SUMMARY: Newton Centre
Commercial Gross Building Areas

Use	Gross Area
AUTO REPAIR	7,227
CANOPY	4,289
COMMERCIAL BSMT	71,591
GAS STATION	3,456
OFFICE	287,610
PARKING DECK	27,386
RETAIL	208,634
STORAGE	4,788
UTILITY BSMT	131,899

Newton Centre Commercial Gross Building Area									
Parcel	Location	Office	Retail	Other Use	Gross Area	Other Use	Gross Area	Other Use	Gross Area
61027 0001	761-771 BEACON ST		4,220	UTILITY BSMT	4,220				
61027 0002	208-214 SUMNER ST		2.809	COMM. BSMT	2,809				
61027 0017	739 BEACON ST		3,237						
61027 0018	741-747 BEACON ST		2,915	UTILITY BSMT	2,915				
61027 0019	749 BEACON ST			AUTO REPAIR	4,247				
61027 0020	749-759 BEACON ST		6,737	UTILITY BSMT	6,860				
61032 0003	1148 CENTRE ST		2,570	COMM. BSMT	4,858	CANOPY	108	Parking Deck	4,768
61033 0002	10 LANGLEY RD	29,282	6,678						
61033 0005	1188 CENTRE ST	21,580		COMM. BSMT	2,186	UTILITY BSMT	6,634		
61033 0006	22-28 LANGLEY RD		9,696	UTILITY BSMT	9,744				
61033 0009	191 SUMNER ST	3,248							
61033 0012	209-213 SUMNER ST	2,010	1,970	STORAGE	4,788	UTILITY BSMT	2,919		
61033 0013	36-46 LANGLEY RD		6,342	COMM. BSMT	1,205	UTILITY BSMT	5,222		
61033 0014	30-30 LANGLEY RD	1,214	12,042	UTILITY BSMT	11,808	UTILITY AREA	330		
61035 0002	1296-1298 CENTRE ST		3,683	UTILITY BSMT	3,683				
61035 0005	1280 CENTRE ST	6,334	7,010	COMM. BSMT	6,810				
61036 0001	808 BEACON ST	6,738		COMM. BSMT	3,168				
61036 0002	796 BEACON ST	3,526	3,844	COMM. BSMT	3,844				
61036 0003	790-794 BEACON ST		6,778	COMM. BSMT	6,778				
61036 0004	780 BEACON ST	2,985		CANOPY	1,199				
61036 0005	776 BEACON ST		3,990						
61036 0006	47-61 LANGLEY RD	21,856		UTILITY BSMT	1,276				
61036 0007	49-63 UNION ST		6,120	COMM. BSMT	4,706	UTILITY BSMT	1,540		
61036 0008	65-73 UNION ST	2,960	2,960	UTILITY BSMT	2,960				
61036 0009	93-105 UNION ST	25,028	13,544	COMM. BSMT	10,603				
61036 0011A	70 UNION ST		2,352	UTILITY BSMT	416				
61036 0011C	50 UNION ST	3,359		UTILITY BSMT	1,500				
61038 0002	74-78 LANGLEY RD	3,527	2,999	COMM. BSMT	2,546				
61038 0003	80 LANGLEY RD	2,585	2,923	COMM. BSMT	2,285				
61038 0004	22-24 UNION ST		2,546	UTILITY BSMT	1,644				
61038 0005	740 BEACON ST			AUTO REPAIR	2,980				
61038 0007	732 BEACON ST			GAS STATION	1,920				
61038 0008	714-724 BEACON ST		15,622	CANOPY	1,764				
62010 0001	1349 CENTRE ST	5,245		COMM. BSMT	263	CANOPY	258	UTILITY BSM	2128
62010 0009	1345 CENTRE ST	2,448		COMM. BSMT	1,214				
62011 0006	1359 CENTRE ST	2,926		COMM. BSMT	1,875	UTILITY BSMT	340		
62011 0007	1365 CENTRE ST			GAS STATION	1,536				
62012 0001	15 CYPRESS ST	10,913		COMM. BSMT	1,180	PARKING DECK	2,626		
62012 0001A	1314 CENTRE ST		3,200	UTILITY BSMT	3,200				

Newton Centre Commercial Gross Building Area									
Parcel	Location	Office	Retail	Other Use	Gross Area	Other Use	Gross Area	Other Use	Gross Area
62012 0005	1330-1340 CENTRE ST	54,211		UTILITY BSMT	25,292				
62013 0009	77 PAUL ST	25,644		PARKING DECK	24,760	COMM. BSMT	640		
64028 0001	1261-1269 CENTRE ST	13,140	8,383	UTILITY BSMT	10,640				
64028 0002	837-847 BEACON ST		7,462	UTILITY BSMT	7,462				
64028 0022	1221-1227 CENTRE ST		2,670	COMM. BSMT	540	UTILITY BSMT	2,130		
64028 0023	1229-1235 CENTRE ST		3,911	COMM. BSMT	1,679				
64028 0024	1239-1243 CENTRE ST		8,171	UTILITY BSMT	6,483				
64028 0025	1247-1249 CENTRE ST		4,640	UTILITY BSMT	4,640				
64028 0026	1251-1253 CENTRE ST		3,896	UTILITY BSMT	3,896				
64028 0028	1255 CENTRE ST	1,715	1,700	UTILITY BSMT	1,715				
64029 0001	1199-1217 CENTRE ST		18,283	COMM. BSMT	8,414				
64029 0002	17PELHAMST17		2,651	COMM. BSMT	380				
64029 0002A	19PELHAMST19		1,065						
64029 0002B	21 PELHAM ST 21		1,065						
64030 0001	1185-1197 CENTRE ST		6,603	UTILITY BSMT	5,679	COMM, BSMT	924		
65002 0001	40 GLEN AVE	27,084		CANOPY	960				
65019 0045	101-239 HERRICKRD 141	8,052		COMM. BSMT	2,684				
61033 0010	195 SUMNER ST			APARTMENTS	36,798				
61035 0006	17-31 HERRICKRD			APARTMENTS	30,474				

City of Newton
Engineering Division

Page _____ Of _____

Date: _____

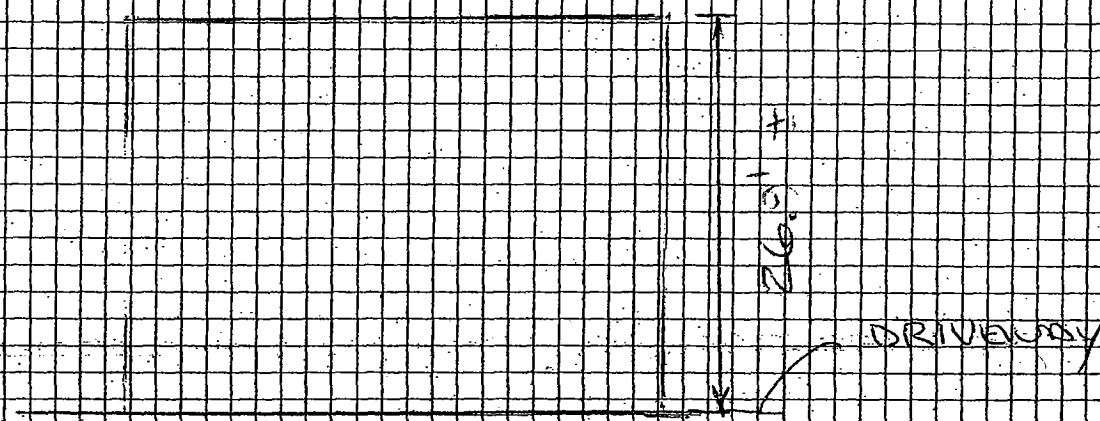
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 25 WILLIAM — FIRE STATION

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: _____

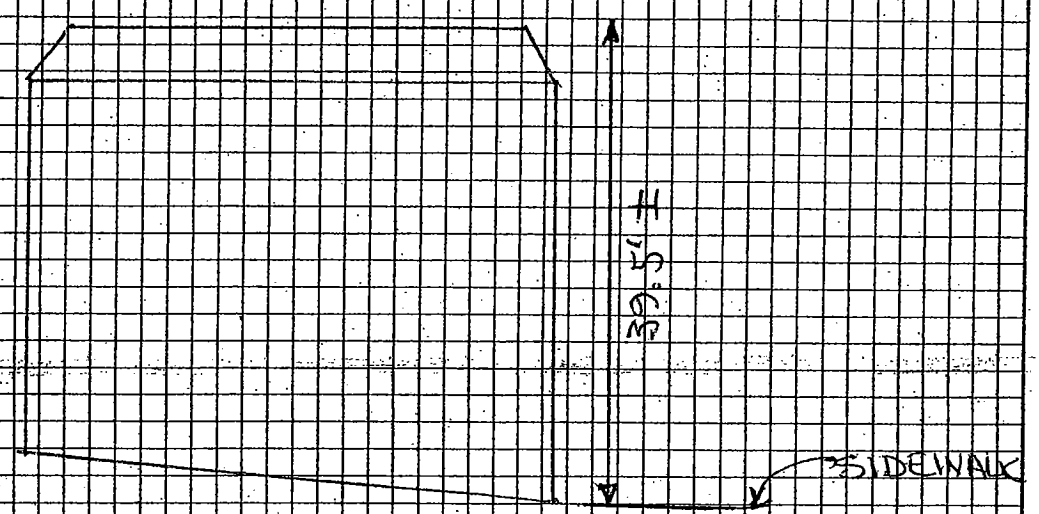
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 47-61 LANGLEY

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: Casselman House

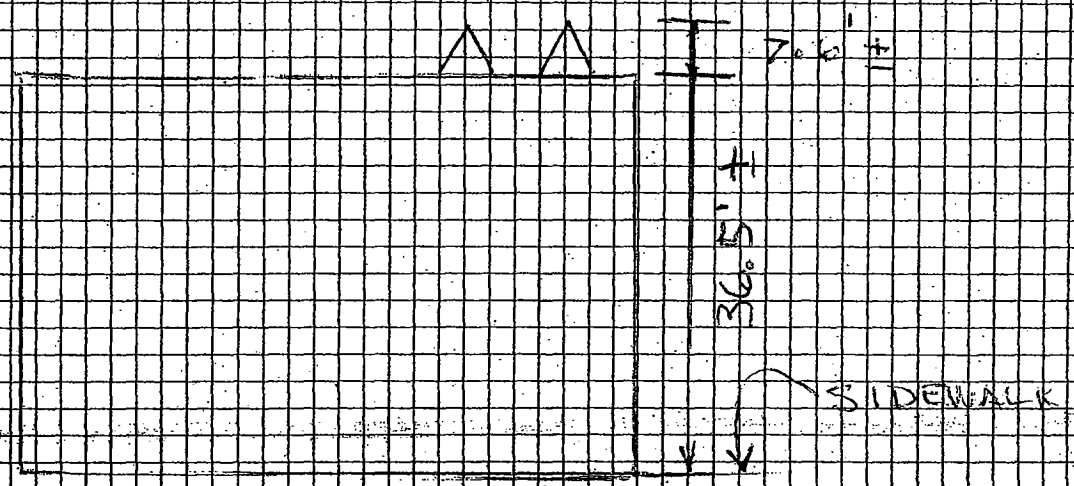
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 195 SUMNER

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: Church/Office Building

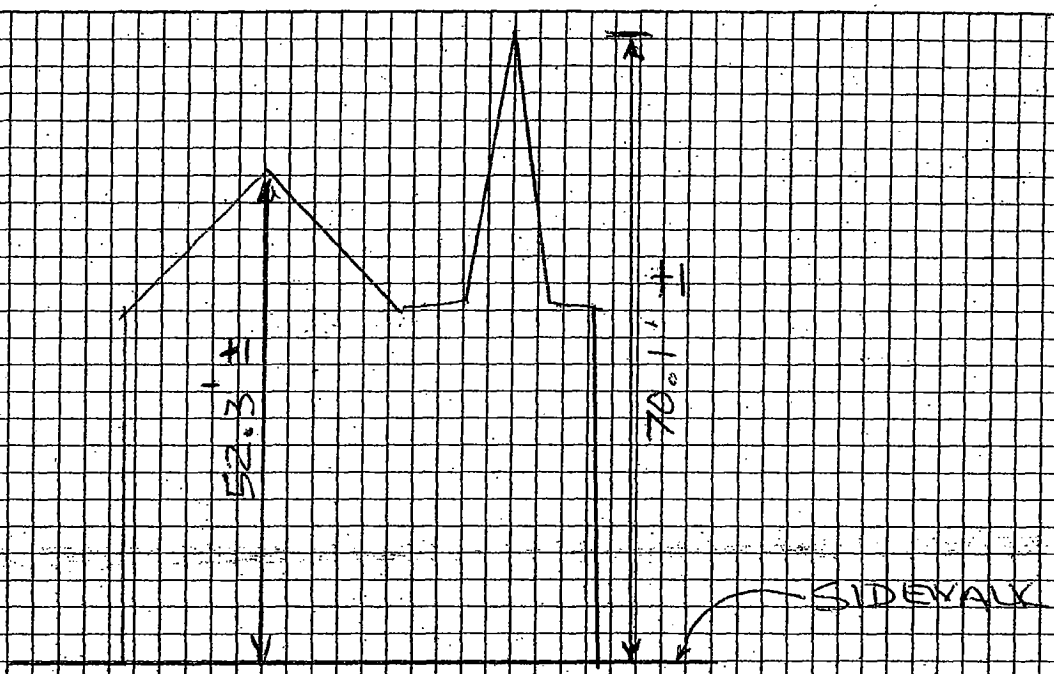
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: 1

Location: 10 LANGLEY

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: Big Sky Bakery Union St

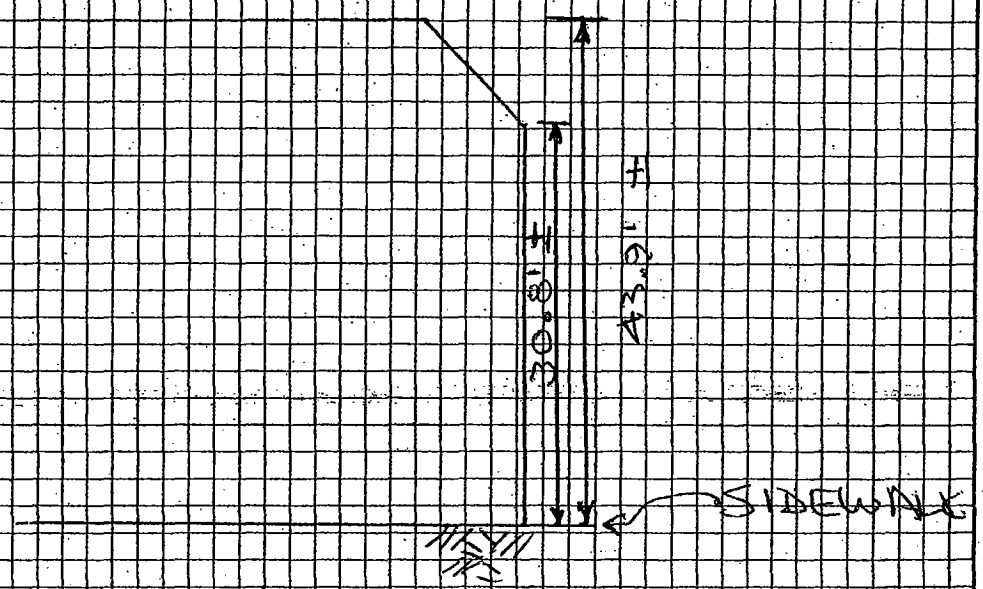
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 93-105 UNION

