


# Strengthening Local Boards & Commissions to Support Affordable Housing

Massachusetts Housing Partnership  
Affordable Housing Virtual Training Series  
Barrett Planning Group LLC  
March 20, 2025



Strengthening  
local boards &  
commissions  
means ...

- Understanding your own local government!
- Understanding ..
  - Operations and jurisdiction of boards & commissions
  - Permitting timelines
  - Uniform vs. minimum code
  - Degree (or lack of) communication
  - How much occurs at the departmental/staff level
  - Working with state agencies
  - The developer's experience and needs
  - How to bring a knowledgeable housing perspective into your boards and commissions
  - How to find more information



3/20/25



## Typical/frequent players

- Select Board / Mayor
- Planning Board
- Zoning Board of Appeals
- Affordable Housing Trust (you may also have a Housing Partnership)
- Community Preservation Committee
- Conservation Commission
- Board of Health
- Historical Commission or Historic District Commission
- Town Counsel or City Solicitor

# Possible additional players

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- Neighborhood Conservation District Commission
- Design Review Board
- Stormwater Committee
- Site Plan Review Committee

As the Design Review Board, we are tasked with a higher calling: to Preserve Neighborhood Character



# Professional staff

- Planning Department
- Town Manager
- Building Department
- Conservation Agent/Administrator
- Health Agent
- Town Engineer
- Public Works Department
- Administrative Assistants to Participating Boards & Commissions



And, possibly  
state agencies

- Executive Office of Housing and Livable Communities (EOHLC)
- Maybe ...
  - MassHousing
  - Massachusetts Housing Partnership
  - MEPA
  - Department of Environmental Protection (DEP)
  - MassDOT
  - Natural Heritage and Endangered Species Program (NHESP)



# Readily available resource for your community

Massachusetts Chapter, American Planning Association, Guidebook to Massachusetts Land Use (2021), prepared by Robert Ritchie, Esq., and Robert Mitchell, FAICP

