Strategy # 5: Enable Compact Growth

MetroFuture calls for growth patterns that are considerably more compact than what would occur if Current Trends continue. By focusing growth in city and town centers, near transit and infrastructure, the region will help to preserve both environmental and financial resources that would be lost to sprawling, low density development.

These compact patterns of growth can only be achieved if the region's communities have the tools and resources to plan and support that growth. Many communities that have undertaken some sort of community planning or area planning in recent years have incorporated compact growth ideas such as mixed use or downtown revitalization. This strategy calls for strengthening and broadening those efforts. The compact growth envisioned by MetroFuture varies considerably across the region. High density urban development; village clusters; new construction on parcels that were previously developed—these represent some of the varied forms of compact growth. No matter what form it takes, compact growth faces many common challenges: lack of informed community consensus, outdated zoning and financing tools, and underfunded infrastructure (to name a few). In concert with the other MetroFuture strategies, the recommendations here will help municipalities to overcome those challenges. In doing so, they will realize the local and regional benefits of compact growth, in the form of more open space nearby, more effective transit, more housing options, and stronger municipal finances.

How will it work? New strategies for planning and visualizing growth will help to build community support through a more responsive and accountable process. Modernized zoning codes and development controls could provide both oversight and predictability thanks to shared expectations. Strong attention to design issues (access, sustainability, community, history, infrastructure) is necessary to ensure that the benefits of compact growth are realized. More predictable and efficient growth patterns will allow communities to plan reliably for supporting infrastructure, paid for (in part) by new public/private financing tools. Municipalities will take into account state policies regarding housing, economic development, open space etc., including specific plans such as the Statewide Land Conservation plan, when undertaking the Master Plan process.

Success of this strategy is contingent on many other MetroFuture recommendations, but it is especially dependent on the success of (#1 Coordinated Plans); (#3 Municipal Finance); and (#12 Transportation).

A. Plan for compact growth to serve community needs

The location, scale, density, and design of compact growth will depend on many local considerations: the degree of existing development, regional context, availability of infrastructure, sensitive natural resources, and other factors. Each municipality, in coordination with the MetroFuture land use plan and principles, should plan for how they can provide the benefits of compact growth to their residents at the appropriate scale. Improved systems of municipal planning, described in (#1 Coordinated Plans), are a prerequisite for sustainable plans for compact growth. Those recommendations call for consistency of zoning, local plans, and the regional plan; in every municipality, the

identification of compact growth areas—of an appropriate scale—will be one element of consistency.

While master plans can identify appropriate locations for compact growth, district plans are necessary to provide more specifics about scale, densities, design, access, uses, and infrastructure. Municipalities have increased support from state programs and MAPC for the development of such plans. In both urban and suburban communities, plans for compact growth often meet resistance due to concerns about visual impact and impact on community character. More widespread application of tools for visualizing growth will help to build community support through a more responsive and accountable process. Local areas plans for compact growth must be aligned with capital planning and resource availability, to avoid redundant costs, unused capacity, and environmental damage.

1) **Support district plans for compact growth**

   Strong district plans provide a framework for zoning, infrastructure investments, and permitting. Too often, proposals for new development—even those that are allowed by zoning—become entangled in community disagreement about the vision for a given location. The developer wastes time and money, and the community loses opportunities to maximize local benefit. District plans seek to avoid this entanglement by building consensus about scale, density, and form; and by evaluating how growth will relate to existing infrastructure, municipal finance, and surrounding neighborhoods. As a result, permitting can be an efficient process to determine whether the proposal is responsive to the community's vision, rather than a time-consuming process of debating what that vision should be.

   Technical assistance is critical for municipalities seeking to prepare district plans. There are already a variety of state programs to support district planning efforts, including the 40R Smart Growth Overlay District program, District Local Technical Assistance Program, and the Transit Oriented Development Infrastructure and Housing Support Program. These programs should be supported with sufficient funding and expanded as more municipalities seek to develop district plans. MAPC can also support district planning efforts through general non-contract support from subregional coordinators and staff planners.

