

POTENTIAL REGULATORY APPROACHES FOR LITTLETON STATION VILLAGE¹

Consideration	Chapter 40R	Chapter 40A	Master Plan Special Permit (Chapter 40A)	Transfer of Development Rights
Purpose/Intent/How Used	Used to encourage mixed-income housing with more local control than 40B	Traditional permitting frameworks; may be used to provide for mixed-income housing development	Used to provide for phased permitting of large multi-year projects; tool for negotiation, impact mitigation, open space	Used to achieve comprehensive plan goals for conservation and development
Zoning Adoption and Amendment	DHCD Preliminary Eligibility Determination <i>required prior to</i> Town Meeting vote of adoption final DHCD approval <i>required</i> following AG approval; otherwise, G.L. c. 40A, s. 5	G.L. c. 40A, s. 5	G.L. c. 40A, s. 5	G.L. c. 40A, s. 5
Density	Must allow high-density development by right	May allow high-density development by right or SP	Almost always allows for higher density in some locations in exchange for other public benefits (open space).	Higher density in designated “receiving zones” by transferring development from “sending zones”. Economic minimum is typically 1:3.5 or 1:4.
Housing Affordability	Requires affordable housing (Minimum 20%)	May be used for affordable housing (not required)	May be used for affordable housing (not required)	May be used for affordable housing (not required)
Permitting	Requires streamlined Plan Approval process (essentially site plan review or SPR)	May require permitting under traditional SP timeline; site plan review without SP is an option	Follows statutory SP timeline (14 days/65 days/90 days/20 days) for SP. Each phase permitted with SPR.	Permitting occurs under traditional SP timeline; site plan review without SP is an option but difficult to make work
Location/ Infrastructure/ Utilities	Must show adequate infrastructure exists to support 40R development	No specific infrastructure provisions as a condition for approval	No specific infrastructure provisions as a condition for approval; often used to “phase” large projects with infrastructure milestones to be met	No specific infrastructure provisions as a condition for approval, but receiving zone usually has adequate or planned infrastructure to support growth

¹ Form-based code is also an option in this area, but the information required to develop it will require additional study, development of the design/regulation plan, and code drafting. Its omission from the chart is not intended to dismiss the idea.

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Design Guidelines and Design Standards	Explicitly provides for plan review and design review, reasonable design standards Design guidelines or standards <i>require</i> prior DHCD approval. Need not be completed at the time of zoning adoption.	Statute does not specifically provide for design review for as-of-right uses, but can be done	May require design review; often schematic at master plan stage, detailed at SPR stage	Statute does not specifically provide for design review but can be done and usually is done
Funding Opportunities	State provides incentive funding to adopt/implement the zoning	As-of-right may qualify town for MassWorks, other grants	May qualify town for MassWorks, other grants (Hopkinton example)	May qualify town for MassWorks, other grants
Special Capacity Requirements	Architect to write design guidelines Peer review engineer, traffic, architect, landscape architect	Peer review engineer, traffic, architect, landscape architect	Peer review engineer, traffic, architect, landscape architect Consider involving land trust	Peer review engineer, traffic, architect, landscape architect Requires land bank
Appeals	Imposes significant barriers to appeal for aggrieved parties; intended to discourage appeals.	Approval difficult to overturn for as-of-right. SP approval could be overturned, though courts generally defer to the SPGA.	SP approval could be overturned, though courts generally defer to the SPGA. Phased site plans harder to overturn.	SP approval could be overturned, though courts generally defer to the SPGA.