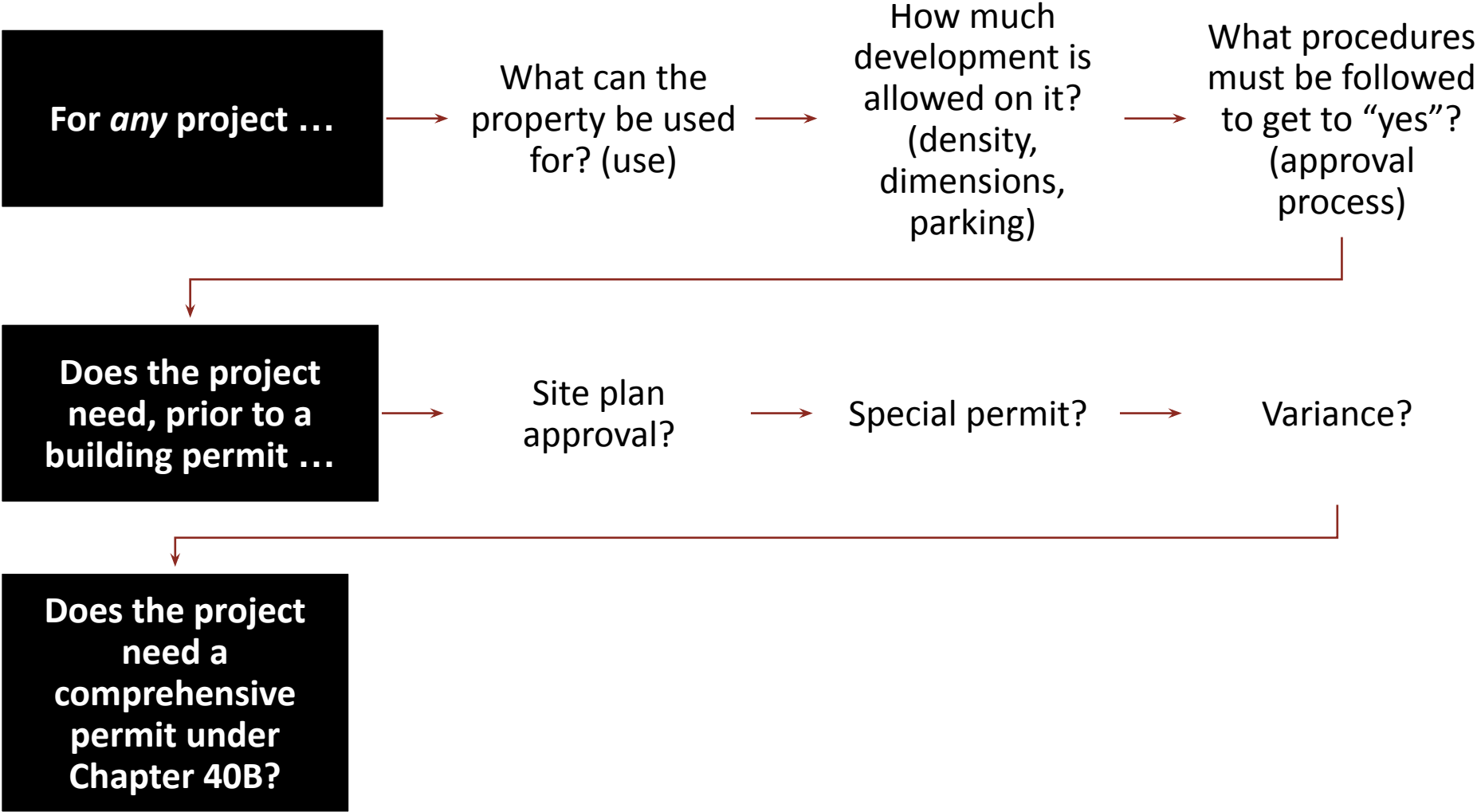
<https://www.apa-ma.org/apa-guidebook/>



# Regulatory Basics

Strengthening Local Boards &  
Commissions to Support  
Affordable Housing

# Zoning (Fundamental)



# Environmental regulations

For *any* project ...

- Does it involve demolishing an existing building or structure, in whole or in part?
- Does it involve changes to existing structures in a local historic district?
- Is the project subject to a LID bylaw?
- Does the property include any wetland resource areas?
- Will any aspect of the project involve any alteration of or within 100 feet of a wetland resource area?
- Will the project involve any alteration within 200 feet of a river? (*Except 25 feet in Boston, Brockton, Cambridge, Chelsea, Everett, Fall River, Lawrence, Lowell, Malden, New Bedford, Somerville, Springfield, Winthrop, or Worcester*)



# Environmental regulations



For *any* project ...

- How will the project comply with state stormwater management requirements? Your local stormwater management bylaw or ordinance?
- Is your project located in a Priority Habitat Area?
- Does your project have access to sewer service?
- If the project requires on-site sewage treatment and disposal, will it generate more than 10,000 gpd of sewage flow?

# Other stuff

For *any* project ...

- Does the project require access from or improvements within a state road? (9-12 months)
- How many vehicle trips per day will it generate?
- Is it a Brownfield site?
- Will any aspect of the project trigger a MEPA filing? (9-12 months)
  - Will it require an ENF?
  - What about EJ outreach and participation?
  - Will it require an EIR?
  - Any Section 61 findings?



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## More other stuff ...

For *any* project ...

- Does the project need financial support for infrastructure improvements, e.g., Community One-Stop?
- What public funding sources does the project need?
- What do those sources require, at minimum, in addition to site control?
- Do those sources require or give priority to projects with demonstrated local support?
- Does the project involve the disposition/development of municipally owned property? Or state-owned property?



With all of this in mind ...

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Does the project need a Comprehensive Permit?