   1.a Municipalities should develop district plans for locations suitable for compact housing growth and economic development

   1.b The legislature (through DHCD) should provide substantially increased state agency support for 40R district planning and marketing

   1.c The Legislature and Governor should fully and consistently fund the District Local Technical Assistance program

   1.d The Legislature should continue to support the Transit Oriented Development Infrastructure and Housing Support Program

1.e MAPC should provide more general non-contract technical support through subregional coordinators

2) Use visualization and decision support tools to engage the public in district planning

In both urban and suburban communities, plans for compact growth often meet resistance due to concerns about visual impact and impact on community character. More widespread application of tools for evaluating alternatives and visualizing growth will help to build community support through a more responsive and accountable process.

Preparation of "alternative futures" based upon clear criteria (e.g., existing zoning versus an alternative set of regulations) can quantify important impacts such as vehicle trips, water demand, and open space. These projections help participants (residents, property owners, municipal officials) to evaluate alternatives based on quantitative projections rather than speculation.

Technology can also help residents to understand the visual impacts of development alternatives within a local context. This can be as simple as showing photographs of structures that could be constructed under the existing zoning versus an alternative, or as complicated as constructing virtual or tangible 3-dimensional models of the development that could be generated by the changes.

In addition to traditional public forums, communities should take advantage of technology to expand upon public input and public education, including on-line illustrations of alternative scenarios, web based surveys, web discussions, etc. However, communities should understand that some residents either are not comfortable with, or may not have access to, such web-based communications, and that they are not a complete substitute for traditional methods of allowing for public input and education.

2.a MAPC should work with allied organizations and experts to develop subregional and local applications or adaptations of the existing MetroFuture model

2.b MAPC and allied organizations should support the development and dissemination of scenario visualization techniques in the region

2.c MAPC should work with stakeholders and experts to identify best practices and models for the use of virtual (on-line) participation and electronic communication with stakeholders

3) Develop capital plans for compact growth areas

With detailed master plans and district plans, municipalities will be able to determine where infrastructure investments are needed to support desired compact growth, and where new or increased capacity would encourage growth that is contrary to the land use plan. Compact growth located near already

developed areas may require little new infrastructure, but will likely require repairs or increased capacity for existing streets and sidewalks, transit facilities, water and sewer services, and related infrastructure.

In order to preserve capacity and focus growth, municipalities should establish well-defined service area limits for utilities such as water and sewer; parcels outside these service area boundaries should be expected to use on-site or local (private) utilities, as necessary. Phased expansion of service area boundaries or capacity can yield more cost-effective investments and can focus market response to a particular location before infrastructure is extended. Abundant research and case law supports the legal establishment of such service area boundaries (if rationally applied).

The development of capital plans is a prerequisite for any of the innovative financing tools described in (#9D Diverse Funding Streams). Capital plans will allow municipalities to determine infrastructure costs associated with new development and to establish value capture programs or impact fee assessments accordingly.

3.a Municipalities should develop capital plans to accompany district plans

3.b MAPC should collaborate with other stakeholders to develop legal clarification and guidance for infrastructure phasing and service area boundaries

4) Broaden use of Chapter 40R Smart Growth Zoning Districts

Chapter 40R of the Massachusetts General Laws encourages cities and towns to establish new overlay zoning districts to promote housing production and, more generally, smart growth development. Under Chapter 40R communities that adopt special zoning districts allowing "as-of-right" (no special permit required) higher density residential development are provided financial rewards. These financial incentives come in two forms: the "zoning incentive payment" awarded when the zoning is adopted, and the "bonus payment" awarded when building permits are issued; both are calculated based on number of housing units.

Chapter 40R districts can be in one of three locations: near transit; in areas of concentrated development such as city, town and, village centers and commercial districts; or in areas that are "highly suitable" for growth by virtue of their infrastructure, transportation access, existing underutilized facilities, and/or location.

While there are many municipalities that have adopted Smart Growth Zoning districts under Chapter 40R, other communities are wary of permitting these districts as-of-right. While design guidelines and form-based codes (described below) can provide municipalities with considerable control over the design and appearance of compact growth, some communities are unfamiliar with these tools and are concerned that as-of-right zoning will result in loss of local control.

