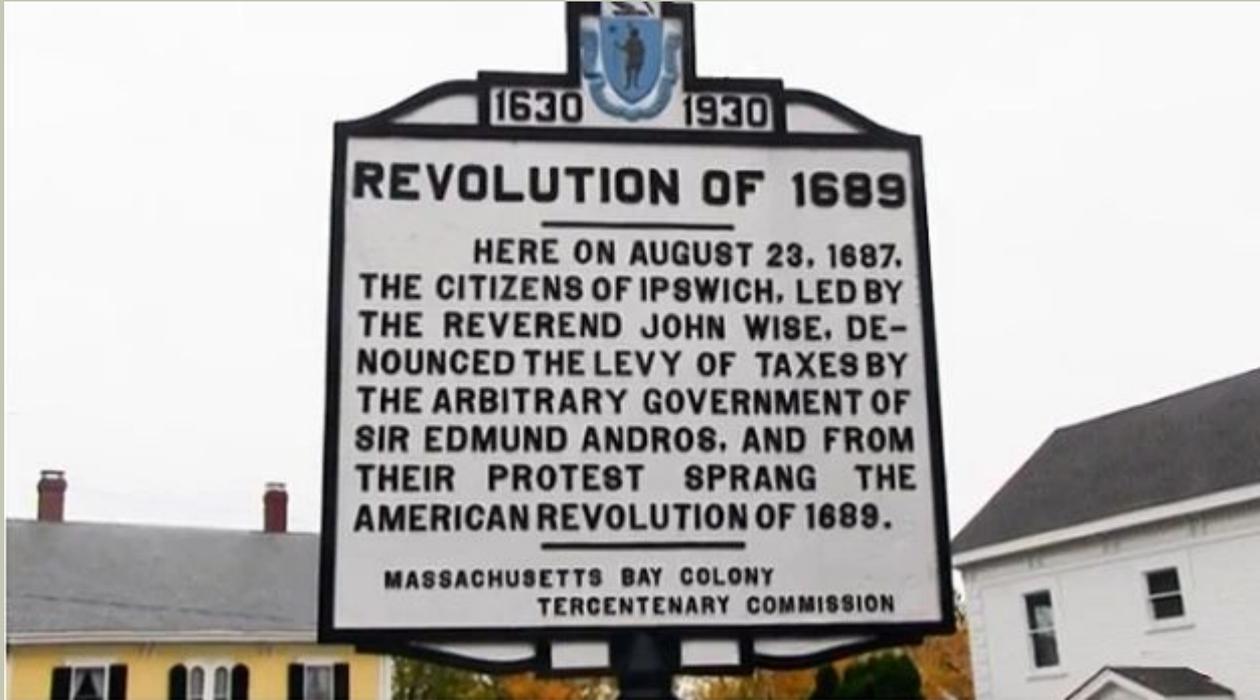


Ipswich: The Birthplace of American Independence



Overview

- 1) Zoning is inherently local and should remain under the control of individual cities and towns.
- 2) Zoning for density
- 3) Not your typical multi-family units, demand?
- 4) Cost of compliance - What would you give up? The law includes 4 grants.

3A Punishes Dense Towns

For comparison, here are the numbers for comparably-sized West Newbury:

	Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**
+	Wenham	Commuter Rail	1,460	365	24
+	West Boylston	Adjacent community	3,052	587	39
+	West Bridgewater	Adjacent small town	2,898	145	-
-	West Newbury	Adjacent small town	1,740	87	-
Developable station area*** -					
% of district to be located in station area 0%					

"Adjacent small town" means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

Founded: 1817
Area: 14.7 mi²
Elevation: 92'
Population: 4,691 (2018)

Municipality	Square Miles	Population	3A Category	3A Min Acreage	3A Units
Ashby	24.2	3,234	Adjacent Small Town	0	62
Auburn	16.4	16,889	Adjacent Community	50	750
Berkley	17.41	6,802	Adjacent Small Town	0	118
Lunenburg	27.7	11,657	Adjacent Small Town	0	240
Nahant	1	3,524	Adjacent Small Town	0	84
Rehoboth	46.8	12,265	Adjacent Small Town	0	231
West Boylston	13.8	8,215	Adjacent Community	39	587
Weston	17.3	11,851	Commuter Rail	50	750
Winthrop	1.6	18,510	Adjacent Community	12	882

Ipswich's 3A Quota

5. Determining "Reasonable Size"

Table 1.