# Typical roles & responsibilities, and some occasional quirks

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# Planning Board

- Statutory authority:
  - G.L. c. 41, 81A-J
  - Approval Not Required (ANR) Lot
  - Subdivision
- Home Rule
  - Site plan review
- Allowed by statute, subject to local zoning ordinance/bylaw
  - Special permits for higher density, open space residential development, multifamily housing in nonresidential districts, PRD, other ...
- Zoning change
  - Public hearing & report with recommendations to Town Meeting, Municipal Council (*you must work with the Planning Board on any proposed zoning change!*)

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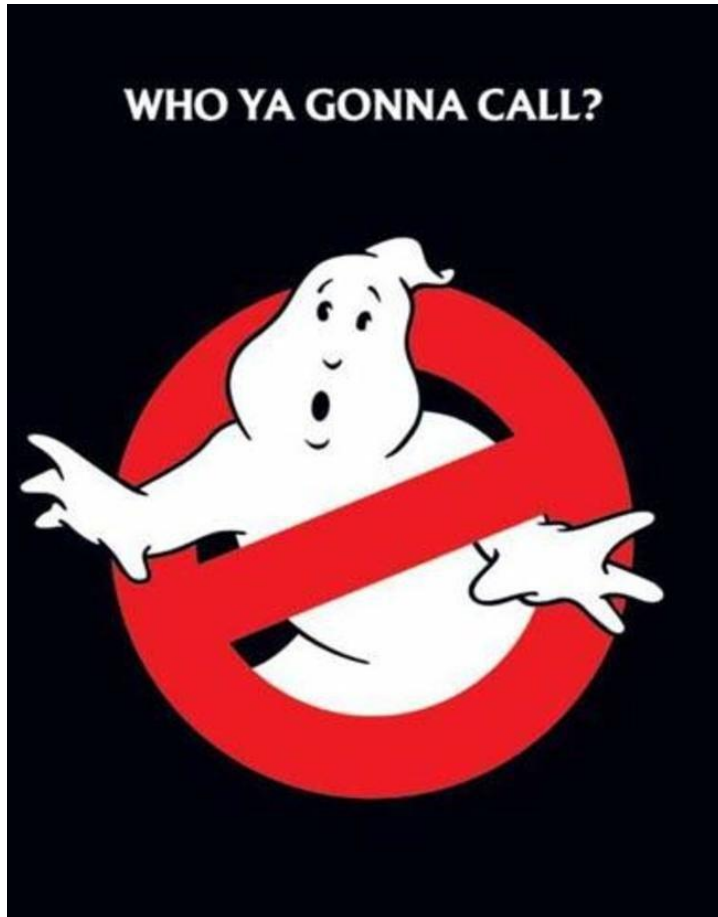
# Planning Board

- Has lots of other responsibilities, e.g.:
  - Review/recommendations re reports to form a historic district
  - Master Plan
  - May serve as Parks Commissioners
  - Laying out of streets to be proposed as public ways
  - May have authority to approve street names
  - Chapter 91 licenses
  - Urban renewal plans (review and determination of consistency with comprehensive plan)

# Zoning Board of Appeals

- Authority comes from Zoning Act, Zoning Ordinance or Bylaw, and Chapter 40B
- Appointed by Select Board or Mayor w/ Council confirmation
- Primary functions:
  - Special permits
  - Nonconforming uses, structures, lots
  - Variances
  - Appeals
  - Comprehensive permits





# Planning Board or ZBA?

- What types of relief or waivers, or incentives, does your Zoning Ordinance or Zoning Bylaw allow?
- For relief, what are the criteria for approval?
- Do the boards have administrative rules and regulations?
- Do they have filing deadlines?
- How busy is their docket?
- What information will they need, in addition to the basics, in order to make a decision?
- Do the exceptions or relief the project requires exceed the authority of these boards?
- *Some projects require action by both boards.*

# Conservation Commission

## Sources of Authority:

- G.L. c. 131, Section 40
- 310 CMR 10.00
- Local Wetlands Ordinance or Bylaw
- May also have zoning review/comment and advisory roles to SPGA, e.g., Wetlands Overlay District

## Typical requests:

- Request for Determination of Applicability
- Abbreviated Notice of Resource Area Determination
- Notice of Intent (which may involve a companion filing under the local wetland ordinance)
- Request for Certificate of Compliance



# Conservation Commission

- Reviews and approves projects with the express purpose of protecting wetlands and water resources
- Mission: ***environmental protection***
- Does not have authority to ...
  - Approve or disapprove a proposed *land use*
  - Waive state or local wetlands regulations to enable affordable housing development
- Does have ability to work with applicants to accomplish both wetlands protection and housing where feasible and consistent with wetlands regulations



