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James Freas
Acting Director

MEMORANDUM

DATE: March 25, 2016

TO: Councilor Ted Hess-Mahan, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development 

RE: #110-15 – HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. 40R and its potential application in Newton.

MEETING DATE: March 28, 2016

CC: City Council
Planning and Development Board
Donnalyn Kahn, City Solicitor

The Smart Growth Zoning Overlay District Act, M.G.L. 40R, was created in 2004 as a tool to encourage municipalities to create residential or mixed-use districts requiring a high percentage of affordable housing in smart growth locations. The idea behind this legislation was both to address the severe housing shortage across the Commonwealth, but most especially in the Boston area, while also providing some relief on the potential costs of development to the municipality. The essential features of 40R are the creation of a zoning district that allows by-right development, with site plan review, at a minimum residential density, with a minimum of 20% affordable units. The State, through the Department of Housing & Community Development (DHCD), must approve the district as meeting the requirements under the law, making the City eligible for payments from the State. Bill Reyelt from DHCD will be at the Zoning and Planning Committee meeting to present and answer questions on the program.

The intent in this presentation and discussion is to inform the Committee and City Council on the opportunities inherent in the 40R law. There are a number of locations in Newton where 40R could be a useful tool for advancing housing development and meeting the goals of Newton's *Comprehensive Plan*. An extensive amount of information on 40R, including a number of reports and case studies, can be found at www.mass.gov/hed/40r and members of the Committee are strongly encourage to review these materials in preparation for this meeting.