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: _____

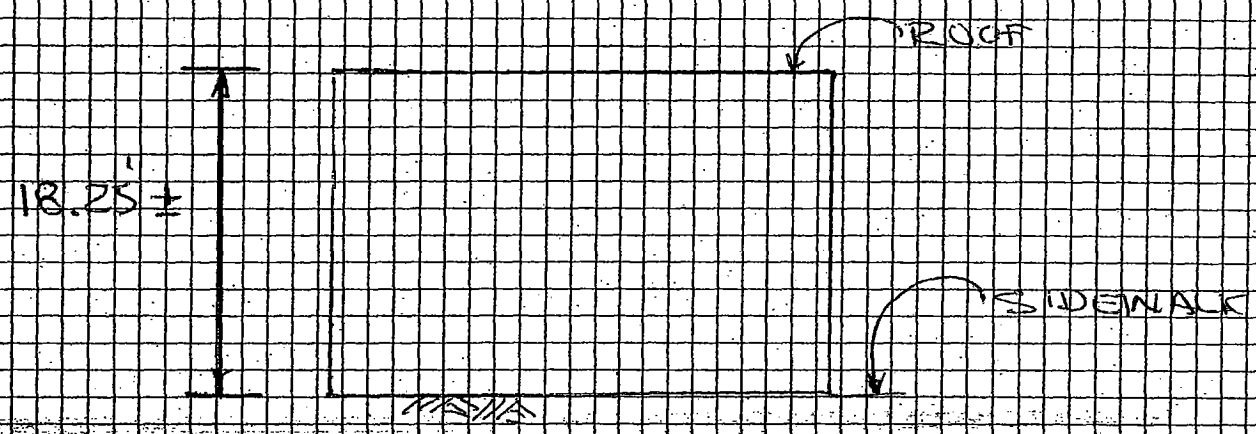
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE
30 LANGLEY RD

Calculated By: _____

Location: JOHNYS LUNCH

Checked By: _____



City of Newton
Engineering Division

Rosenfelds

Page _____ Of _____

Date: _____

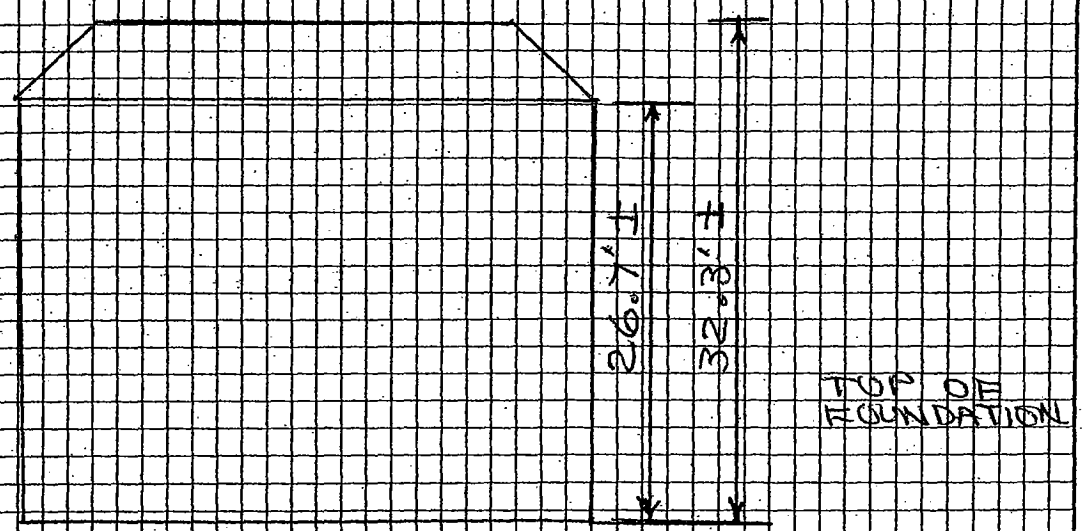
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 1280 CENTRE

Checked By: _____



City of Newton
Engineering Division

Page _____ Of _____

Date: Citizen's Bank

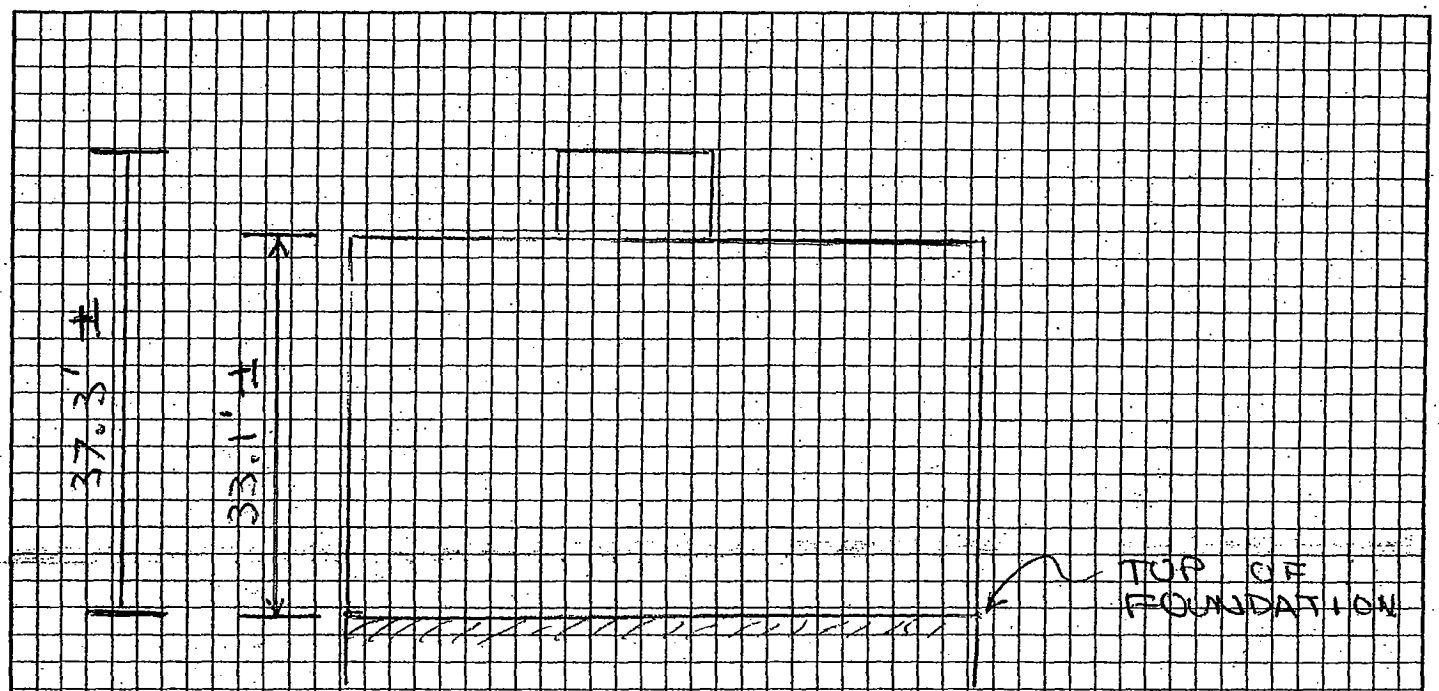
Subject: BUILDING HEIGHT

Project: NEWTON CENTRE

Calculated By: _____

Location: 1188 CENTRE ST

Checked By: _____



DIVISION OF COMMUNITY SERVICES

Massachusetts Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

617-573-1100
www.mass.gov/dhcd

Business Improvement Districts (BID)

Fact Sheet

Business Improvement Districts (BID) are special districts in which property owners vote to initiate, manage and finance supplemental services above and beyond the baseline of services already provided by their local city or town governments. To finance these services a special assessment, or common area fee, is levied only on property within the district. The goal of a BID is to restore or promote business activity in targeted commercial areas. The assessments are collected and expended within the district for a range of management, marketing and economic development services and programs including:

- District Management Services,
- Maintenance and Security,
- Promotion and Marketing Services,
- Business Services, and
- Physical Improvements and Property Management.

A BID creates a stable local management structure that provides a sustainable funding source for the revitalization and long-term maintenance of downtowns and commercial centers. There are three primary advantages of a BID: 1) the ability to provide additional and enhanced services that improve the business environment; 2) the capability of professional management of retail and commercial services similar to those offered in a mall that enhance the district and strengthen a municipality's economic capacity; and 3) a predictable and reliable source of funding.

How it Works:

Communities are authorized to establish BIDs under M.G.L. Chapter 40O. A BID must be a contiguous geographic area in which at least 75% of the land is zoned or used for commercial, retail, industrial, or mixed uses. A BID is established through a local petition and public hearing process. The petition must be signed by the owners of at least 60% of the real property and at least 51% of the assessed valuation of the real property within the proposed BID. The petition must also include delineation of the BID boundaries, a proposed improvement plan, a budget and an assessment/fee structure. The BID petition must be forwarded by the municipality to DHCD.

Business Improvement Districts (BID)
Fact Sheet - Page Two

All property owners within the BID are assessed a fee in addition to their real property taxes to fund the supplemental services and programs. The collector-treasurer of the municipality collects the fees and distributes them to the management entity designated by the BID. The amount of the fee is established by each BID but cannot annually exceed on-half of one percent (.05) of the total assessed value of the real property owned by participating members of the district. The BID has the option to limit or cap this maximum fee on individual properties or the total annual revenue generated by the BID. The municipality may exempt owner-occupied residential, agricultural or tax exempt properties from the BID fee.

For More Information:

Please contact DHCD's Division of Community Services at 617-573-1400. Division staff is also available to provide technical assistance to communities considering the establishment of a BID to support their downtown revitalization activities and to ensure compliance with statutory documents

dlm
January 2007

SUMMARY OF M.G.L. CHAPTER 40R

SMART GROWTH ZONING DISTRICTS

PASSED INTO LAW AS PART OF THE FY 2005 BUDGET

(includes a summary of related sections passed as part of the same budget)

Prepared by the Metropolitan Area Planning Council (MAPC)
60 Temple Place, Boston, MA 02111

July 22, 2004

Housing production within the Commonwealth has not kept pace with the growing number of households looking for an affordable place to live. To help meet this demand, the Commonwealth adopted Chapter 40R within the General Laws allowing municipalities to encourage housing production that is aligned with the principles of "smart growth." Communities doing so may obtain funds through housing incentive payments.

This document summarizes the new law and related sections passed as part of the FY 2005 budget. We hope you find it useful. Please remember that reading a summary of legislation is not a substitute for reading the legislation itself. The legislation is more detailed and may answer questions the summary cannot.

M.G.L. Chapter 40R Smart Growth Zoning Districts

Section 1. Purpose

It is the purpose of this chapter to encourage smart growth and increased housing production in Massachusetts. Smart growth is a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves open space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.

Section 2. Definitions

This section defines terms used in the new law. A summary of critical definitions includes:

- **"Affordable housing,"** housing affordable to those earning less than 80% of the median income, and subject to an affordability restriction lasting for at least 30 years;
- **"Approving Authority,"** a unit of town or city government designated by the municipality to review and approve projects.
- **"Comprehensive housing plan,"** plan prepared by a municipality assessing housing needs within the municipality and strategies to address those needs;
- **"Department,"** the department of housing and community development;
- **"Developable land area,"** that part of the smart growth zoning district that can be feasibly developed as residential or mixed-use development, excluding land already substantially developed, parks, open space, and wetlands, and including land with underutilized residential, commercial, industrial, or institutional buildings that could be recycled or converted into residential or mixed use.
- **"Eligible locations,"** (1) areas near transit stations, including rapid transit, commuter rail, and bus and ferry terminals, (2) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns, and existing rural village districts, or (3) areas that by virtue of their infrastructure, transportation access, existing underutilized facilities, and/or location make highly suitable locations for residential or mixed use smart growth zoning districts;
- **"Multi-family housing,"** apartment or condominium units in buildings with more than three units;
- **"New construction,"** construction of new housing, substantial rehabilitation of existing buildings, or conversion to residential use;
- **"Smart growth zoning district,"** a zoning district adopted by a municipality under this statute that is superimposed over one or more zoning districts in an eligible location, within which a developer may elect to either develop a project in accordance with requirements of the smart growth zoning district ordinance or develop a project in accordance with requirements of the underlying zoning district.

Section 3. Authority

A municipality may adopt a "smart growth zoning district," in accordance with the provisions of Section 5, chapter 40A, in any eligible location allowing for primary residential use as-of-right and also permitting businesses, commercial and other uses consistent with primary residential use. Smart growth zoning districts may include areas eligible for Tax Increment Financing ("TIF") and District Improvement Financing ("DIF").

Section 4. Determination of Eligibility

Before adopting a smart growth zoning district, a municipality will apply to the department, which has 60 days to make a preliminary determination of whether the applicant would be eligible for the financial and other incentives in this chapter. The department will communicate this determination via a letter of eligibility. The

department may also advise the applicant of deficiencies in the application. If the municipality adopts the district, along with any changes recommended by the department, the department has 30 days to issue a final approval.

Section 5. Application Requirements

To be eligible for a smart growth zoning district, the municipality must submit to the department an application that:

- identifies the boundaries of the proposed district;
- describes the developable land area within the proposed district;
- identifies other residential development opportunities for infill housing and the residential reuse of existing buildings and under-utilized buildings within already developed areas;
- includes a comprehensive housing plan (see Section 8);
- includes a copy of the proposed smart growth district ordinance or by-law; and
- establishes that the proposed district satisfies the minimum requirements of a smart growth zoning district (see Section 6).

Section 6. Minimum Requirements of Zoning District

(a) The minimum requirements of a smart growth zoning district include the following:

1. The proposed district must be determined an **"eligible location"** (see definition in Section 2).
2. The zoning ordinance must provide for residential use to **permit a mix of housing** such as for families, individuals, persons with special needs, or the elderly.
3. **Housing density** allowed in the developable land area of a proposed district must be at least:
   - 20 units per acre for multi-family housing,
   - 8 units per acre for single-family homes, and
   - 12 units per acre for 2 and 3 family buildings.
4. The zoning ordinance for each proposed district will:
   - provide that **not less than 20%** of the residential units constructed in projects of more than 12 units will be **affordable**, and
   - contain mechanisms to ensure that **not less than 20%** of the total residential units constructed in each district will be **affordable**.
5. The zoning ordinance must **permit infill housing** on existing vacant lots and additional housing units in existing buildings, consistent with neighborhood building and use patterns, and consistent with building, fire, and safety codes.
6. Development in the district will **not be subject to any limitation on the issuance of building permits for residential uses** or any local moratorium on the issuance of such permits.

7. **No restrictions on age or any other occupancy restrictions** in the district as a whole. This provision does not preclude the development of specific projects that may be exclusively for the elderly, the disabled, or for assisted living, provided that not less than 25% of the housing units in such a project will be affordable housing.
8. Full compliance with federal, state and local **fair housing laws.**
9. The proposed **district may not exceed 15% of the total land area** in the municipality, except that the department may approve a larger land area if such an approval serves the goals and objectives of the chapter.
10. The **total land area of all approved smart growth zoning districts in the municipality may not exceed 25% of the total land area** in the municipality. (Note: unlike #9, above, this provision may not be waived.)
11. Proposed housing **density will not overburden infrastructure** as it exists or may be practicably upgraded.
12. The proposed zoning ordinance must **define the manner of review for individual projects** by the approving authority in accordance with Section 11 (see below) and specify the procedure for such review, in accordance with the regulations of the department.