# Board of Health

## Sources of Authority

- G.L. c. 111
- G.L. c. 41, ss. 81S-81V (approval of definitive subdivision plan)
- Environmental Protection:
  - Title V, local BOH regulations for subsurface sewage disposal
  - Local regulations often stricter than Title V in terms of leaching area distances/setbacks, size requirements for leaching beds ...
  - May have additional requirements in Aquifer Protection Districts, Zone III nitrogen loading
  - May have review/approval authority over conversions to two-family or multi-family dwellings
- Underground storage tanks
- *Lots* of other responsibilities not related to development permitting

# Board of Health

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- Reviews and approves projects with the express purpose of protecting public health through proper, safe, reliable systems for sewage disposal
- Often asked to review/approve location of solid waste facilities in large projects
- Mission: **public health**
- Does not have authority to ...
  - Approve or disapprove a proposed *land use*
  - Waive septic system regulations specifically to enable affordable housing development
  - May grant some Title V variances *if authorized by Title V (e.g., property line or foundation setbacks)*



# Historic District Commission

- Sources of Authority:
  - G.L. c. 40C
  - Local Historic Districts ordinance or bylaw
  - Special Act HDCs in Bedford, Boston, Concord, Lexington, Lowell, Nantucket, Sudbury, and Old King's Highway
- Typical requests:
  - Certificate of Appropriateness
  - Certificate of Non-Applicability
  - Certificate of Hardship
- May also serve as city/town Historical Commission – in which case it may have authority for demolition delay

# Design Review Board

- DRB has *advisory* role – in most communities
- Read ordinance/bylaw approval procedures carefully
- Existence and scope of authority defined in local ordinance or bylaw
- Often asked to review and comment, and make recommendations about multifamily developments:
  - Special permits
  - Site plan approval
- Zoning ordinance may have specific *design standards*
- DRB may have written/illustrated design guidelines
- Typically evaluate projects considering building height, scale, height, facades, roof shapes, landscaping, parking, compatibility with nearby structures, other
- May have responsibilities in Large House Review

## GUIDEBOOK PURPOSE

Plymouth's rich history shapes the fabric of the Town today from its vibrant waterfront district to cozy residential enclaves made distinct by varied topographies and architectural styles. As Plymouth develops more multifamily housing, it is essential that designs support the aesthetic of surrounding neighborhoods, as well as the long-term goals of the Town. This guidebook outlines Plymouth's aspirations for new and redeveloped multifamily housing. The guidebook is intended to inspire and assist in developing a strong site plan proposal and assumes compliance with all zoning and overlay district regulations.

These suggestions complement 4OR guidelines for appropriate sites, as well as standards outlined in the Overlay Districts and Special Regulations section in the Zoning Bylaw and do not replace requirements of Site Plan Review. The Town of Plymouth has established these advisory guidelines to facilitate the review process. They are intended for consultation by developers, building owners, and other interested parties to understand the character that the Town of Plymouth seeks to protect and improve. They describe important design elements for developers to consider.

## Prepared For:

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Lauren Lind, Town of Plymouth



Painting by Kathryn Whitaker

# Community Preservation Committee

- Sources of Authority:
  - G.L. c. 44B, Section 5
  - Local ordinance or bylaw
- May have a role In affordable housing projects: “. . . provide grants, loans, rental assistance, security deposits, interest-rate write-downs or other forms of assistance directly to individuals and families eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.”
- May have a role in projects serving more than one purpose under the Community Preservation Act
- Funding allocation proposed at and approved by Town Meeting

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# Affordable Housing Trust

- Sources of Authority:
  - G.L. c. 44, Section 55C (subject to acceptance by local legislative body)
  - Special act (in some cases)
  - Local ordinance or bylaw
- Broad authority to acquire, sell, lease, exchange, transfer, convey, or manage property for affordable housing purposes and provide funding to support privately developed affordable housing
- AHT “wings” often clipped by restrictions in local ordinance or bylaw (must read)
- Obtains funds from multiple sources ... CPA, inclusionary zoning fees, town meeting appropriations, other
- Can be crucial source of support for affordable housing