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

971 Units, 50 acres of land. Proposal includes business district and single family homes.

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Unit capacity % of Total Housing units	Minimum land area**	Developable station area***	% of district to be located in station area
Ipswich	Commuter Rail	6,476	971	15%	50	327	40%

Who's exempt? Boston, the Cape, the entire western part of the state.

Ipswich

Town in Massachusetts

Ipswich is a coastal town in Essex County, Massachusetts, United States. The population was 13,785 at the 2020 census. Home to Willowdale State Forest and Sandy Point State Reservation, Ipswich includes the southern part of Plum Island. [Wikipedia](#)

Population: 13,785 (2020)

Unemployment rate: 3.2% (Jun 2024)

Age: 390 years

Founded: August 5, 1634

Area: 42.51 mi²

Rapid Density

Expected population increase with 3A:

- $971 \times (\sim 4 \text{ or } 5 \text{ conservatively}) = \text{Population increase between } 3,884\text{-}4,855 \text{ residents}$

WHAT DOES DENSITY DO?

- Drives up housing prices - [Vancouver Study](#).
 - Increases the cost of living (hire more teachers, increase safety services (fire/police), build infrastructure ([Littleton pipes](#)))

WHO PAYS FOR INFRASTRUCTURE?

- 3A says - Could be you!

COST OF A NEW SCHOOL

- Between \$52M - \$177M for a new Middle/High School



Housing Crisis, or Affordability
Crisis?

Density, Not Affordability

WHAT'S MISSING: Affordability

- 3A directly contradicts Ipswich's affordability requirements.
- Frowned upon, as "excessive" affordability requirements "can make it economically infeasible to construct new multi-family housing."
- Ipswich can require 10% of units be affordable, but must make 80%+ of median income (80% of \$95,342k for Ipswich is \$84K per year) in order to qualify.
- Today, Ipswich can require as much or as little affordable housing as Ipswich deems necessary.
- This idea of supply and demand as a means of lowering housing prices, says: We'll flood the market to lower barriers to entry – This means, the State seeks to reduce the cost/value (your sweat equity) of ALL homes.

3. Requirements (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

a. Multi-family Residential Development

- Fifteen percent (15%) of the units in any multi-family dwelling, multi-family residential development, or residential mixed use (the "Affordable Housing Units") requiring a special permit shall be sold or rented to households that meet the eligibility requirements described in ii. below. This requirement means that for a seven-unit development a minimum of one affordable unit will be required. For development of fewer than seven housing units, an Applicant shall either make a payment to the Ipswich Affordable Housing Trust Fund or provide an Affordable Housing Unit. For developments of seven or more units, where the application of this requirement results in a portion of a housing unit, each unit shall require the payment of the fee specified in the "Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option", adopted on June 19, 2008, as amended. The fees may be adjusted by the Planning Board from time to time by amending these Regulations. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/16/06 STM; approved by AG 1/4/07) (Amended by 5/15/21 ATM; approved by AG 08/22/21)
- An eligible household for an Affordable Housing Unit shall have a total income at or below eighty percent (80%) for for-sale housing and sixty percent (60%) for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L. C. 40B Sec. 20-23. For purposes of this bylaw, rental housing shall be deemed affordable if rents (including utilities or a HUD-approved utility allowance if

- The Planning Board may increase the number of dwelling units allowed under this requirement by special permit if it determines that a proposed multi-family dwelling or multi-family residential development would provide public benefit to the general public. For the purposes of this provision, public benefit shall mean contributing to the preservation or creation of affordable housing as defined in Section IX.I. of this bylaw, or contributing to the enhancement or creation of public recreational facilities. Multi-family dwellings or developments that provide at least 20% of the additional dwelling units allowed under this footnote as affordable (as defined in Section IX.I.3.a.i.) or which pay an affordable housing fee, in accordance with the "Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option", adopted on June 19, 2008, as amended, for each unit allowed under this footnote, will satisfy the public benefit requirement. (Amended ATM 5/15/21; approved by AG 08/22/21)