(b-e) Within the zoning ordinance the municipality may:

- modify or eliminate dimensional standards;
- designate a limited percentage of the developable land area as dedicated perpetual open space through the use of a conservation restriction or other means; said open space will not be considered part of the developable land area for density calculation purposes.
- provide for mixed use development;
- the district may encompass an existing historic district or establish an historic district within an approved district; and
- require more affordability than required by this chapter provided that affordability thresholds do not unduly restrict opportunities for development.

(f) Municipalities with fewer than 10,000 persons, for hardship shown, may gain approval from the department for a smart growth zoning district with lower densities than provided in this chapter.

(g) Any amendment or repeal of the zoning for an approved district will not be effective without the written approval by the department.

(h) Nothing in this chapter will affect a municipality's authority to amend its zoning ordinances under chapter 40A, so long as the changes do not affect the smart growth zoning district.

Section 7. Certificate of Compliance

Each year the department will send a certificate of compliance to all municipalities with approved districts where it has been verified by the city or town that the zoning district has been adopted, that no previous certificate has been revoked, that the district is being reasonably developed consistent with the density and affordability requirements of this chapter, and that projects have not been unreasonably denied by the approving authority within the municipality.

Section 8. Comprehensive Housing Plan

When applying for a determination of eligibility, the municipality will submit a comprehensive housing plan that estimates the projected number of housing units of new construction (see definition in Section 2) that could be built within the proposed district. Existing comprehensive housing plans may be submitted with additions relating to the newly proposed district.

Section 9. Housing Incentive Payments

Upon approval of the district, municipalities are entitled to zoning incentive payments for housing creation. Based on number of units of new construction (see definition in Section 2) projected in the smart growth zoning district, payments will range from:

- $10,000 for up to 20 units;
- $75,000 for 21-100 units;
- $200,000 for 101-200 units;
- $350,000 for 201-500 units; to
- $600,000 for 501 or more units of housing.

Additionally, a one-time density bonus of $3,000 for each unit of new construction will be awarded upon issuance of a building permit. When awarding discretionary funds, the department and the executive offices of environmental affairs, transportation, and administration and finance will use a methodology that favors municipalities with approved smart growth zoning district, or other zoning policies that encourage affordable housing production.

(See Section 14 regarding repayment if no construction occurs.)

Section 10. Design Standards

Design standards may be adopted to ensure that the physical character of development within the smart growth zoning district will complement the adjacent buildings and structures, and not conflict with the comprehensive housing plan or any master plan for the community. The design standards may not add unreasonable costs to residential or mixed-use development, or unreasonably impair economic feasibility of proposed projects.

Section 11. Municipal Project Review

- The municipality may prescribe the **contents of an application** for project approval. It may require payment of reasonable consulting fees for peer review. It may refer applications for review by municipal entities in addition to the approving authority and such entities will have 60 days to comment.
- **Zoning in effect** at the time an application is submitted will govern the review of that application while it is being processed, during any appeal, and for three years after approval. If an application is denied, zoning will remain in effect with respect to any further application for two years after denial unless the applicant chooses otherwise.
- The approving authority will hold a **public hearing** consistent with the provision of Section 11 of Chapter 40A. The approving authority will make a decision within 120 days of filing or it is deemed approved.
- **Project approval is subject only to those conditions** that are necessary to ensure compliance with the smart growth zoning district ordinance and to mitigate only those impacts that are extraordinarily adverse to nearby properties.
- **A court may overrule approval of a project** only if it finds that that the approving authority abused its discretion in approving the project. A plaintiff seeking to reverse a project approval must post a bond.
- In any **court appeal of a project denial** by an approving authority, the approving authority will have the burden of justifying its decision by substantial evidence in the record.

Section 12. Administration of Smart Growth Zoning Program

The department of housing and community development will serve as the administrator of the smart growth zoning district program. It will also be responsibile for an annual review and report of data no later than November 15 of each year regarding the status of proposed smart growth zoning districts, the number of approved districts, development having taken place in districts to date, and monies paid to municipalities.

Section 13. Existing Zoning Districts

An existing zoning district may gain approval as a smart growth zoning district and receive incentive payments if it meets the requirements of this chapter. The application process will be consistent with that of a new smart growth zoning district. If such districts are approved, the community will not be eligible for the zoning incentive payment, but will be eligible, after the date of approval, for the one-time density bonus payment, and will be eligible for favorable review in the awarding of certain state funds. (See Section 9 for further information on these incentives.)

Section 14. Repayment

If no construction in the smart growth zoning district has taken place within three years of the date of the zoning incentive payment (see Section 9), the municipality must repay all monies paid to it under this chapter.

RELATED SECTIONS

M.G.L. Chapter 10, Section 35BB Smart Growth Housing Trust Fund

This section creates a Smart Growth Housing Trust Fund, funded by monies from the sale of surplus land, appropriations, or sanctions on communities. Without requiring further appropriation, available funds are to be disbursed by the department in accordance with the provisions of M.G.L. Chapter 40R.

M.G.L. Chapter 26, Section 548 Funding of Smart Growth Housing Trust Fund

The first $25,000,000 of any proceeds realized from the sale of surplus state properties will be deposited into the General Fund. The second $25,000,000 of any such proceeds will be deposited into the Smart Growth Housing Trust Fund. Any additional proceeds will be deposited into the Commonwealth Stabilization Fund. (Note: As a result of this section, funds from the sale of surplus state properties will enter the Smart Growth Housing Trust Fund *only* if annual sale proceeds exceed $25 million, and the amount entering the Trust Fund cannot exceed $25 million per year.)

Outside Section 367 Impact Study

The department, in consultation with the departments of education and revenue, will study the impact of the adoption of smart growth zoning districts on the educational systems of participating municipalities. The department will report to the Legislature on this study no later than July 1, 2006. The report will recommend a formula for ascertaining any actual additional net public school costs to which municipalities may become subject as a result of the adoption of smart growth zoning districts.

THE GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE VII. CITIES, TOWNS AND DISTRICTS CHAPTER 40Q. DISTRICT IMPROVEMENT FINANCING Chapter 40Q: Section 2. Development districts

Section 2. (a) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council or city council with the approval of the mayor where required by law may designate development districts within the boundaries of the city or town provided, however, that: (1) a development district may consist of 1 or more parcels or lots of land, whether or not contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more parcels of land, provided that the total area of all development districts shall not exceed 25 per cent of the total area of a city or town; and provided that the boundaries of a development district may be altered only after meeting the requirements for adoption under this subsection; (2) the development district has been certified as an approved development district by the economic assistance coordinating council established in section 3B of chapter 23 A and pursuant to regulations adopted by said council. The economic assistance coordinating council shall find, based on the information submitted to it in support of the designation of the development district by the city or town and additional investigation as the economic assistance coordinating council shall make, and incorporate into its minutes, that the designation of the development district is consistent with the requirements of this section and will further the public purpose of encouraging increased residential, industrial and commercial activity in the commonwealth.

(b) The city or town shall adopt a development program for each development district. The program shall be adopted at the same time as the district, as part of the district adoption proceedings or, if at a different time, in the same manner as adoption of the district, with the same certification requirements of subsection (a). Once approved, the program shall be altered or amended only after meeting the requirements for adoption.

(c) Within development districts and consistent with the development program, the city or town may acquire, construct, reconstruct, improve, preserve, alter, extend, operate, maintain or promote development intended to meet the objectives of the development program. In addition to the powers granted by any other law, for the purpose of carrying on a project as authorized by this chapter, a city or town may:

(1) incur indebtedness as hereinafter provided and pledge tax increments and other project revenues for repayment thereof;

(2) create a department, designate an existing department, board officer, agency, municipal housing or redevelopment authority of the city or town or enter into a contractual agreement with a private entity toad minister the activities authorized by this chapter;

(3) make and enter into all contracts and agreements necessary in order to carry out the development program;

(4) receive from the federal government or the commonwealth loans or grants for, or in aid of, a project and receive contributions from any other source to defray project costs;

(5) purchase or acquire by eminent domain pursuant to chapter 79 or chapter 80A, insofar as those laws may be applicable, and pursuant to all preliminary requirements prescribed by law, such property or interests therein within a district as the city or town may deem necessary in order to carry out the development program; provided, however, that any taking of property by eminent domain for any purpose for which the taking by the city or town could not be made in the absence of this chapter shall be authorized by a two-thirds vote as defined in section 1 of chapter 44;

(6) make relocation payments to persons, businesses or organizations that may be displaced as a result of carrying out the development program;

(7) clear and improve property acquired by it pursuant to the development program and construct public facilities thereon, or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration or repair of such property;

(8) cause parks, playgrounds or schools, water or sewer drainage facilities or any other public improvements that it is otherwise authorized to undertake, to be laid out, constructed or furnished in connection with the development program;

(9) lay out, construct, alter, relocate, change the grade of, make specific repairs upon or discontinue public ways and sidewalks in or adjacent to the development district;

(10) cause private ways, sidewalks, ways for vehicular travel and similar improvements to be constructed within the development district for the particular use of the development district or those dwelling or working therein;

(11) adopt ordinances or by-laws under section 5 of chapter 40 A, or repeal or modify the ordinances or by-laws or establish exceptions to existing ordinances and by-laws, regulating the design, construction and use of buildings;

(12) sell, mortgage, lease as lessor, transfer or dispose of any property or interest therein acquired by it pursuant to the project plan for development, redevelopment or rehabilitation in accordance with the development program;

(13) invest project revenue as hereinafter provided; and

(14) do all things reasonably necessary or convenient to carry out the powers granted in this chapter.

The General Laws of Massachusetts

Search the Laws

Go To:
Next Section
Previous Section
Chapter Table of Contents
MGL Search Page
General Court Home
Mass.gov

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 40Q. DISTRICT IMPROVEMENT FINANCING

Chapter 40Q: Section 2. Development districts

Section 2. (a) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council or city council with the approval of the mayor where required by law may designate development districts within the boundaries of the city or town provided, however, that: (1) a development district may consist of 1 or more parcels or lots of land, whether or not contiguous, or 1 or more buildings or structures, whether or not adjacent, on 1 or more parcels of land, provided that the total area of all development districts shall not exceed 25 per cent of the total area of a city or town; and provided that the boundaries of a development district may be altered only after meeting the requirements for adoption under this subsection; (2) the development district has been certified as an approved development district by the economic assistance coordinating council established in section 3B of chapter 23A and pursuant to regulations adopted by said council. The economic assistance coordinating council shall find, based on the information submitted to it in support of the designation of the development district by the city or town and additional investigation as the economic assistance coordinating council shall make, and incorporate into its minutes, that the designation of the development district is consistent with the requirements of this section and will further the public purpose of encouraging increased residential, industrial and commercial activity in the commonwealth.

(b) The city or town shall adopt a development program for each development district. The program shall be adopted at the same time as the district, as part of the district adoption proceedings or, if at a different time, in the same manner as adoption of the district, with the same certification requirements of subsection (a). Once approved, the program shall be altered or amended only after meeting the requirements for adoption.

(c) Within development districts and consistent with the development program, the city or town may acquire, construct, reconstruct, improve, preserve, alter, extend, operate, maintain or promote development intended to meet the objectives of the development program. In addition to the powers granted by any other law, for the purpose of carrying on a project as authorized by this chapter, a city or town may:

(1) incur indebtedness as hereinafter provided and pledge tax increments and other project revenues for repayment thereof;

(2) create a department, designate an existing department, board officer, agency, municipal housing or redevelopment authority of the city or town or enter into a contractual agreement with a private entity to administer the activities authorized by this chapter;

(3) make and enter into all contracts and agreements necessary in order to carry out the development program;

(4) receive from the federal government or the commonwealth loans or grants for, or in aid of, a project and receive contributions from any other source to defray project costs;

(5) purchase or acquire by eminent domain pursuant to chapter 79 or chapter 80A, insofar as those laws may be applicable, and pursuant to all preliminary requirements prescribed by law, such property or interests therein

within a district as the city or town may deem necessary in order to carry out the development program; provided, however, that any taking of property by eminent domain for any purpose for which the taking by the city or town could not be made in the absence of this chapter shall be authorized by a two-thirds vote as defined in section 1 of chapter 44;

(6) make relocation payments to persons, businesses or organizations that may be displaced as a result of carrying out the development program;

(7) clear and improve property acquired by it pursuant to the development program and construct public facilities thereon, or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration or repair of such property;

(8) cause parks, playgrounds or schools, water or sewer drainage facilities or any other public improvements that it is otherwise authorized to undertake, to be laid out, constructed or furnished in connection with the development program;

(9) lay out, construct, alter, relocate, change the grade of, make specific repairs upon or discontinue public ways and sidewalks in or adjacent to the development district;

(10) cause private ways, sidewalks, ways for vehicular travel and similar improvements to be constructed within the development district for the particular use of the development district or those dwelling or working therein;

(11) adopt ordinances or by-laws under section 5 of chapter 40A, or repeal or modify the ordinances or by-laws or establish exceptions to existing ordinances and by-laws, regulating the design, construction and use of buildings;

(12) sell, mortgage, lease as lessor, transfer or dispose of any property or interest therein acquired by it pursuant to the project plan for development, redevelopment or rehabilitation in accordance with the development program;

(13) invest project revenue as hereinafter provided; and

(14) do all things reasonably necessary or convenient to carry out the powers granted in this chapter.

Chapter 40R and 40S Explained: Reaping the Benefits of Compact Development

Chapters 40R and 40S serve to reimburse cities and towns for the additional costs of educating new school-age children in smart growth districts. The combination of 40R and 40S now tops the menu of choices available to communities seeking more efficient, fiscally stable growth.

40R Cities and towns may establish special zoning overlay districts that allow densities of 8 units/acre for single family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes, and it should allow "mixed use" – the combination of residential, office and retail within close proximity. The location of these districts helps consolidate growth and cut down on dispersal: in town centers, downtowns, near a transit station, on unused industrial land or in other locations municipalities have deemed appropriate for higher density housing. Assistance is available for writing a bylaw and for planning and design. Well-designed districts create a distinctive sense of place and fulfill a significant market demand for convenience, while reducing car trips and preserving open space elsewhere in the community. In return for adopting the zoning and streamlining the development process for 40R districts, cities and towns can get between $10,000 and $600,000 in state funding, plus an additional $3,000 for every new home created.

40S Additional state funding will also be directed to cities and towns that establish a 40R district, to cover the costs of educating any school-age children who move into such districts. This legislation was in response to the common concern that new housing was costly in terms of municipal finances, given the imbalance of tax revenues and service costs. Qualifying communities will be reimbursed for the net cost of educating students living in new housing in smart growth districts.

The reimbursement equals the cost of educating students living in new housing in smart growth districts less an amount equal to the sum of: (a) new property and excise taxes in the smart growth district multiplied by the average percent of total local spending on education across the commonwealth (about 52%), and (b) any increases in other state education funding that is directly a result of these new students. As a practical matter, foundation communities are not eligible for 40S funding. This funding is available starting in 2008.