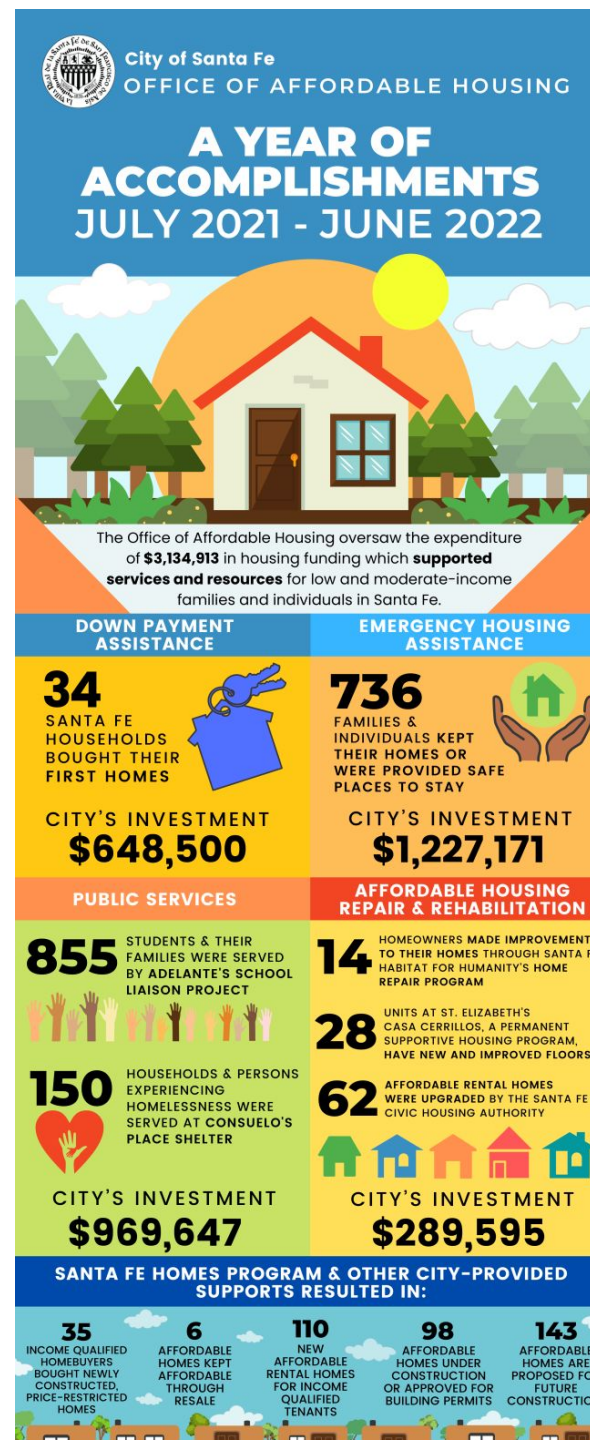
## Select Board

- May have a role in ...
  - Real property disposition for affordable housing
  - Special permits!
  - Site plan review!
  - Review/approval of Affirmative Fair Housing Marketing Plan (AFHMP)
- Does have final say over Annual Town Meeting warrant and whether to call a Special Town Meeting
- Plays critical role in appointing Town Manager/Administrator and may have direct or indirect role in hiring/firing town staff
- Appoints many boards/commissions, including AHT, CPC, ZBA (usually), BoH, CC, DRB, HDC, others

# Capacity Matters

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What does your community's housing report card look like?



# Regulating for housing choice

- Inclusionary zoning ... do you have it, and what has it produced? *Is it working?*
- Where do you encourage a mix of different types of housing?
- Do you allow multifamily units at a realistic density in your town center? Neighborhood commercial centers?
- If you have any public transportation in your community, do you encourage a housing mix, including affordability, within walking distance?
- If you have a train station or commuter ferry, have you created a transit-oriented mixed-use district?