The Legislature should consider modifying Chapter 40R to allow for special permit, but with elimination of the zoning incentive payments that municipalities receive when they adopt 40R as-of-right. Municipalities would still be eligible for the bonus incentive payments. As a result, there would be no cost to the Commonwealth and until building permits are issued, and municipalities would have an incentive to approve appropriate projects in the special permit process.

4.a The Legislature should modify state statute to allow 40R by special permit (without zoning incentive payments)

B. Ensure good design and access

Compact growth must be carefully designed to protect the historic resources and historic character of the region's city, town, and village centers. Many individual colonial-era residences, 19th century mill structures, village greens are well-protected, but historic character is also derived from collections of older homes that are not individually protected, as well as 20th century resources often overlooked by many historic protection efforts. It is sound planning practice to identify these resources and create awareness of their importance, as well as develop strategies for how to facilitate the restoration and reuse of historic structures. .

5) Facilitate widespread adoption of form-based codes

Form based codes offer an opportunity to recodify a city or town's zoning and subdivision rules and regulations in order to promote streetscapes that activate the public realm through careful analysis and planning. Form based codes can either replace or supplement standard text-based zoning, subdivision and other local regulations, and are a method of regulating development to achieve a specific form.

Conventional zoning and subdivision regulations actually promote the sprawling development patterns that residents generally oppose. Wide streets, missing or small buffer strips, the absence of public shade trees, and building structures set back far from the street with parking areas within the front yard setback all detract from what citizens want from their neighborhoods. Developers often agree with the citizens, yet find that building mixed uses, traditional design, and pedestrian-friendly streets is difficult, if not illegal, due to zoning constraints.

Form based codes are regulatory documents that prescribe a fundamentally different vision of how development should occur. Focused more on the form of development rather than the use, form based codes regulate the mass of buildings, their design elements, connection between sites, and their relationship to the public realm.

Form based codes are regulatory, not advisory, and should not to be confused with general statements of policy or design guidelines, which generally are limited to the "look" of buildings. While design guidelines may require in depth reviews by public agencies, thereby eliminating the predictability that is the hallmark of a

good regulation, well-written form based codes are more objective in terms of architectural style and are easier to implement.

While many communities are willing to address the consequences associated with conventional zoning, many will be reluctant to consider abandoning their entire regulatory framework. Thus, the adoption of parallel codes for a specific district serves as a good strategy to approach FBCs without sacrificing the historical and familiar foundation for land use regulation.

5.a MAPC should develop capacity to provide technical assistance with application of form-based codes

5.b Municipalities should develop and adopt Form Based Codes (FBC)

6) Adopt innovative parking strategies

Innovative parking strategies can support compact growth by maximizing the amount of land available for development and reducing auto dependency. These strategies use tailored standards, pricing mechanisms, shared parking, permit parking, transportation demand management, and pedestrian improvements to make the most efficient use of available parking. A well planned and executed parking program is essential to establishing and maintaining a human-scale environment that emphasizes parking efficiency over supply.

Currently, many municipalities rely on generic, one-size-fits-all parking standards that are simple to apply and enforce, but fail to accurately reflect the particular needs of different districts, especially compact growth areas. Minimum parking requirements can make compact development economically infeasible, especially on smaller sites. Even if parking requirements can be satisfied, large expanses of create large expanses of asphalt that can erode streetscape appeal, deter pedestrians, and compromise the development potential. Large parking areas also contribute to the "heat island effect" and increase stormwater runoff. Structured parking is not necessarily a solution since construction and operation costs can be five times more per space than surface parking.

While no one technique will be appropriate in every location, application of innovative parking strategies begins with a parking study and assessment of existing conditions and growth potential. Such a study will identify demand, supply, and underutilized parking resources. This information will support the application of strategies such as pricing mechanisms, which involve charging higher prices for convenient spots (such as on street parking) and lower prices for more remote locations (such as municipal lots behind buildings). As a result, employees and residents will park in off-street locations, leaving more on-street spaces free for shoppers.

Allowing shared parking, off-site parking, or payments in lieu of parking can allow development of highly constrained sites, while also establishing a rational basis for ensuring that parking needs are met (rather than negotiations through the variance process.) A "Parking Benefit District" is a mechanism by which

parking revenues (meters, lots, garages, and parking passes) is directed to a locally-controlled fund and invested in pedestrian improvements, maintenance, security, or additional capacity.

