

The Comprehensive Land Use Reform and Partnership Act

Lead sponsors: Senator James Eldridge (D-Acton) and Representative Stephen Kulik (D-Worthington)

Massachusetts is listed by the American Planning Association as one of the states with the weakest and most outdated state land-use laws.

Here in the Commonwealth, the responsibility for land use planning and the regulation of development is largely a local matter. However, the state laws which set the framework for this municipal control contain unclear or restrictive provisions that effectively deprive our cities and towns of authority consistent with their responsibilities. These impediments render local planning ineffective, and even discourage it.

The current planning, zoning and subdivision control statutes actually work to subvert local planning by laying down a minefield of exemptions, prohibitions and zoning freezes in the way of plan implementation. The realization of local land use plans is so hindered by the state's disabling statutory framework that no one is served well, including those in need of reasonably-priced housing or interested in environmental protection.

The Comprehensive Land Use Reform and Partnership Act (CLURPA) is the first major updating of the Commonwealth's planning/zoning and subdivision control statutes in over 35 and 50 years, respectively. It blends aspects of previous zoning reform legislative proposals, including the Community Planning Act and Land Use Partnership Act, with new material to create a truly comprehensive overhaul of the state's land use laws.

The CLURPA bill encourages communities to adopt or update their local master plans and provides them the tools necessary to implement effective land use regulations consistent with those plans. At the same time many of the existing statutory impediments to the achievement of "smarter growth" in Massachusetts are eliminated so that communities may better manage their growth and shape their futures.

The CLURPA bill, while extensive, is organized around a number of its objectives:

- Provide clearly written and better organized statutory language
- Streamline the local master planning process
- Account for regional and state interests in planning
- Close loopholes and end restrictions which undermine local planning (e.g., excessive "grandfathering" protections and ANR land divisions)
- Foster housing affordability and diversity, and environmental protection
- Increase flexibility in zoning and permitting (e.g., variances and special permits)
- Provide communities with new plan implementation tools (e.g., impact fees, inclusionary zoning, and natural resource protection zoning)
- Improve and streamline local regulatory procedures (e.g., site plan review)
- Provide incentives to plan according to state sustainable development principles

For further information about the Comprehensive Land Use Reform and Partnership Act, please visit www.massapa.org.