferry terminal, or bus station, provided, not less than 10 per cent of the housing is affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns, and rural village districts, provided, not less than 10 per cent of the housing is affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; or (c) A reduced parking space to residential unit ratio requirement, pursuant to this section, provided that a reduction in the parking requirement will result in the production of additional housing units.

SECTION 11. Section 3 of chapter 40R of the General Laws, as so appearing, is hereby amended by inserting after the figure “40A,” in line 10, the following words: ; provided, however, that a smart growth zoning district or starter home zoning district ordinance or by-law shall be adopted by a simple majority vote of all the members of the town council, or of the city
council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a simple majority vote of a town meeting.

SECTION 12. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby amended by striking out the word "properties" in line 51 and inserting in place thereof the following word:- buildings.

SECTION 13. Said section 1 of said chapter 40S, as so appearing, is hereby further amended by inserting after the figure "40R," in line 61, the following words:- including without limitation smart growth zoning districts and starter home zoning districts as defined in section 1 of said chapter 40R.

SECTION 14. The secretary of housing and economic development shall report annually to the clerks of the house of representatives and the senate, who shall forward the report to the house of representatives and the senate, the chairs of the joint committee on housing, and the chairs of the senate and house committees on ways and means, on the activities and status of the Housing Choice Initiative, as described by the governor in a message to the general court dated December 11, 2017, including progress made towards the production of 135,000 new units by 2025. The report also shall include a list of all cities and towns that qualify as "housing choice" communities and a list and description of grant funds disbursed to such cities and towns and a description of how the funds were used to support the production of new housing.
October 22, 2019

Board of Selectmen
Town of Littleton
37 Shattuck Street
Littleton, MA 01460

Dear Board Members:

The Select Board of Needham has been closely following the progress of House Bill 3507 – Governor Baker’s “Housing Choices Initiative.” While increased availability and affordability of housing in Massachusetts are important goals, the bill as drafted eliminates the longstanding requirement of a two-thirds local legislative majority to amend city or town zoning. We believe that this requirement is important to sound and community-supported municipal land use planning.

Many communities, including Needham and Littleton, have successfully worked within the existing structure to achieve the ten percent housing goal established under MGL Chapter 40B. We have proposed that the current provisions of the bill that would change the quantum of vote required to approve housing-related zoning amendments and special permits be amended to apply only in municipalities that have not achieved a Subsidized Housing Inventory (SHI) percentage of ten percent or more.

This approach would allow our towns to maintain what we believe are the proven benefits of the two-thirds majority rule. At the same time, it would incentivize municipalities that have not achieved ten percent SHI to move forward.

The Needham Select Board and Planning Board sent the attached letter to our legislative delegation. We encourage you to consider joining Needham and sending a similar letter to your representatives.

If you have any questions or need additional information please contact Kate Fitzpatrick, Town Manager.

Very truly yours,

John A. Bulian, Chair
Select Board of Needham

cc: Select Board
Kate Fitzpatrick, Town Manager
Lee Newman, Director of Planning and Community Development
October 3, 2019

Representative Denise Garlick
State House Room 238
Boston, MA 02133

Senator Michael Rush
State House Room 109C
Boston, MA 02133

Senator Becca Rausch
State House Room 218
Boston, MA 02133

RE: House Bill 3507

Dear Representative Garlick, Senator Rush and Senator Rausch:

The Select Board and Planning Board are writing to provide further comment on House Bill 3507 – Governor Baker’s “Housing Choice Initiative.”

Increased availability and affordability of housing in Massachusetts are important goals. However, we believe that the longstanding requirement of a two-thirds local legislative majority to amend city or town zoning is important to sound and community-supported municipal land use planning. That requirement should only be restricted as minimally necessary to advance the housing policy goals of H3507.

To that end, our boards recommend that the current provisions of the bill, which would change the quantum of vote required to approve housing-related zoning amendments and special permits to a simple majority, be amended to provide that such lesser majority provisions only apply in municipalities which have not achieved a countable Subsidized Housing Inventory (SHI) percentage of ten percent or more.

Many communities, including Needham and others, have successfully and in good faith worked within the existing structure to achieve the ten percent state policy goal established under MGL Chapter 40B, and continue to encourage the development of appropriate affordable housing units. This approach would allow them to maintain the benefit of what we believe are the proven benefits of the two-thirds majority rule. At the same time, it would incentivize municipalities which have not achieved ten percent SHI
to move forward on these issues and help remove excessive barriers to moderate income and affordable housing in communities across Massachusetts.

Thank you for your consideration of this matter. If you have any questions or need additional information, please contact Kate Fitzpatrick, Town Manager.

Sincerely,

NEEDHAM PLANNING BOARD

Martin Jacobs, Chair

SELECT BOARD OF NEEDHAM

John Bulian, Chair
### INCOME IN THE PAST 12 MONTHS (IN 2017 INFLATION-ADJUSTED DOLLARS)
#### 2013-2017 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Households</th>
<th>Families</th>
<th>Married-couple families</th>
<th>Nonfamily households</th>
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<td>Estimate</td>
<td>Margin of Error</td>
<td>Estimate</td>
<td>Margin of Error</td>
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<td><strong>Total</strong></td>
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<td>+/-1.29</td>
<td>2,638</td>
<td>+/-1.11</td>
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<td>Less than $10,000</td>
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<td>+/-1.1</td>
<td>0.3%</td>
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<td>$10,000 to $14,999</td>
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<td>+/-0.9</td>
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<td>$15,000 to $24,999</td>
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<td>+/-2.5</td>
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<td>$50,000 to $74,999</td>
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<td>$100,000 to $149,999</td>
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<td>19.9%</td>
<td>+/-4.0</td>
<td>25.0%</td>
<td>+/-5.1</td>
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</table>

**Median income (dollars)**
- 119,177 +/-4,518
- 141,068 +/-12,928
- 147,368 +/-8,393
- 47,565 +/-15,013

**Mean income (dollars)**
- 138,556 +/-10,687
- 158,148 +/-12,764
- 93,524 +/-10,778

**PERCENT ALLOCATED**
- Household Income: 31.7% (X) (X) (X) (X) (X) (X)
- Family Income: 32.7% (X) (X) (X) (X) (X) (X)
- Nonfamily Income: 26.8% (X)

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:
- An "*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
- An "±" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
- An "−" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
- An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.
- An "***" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
- An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
- An "(X)" means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value.

When information is missing or inconsistent, the Census Bureau logically assigns an acceptable value using the response to a related question or questions. If a logical assignment is not possible, data are filled using a statistical process called allocation, which uses a similar individual or household to provide a donor value. The "Allocated" section is the number of respondents who received an allocated value for a particular subject.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas, in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.