6.a Municipalities should conduct parking studies for city and town centers and compact growth areas

6.b Business districts should adopt parking benefit districts

7) Increase the availability of car-sharing services

Compact growth in urban areas or even in suburban areas near transit can allow households to live with only one car ("car-few") or no car at all ("car-free"). Car sharing services provide short-term car rentals that can substitute for private vehicle ownership or supplement households with only one car. These services are generally provided on a subscription basis that provides access to cars parked at specified locations (generally near transit), reserved in advance, and rented on an hourly or daily basis. Car sharing is most effective in higher-density, mixed-use areas where there are other transportation alternatives.
By allowing occasional access to a car without the vehicle ownership, car sharing programs can reduce the need to own a car, especially a second or third one. Car sharing makes occasional use of a vehicle affordable, even for low-income households, while providing an incentive to minimize driving and rely on alternative travel options as much as possible.

One major benefits of car-sharing is reduced vehicle ownership and corresponding parking requirements in compact growth areas. Because of this benefit, some local governments reduce minimum parking requirements if developers or employers agree to institute or participate in car sharing programs. Developers may be required to contribute funding towards set up costs and/or to provided dedicated parking for the car-sharing vehicles.

Successful car-sharing programs exhibit the following features:

- Accessible (i.e., located in or near residential neighborhoods).
- Affordable (reasonable rates, suitable for short trips).
- Convenient (vehicles are easy to check in and out at any time).
- Reliable (vehicles are usually available and have minimal mechanical failures).

A major barrier is the need to establish and maintain a critical mass of users (typically 30 members or more) in individual neighborhoods. Car-sharing cannot develop until enough potential users in each area are familiar with the concept, understand how it can benefit them, and are willing to commit themselves to a car-share organization. This often requires education and marketing. Car-share organizations often require seed money to become established.

7.a Municipalities should require evaluation of car-sharing services for larger developments, especially those near transit

8) Maintain historic resource inventories and plans

Historic inventories and plans are necessary to guide protection and reuse efforts. Careful inventories and plans will ensure development proposals can be designed to protect and enhance historic resources. They can also make the permitting process more efficient if the expectations for preservation and enhancement are outlined in a plan, rather than debated after a development has been proposed.

Effective historic preservation requires active stewards of historic resources. While all MAPC municipalities have a historical commission, many are not active or do not participate in other municipal planning and development efforts. These commissions can receive training and guidance from the Massachusetts Historical Commission (MHC). In particular, MHC provides a "survey training module" that can help commissions plan for historic surveys and inventories. One key lesson of this model is that a comprehensive inventory of historic resources should address a wide array of properties, not just "landmark" historic gems. Inventories and plans should also include consideration of unique and significant 20th Century structures.

Historic commissions should also actively participate in municipal master planning and district planning efforts. As required, most municipal plans acknowledge historic resources, but rarely emphasize historic resources as opportunities for smart growth development. Additional guidance from MHC on integrating historic preservation into smart growth will also help local historic commissions to be active and constructive partners in the development process.

8.a Each municipality should have an active historical commission and historic preservation plan

8.b The Massachusetts Historical Commission, with the assistance of MAPC, should increase access to its "introductory survey training module"

8.c MAPC should work with MHS to develop smart growth evaluation criteria

9) Provide financial support for historic preservation and restoration

Adequate levels of funding and financial incentives are key to preserving historic resources and allowing for adaptive reuse.

The Massachusetts Historic Rehabilitation Tax Credit is a critical source of funding for rehabilitation efforts, but currently has an annual cap, so not all eligible projects receive funding. The Legislature should raise or eliminate this cap. Local property tax relieve might be granted through tax exemptions and abatements targeted to historic preservation investments.

The Community Preservation Act is a critical source of local funds for historic preservation. Reforms to the CPA legislation, described in Strategy 2, will help

to ensure continued state funding for the program and will allow more municipalities to participate. MHC has also identified reforms to the CPA that will encourage coordination with the MHC and adherence to the Secretary of the Interior's Standards for historic preservation. The legislature should consider including those reforms as well.