RELATED LINKS

- Office of Commonwealth Development (OCD)
- Executive Office of Environmental Affairs (EOEA)
- Executive Office of Transportation (EOT)
- Massachusetts Division of Energy Resources

DIVISIONS

- Public Housing and Rental Assistance
- Community Services
- Housing Development

Contact

For more information contact Donald Schmidt, Department of Housing and Community Development, 617.573.1363 Donald.Schmidt@ocd.state.ma.us or visit DHCD's website at www.mass.gov/dhcd/40R/

Chapter 40R: Purpose, Program Overview: 760 CMR 59.00 establish rules, standards, and procedures for the Smart Growth Zoning Overlay District Program created by M.G.L c.40R, added by Chapter 149 of the Acts of 2004. The Department of Housing and Community Development (the "Department") is the regulatory agency for the program and is authorized to issue regulations to explain and to provide specifics of the program and its operation. It is the purpose of M.G.L. c.40R and 760 CMR 59.00

encourage smart growth and increased housing production in Massachusetts. "Smart growth" is a principle of land development that: (a) increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods; (b) emphasizes mixing land uses; (c). takes advantage of compact design; (d) fosters distinctive and attractive communities; (e) preserves open space, farmland, natural beauty and critical environmental areas; (f) strengthens existing communities; (g) provides a variety of transportation choices; (h) makes development decisions predictable, fair and cost effective; and (i) encourages community and stakeholder collaboration in development decisions.

760 CMR 59.00 describes the process by which municipalities may propose, for review and approval by the Department, new smart growth zoning provisions that allow the as-of-right development of

high-density housing and mixed-use development within zoning overlay districts. To be approvable, overlay districts shall be located near transit stations, in existing city and town centers, commercial districts, and other areas of concentrated development, and in other eligible smart growth locations. The smart growth zoning for an overlay district must require that at least 20% of the housing developed will be affordable. Projects must be developable as-of-right under the smart growth zoning, subject only to the review of plans and the application of design standards by a local approving authority.

The proposed smart growth zoning shall be submitted to the Department for its preliminary approval, after which it may be adopted by the municipality. Once the municipality has adopted the smart growth zoning and received final approval from the Department, it becomes eligible for two types of payment from a trust fund administered by the Commonwealth. First, the municipality receives an immediate incentive payment, based upon the projected number of additional new units that could be built under the smart growth zoning in excess of what would previously have been allowed as-of-right through the underlying zoning. Second, the municipality receives a bonus payment upon the issuance of a building permit for each such additional unit.

Within the boundaries of an overlay district, a developer may elect either to develop a project in accordance with the requirements of the applicable smart growth zoning adopted under M.G.L. c.40R and 760 CMR 59.00, or to develop a project in accordance with requirements of the applicable underlying zoning adopted under M.G.L. c.40A. Nothing in M.G.L. c.40R and 760 CMR 59.00 shall affect a municipality's authority under M.G.L. c.40A to amend any provision of its local zoning ordinance or by-law, including the underlying zoning applicable within any area that lies within the boundaries of the smart growth zoning district.

Chapter 40S Contact

For additional information regarding Chapter 40S, contact Rick Kingsley at the Department of Revenue, (617) 626-2376.

Chapter 40R and 40S Explained: Reaping the Benefits of Compact Development

Chapters 40R and 40S serve to reimburse cities and towns for the additional costs of educating new school-age children in smart growth districts. The combination of 40R and 40S now tops the menu of choices available to communities seeking more efficient, fiscally stable growth.

40 R

Cities and towns may establish special zoning overlay districts that allow densities of 8 units/acre for single-family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes, and it should allow "mixed use" – the combination of residential, office and retail within close proximity. The location of these districts helps consolidate growth and cut down on dispersal: in town centers, downtowns, near a transit station, on unused industrial land or in other locations I municipalities have deemed appropriate for higher density housing. Assistance is available for writing a bylaw and for planning and design. Well designed districts create a distinctive sense of place and fulfill a significant market demand for I convenience, while reducing car trips and preserving open space elsewhere in the community. In return for adopting the zoning and streamlining the development process for 40R] districts, cities and towns can get between $10,000 and $600,000 in state funding, plus an additional $3,000 for every new home created.

40 S

Additional state funding will also be directed to cities and towns that establish a 40R district, to cover the costs of educating any school-age children who move into such districts. This legislation was in response to the common concern that new housing was costly in terms of municipal finances, given the imbalance of tax revenues and service costs. Qualifying communities will be reimbursed for the net cost of educating students living in new housing in smart growth districts.

The reimbursement equals the cost of educating students living in new housing in smart growth districts less an amount equal to the sum of: (a) new property and excise taxes in the smart growth district multiplied by the average percent of total local spending on education across the commonwealth (about 52%), and (b) any increases in other state education funding that is directly a result of these new students. As a practical matter, foundation communities are not eligible for 40S funding. This funding is available starting in 2008.

Contact
For more information, contact Donald Schmidt, Department of Housing and Community Development, 617.573.1363 Donald,Schmidt@ocd.state.ma,us or visit DHCD's website at www.mass.gov/dhcd/40R/

Chapter 40R: Purpose, Program Overview: 760 CMR 59.00 establish rules, standards, and procedures for the Smart Growth Zoning Overlay District Program created by M.G.L C.40R, added by Chapter 149 of the Acts of 2004. The Department of Housing and Community Development (the "Department") is the regulatory agency for the program and is authorized to issue regulations to explain and to provide specifics of the program and its operation. It is the purpose of M.G.L. C.40R and 760 CMR 59.00 to encourage smart growth and increased housing production in Massachusetts. "Smart Growth" is a principle of land development that: (a) increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods; (b)

emphasizes mixing land uses; (c). takes advantage of compact design; (d) fosters distinctive and attractive communities; (e) preserves open space, farmland, natural beauty and critical environmental areas; (f) strengthens existing communities; (g) provides a variety of transportation choices; (h) makes development decisions predictable, fair and cost effective; and (i) encourages community and stakeholder collaboration in development decisions.

760 CMR 59.00 describes the process by which municipalities may propose, for review and approval by the Department, new smart growth zoning provisions that allow the as-of-right development of high-density housing and mixed-use development within zoning overlay districts. To be approvable, overlay districts shall be located near transit stations, in existing city and town centers, commercial districts, and other areas of concentrated development, and in other eligible smart growth locations. The smart growth zoning for an overlay district must require that at least 20% of the housing developed will be affordable. Projects must be developable as-of-right under the smart growth zoning, subject only to the review of plans and the application of design standards by a local approving authority.

The proposed smart growth zoning shall be submitted to the Department for its preliminary approval, after which it may be adopted by the municipality. Once the municipality has adopted the smart growth zoning and received final approval from the Department, it becomes eligible for two types of payment from a trust fund administered by the Commonwealth. First, the municipality receives an immediate incentive payment, based upon the projected number of additional new units that could be built under the smart growth zoning in excess of what would previously have been allowed as-of-right through the underlying zoning. Second, the municipality receives a bonus payment upon the issuance of a building permit for each such additional unit.

Within the boundaries of an overlay district, a developer may elect either to develop a project in accordance with the requirements of the applicable smart growth zoning adopted under M.G.L. C.40R and 760 CMR 59.00, or to develop a project in accordance with requirements of the applicable underlying zoning adopted under M.G.L. C.40A. Nothing in M.G.L. C.40R and 760 CMR 59.00 shall affect a municipality's authority under M.G.L. C.40A to amend any provision of its local zoning ordinance or by-law, including the underlying zoning applicable within any area that lies within the boundaries of the smart growth zoning district.

Chapter 40S Contact
For additional information regarding Chapter 40S, contact Rick Kingsley at the Department of Revenue,
(617) 626-2376.

The District Improvement Financing (DIF) Program

Overview

The District Improvement Financing Program (DIF) is a public financing alternative available to all cities and towns in the Commonwealth. It enables municipalities to fund public works, infrastructure, and development projects by allocating future, incremental tax revenues collected from a predefined district to pay project costs.

How It Works

DIF is locally driven and approved by the Economic Assistance Coordinating Council (EACC). The municipality must define the district and document a development program describing, among other things, how the DIF will encourage increased residential, commercial and industrial activity within the district. It must also detail the project improvements, financing plans, and community benefits. After the local public hearings and approvals, the municipality must submit an application to the EACC for final approval prior to implementing the program.

Advantages

The municipal investment is designed to stimulate private investment which, in turn, increases the taxable value of property and generates the incremental taxes.

- No new taxes are levied, and the DIF does not reduce or redirect current property tax revenues.
- Cities and towns are eligible to utilize this financing alternative without qualifying as open-blighted, decadent, substandard, or economically impaired.
- The DIF empowers municipalities to forward public purpose while assisting their private partners in accomplishing their goals.
- Financing terms are negotiable and can be tailored to suit the situation.

Eligibility

DIF is available to all cities and towns in the Commonwealth of Massachusetts that have projects meeting DIF regulations and guidelines.

Documentation

In order to obtain a copy of the District Improvement Financing Program Statute, please see Chapter 40Q of the Massachusetts General Laws by linking through to section 18.

*If you require an official version of 402 CMR 3.00 (District Improvement Financing Program), it can be purchased from the Secretary of State, State Bookstore, State House, Room 116, Boston, MA 02133 for $1.75. The Bookstore's telephone number is (617) 727-2834 and their e-mail address is bookstore@sec.state.ma.us.

For Technical Information contact:

Nayenday Thurman
Infrastructure Program Director
Massachusetts Office of Business Development
One Ashburton Place, Suite 2101
Boston, MA 02108
617-788-3610

© 2007 Commonwealth of Massachusetts

The District Improvement Financing (DIF) Program

Overview

The District Improvement Financing Program (DIF) is a public financing alternative available to all cities and towns in the Commonwealth. It enables municipalities to fund public works, infrastructure, and development projects by allocating future, incremental tax revenues collected from a predefined district to pay project costs.

How It Works

DIF is locally driven and approved by the Economic Assistance Coordinating Council (EACC). The municipality must define the district and document a development program describing, among other things, how the DIF will encourage increased residential, commercial and industrial activity within the district. It must also detail the project improvements, financing plans, and community benefits. After the local public hearings and approvals, the municipality must submit an application to the EACC for final approval prior to implementing the program.

Advantages

The municipal investment is designed to stimulate private investment which, in turn, increases the taxable value of property and generates the incremental taxes.

- No new taxes are levied, and the DIF does not reduce or redirect current property tax revenues.
- Cities and towns are eligible to utilize this financing alternative without qualifying as open-blighted, decadent, substandard, or economically impaired.
- The DIF empowers municipalities to forward public purpose while assisting their private partners in accomplishing their goals.
- Financing terms are negotiable and can be tailored to suit the situation.

Eligibility

DIF is available to all cities and towns in the Commonwealth of Massachusetts that have projects meeting DIF regulations and guidelines.

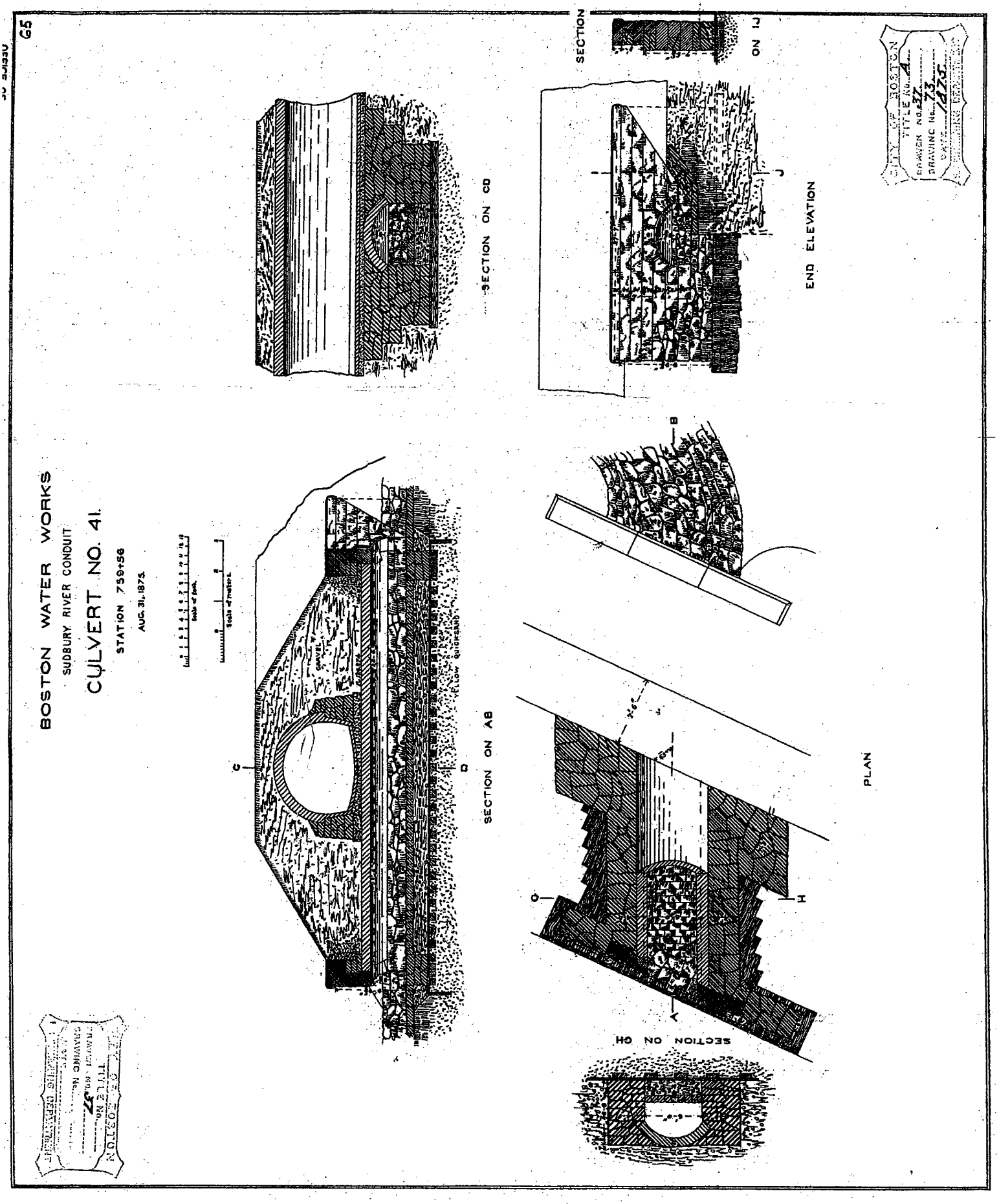
Documentation

In order to obtain a copy of the District Improvement Financing Program Statute, please see Chapter 40Q of the Massachusetts General Laws by linking through to section 18.

*If you require an official version of 402 CMR 3.00 (District Improvement Financing Program), it can be purchased from the Secretary of State, State Bookstore, State House, Room 116, Boston, MA 02133 for $1.75. The Bookstore's telephone number is (617) 727-2834 and their e-mail address is bookstore@sec.state.ma.us.

