



May 1, 2017

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Sen. Michael Moore, Senate Chair
Joint Committee on Municipalities and Regional Government
Room 109-B
State House
Boston, MA 02133

Rep. James O'Day, House Chair
Joint Committee on Municipalities and Regional Government
Room 540
State House
Boston, MA 02133

RE: Support for *An Act Building for the Future of the Commonwealth* (H.2420)

Dear Chairman Moore and Chairman O'Day:

The Association to Preserve Cape Cod (APCC) writes in strong support of *An Act Building for the Future of the Commonwealth* (H.2420).

APCC is Cape Cod's leading nonprofit environmental advocacy and education organization, founded in 1968 and currently representing over 5,000 members from all 15 towns on Cape Cod. APCC works for the adoption of laws, policies and programs that protect and enhance Cape Cod's natural resources and quality of life. One major focus of APCC's work is advocacy for regional and local planning that directs housing and business growth to designated mixed-use, walkable village centers with supportive infrastructure, while at the same time protecting outlying sensitive natural resource areas. Paradoxically, the greatest impediment to the adoption of such smart growth concepts is found in the state's existing zoning, planning and subdivision control laws.

In fact, across Massachusetts, sprawling development is threatening the distinctive character of our cities and towns. Existing zoning perpetuates sprawl and even provides cost advantages for developers to choose sprawl over smart growth. Yet for the community, poorly planned growth results in high housing costs, degraded natural resources, loss of habitat and farmland, and strained municipal budgets.

The planning and regulatory authority of municipalities is often undermined by confusing and unreasonably limiting state law. Our zoning laws actually thwart local planning through exemptions, prohibitions and zoning freezes that block implementation of local master plans. Massachusetts' land use loopholes, such as overly-generous vested rights for subdivisions, consistently stymie attempts to update local master plans or adopt modern zoning bylaws. The Approval Not Required law, which is found nowhere else in the United States, allows development to sprawl along any road, including inadequate one-lane dirt roads, without the benefit of local regulatory review. State law makes it extremely difficult for communities to

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modernize their zoning by requiring a 2/3 super-majority vote to adopt zoning changes, a practice not seen in any other state that utilizes a town meeting system of government.

The end result is a broken system that does not serve community, regional or state interests.

An Act Building for the Future of the Commonwealth is the first major update of the state's zoning and subdivision control laws in over 40 and 60 years, respectively.

H.2420 contains effective planning tools such as inclusionary housing, development impact fees, form-based development and natural resource protection zoning that, although widely and successfully used elsewhere in the nation, have not been embraced in Massachusetts due to statutory uncertainty. The bill includes language for multi-family housing and by right accessory dwellings to create more housing opportunities, and it promotes greater protection of our natural resources through cluster subdivisions by right. For business owners and developers, H.2420 offers prompt, predictable and fair permitting reforms.

Just as importantly and very critically, H.2420 provides much-needed revisions to Massachusetts' most egregiously outdated laws governing local zoning and land use planning, including correcting the above-mentioned "broken" provisions relating to subdivision vested rights and Approval Not Required, as well as the 2/3 zoning vote. **It is imperative that any zoning reform legislation include these basic fixes to existing statute, which will finally bring Massachusetts' currently dysfunctional land use laws into the national mainstream.**

H.2420 is a consensus bill that represents a very broad constituency of supporters. It balances state, municipal, housing, economic development, environmental, public health and landowner interests. This legislation provides the necessary revisions and updates to state zoning, planning and subdivision control laws that will enable communities to effectively address modern planning challenges. APCC respectfully urges the Joint Committee on Municipalities and Regional Government to act swiftly in moving H.2420 forward by giving it a positive recommendation.

APCC thanks the committee chairs and the members of the committee for their thoughtful consideration of this important legislation.

Sincerely,



Andrew Gottlieb
Executive Director

cc:	Senate President Stanley Rosenberg	Rep. Timothy Whelan
	Speaker of the House Robert DeLeo	Rep. William Crocker
	Rep. Stephen Kulik	Rep. David Vieira
	Rep. Sarah Peake	Rep. Dylan Fernandes
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