3A Apartment Buildings

303 Harvard Street,
Cambridge

Multi-block zones needed for large-scale buildings

No occupancy limits - **No min bedroom size, no max number of bedrooms**

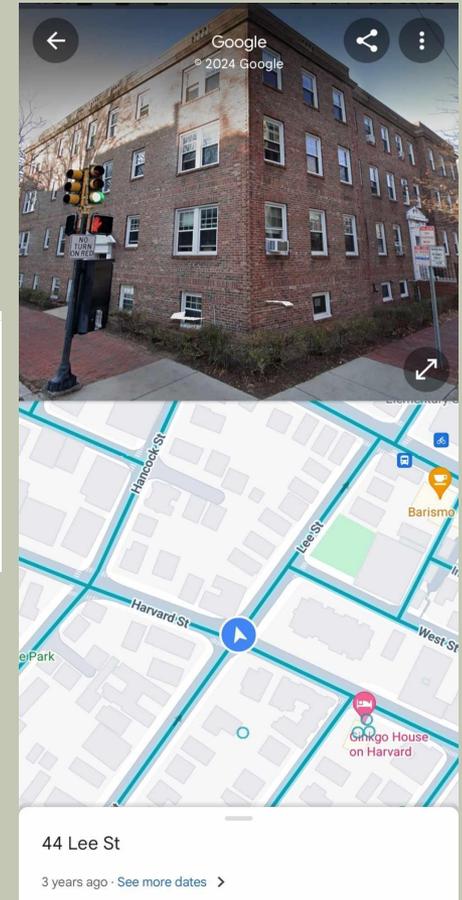
Existing buildings in the 3A district can be gutted to **add as many bedrooms as you can fit.**



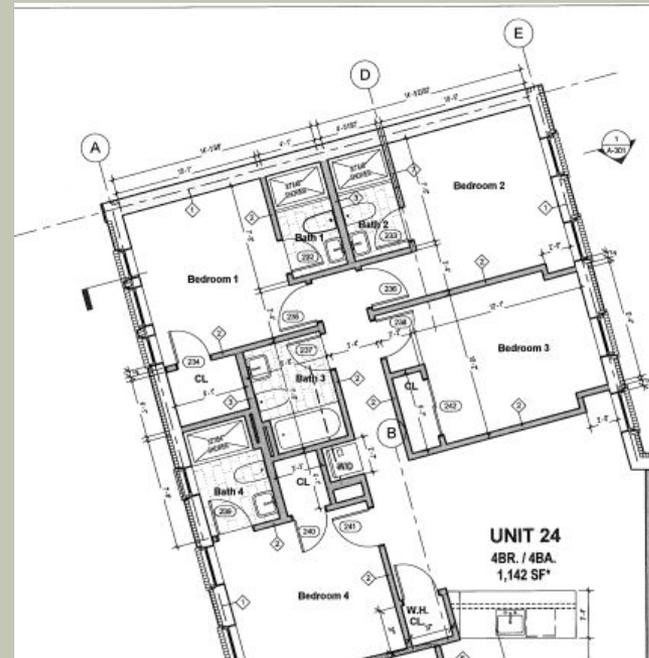
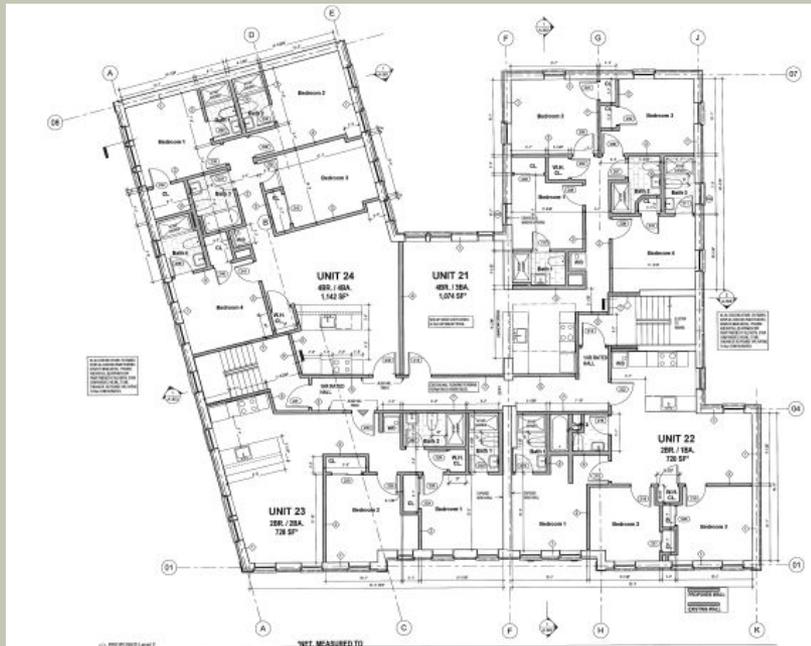
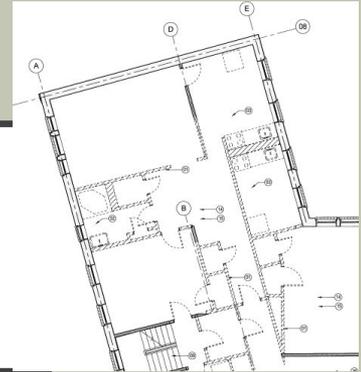
These mid-rise buildings are normally constructed with four or five wood-frame stories above a concrete podium, usually for retail or resident amenity space.