For Technical Information contact:

Nayenday Thurman
Infrastructure Program Director
Massachusetts Office of Business Development
One Ashburton Place, Suite 2101
Boston, MA 02108
617-788-3610


BOSTON WATER WORKS
SUDBURY RIVER CONDUIT
CULVERT NO. 41.
STATION 759+56
AUG. 31, 1875.
SECTION ON AB
SECTION ON CD
SECTION ON GH
SECTION ON IJ
END ELEVATION
PLAN
YELLOW QUICKSAND
CITY OF BOSTON
TITLE No. A
DRAWER No. 37
DRAWING No. 73
DATE 1875

SUDBURY AQUEDUCT

Construction and Surface Features

Sheet 14

Station Classifications

- Functioning Manhole
- Gatehouse
- Metering Building
- Waste Weir
- Buried
- Station

Aqueduct Classifications

At Grade or In Cut

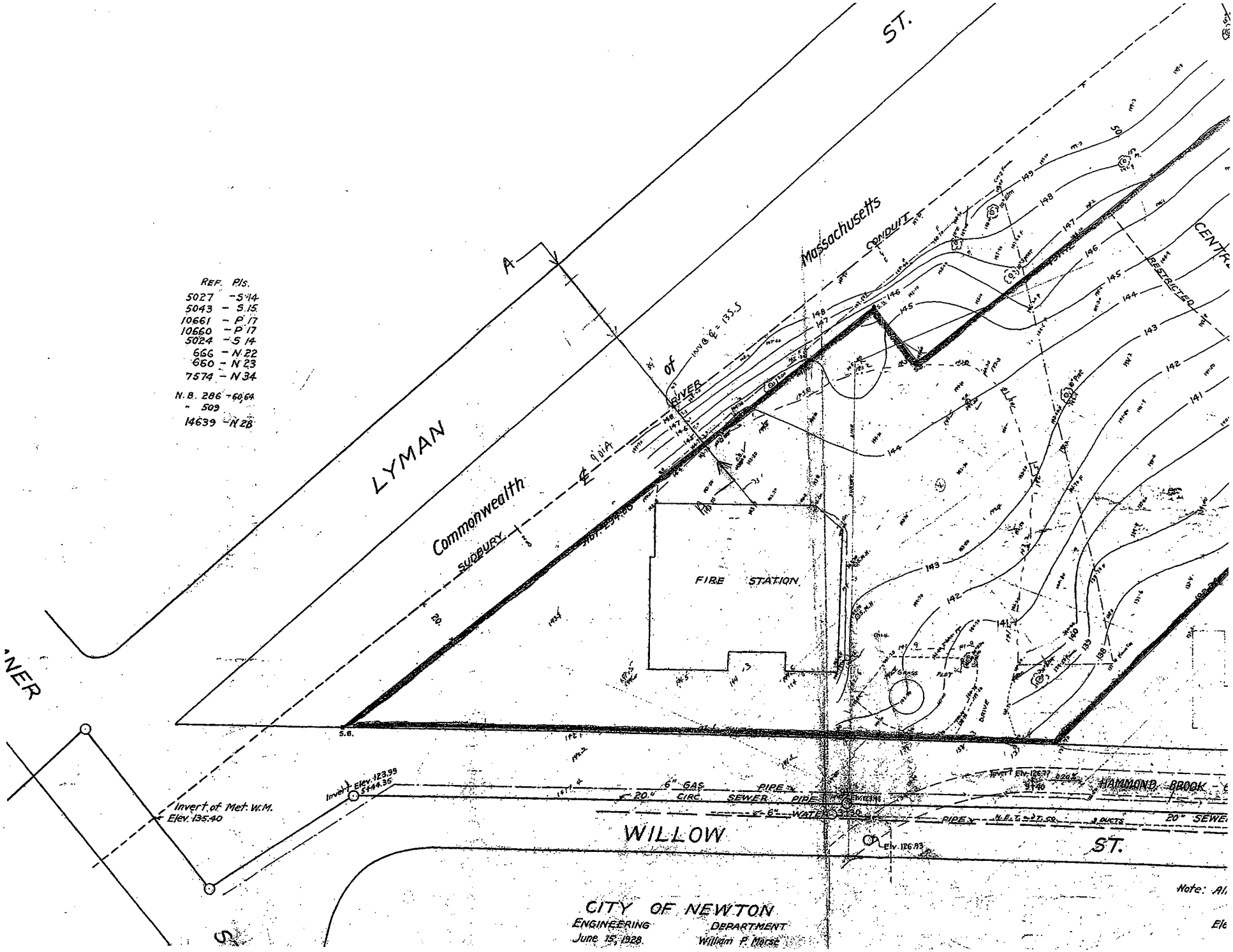
- Bridge Section
- In Embankment
- Siphon Section
- Tunnel Section

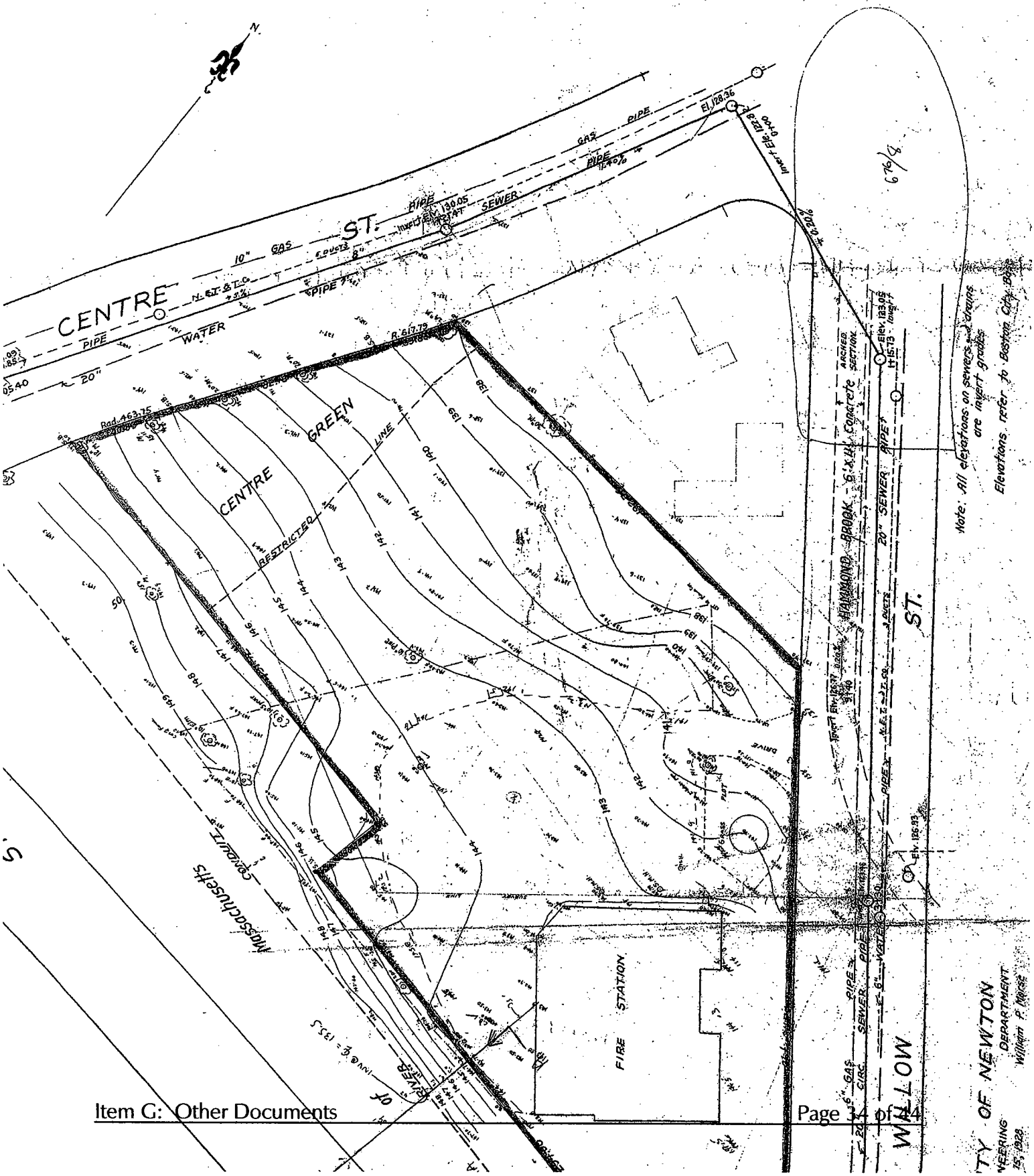
- Municipal Boundary
- Sudbury Aqueduct

Data source:

Sudbury Aqueduct digitized by MWRA at 1:25,000 scale; municipal boundary from MassGIS at 1:25,000 scale; orthophotos from MassGIS taken in April 2001.

BOTHFIELD RD
BURR RD
MANEMET RD
KENWOOD AVE
OAKWOOD TER
ORIENT AVE
MORTON ST
ASHTON AVE
MASON RD
CEDAR ST
HOMER ST
WATER ST
RANSOM RD
NATHAN RD
GRAFTON ST
ALDEN ST
COMMONWEALTH AVE
RT-30
RICE ST
WESSEX RD
IRVING ST
GARNER ST
WESTBOURNE RD
READ CT
AVONDALE RD
GRANT AVE
DEVON TER
DEVON RD
MONTVALE CRES
MONTVALE
CHESTNUT TER
TRINITY TER
FURBER LN
MARSHALL ST
CROFTDALE
STAFFORD RD
TARLETON RD
CHARLOTTE RD
GREENLAWN AVE
CHAPIN RD
PLEASANT ST
BOWEN ST
WILLOW TER
WILLOW ST
GIBBS ST
GRAY CLIFF RD
BISHOPSGATE RD
EVERETT ST
THE LEDGE
PARK LN
BRENTWOOD AVE
730+00
738+15
TYLER TER
740+00
750+00
755+00
LYMAN ST
760+00
DALTON RD
SUMNER ST
CHESLEY RD
770+00
772+78
BEACON HEIGHTS DR
HANCOCK AVE
BRACEBRIDGE RD
723+00
WEBSTER CT
PELHAM ST
720+00
BEACON ST
BEACON PL
NEWBURY ST
ALBION ST
CRYSTAL ST
LAUREL ST
UNION ST
BRAELAND AVE
WARREN ST
RIPLEY TER
PINE CREST RD
MORELAND AVE
NORWOOD AVE
CRESCENT AVE
TROWBRIDGE ST
GLEN AVE
RENEE TER
LEESON LN
GLAZER RD
KENMORE ST
LAKE TER
CHASE ST
RIPLEY ST
MAPLE PARK
ELGIN ST
BERWICK RD
CENTRE ST
PAUL ST
KNOWLES ST
GLEN RD
WESTMINSTER RD
HERRICK RD
SAXON


REF. P/s.
5027 - S 14
5043 - S 15
10661 - P 17
10660 - P 17
5024 - S 14
666 - N 22
660 - N 23
7574 - N 34
N.B. 286 - 60,64
" 509
14639 - N 28
LYMAN
ST.
Commonwealth
SUDBURY
Massachusetts
CONDUIT
RIVER
FIRE STATION
RESTRICTED
CENTR
Invert of Met. W.M.
Elev. 135.40
Invert Elev. 123.99
6" GAS PIPE
20" CIRC. SEWER PIPE
6" WATER PIPE
HAMMOND BROOK
20" SEWE
WILLOW
ST.
Elv. 126.83
CITY OF NEWTON
ENGINEERING DEPARTMENT
June 15, 1928.
William P. Morse
Note: Al


CENTRE ST.
CENTRE GREEN
RESTRICTED LINE
FIRE STATION
WILLOW ST.
HAMMOND BROOK - 6'x11' Concrete
20" SEWER PIPE
Note: All elevations on sewers and drains are invert grades
Elevations refer to Boston City Base
Massachusetts Conduit
TY OF NEWTON
DEPARTMENT
William P. Morse

Newton Centre Development Proposal

All Newton Music School statement

The All Newton Music School, founded in 1911, is one of the leading community music schools in New England and a major contributor to the cultural life of the city of Newton. The School has about 1400 students of all ages (1100 children represent all 21 public schools in Newton), a faculty of 70, and a staff of 6. Newton resident Paulette Bowes has served the School as Executive Director for 21 years. The ANMS Board of Trustees and Corporation include many Newton residents from a wide range of backgrounds.

When the School moved into its Chestnut Street facility in 1965, it had about 300 students and a small faculty. The School has outgrown Chestnut Street and must move in order to continue to serve Newton and surrounding communities with superior teaching, programming and performance spaces.

The Newton Centre site could be ideal for the School. It is the geographical center of Newton. More specifically, it is the upper portion of the triangle bounded by Beacon Street, Centre Street, and Langley Road, that is presently used for parking. The triangle is close to the MBTA Newton Centre station and the Centre Street bus line. There are many shops and restaurants available to parents while waiting for kids to finish their lessons. The area is lively and safe. The site could also serve the administrative space needs of other Newton cultural organizations such as the New Philharmonia Orchestra, the Newton Symphony Orchestra, and the Suzuki School.

The All Newton Music School is evaluating sites that will include the following features:

- 25-28,000 square feet to include soundproofed studios, a multi-purpose performance space, a state-of-the-art computer keyboard and composition laboratory, and a modern recording studio, with LEED design principles. The basement of a building could be used for rock and roll practice and the percussion department.
- Accommodation of ANMS special needs programs
- Convenient parking for 70 cars
- Safe traffic flow and building access, particularly for young students

Please contact Paulette Bowes, Executive Director, or Robert Keller, President for additional information, at 617-527-4553.

Growth in Massachusetts, Moving *Forward*

By R. Lisle Baker

"Smart growth" is the current buzz in planning and policy. Of course, who would be in favor of stupid growth? The challenge is to move beyond a catch phrase to effective action. While Massachusetts has taken positive strides, much remains to be done.

The key to success is to involve the citizens and officials closest to the problem—local governments and the constituents they serve—in the solutions. Otherwise, instead of collaboration in search of true commonwealth, we will have unfunded mandates, blame-throwing and little progress.

The following are some ideas to consider as we move forward in making "smart growth" even smarter.

1. Make sure that "smart growth" recognizes situational distinctions, including neighborhood, community, and regional character and important environmental concerns.

Local land use controls add value to housing investments. Anyone could buy land and build a house on it, but if the land next door can become a polluting factory or a dump, that investment would be risky. Before zoning laws existed, landowners would sue incompatible neighbors under the law of nuisance for interfering with the use and enjoyment of their land. But that is a little like directing traffic by litigation, rather than using painted lanes or traffic lights. Indeed, local zoning laws came about to separate uses that were desirable in themselves, but not necessarily good neighbors. As the U.S. Supreme Court opined in a seminal case upholding an early ordinance, "a nuisance may be merely a right thing in the wrong place, like a pig in a parlor instead of the barnyard."

Local zoning laws have been part of the fabric of every community in the state for years, so much so that they are taken for granted. If you live in a residential neighborhood where houses are no more than three stories high, for example, you

R. Lisle Baker, a Newton alderman and professor at Suffolk University Law School, is a member of the MMA's Policy Committee on Municipal and Regional Administration and the Drafting Committee of the Zoning Reform Working Group.

can expect the new house next door to be the same, because local zoning imposes use and dimensional controls common to a zoning district. This effect is called the mutual "reciprocity of advantage," where one landowner's rights are limited to some degree in return for similar limitations on the land of a neighbor.

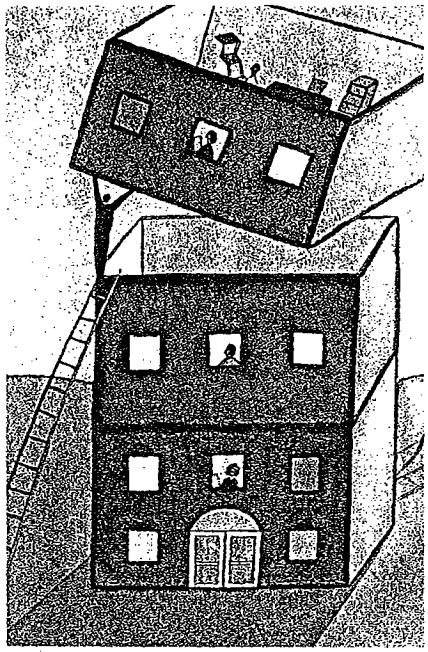
In short, citizens live together successfully in part because the residential character of their neighborhoods are preserved by municipal zoning ordinances and bylaws, which help to foster a sense of investment in and contribution to the larger community. In an effort to "grow smart," therefore, it's important that state land use planners recognize the positive incentives that local zoning can provide.