9.a The Legislature should expand the state investment tax program through increasing or removing the annual cap

9.b The legislature should consider Community Preservation Act revisions to encourage coordination with the MHC and adherence to the Secretary of the Interior's Standards

9.c MHC should evaluate potential tax abatement/tax exemption programs

10) Facilitate adaptive reuse and preservation

Communities, once they have identified their historic and cultural resources, need resources to be able preserve and reuse them productively, particularly within the context of compact growth.

Municipalities can currently choose to enact demolition delay bylaws, which allow them to review for historical significance any buildings older than 50 years old proposed for demolition. If a building is found to be historically significant, a period of time, usually six months, must elapse for the municipality to work with the owner to find an alternative to demolition before a demolition permit may be issued. These bylaws must be strengthened and passed in all municipalities with stocks of historical buildings.

The MHC has identified the Massachusetts State Building Code as conflicting, at times, with historic preservation.

10.a Municipalities should adopt demolition delay ordinances and bylaws

10.b MHC should propose revisions to the State Building Code to facilitate adaptive reuse.

10.c MHC should provide increased technical assistance to municipalities and developers regarding universal access in historic structures

11) Promote the use of New Urbanism and Traditional Neighborhood Development

Traditional Neighborhood Development, also known as "new urbanism", "neo-traditional" or "village-style" development, is characterized by a variety of housing types, a mix of land uses, an active center, and walkable design, either as a large district or within an existing compact growth area. Traditional

neighborhood development can guide new development patterns that are civic-oriented, pedestrian-friendly, economically vibrant, environmentally sustainable, and evoke a unique sense of place.

Within suburban areas, large-scale redevelopment areas—such as closed military bases, large tracts of state land, or obsolete industrial and commercial areas—may present great opportunities in which to introduce traditional neighborhood development. One example is the redevelopment of South Weymouth Naval Air Station into a compact, mixed use development (known as SouthField) with a variety of housing types in a traditional neighborhood design.

C. Encourage market response to district plans

12) Adopt best practices for permit streamlining

Productive relationships between municipalities and the development community foster compact growth. Municipalities should adopt best practices that can make permitting more predictable, equitable, cost effective, and efficient.

Inefficient permitting and approval processes can discourage compact growth. Developers who face a long, costly, and uncertain permitting process are likely to shift their resources and efforts to other locations, regions, or states. This is especially concerning if inefficient permitting in appropriate locations causes developers to choose alternate locations that are inconsistent with the MetroFuture land use plan.

Application of streamlined permitting processes does not require municipalities to lower their standards or feel pressured to approve bad proposals. Applied appropriately, Permit Streamlining Best Practices should reinforce local jurisdiction; encourage community supported projects; preserve local resources; and maintain the standard of review.

The recommendations identified elsewhere in this strategy will also support streamlined permitting. When municipalities have widely-accepted district plans with predictable and supportive zoning, and capital plans with corresponding financing strategies, then there exists a framework for developers to create responsive proposals. A set of well-defined permitting best practices has been identified and should be adopted by municipalities.

12.a Municipalities should adopt permitting best practices

13) Expand regional support for marketing compact growth sites

Effective marketing of MetroFuture-consistent economic development locations requires two things: providing more accessible information about the costs and benefits of individual sites from a sustainability perspective; and strengthening concepts of sustainability in the culture of the economic development field.

Economic development professionals have the capacity to be strong allies in the implementation of MetroFuture. The Massachusetts Economic Development Council's Strategic Plan identifies "social responsibility and a dedication to equitably building healthy, just and competitive communities" as one of the organization's four Core Values. Similarly, state agencies operate under the Commonwealth's Sustainable Development Principles which equally consistent with the MetroFuture plan. Stronger relationships between MAPC and these agencies and professionals are necessary to identify ways that principles of sustainability can be applied to support their economic development mission.

14) Apply split tax rate to land/buildings to promote redevelopment

Municipalities that institute a split rate property tax apply a different tax rates to the value of land and the value of the buildings on each parcel. Some municipalities already apply a split (residential/commercial) tax rates. Like tax increment financing, split (land/building) tax rates can be a strong incentive for additional development. Consequently, such tax strategies should be applied only on in municipalities and districts with consistent planning and zoning in place to guide the resulting growth.