Tuesday at 7:26 PM #3,270

I noticed that the apartment building at 303 Harvard St/39A Lee St has been gutted. <https://maps.app.goo.gl/MGE4Y2yX8EwKeWhq7> While it's staying 16 units (currently mostly 1-beds and a couple studios), it's going from **16 bedrooms to 50 bedrooms**. Normally I wouldn't call an interior renovation infill, but this is more than tripling the bed count.



16 Bedrooms to 50 Bedrooms



MMU District under 3A

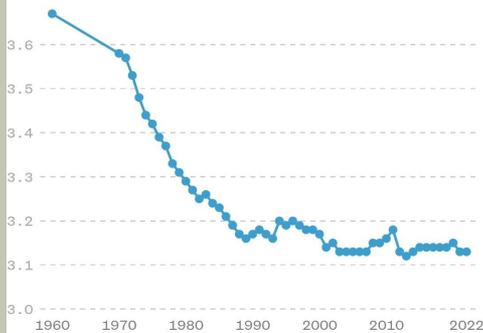
- “Not compliant” (b/c of non-residential uses) but “have to comply”
- No min bedroom size, no max number of bedrooms, and no occupancy limits
- Cannot require parking for non-residential uses
- Doesn’t allow true “mixed-use” (3A says, ground floor-only)
- Again, these are by-right (no permission needed for odd-ball stuff)

Demand for 3A Apartments

The size of the average U.S. family – defined as people related by birth, marriage or adoption who live together – is now around three people, down from almost four in 1960.

Honey, I shrunk the family

The size of the average family is now closer to three people than it is four.



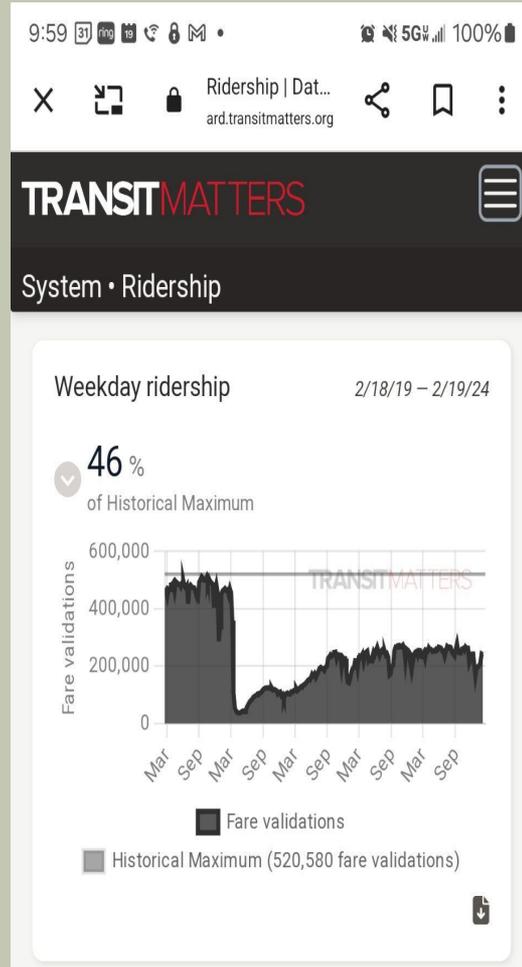
Source: U.S. Census Bureau, Bureau of Labor Statistics

3A assumes big families.

13. In November 2014, the Legislature received a report from the nonprofit Massachusetts Housing Partnership concluding that the state would need to build 500,000 new units of housing by 2040 to maintain its existing base of employment. A I:82. The report recommended a new mandatory program that would

AG's Complaint against Milton.

- Commuter rail + “housing crisis”
- Law was put in place **pre-Covid**, based on the idea that more housing units was needed to support Boston commuters (the “2040 workforce” workforce).
- **T-ridership is now at 50%** of what it was, and Boston office buildings are empty. Covid changed everything.



Homebuyers Overwhelmingly Prefer Single-family homes

89% of homebuyers prefer single family homes, with Millennials making up the largest group of homebuyers.