It would be a mistake to assume that "smart growth" is the tube sock of state public policies: one size fits all.

The current draft of the city of Newton's Comprehensive Plan, now undergoing revision, recognizes the value of smart growth "with a few additional considerations that stem from this being a fully developed community having a valued structure of neighborhood character and cohesion."

> 'Growing Smart'...in Newton must give important consideration to neighborhood as well as Citywide impacts. Consistent with that, we seek to protect the rich choice among the City's neighborhoods, some highly diverse and others not, some quite compact, others more open. We seek to assure development densities well related to both neighborhood character and infrastructure capacity. We seek to promote a range of housing opportunities.

In setting "smart growth" priorities, it is also important to keep environmental



and regional factors in mind. For example, as global warming appears likely to raise sea levels and storm intensity, coastal locations will become increasingly hazardous, so it would be unwise to focus new development there even if there is existing infrastructure, such as public transportation. And with much of Massachusetts still relatively rural, it is important not to ignore the needs and the character of these communities. In fact, it may be smart not to grow in an area where important natural or other resources need protection.

In short, local officials know that land use is a matter that requires local knowledge. It would be a mistake to assume that "smart growth" is the tube sock of state public policies: one size fits all.

2. Make sure that "smart growth" is not simply a way of displacing older homes, which can provide entry-level housing, with new construction, but also help with appropriately sized infill projects.

Much of the housing stock in Massachusetts is old. Indeed, one of the innovations in Martha's Vineyard and Nantucket has been the reuse of existing housing on public land, echoing an older practice whereby old houses weren't torn down but simply moved to a new location. Just as used cars are more affordable than new ones, the same is true of much of our existing housing stock, and we should not allow it to "leak out" of the bottom of the housing bucket while we try to fill up the top with large new housing.

In Newton, for example, the city has adopted a demolition delay ordinance and a limit on house size to check some of the worst abuses where an older, smaller house is torn down to make room for a "McMansion." Some communities are nervous about enacting such limitations, however, and the proposed Community Planning Act, described below, has a provision to amend current state zoning law by removing the restriction against regulating the maximum interior area of a single-family residential building.

Some local officials consider small, scattered-site, affordable housing development, especially as infill, to be exceedingly "smart" growth. In the process of assuring development, it is important for the state to facilitate small projects as well as big ones, since lots of little successes can add up over time.

It is also worth looking at cities where older structures, such as mills, have not yet been renovated into housing because of the economics involved. Rhode Island, for example, has used a much more extensive historic tax credit than Massachusetts to induce the kind of infill-adaptive reuse of older structures that can help revitalize existing downtowns.

3. Remove disincentives and enhance incentives toward "smart growth" in state laws.

The Home Rule Amendment to the Massachusetts Constitution provides that:

> "It is the intention of this article to ... grant and confirm to the people of every city and town the right of self-government in local matters ... subject to such standards and requirements as the General Court may establish by law. ..."

Part of the difficulty for local laws is that what the Massachusetts Constitution has granted to municipalities, the General Court has often taken away by enacting restrictive rules applicable to local planning and zoning. (Imagine how we would feel if state government had to get an act of Congress every time it wanted to do something positive for its citizens in the area of land use controls.)

In Massachusetts, the primary responsibility for local land use control falls to

the 351 cities and towns (except for Boston, which operates on its own special acts), but their powers as to zoning and subdivision control are circumscribed by state law. (This point was well-made by the 2004 book *Dispelling the Myth of Home Rule,* by David J. Barron, Gerald E. Frug and Rick T. Su.)

Here's one example: under current state zoning law, a landowner can avoid the impact of a zoning change simply by filing a duly noticed preliminary subdivision plan, followed within seven months by an approved final plan, which will "freeze" the zoning in effect at the time of the first submission. In the late 1980s, the city of Taunton, with Route 495 coming near, attempted to adopt a "smart growth" local planning initiative that would have directed growth into and around existing city and village centers and to areas served by city water and sewer. When the plan became public, the city experienced a rush of subdivision plans, assuring that the city would continue to grow in accordance with the sprawl patterns dictated by the old zoning rather than the new plan.

Massachusetts is also unique in allowing the filing of "approval not required" plans for divisions of lots on existing public ways, some of which may be unpaved, single-lane roads. These contribute to housing dispersion and expensive public services that burden rural towns, all without requiring any of the review that a conventional subdivision would need.

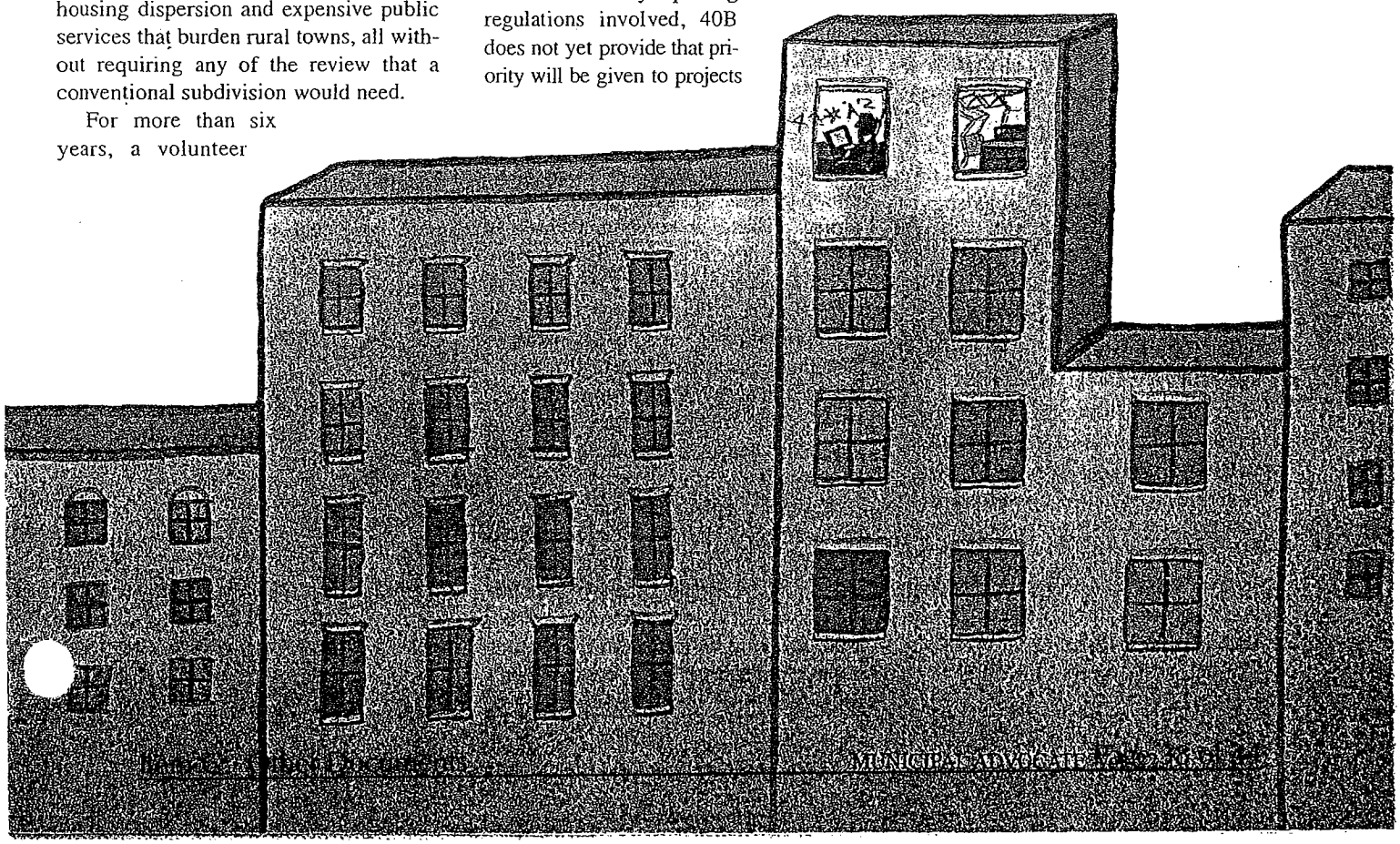
For more than six years, a volunteer Zoning Reform Working Group composed of representatives of the Massachusetts Municipal Association, local and state officials, the state's major planning and environmental organizations, citizens, and legislators and others have been working on updating the state's outmoded zoning and planning laws, culminating in the proposed Community Planning Act (formerly the Massachusetts Land Use Reform Act). The MMA Board of Directors voted in June 2004 to support the bill in principle as originally filed—it has gone through two major revisions since then—with the understanding that the MMA would continue to support any amendments to the bill that enhanced local control. (For a description of the current version of the Community Planning Act, see the Massachusetts Zoning Reform link at www.massmunilaw.org.)

Also, virtually every Massachusetts community has been exposed to Chapter 40B of the general laws, which allows a developer who is willing to commit a quarter of the units to affordable housing, an important and valuable public policy, to bypass much of local land use control by getting a comprehensive permit. While efforts have been made recently to make Chapter 40B projects more responsive to local concerns by updating the regulations involved, 40B does not yet provide that priority will be given to projects

High-quality new development can go forward successfully so long as it is well done in a way that tries to fit in.

located on "smart growth" sites rather than at the discretion of the developer. (The state, however, has begun to earmark some housing subsidy funds for "transit-oriented development," including 40B projects, and local Community Preservation Act funds may also be available.)

A law that did attempt to focus on such sites is the recently enacted Chapter 40R, supplemented by Chapter 40S. The idea was to encourage municipalities to rezone property to allow dense development in "smart growth" locations by providing state funds for new housing constructed, including some funding for the cost of educating the schoolchildren who might live there. Unfortunately, the law was enacted without a public hearing



or significant input from local officials who actually vote on zoning changes. So, for example, the law requires a party aggrieved by approval of a project to post a bond equal to twice the estimated landowner's carrying costs and attorney's fees while the appeal is pending. Since 40R is a local option law, will many local officials or town meetings adopt a law with a section that so burdens affected citizens? Provisions like these, which the MMA had opposed, can constitute poison pills that can keep such laws from being locally accepted. Finally, while welcome, the financial aid provided does not go to mitigate the impact on the properties neighboring the proposed denser zoning, but to the community as a whole, again making it seem unfair if part of the community gets the revenue benefit while another part gets the density burden.

It's also easy to recommend altering state law to make some land uses available as of right by over-riding home rule, such as recent proposals to allow mixed residential use in all commercial zones near transit stops, or cluster zoning (wherever located), or even accessory apartments in any single-family home. While these uses can often be worthwhile, it is misguided to attempt to do land-use planning for them by statewide legislative mandate rather than providing communities with positive incentives that fit local needs and concerns.

If there is a lesson to be learned from local zoning experience in the context of state law, it is that high-quality new development can go forward successfully so long as it is well done in a way that tries to fit in, rather than overburden, the affected community.

4. Use the experience of local government with discretionary permits and dispute resolution to help "smart growth" development fit in.

Even public-spirited citizen volunteers can't do it all, and with rare exception, most land use decisions are made by citizen volunteers or modestly compensated part-time public officials. They need legal and planning assistance, even with the best of laws to administer. But these planning and legal service expenses are often low priorities in municipal budgets, where public safety and schools justifiably have first claim.

The Community Preservation Act allowed communities to tax themselves modestly to fund open space, historic preservation and community housing—public expenditures that stood in the back of the line of municipal funding priorities. While some project-specific technical assistance can be obtained from developers under state law (M.G.L. Ch. 44, Sec. 53G), state grants to a municipality for "smart growth" technical assistance are limited to $30,000, so more funds dedicated to support local planning and zoning are needed too. While state and regional interests need attention, only local government has the site-specific knowledge and the time of citizen volunteers to make land-use planning work. Imagine having a state agency try to plan and zone 351 cities and towns and then administer it day-to-day?

Positive examples in land use should be rewarded, celebrated and publicized...

The formal and informal dispute resolution experience also provides some lessons. The proposed Community Planning Act already provides for mediation not only after a dispute arises and a case goes to court, but even before a project gets proposed, so as to minimize the burden to everyone involved. Even without such a formal process, however, municipalities work with developers and citizens every day on projects that require a zoning permit to go forward. It is through the public hearings, working sessions, and ultimate conditions that projects with higher density are done in a way that minimizes adverse impacts on neighbors while producing the public benefit that new construction can provide.

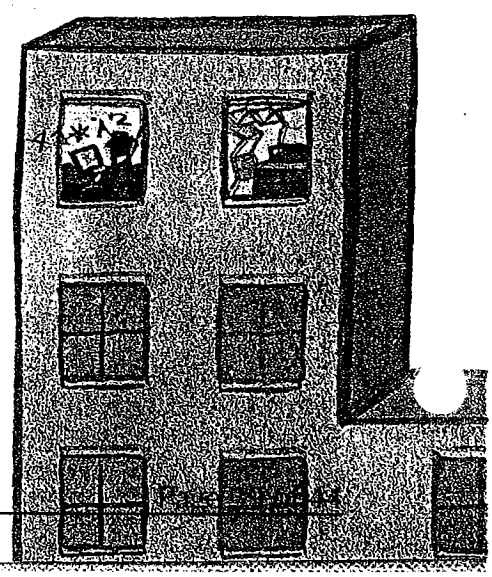
Positive examples in land use should be rewarded, celebrated and publicized so that other communities can learn about innovations made possible by the mini-federalism that local government provides. More technical assistance in the form of sample ordinances or planning reports could help other communities seeking to achieve smarter growth.

Even without the proposed Community Planning Act, there are many local success stories. Here are a few:

- In Franklin, a developer has plans to replace a warehouse with three buildings that include offices, condominiums and commercial space, located within walking distance of a commuter rail train station.
- Newton provides density bonuses by special permit to developers who are willing to commit a portion of their project to affordable housing. Newton also acquired a golf course some years ago by a combination of development on the edge and financing part of the acquisition cost with a special betterment assessment on surrounding properties, including the new development, because they benefited by the preservation of recreational open space next door.
- Framingham has approved almost 500 housing units through mixed commercial and residential, or high-density projects, including the Arcade at Downtown Framingham.
- Natick recently approved a "housing overlay option plan" to allow for redevelopment of industrial sites into housing construction.

[For more examples, see related story, Smart Growth Is Gaining Ground, page 16.]

Land use planning and zoning is likely to remain local for the foreseeable future, but municipalities need the cooperation of the state to help them grow smarter. At the same time, the state needs the cooperation of municipalities because they are on the front lines of decision-making and know local conditions. Working together, both state and local government can achieve smarter growth and build the future commonwealth we want.



Item G: Other Documents

updated 4:24 a.m. EST, Tue December 4, 2007

Metropolitan areas ranked for walkability

STORY HIGHLIGHTS

- Author: Young professionals drive national trend toward walkable communities
- Report ranks major U.S. metro areas in number of "walkable places" per capita
- Christopher Leinberger: U.S. had "amnesia about how to build great places"
- Author's caveat: Brookings survey doesn't factor in size of each walkable place

Next Article in U.S. »

TEXT SIZE

ARLINGTON, Virginia (AP) -- Caitlin Jones and her fiance, Evan Oxfeld, grew up in suburbs where getting anywhere worth going required a car. When the couple started looking for their first home together, they wanted something different: walkability.