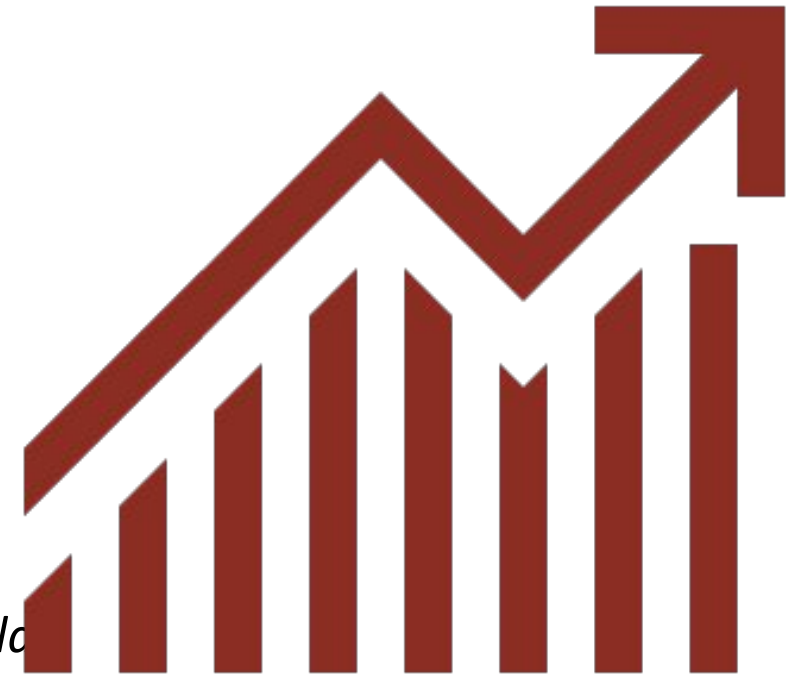
*If no, build a strong partnership with your Planning Board!*



# Investing in Equity

- What does your City or Town Master Plan, or any neighborhood plans, say about opportunities to develop affordable housing?
- Have you aligned your capital spending commitments with your planning goals?
- Is your capital plan a “sidebar” to the annual budget cycle, or does your Planning Department, Economic Development Commission, Housing Partnership, and Finance or Advisory Committee work together to develop your five-year capital plan? (*Do you have a five-year capital plan?*)
- Have you funded a full-time Economic Development Director? Municipal Housing Director? Or a Regional Housing Coordinator shared with nearby towns?

*If no, talk to your Town Manager or Town Administrator, and build a relationship with your Planning Board and Finance Committee!*



## Do you have data and stories to share about housing needs in your community?



- Have you studied wage levels and housing prices in your community? What is the impact of housing costs on local workers? Where do they commute from?
- Have you talked to local workers or local business owners (the business tenants, not just the property owners)?
- What is the demographic makeup of your community? How does it compare to the region?
- Has your community done a racial impact study to evaluate whether current rules disproportionately affect Black people and people of color?

*You can get some really good data from MHP and your regional planning agency!*

# Knowledge, power, and money

- Does your CPC work closely with your Affordable Housing Trust?
- Does your community automatically transfer CPA housing funds to the Affordable Housing Trust and let the AHT decide how best to invest those dollars?
- Does your City Council or Town Meeting make non-CPA resources available for affordable housing development?
- Has your community prepared a municipal land study and identified potential locations for affordable housing?
- Have you invested in a comprehensive housing strategy for your town?
- Does your community pay for training each year for your Planning Board, ZBA, other boards, and municipal staff?

*If no, there are grants available to help you with a housing plan. MHP provides technical assistance to Housing Trusts, and the Community Preservation Coalition has excellent resources on using CPA funds for housing! Attend the CPTC Annual Conference!*



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# Community “messaging” about affordable housing

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- What is your community’s official messaging about housing affordability? Multifamily housing? Investing in housing for people who work in your town?
- Do you welcome group homes for people with disabilities in your town? Sober homes?
- Does your town expect multifamily developments to “prove” a positive fiscal impact while single-family homes have no comparable burden?
- Does your community have people who will speak at public hearings, town meetings, or town or city council hearings about the need for and benefits of affordable housing?

Boards with development approval authority request, receive, and consider testimony at a public hearing. Who's at *your* hearings?





# Questions?

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