Municipalities with split (land/building) tax rates lower the tax rate on the value of both existing structures and on new construction of buildings and improvements; and increase the tax rate on land values in a revenue neutral way. (This is often called a green tax shift.) By shifting the burden of the existing property tax away from the assessed value of improvements and onto the unimproved value of land, which is largely related to its location and regulated development potential, it will create incentives for more efficient use of underutilized land.

Any investments in improvements either by private individuals or the community itself will result in generally increased land values, so any future tax revenue increases would be generated by increased land values. Future revenues generated by the assessment on land values will enable towns to further decrease the mil rate on improvements, thus creating even more incentives for more future growth.

14.a MAPC and allied organizations should assess potential application of split rate tax structures in Metro Boston

15) Increase the use of Tax Increment Financing

Tax Increment Financing (TIF) programs grant tax breaks to developers in order to stimulate development. Under this legislation, landowners may be exempt from paying some or all of the incremental increases in taxes that result from increased property value after development. A municipality may enter into a TIF Agreement with a landowner for a maximum term of 20 years.

A TIF Zone must be in an area approved by the Economic Assistance Coordinating Council (EACC) as an Economic Opportunity Area (EOA) or

found to be an area "presenting exceptional opportunities for economic development" by the Director of Economic Development. Certification of the TIF Plan is issued by the EACC after the plan is accepted by municipal vote. The EACC should adopt criteria requiring consistency of Economic Opportunity Areas with MetroFuture and the Sustainable Development Principles. No such criteria currently exist.

15.a The Legislature should revise criteria for Economic Opportunity Areas to reflect the Sustainable Development Principles and MetroFuture

16) Increase the use of District Improvement Financing

District Improvement Financing (DIF) programs allow municipalities to set aside a portion of the increase in tax revenues within a specified district to be used for improvements within that district. This is a critical tool pays improvements through future tax revenues, allowing for less reliance on developer mitigation or impact fees. While it can stimulate development, it also decreases tax revenues available to the general fund and should therefore be applied only in highly distressed areas.

While relatively new to Massachusetts, District Improvement Financing has been implemented in other states with considerable success. A city or town wishing to use this tool must first designate a development district and program, which must be certified by the State Economic Assistance Coordinating Council. A development district may be as small as one parcel or may comprise up to 25% of a town or city's land, and can be in effect for a maximum of 30 years. The development program must identify zoning and land use controls, development plans, infrastructure improvements, and a financial plan.

Once a district and program have been certified, the city or town can use various tools to implement the program. These include purchasing land, infrastructure construction or reconstruction, incurring debt, and pledging tax increments and other project revenues for repayment of these debts. Initial funding for these activities is usually accessed through municipal bonding. Public/private partnerships can also be used to implement the program.

Additional flexibility in the District Improvement Financing program might result in more widespread application of this tool. In particular, the program might be modified to permit off-site improvements that are directly related to the district. For example, a municipality planning for town center revitalization might use DIF to fund the development of an off-site wastewater treatment facility, or infiltration beds for treated wastewater. Similarly, DIF might be used to acquire a well site and aquifer protection land necessary to serve new compact growth.

District Improvement Financing can be an effective incentive for growth, since the cost of improvements is not borne by the developer through mitigation payments, impact fees, or direct improvements; instead, the program transfers

the cost of improvements to the municipality, along with some of the risk. In order to minimize that risk, municipal policies should be coordinated to steer growth into the designated districts. If an abundance of developable land exists elsewhere, or there is limited development potential within the district, then anticipated growth will not materialize, nor will the tax revenues necessary to pay for improvements. In order to advance this coordination, the Massachusetts Office of Business Development should require development districts to demonstrate consistency with local plans, MetroFuture, and the Commonwealth Sustainable Development principles. Currently there are no such criteria.

16.a The Legislature should allow municipalities to use DIF funds for off-site infrastructure improvements

16.b Massachusetts Office of Business Development should establish consistency with MetroFuture and the Sustainable Development Principles as a criteria for DIF approval

17) Enable widespread application of Impact Fees

An impact fee is a calculated and consistent charge on new development that is used by municipalities and other public entities to offset the cost of providing new services. For example, a municipality can collect impact fees from developers to pay for a turn lane that will be needed once the traffic volume increases due to several developments, but each of the developments has paid "its fair share" of the cost into a mitigation bank so that the dollars are available once the lane is needed. This process allows the municipality to meet the cumulative impact of multiple developments, which currently burdens the municipal infrastructure.