Kristine Bruce walks her son David, 2, through the Arlington, Virginia, neighborhood of Clarendon.

"For me at least, that was the thing I missed most about college -- just being able to walk everywhere," Oxfeld said as he and Jones strolled through Arlington's Ballston neighborhood, where they are moving into a condo.

Young professionals like Jones and Oxfeld, both 24, are driving a national trend toward more walkable communities, says the author of a report to be released Tuesday by the Brookings Institution.

The report ranks the Washington region first among the country's major metropolitan areas in the number of "walkable places" per capita, thanks to changes in just the past 15 years.

Christopher B. Leinberger, a real estate developer and visiting fellow at Brookings, set out to quantify the walkability trend by counting the number of "regional-serving walkable urban places" in each of the 30 biggest metropolitan areas in the country.

"Regional-serving" means the place is not just a bedroom community, but has jobs, retail or cultural institutions that bring in people who don't live there.

Leinberger, who also teaches urban planning at the University of Michigan, counted 157 such "walkable places" -- including Beacon Hill in Boston, Massachusetts; Coconut Grove in Miami, Florida; and the Houston, Texas, area's Sugar Land Town Square, one of many built-from-scratch "lifestyle centers" to make the list.

The Tampa, Florida, area was the only one without a single place on his list.

Leinberger counted only places where significant subsidies are no longer required to spur development. He predicted that many more -- such as downtown Detroit, Michigan, and Crossroads in Kansas City, Missouri -- would reach that point within the next decade.

WALKABILITY RANKINGS

1. Washington
2. Boston, Massachusetts
3. San Francisco, California
4. Denver, Colorado
5. Portland, Oregon
6. Seattle, Washington
7. Chicago, Illinois
8. Miami, Florida
9. Pittsburgh, Pennsylvania
10. New York
11. San Diego, California
12. Los Angeles, California
13. Philadelphia, Pennsylvania
14. Atlanta, Georgia
15. Baltimore, Maryland
16. St. Louis, Missouri
17. Minneapolis, Minnesota
18. Detroit, Michigan
19. Columbus, Ohio
20. Las Vegas, Nevada
21. Houston, Texas

Walkable cities have been around for centuries, but Leinberger argues that after the rise of the automobile, planners and real estate developers hit on the lucrative suburban strip-mall formula and stuck to it.

"For 50 years we had this collective amnesia about how to build great places," said Leinberger, whose institution describes itself as a nonprofit public-policy organization.

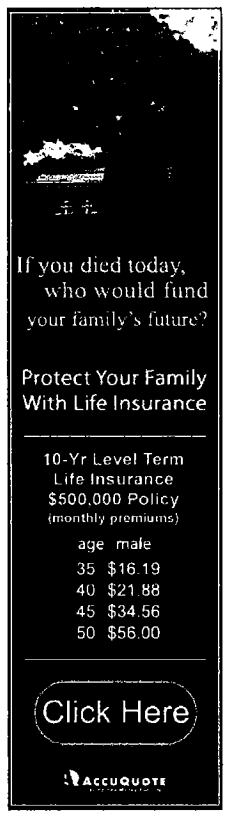
The New York area had the highest number of walkable urban places in Leinberger's survey. Most of the 21 places he listed are neighborhoods in Manhattan.

But the Washington region, with 20 walkable places, outranked New York on a per-capita basis, and Leinberger says it could serve as a national model. It has one walkable place for every 264,000 people.

"Today there are 20 that are at or near critical mass, downtown just being one of them," Leinberger said. "Twenty years ago there were two."

The new additions include District of Columbia neighborhoods such as the West End area near George Washington University, and the revitalized Capitol Hill.

Across the Potomac River in Virginia, Arlington County has seven places on the list, including Ballston



Most Popular

STORIES

Most Viewed Most Emailed Top Searches

1 Taylor suspects on suicide watch

2 Dave Chappelle's comedy marathon

3 Suicide blamed on mother's cult

4 Wrong woman named pageant winner

5

23. Kansas City, Missouri
24. Orlando, Florida
25. Dallas, Texas
26. Phoenix, Arizona
27. Sacramento, California
28. Cincinnati, Ohio
29. Cleveland, Ohio
30. Tampa, Florida

Source: Brookings Institution

Leinberger attaches one major caveat to his report: The survey did not take into account the size of each walkable place.

For example, midtown Manhattan is given the same weight as Reston Town Center, a lifestyle center outside Washington, even though the latter has only a tiny fraction of the office and retail space, residential units, and hotel rooms of midtown.

Leinberger attributes Washington's success with walkability to several factors, including a large population of 20- and 30-somethings and recent strong economic growth.

But the chief factor, he said, is the success of the Metro. The 31-year-old rail system has transformed the region, shaping development and making the walkable urban model more viable.

Leinberger calls rail transit a key factor in the success of walkable places. Roughly two-thirds of the 157 places he counted are served by rail, he said.

Good planning also helped in the Washington region, particularly in Arlington, Leinberger said.

When the Metro was being built, county officials lobbied to put their portion underground along a central commercial road, rather than above ground and along the interstate. The county then loosened zoning regulations around each Metro stop, a policy that gave rise to "urban villages" such as Ballston.

Oxfeld, a software engineer, and Jones, an academic counselor at Georgetown University, said proximity to the Metro was a key factor in their decision to live in Ballston. They also like being able to walk to restaurants and shops and the main branch of the Arlington Public Library.

Walking among Ballston's tall buildings recently, Leinberger praised the mix of commercial and residential spaces, the picturesque courtyards, and the use of underground parking instead of surface lots.

The one big mistake is Ballston Commons Mall, a suburban-style mall that has failed to attract many national retailers, Leinberger said.

Even Ballston's boosters agree with that assessment.

"It seemed to be the right answer at the time. It does not work today," said Julie Mangis, executive director of the Ballston-Virginia Square Partnership. The group wants to encourage more retail across the entire neighborhood, she said, which compared with some other sections of Arlington is weighted heavily toward offices.

Leinberger predicted retail options would improve as the area's population continues to grow.

And if Ballston's sparkling new buildings seem a little too sparkling and new, well, that is bound to change, too, he said.

"This has some character, and it's only going to get better with time," Leinberger said. "Rome wasn't built in a day, and it certainly didn't get the patina of Rome in much less than a couple of centuries." E-mail to a friend

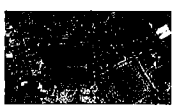
Copyright 2007 The **Associated Press**. All rights reserved.This material may not be published, broadcast, rewritten, or redistributed.

Ads by Google
Foreclosure Listings
Free search of 3, 4, 5 bdrm homes No money down, starting at $10,000
www.foreclosurestore.com
DC Bathroom Remodeling
Get Bath Remodeling. We Specialize in Remodels for Disabilities!
www.GbkRemodeling.com
Web & Interactive Design
Learn About The Art Institutes' Web Design & Interactive Media Program.
www.ArtInstitutes.edu

SHARE EMAIL SAVE PRINT

▶ **From the Blogs:** Controversy, commentary, and debate

Top News



Bush: Nuke-less Iran still 'dangerous'

No Image

Medical helicopter missing in Alaska

5 Winter weather wreaks havoc
6 'Rudolph' puppets making rounds
7 People do anything but drive
8 Bush: Iran still dangerous
9 Is there a smart way to drink?
10 Commentary: Fear of losing culture...

more most popular »

▶ VIDEOS
▶ TOPICS

careerbuilder.com

• Part Time Jobs
• Sales & Marketing Jobs
• Customer Service Jobs

Quick Job Search
keyword(s):
enter city:
State Job type
SEARCH
more options »

We Recommend

Stories you may be interested in based on past browsing

Three suspects in NFL killing on suicide watch

Young man's suicide blamed on mother's cult

Long road to credit recovery

How TV's 'Rudolph' was saved

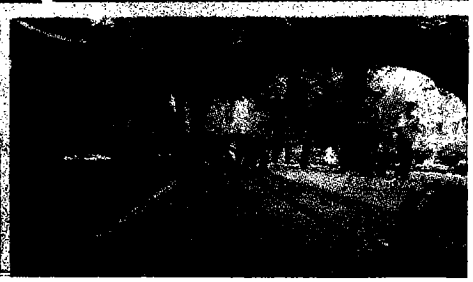
Storms leave downed trees, mudslides behind

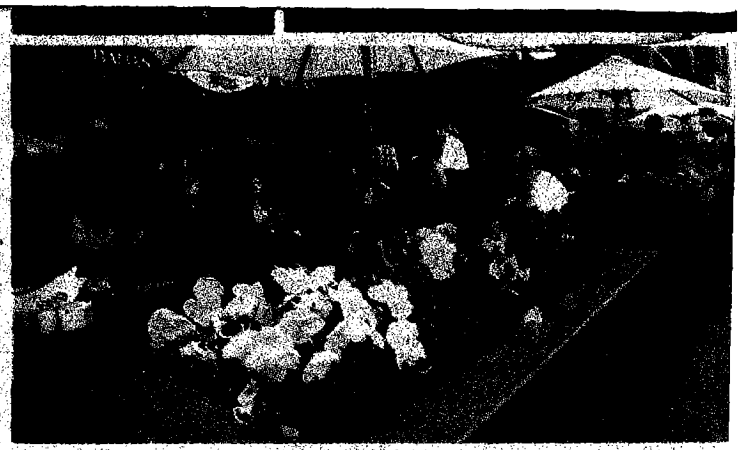
Globe West

BOSTON SUNDAY GLOBE SEPTEMBER 30, 20

A question of character

In Franklin, Westborough, Lincoln, and other western suburbs, developers and local officials want to spend millions to revive their town centers. The goal is to create character — in a modern New England village. And it's not just about adding condos and shopping. The ingredients include outdoor dining, public art, mass transit, wrought-iron lampposts, and bike racks.





By Megan Woolhouse
GLOBE STAFF

Lincoln's town center is hardly a hotbed of activity. A speed bump greets visitors driving in on the main drag.

Yet last week, a developer broke ground on a $7 million project to renovate a local shopping center and erect a 2½ story building in this no-stoplight downtown. There are even plans for a restaurant, with the town's first-ever liquor license.

"Everyone's a little nervous," said Cathy Jahrling, one of the few customers grocery shopping at Donelan's Market in the town center on a recent morning. "Change doesn't come easily to Lincoln."

The same could be said of many New England cities and towns, yet change is on the way. In Franklin, Westborough, Marlborough, and other communities, private developers are building multimillion-dollar projects aimed at recreating downtown centers, often in their own image. The goal of some of the projects is to mimic the look and feel of a New England village, creating space for merchants, new apartments, and even new public commons.

The investment is anything but common. In Franklin, there is $28 million in construction. A Westborough developer won't disclose the cost of its 23-acre downtown redevelopment project, except to say it is in the tens of millions.

The changes don't come without public debate. Downtowns are often the psychological epicenter of their communities. In Newton, a city task force has been at odds for months over how to redevelop that city's center.

But Robert D. Yaro, a planning professor at the University of Pennsylvania and a former faculty member at Harvard and the University of Massachusetts, said the transformation is a sweeping one in "reaction to the monoculture of the suburbs."

Villages need more than 3-bedroom, 3-bath megamansions and conservation land, he said.

"Many towns have done a great job preserving their physical character, but not their characters," Yaro said, referring to the loss of affordable downtown housing and the population that once lived in urban centers. "They've gotten to be less interesting places, so now they're transforming dramatically."

In Lincoln, town officials are working with a local nonprofit developer to build a grocery store and expand the post office. In Franklin, a private developer will build offices, condos, and what local officials envision as a downtown sculpture park. In Westborough, a private developer is building luxury condos and retail with parking on the site of a former in-

TOWN CENTERS, Page 8

Projects underway in several towns

▶ **TOWN CENTERS**
Continued from Page 1

dustrial abrasives factory. In Marlborough, a private developer will turn an old printing factory on the outskirts of downtown into dozens of luxury apartments.

Dennis Frenchman, chairman of urban planning at the Massachusetts Institute of Technology, said it's hard to predict whether such projects can bring back downtown centers.

"Can a single project that's rather large in scale, relatively speaking, add to the quality of life and sense of place? Or does it have to be built from the bottom up?" he asked. "That's a classic urban design question."

In Franklin, workers are building 27 condominiums in the city's ded downtown, with plans for more in the works. Known as Franklin Center Commons, its nters are unlikely to include the ill workers and straw hat maks that put this manufacturing wn on the map.

Developer John Marini hopes any will be students from nearDean College.

Marini is leading a $28 million construction effort in the wntown, tearing down three ildings and replacing them h a mix of retail, office space, l housing. Students will use downtown MBTA station and g out in local cafés.

"It's going to bring kids in the time," Marini said. "They'll be king. They won't have cars."

Urban planners call that "mixed-use" development, and at its most simplified, it is shops and retail centers that also include housing. Residents give retailers and developers a built-in audience. Town officials like it because it brings in revenue that doesn't burden the school system. Young professionals and empty nesters like it because it gives them smaller, more affordable places to live in the suburbs.

Marini built a similar redevelopment in downtown Canton. Himself an empty-nester, he now lives there.

In Lincoln, town officials are working with the Rural Land Foundation to renovate a tired shopping center in the heart of downtown. The plan will allow the post office to expand and create a new building to house a grocery store and other commercial businesses. For a while, town officials, residents, planners, and foundation members debated whether to allow apartments or housing at the site, but that idea never made it.

Selectwoman Sara A. Mattes said Lincoln wanted to keep its rural character and slow pace. An influx of single-family homes increased the population of the one-time farming town, but it is still small, with about 5,000 residents. Mattes said most of them didn't want to see office buildings and national chain stores in the town center.

"It's not been part of the Lincoln culture," Mattes said. "We're still bemoaning the loss of our pharmacy."

Few in Westborough bemoan their own loss: the sprawling abrasives factory that sat in the heart of downtown for decades. The former brownfield will soon be a 23-acre retail and housing complex, home to dozens of chain stores, a Roche Brothers grocery store, and luxury condominiums.

Investor and general manager Lou Petra has high expectations for its success. Known as Bay State Commons, advertisements bill it as situated in a "New England village type setting." It will include 44 condominiums in a four-story complex, with unit prices between $534,900 and $739,900.

They overlook a two-acre park, or "Great Lawn."

"This is a very good addition" to the downtown, Petra said. "It should be a win-win-win for the town, the retailers, and the developers."

Petra said the success of the project does not hinge on the number of residents living downtown, but on how well the project draws shoppers from surrounding towns. Petra said investors have studied the area's demographics and think the project is a good fit. The median family income in Westborough is $94,610,

Continued on next page

BILL POLO/GLOBE STAFF

Artist Marcia Billig displays a clay model of a bronze sculpture that will be on display in Franklin's downtown.

Suburbs looking to revive centers

Continued from preceding page
compared with $50,046 nationally, according to the US Census.

The Westborough project will also bring national chains downtown. It includes more than 300,000 square feet of retail space, not including parking, which is the equivalent of a typical Home Depot store.

Town Planner Jim Robbins said a Linens N Things, Paper Store, and Ted's Montana Grill will come in. Panera Bread, GNC, and Payless Shoes are also expected.

Robbins said there were more than 40 public meetings on the project, and it took two years to issue all the necessary permits. People saw the development as such an improvement, there were "no retail uses people didn't want," he said.

