

COMPARISON OF DEVELOPMENT PROCESSES IN THE NORTHEAST

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PREAMBLE

- In preparing this presentation, the following sources were used to obtain relevant information:

- Maine revised statutes Title 30A Subchapter 187
- New Hampshire statutes LXIV Chapter 672
- Vermont statutes Annotated Title 24, Chapters 79-84
- Massachusetts General Laws Chapter 40A
- Connecticut General Laws Vol. 2 sec 7-8

Additional sources: National Council of Legislative Services; American Planning Association; National Homebuilders Association; National Multifamily Home Builders Association; RI Superior Court Clerks' Office

3 MAINE TITLE 30-A, CHAPTER 187

- Each community or municipality has a Planning Board appointed by local authority to adopt a Comprehensive Plan. Zoning Boards of Appeal shall consist of 5 to 7 members.
- Majority of members required for quorum and voting, not majority of members present. Notice requirements are 13 days before hearing with mailing notice to abutters and newspaper notice. Any appeal challenging notice requirements must be filed within 30 days to Superior Court.
- ADUs are allowed on land zoned for single family.
- Subchapter 3 Land Use regulations, Section 4352: Developments require 25% bond for rezoning area for development. Bond payable to the municipality if substantial construction has not begun within 1 year.
- Impact and application fees may be required by municipality.

4 NEW HAMPSHIRE STATUTES LXIV CHAPTER 672

- New Hampshire has some unique aspects. Smaller communities often do not have Planning/Zoning Boards and dwellings are permitted as a matter of right.
- Building request can be granted by the local authority (Board of Selectmen/Town Council.) Cities have Planning Boards with a minimum of 9 members appointed by local authority. Towns can have 7 members. Zoning Boards of appeal can be either appointed or elected, one or the other. 5 members with 2 alternates.
- Decision are by majority of board members (3-2.) In communities without Zoning Boards of adjustments, the local authority appoints a 5 member board to hear appeals in specified cases. Public Hearing notice must be 5 days prior to hearing with verified mailings. Hearing must be held within 45 days of filing.
- Accessory dwelling units are permitted by right in single family permits. May not be permitted for condo/townhouse developments where structures are connected.

5 VERMONT GENERAL LAWS TITLE 24, CHAPTERS 79-81 AND CHAPTER 117

- Very extensive subchapter - General Provisions Definitions. Vermont has a bylaw that will provide grants to assist municipalities in modernizing land use/development to increase housing choices and affordability.
- Zoning bylaws specifically prevent municipalities from excluding mobile homes, modular housing, prefabs.
- In districts that allow year round development, duplexes are automatically allowed in same dimensional standards as single unit. Land development is permitted on lots that do not have frontage as long as there is a permanent easement approved.

6 VERMONT GENERAL LAWS TITLE 24, CHAPTERS 79-81 AND CHAPTER 117 (CON'T.)

- Municipalities may have a “Board of Adjustment” or a “Developmental Board of Review.” One or the other. 5 members, 2 alternates appointed by city/town authority.
- Appeals from these is to Environmental Division. There are 2 statewide environmental officers with Superior Court authority. 45 days to file appeal, 15 days notice to parties by certified mail.
- Accessory dwelling units are automatically permitted when located in, or appurtenant to, single family dwelling on owner occupied lot.

7 MASSACHUSETTS GENERAL LAWS CHAPTER 40A, ZONING

- Notice of appeals require 2 successive weeks of newspaper publications and mailing to parties of interest, at least 14 days prior to hearing.
- Board of Appeals can be 3- 5 members appointed by Mayor. In the event of vacancy or conflict, Mayor can appoint alternate. Appeals of any decisions shall be filed within 30 days.
- If there is a 3 member board, all must be in concurrence. If there is a 5 member board, then they need 4 votes in concurrence. Any aggrieved party may file an appeal to the Superior Court where property is located within 20 days after decision is recorded.

8 MASSACHUSETTS GENERAL LAWS CHAPTER 40A, ZONING (CON'T.)

- Notably in Massachusetts, the City of Cambridge has eliminated all parking requirements for new developments.
- Additionally, any city or town within one half mile of MBTA station shall allow up to 15 units per acre or face the withholding of state funds. This is being challenged and some municipalities are willing to forego funding.

9 CONNECTICUT GENERAL LAWS VOLUME 2, TITLE 7-8

- Except for towns under 5,000 residents, each municipality can have a zoning commission of not less than 5 members with 3 alternates appointed by local ordinance.
- Sec. 8-2g allows a municipality to increase density for affordable housing projects. Also, a municipality can designate areas that allow accessory apartments by right on each lot that contains single family dwelling.
- Municipality can opt out of dwelling unit parking requirements.
- Zoning decisions must be rendered by 4 members of the Zoning Board.
- Notifications for hearings by publication and mailings to adjacent landowners are by certified mail.

ANECDOTAL INFORMATION FROM VARIOUS JURISDICTIONS ACROSS THE COUNTRY

- **President Biden's** - Build Back Better Program authorized \$1.75 billion in grants for communities that are working to change outdated zoning codes. Goals are to eliminate needless barriers to producing affordable housing.
- **New York State** – Governor Hochul implemented a statewide plan to build 800,000 new residential dwelling units over the next ten years. Also, like Massachusetts, the Governor is requiring higher density development near rail stations.
- **Montana** – Governor's task force on zoning reform streamlined process; opened commercial zones to residential; allows ADUs; allows duplexes in single family zones in any city over 5,000 residents.

II

ANECDOTAL INFORMATION FROM VARIOUS JURISDICTIONS ACROSS THE COUNTRY (CON'T.)

- Gainesville, FL and Minneapolis, MN eliminated single family zoning. Gainesville actually recognized that zoning laws going back to the fifties were often racially motivated to keep African Americans out of white neighborhoods.
- Utah is withholding state funding to local communities that do not engage in zoning reform by increasing density.

12 HANDOUTS

- State Legislature Zoning Reform 2023 (American Planning Association)
- Regulations as share of multifamily development costs. (National Multifamily Home Builders Association)
- Examination of Effective Statehouse Reforms 2023 (Urban Economics)
- State by State guide to Zoning Reform. (Lincoln Institute of Land Policy)
- RI Superior Court Land Use Cases Pending through 10/2/23