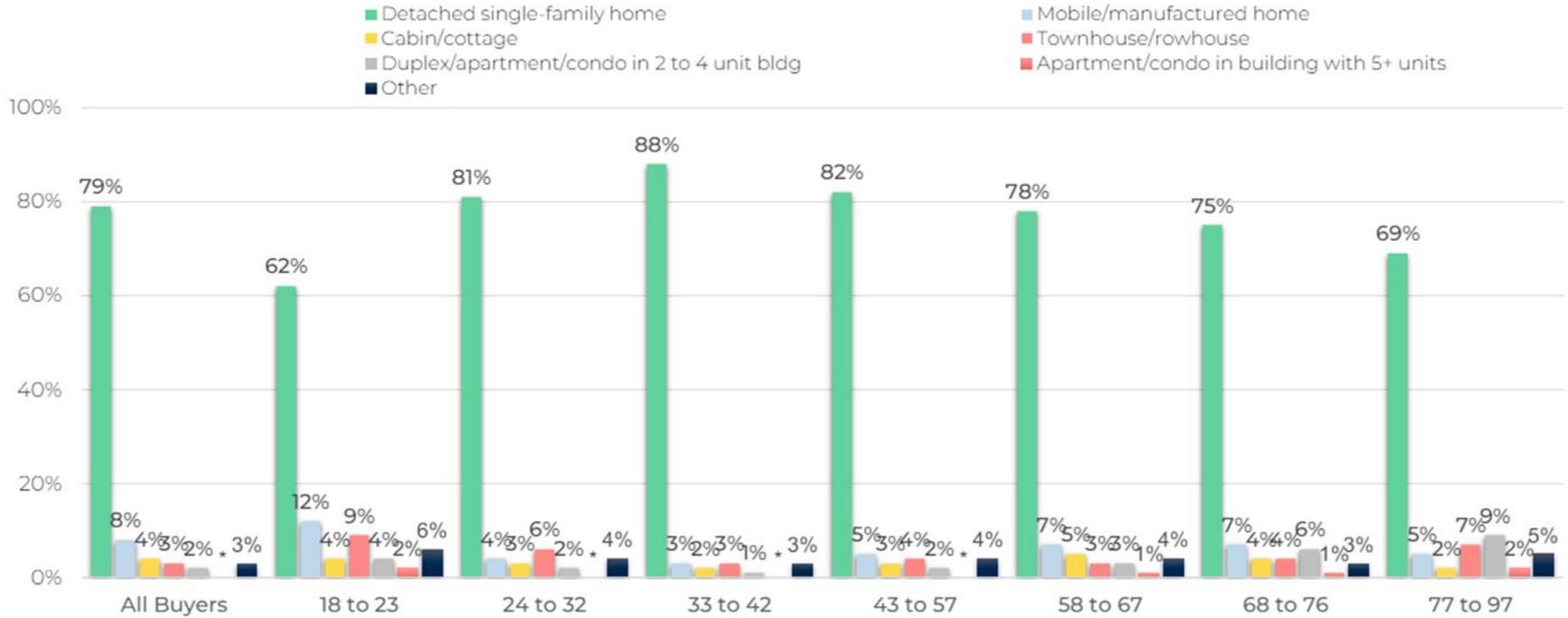
- 74% of Millennials prefer single family homes, preferably with at least 1900 square feet, in the suburbs.
- Even though the number of single-family homes getting built is decreasing, single-family homes are overwhelmingly the most-purchased type of housing by homebuyers today.



TYPE OF HOME PURCHASED

Exhibit 2-2

(Percentage Distribution)



The Cost of Compliance

Please note that continued district compliance is **conditioned** upon the following requirements:

- Municipalities must notify EOHLIC in writing of any proposed or active zoning amendment that affects the District, or of any other by-law, ordinance, rule, regulation, or municipal action that limits the development of multi-family housing in the District.
- EOHLIC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLIC may rescind a determination of district compliance or require changes to the District to remain in compliance as per Section 10 of the Guidelines.

A Look Ahead

- The lobbyists will push you to comply even if Milton wins. Plan ahead.
- Federal class action - 300 people.
- Unprecedented engagement and pushback from the people of the Commonwealth.
- California rejected SB9 - Law to end single family zoning is unconstitutional, had link to affordability.
- Research, write, ask questions, challenge
- Remember, saying “no” is not a crime. The AG is there to fight crime, not law abiding citizens.
- The nation is watching.