He said the city's design review board ensured that the buildings would fit in with the existing 19th century architecture. Many of the buildings have flat rooftops, some will be brick, others clapboard, he said.

"We wanted to make it unique," he said. "We didn't want it to look like it was plopped down from outer space."

In Franklin, Town Manager Jeffrey D. Nutting said people wanted the town center to be a celebration of the town's character, if not a show of its newfound prosperity.

In recent years, Franklin was one of the fastest-growing communities in the state. People were drawn to its two MBTA stops, proximity to Interstate 495, and affordable housing. The average 3-bedroom house cost $400,000 in 2006.

But at its heart, the community is a mill town that attracted factories because of its proximity to the Blackstone River.

In 2001, town leaders began looking at how to revitalize downtown, a one-way street that had become a speedway. There were a few stalwart businesses operating there, as well as a bevy of pizza parlors and nail salons.

"We're not a seaport or a tourist destination," Nutting said. "The goal is just to make it warm and friendly."

Change has come slowly. There's now a shop showcasing the work of regional artists and a boutique called Pretty In Pink. Residents would like a restaurant and a Trader Joe's market, Nutting said. And plans are underway to install sculptures to make the town center unique. Officials used a $50,000 state grant to pay for a statue of a boy waving a signature straw hat.

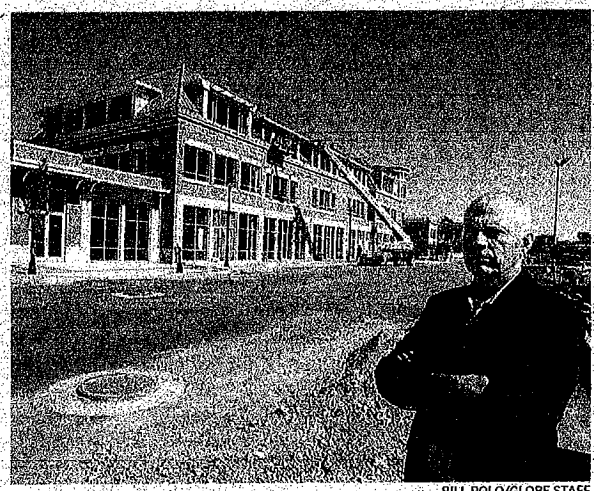
The town will also use a $5 million federal grant to redesign its downtown streetscape, creating two-way traffic and installing brick crosswalks and old-fashioned-looking street lamps.

Tiny Lincoln plans to make a different statement. The Rural Land Foundation will renovate one shopping complex, "the mall," as it is known locally. The mall is a modernist building that sits amid the traditional Revolutionary war era homes and white steepled churches. Town officials said it reflects a unique era in the town, which has a collection of Bauhaus period homes from the 1950s tucked into its rolling hills.

Town Planner Mark Whitehead said the community vision, and the construction plans, took five years of discussion and debate. And the outcome was this: People wanted a place where they "could run into each other and talk."

"I don't think it will be that much of a change," Whitehead said. "The new building going in there isn't all that much bigger than some of the single-family homes here."

Megan Woolhouse can be reached at mwoolhouse@globe.com.



BILL POLO/GLOBE STAFF

Wellesley planning director Rick Brown, with the Linden Square project in the background.

In Wellesley, center's success spreading out

Several town planners mention Wellesley when they talk about the town center they'd like for their own community.

The story of how Wellesley got such a prosperous downtown starts with a coincidence.

A plan to widen Route 16 about 20 years ago coincided with a school redistricting project.

"Everything hit the fan" when parents learned that their children would be walking to school along a double-wide stretch of highway, town planner Rick Brown said. "The project ran into a buzz saw."

Town leaders changed consultants and architects. Sidewalks got widened. Workers installed decorative street lights, benches, and tables. They planted trees.

Local shop owners saw a surge in business. New businesses opened.

"It really was a complete shot in the arm for the business area," Brown said.

Today, Wellesley's downtown is a New England version of Rodeo Drive. There are five-star restaurants, one-of-a-kind boutiques, scaled-down chain stores. And the commercial success is spilling over into nearby neighborhoods. A third of a mile from downtown, a lumber and coal yard has been converted to Linden Square, a complex that will include a spa, upscale stores, and a health club.

It helps that the town can draw on the considerable wealth of its residents. The median assessed value of a typical home is $824,000. According to a news release from Linden Square's developer, Federal Realty Investment Trust of Maryland, the average income within a 3-mile radius of the project is $191,000 a year.

Dennis Frenchman, chairman of the Massachusetts Institute of Technology urban planning department, said that kind of affluence surely helps a downtown to prosper, but it doesn't seal the deal.

"There has to be a little serendipity, too," he said. "These things are under our control. If a city is vigilant about trying to focus activity in its town center, obviously that helps."

MEGAN WOOLHOUSE

On tap: sidewalk dining, drinking

• ALCOHOL
'ontinued from Page A1

lcohol ban have begun submitting designs. Some already have city approval, but so far only one has n OK from the state, which has final say on each license.

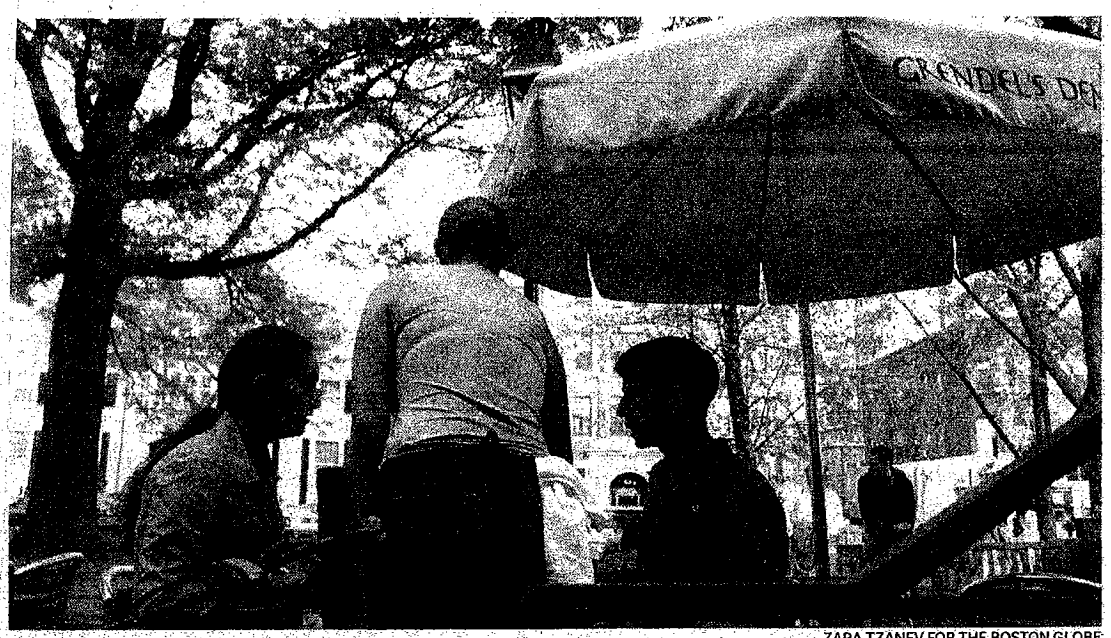
Boston may be called the most uropean of cities, but Cambridge fficials hope the move brings a bit nore Paris to its side of the harles. A lawsuit filed last week y the Harvard Square Defense und is challenging the policy on pen Meeting Law grounds, but he license applications are proeeding, and The Asgard, the first estaurant to gain state approval, lans to start pouring Tuesday.

In anticipation of its paperork coming through, Grendel's, hich took a fight for a liquor icense all the way to the US upreme Court in the 1980s and on, has doubled its outdoor seats 32.

Right next door, UpStairs on he Square plans 26 sidewalk eats. Across little Winthrop treet, the hip new OM Restauant is adding 24 seats outside. In entral Square, Central Kitchen ants 36 sidewalk seats, and The avern and Wish is hoping for 30.

Near MIT, the Asgard plans to nveil a 62-seat outdoor dining rea, triple the size of the 20-seat ne it has had in previous seasons. rafton Street, near Harvard, now as city approval to serve alcohol n its patio.

"If it's summertime, you want sit outside," says Elizabeth Lint, xecutive officer of the Cambridge icense Commission, which has een hearing several applications or outdoor liquor service at each neeting. "You're paying for a lovey meal, and you want to have a lass of wine or whatever you hoose to accompany it. They do it ll over Boston and the South End, hen why not here?"



ZARA TZANEV FOR THE BOSTON GLOBE

Sarah Brem and Joel Sunshine ordered at the Grendel's Den outdoor patio in Harvard Square this month. Restaurants have applied for permission to serve alcohol on city-owned sidewalks.

At a few restaurants that own their outdoor space, the sun already meets the shiraz with no legal difficulty, including The Red House and Harvest in Harvard Square and Oleana near Inman Square. Most restaurants in congested urban areas, though, don't have that luxury; they border a mere patch of city sidewalk. Since liquor licenses restrict service to a business's own premises, a waiter carrying a glass of sauvignon blanc onto the street would be in violation.

After buying the Austin Grill outside Central Square more than four years ago and converting it to the Asgard, owner Bill Goodwin said, "I just couldn't understand why the city and state would prevent people who really need to enjoy the beautiful outdoors from enjoying it with a glass of wine or beer or a cocktail."

When he approached city officials about making a change, they were receptive. A committee of city officials and restaurateurs met for more than six months to address disabled accessibility, city liability, noise and rowdiness, and aesthetics.

The resulting policy follows the model of Boston, which in 2002 began allowing restaurants to lease the sidewalks from the city for the season. "Since then, the patios have taken off," said Dan Pokaski, chairman of the Boston Licensing Board. "It works really well. We have very few problems with them."

In Cambridge, the city is charging each restaurant $750 to use the sidewalk for the season. The outdoor expansion cannot violate the cap on the number of seats allowed by a restaurant's liquor license, Lint said. Waiters can serve alcohol only along with food, must stop by 11 p.m., and cannot allow smoking on the patios. The commission is requiring designs that include cordoned-off areas and planters and not "rinky-dink furniture," Lint said.

"The mayor thinks it should be like Paris," she said. "We want a cosmopolitan kind of feel."

The change dovetails with a $3.5 million renovation project to improve roads and sidewalks and jumpstart the street life in the square, which draws 8 million visitors a year. Winthrop and Palmer streets, for instance, will be transformed into pedestrian malls.

The restrictions in the policy have meant there has been little to no specific opposition at public hearings on the restaurants' applications, Lint said. But objections have come from the Harvard Square Defense Fund, which filed suit last week alleging that the city violated the state's Open Meeting Law by not inviting the public to the planning sessions between city officials and restaurateurs. The fund's vice president, Pebble Gifford, said the group does not oppose the general idea, but objects to the policy's nine-month season, March to November.

"We're not anti-patio," Gifford said. ". . . The lawsuit is happening because none of us were at the table."

Deputy City Manager Richard Rossi says he's "confident the city will prevail." The group was an advisory board and did not include a quorum of members of the License Commission or City Council and therefore wasn't subject to the Open Meeting Law, he said.

As for the nine-month season, he said, "this year in March we had better weather than some of the days in May, so I think the restaurant folks were like, 'We may not do this, but if we end up with a 65-degree week at the end of March, what's the harm if it's well-managed?' "

At Grendel's Den last week, even with every bench in Winthrop Park occupied and a folk singer strumming away, only four of the 10 outdoor tables were occupied at 7 p.m.

Claire Spollen and J.B. Sapienza started to grab a seat there, but went inside when they heard they couldn't drink alcohol. "I just turned in a final paper [at Harvard Extension School], and it would be so nice to sit outside and have a beer," Spollen said.

Joe Yonan can be reached at yonan@globe.com.

SEAN ROCHE

Is parking too cheap?

What's wrong with this picture? Four friends drive to Kenmore Square for a Red Sox game. They take a couple of laps around the neighborhood unsuccessfully looking for a $1-an-hour meter. They give up and park in a $20 lot.

Thanks to the work of UCLA urban planning professor Donald Shoup, we now know that the low meter rates lead to congestion, unnecessary fuel consumption, and additional pollution. It also allows parking entrepreneurs to make 20 bucks (or more) for the same 120 square feet of asphalt that the city is practically giving away.

In his recent book, "The High Cost of Free Parking," Shoup claims that curbside parking is a valuable resource that cities squander by "renting" for less than market value. The most obvious consequence is the lost revenue. If motorists are willing to pay $20 to park in a lot for a Red Sox game, why shouldn't the city charge the same amount, or at least something closer to the private rate than $1 an hour?

This wouldn't just generate more money for the city. When there's cheap parking to be had, spots fill up. But, people, like our Sox fans above, troll the streets hoping to score the elusive spot (and save the $20 for some Fenway franks). A trolling car consumes gas, emits pollution, and adds to congestion.

Near-free parking is also bad parking. Consider Newbury Street, another place where curbside spaces are chronically scarce. Low meter rates lead to low turnover. Once people — often residents and employees — find spaces, they spend the day feeding meters. It's cheap. Shoppers, who are the most valuable parkers to local businesses, cannot find spaces easily, though they invariably take a few laps looking in vain.

If Newbury Street meter prices were set high enough to produce a 15-percent vacancy rate, the level Shoup recommends, a number of good things would happen. (The proper meter price would only become clear through trial and error.) Turnover would increase, as those needing long-term parking would look elsewhere — or travel by foot or by the T instead. Shoppers willing to pay the higher rate would always be able to park near their destination boutique. A few open spaces on every block would decrease congestion-producing trolling. And there'd be new meter revenue, which could be earmarked for improvements along Newbury Street.

Such a proenvironment policy might seem to come at the expense of business. But what shop owner wouldn't want a new customer parking in front of his store a few times an hour? In places like South Pasadena and Redwood City, Calif., where Shoup's theories have been put to a real-world test, the results have pleased local businesses.

Boston sells itself short in another way: through resident-only parking along streets such as Commonwealth Avenue. For $30 a year, you can occupy some of the most valuable real estate in the country, if you are lucky enough to find a space. And, you can stay about as long as you'd like. These spaces, too, should be subject to market rates.

Resident parking policies that resulted in a 15-percent vacancy rate along Commonwealth Avenue would have similar benefits as higher meter rates on Newbury Street. But the surprising beneficiaries would be the residents themselves, as they could count on predictable short-term parking near their homes. Fifteen-percent vacancy could be achieved by adding several meters to every block, which could be resident-only meters.

The Kenmore Square-Newbury Street-Commonwealth Avenue triangle makes for a good story because of the seriousness and variety of parking issues in close proximity. But, the parking problems in that area are not unique. Like Fenway, the Garden and many of the major institutions generate the same kind of event-driven parking demand. (Try getting a space near the Children's Museum on a rainy Saturday.) Lots of commercial areas have issues as acute as Newbury Street's. And resident parking cannot meet demand in lots of the city's neighborhoods.

Market-based parking could relieve some of the problems resulting from excess demand for the city's curbside parking — and generate money for neighborhood improvements. Higher meter rates are not a solution, though, for all the traffic and parking issues in Boston, or any other city. There needs to be better provision of off-street parking, more coordinated traffic and parking policies, and enhancement of mass-transit options.

Still, higher meter rates could, by themselves, have a noticeable, immediate effect. The city should give it a shot.

Sean Roche *writes about traffic and parking at newtonstreets.blogspot.com.*