Currently, impact fees are not expressly permitted in the state. Instead, many municipalities negotiate exactions that can be unpredictable and costly to developers, while often failing to mitigate the full impact of developments. The current "closed door" process has little rhyme or reason. Sophisticated municipalities might squeeze more out of developers, while larger developers have the resources and experience necessary to navigate the overly long and complex process. Cities and towns may lack the technical capacity to evaluate impacts or to effectively negotiate with developers. For municipalities, the benefits dwindle when boards are working at cross purposes and resources are consumed by long negotiations.

MAPC should work with stakeholders to develop legislation and guidance that would support application of impact fee assessments consistent with zoning, local plans, and regional plans.

D. Remove Barriers to Development

18) Support revitalization of contaminated "brownfields"

MetroFuture recommends accommodating much of the region's growth through reuse of existing underutilized commercial or industrial sites for compact growth. However, many such sites are affected by environmental contamination due to current or former uses. Reuse is often obstructed by challenges with the assignment of responsibility, cost of remediation, liability concerns, and limitations on future uses. In order to provide more opportunities for compact growth, the region needs to increase participation in existing programs and an expansion of existing programs to remediate contaminated "brownfields" and bring them back to productive use.

Brownfield projects are complex undertakings that generally involve four steps: site inventory and assessment, site cleanup, marketing the property, and funding strategies. Active municipal participation can support each one of these steps; a municipal brownfields program can contract for site inventories, conduct public outreach and district planning, implement marketing efforts, and manage public financing. Brownfield sites and surrounding areas should have a widely-accepted local area plan and coordinated zoning to support a predictable permitting process that will help to minimize the risk for developers.

There are efforts underway to coordinate state policy regarding brownfields redevelopment. The Brownfields Partners is an informal public sector effort to inventory the most critical and significant barriers to coordinated and effective public sector support for brownfields redevelopment. The Brownfields Support Team is a more formal effort recently established by the Patrick Administration; this multi-agency initiative focuses the attention and coordinated expertise of multiple state agencies on key sites.

The Brownfields Tax Credit Program is one important financial tool to support brownfields redevelopment. The credit is granted for up to 50% of costs incurred to rehabilitate contaminated property used for business purposes and located within an economically distressed area. Recent legislation has extended the Brownfields credit for a longer time period; expanded eligibility to include nonprofit organizations; and allowed the sale, transfer, and assignment of credits. Additional efforts are needed to increase participation in this program, possibly through the creation of workshops and guidance material.

The EPA operates two grant programs for brownfield assessment and cleanup. Municipalities that submit joint ("coalition") applications to these programs are eligible for increased funding. MAPC has worked with member municipalities to submit coalition applications and should seek additional opportunities to do so in the future.

State and federal actions that would facilitate brownfields redevelopment include an increase in state-level technical assistance to communities lacking staff and

expertise; and an increase in funding available for assessment, cleanup, planning studies, market analysis, and demolition. Redevelopment experts also acknowledge a need for adjustments to the 30B/municipal procurement process to expedite the transfer of public property to private developers.

18.a Municipalities should establish a Municipal Brownfields Program

18.b The Brownfield Partners working group should coordinate creation of a guidance document for the Brownfields Tax Credit program

18.c The Brownfield Support Team should be given ongoing support and cooperation

18.d MAPC should support municipal efforts to submit "coalition" applications to the EPA Brownfield Assessment and Brownfields Cleanup grant programs

19) Support the use of shared septic systems and small wastewater treatment facilities

Creative wastewater management solutions are needed to enable compact growth in areas where sewer service is not available. Individual septic systems require a large area on each lot for wastewater disposal, preventing compact growth such as village development or open space residential developments. Sites with poor soils, high groundwater, or other constraints may be rendered unbuildable, even those that are otherwise excellent candidates for compact growth.

Shared septic systems and small wastewater treatment facilities offer the advantage of needing only one location for disposal rather than one for each dwelling unit or lot. The total discharge area is generally smaller and can be creatively located to avoid site constraints (such as poor soils or high groundwater) or to protect sensitive water resources. These facilities often provide better treatment than conventional septic systems and are inspected more often, helping to protect water quality. Even in areas that have sewer service, on-site wastewater disposal may be the preferred alternative in order to promote groundwater recharge.

Regulatory changes by the state and assistance to local boards will expedite wastewater disposal permitting and provide further options for developers while still protecting the environment and public health.

Larger wastewater systems (more than 10,000 gallons per day) are regulated through the Groundwater Discharge Permit Regulations, administered by the Massachusetts Department of Environmental Protection. DEP has developed draft regulations that will facilitate the use of these systems to support compact growth. These regulations should be adopted.

Individual septic systems and shared septic systems under 10,000 gallons per day are both regulated by local boards of health, which may not favor shared or innovative systems due to concerns about growth, accountability, or resource protection. Some local boards of health are wary of permitting shared systems due to concerns about institutional and financial responsibility for long-term maintenance. DEP has developed a standard Title 5 Covenant and Easement form that can be used to establish a legally binding structure, but some boards of health may require more stringent mechanisms such as a condominium association, which may discourage the use of shared systems. DEP should establish a template for legal and institutional structures that would be automatically presumed satisfy the requirements of Title 5.

While it is important to ensure protection of water resources, DEP should also seek to expedite the review period for innovative and alternative technologies that can provide greater flexibility for compact growth. DEP should also partner with MAPC and other organizations to provide additional education on the latest technologies, regulations, and legal requirements for innovative, alternative, and shared systems.

19.a DEP should adopt a standardized format for the legal and financial mechanism required for shared systems and private sewage treatment plants

19.b DEP should accelerate the review time frames for Innovative and Alternative septic technologies.

19.c MAPC, NEIWPCC, and DEP should educate local boards of health and planning boards on innovative and alternative systems and shared wastewater systems

E. Increase Vitality of Existing Centers

20) Increase use of Business Improvement Districts

The revitalization of existing city, town, and village centers can be supported by stable local management structure that provides a sustainable funding source for maintenance, improvement, and marketing. Business Improvement Districts (BIDs) are special districts in which property owners vote to create such a structure, funded by a special assessment levied on property within the district. The assessments are collected and expended within the district for a range of services and programs, including maintenance, marketing, physical improvements, technical assistance, and district management. The goal of a BID is to improve a specific commercial area by attracting customers, clients, shoppers and other businesses.

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. However, the enabling legislation also allows property owners to "opt out" of the BID within 30 days of its creation, leaving other property owners to pay for the program. This unpredictability creates a strong disincentive to creation of a BID and should be eliminated. Additional technical assistance on the part of the Department of Housing and Community Development and MAPC will also facilitate adoption of BIDs.

20.a The Legislature should revise M.G.L. Chapter 40O to remove the 30-day opt out provision and other statutory disincentives to creation of a Business Improvement District

20.b The Department of Housing and Community Development should increase the technical assistance available to communities interested in implementing a BID

21) Facilitate use of Main Street or similar programs

Another model for business district revitalization is the National Trust for Historic Preservation "Main Street" program. The most prominent local application of this program is in the City of Boston, which has 19 Main Street Districts. Each district receives financial and technical assistance and intensive training in the Main Street approach from the City of Boston Main Streets office and the National Main Street Center. In turn, each Main Street organization hires a full time Executive Director, raises matching funds, incorporates its organization and implements its programs according to an annual work plan.

Main Street programs apply a four-point comprehensive approach that creates and sustains the district's image: 1) community organization, 2) promotion, 3) design and 4) economic restructuring. Specific Main Street activities and operations include storefront improvement grants, public enhancements, local promotional and fund-raising events such as parades, auctions, multi-cultural festivals and holiday shopping events that strategically aim to enhance the image of the business district and attract consumers.

While this program has demonstrated success in the region's urban communities, it has not been widely applied in suburban town centers, where municipalities do not have access to the public funds that support urban programs. New public-private partnerships between major employers and local municipalities could help to support the creation of such programs.