

Rescue Rowley = No to 3A

11 reasons to vote NO to 3A!

1. The MBTA Communities Act "guidelines" created by the Executive Office of Housing and Livable Communities (EOHC or HLC as it is commonly known) are NOT enforceable as Law. Any guidelines implemented by a state agency are NOT law. Only our State legislative body has the power to draft and pass laws. EOHC/HLC was not given the authority to issue other than simple regulations and they cannot enforce these by civil or criminal penalties for failure to act.

The only legal implications for non-compliance with the MBTA Communities Act (MGL 40A Section 3A - MBTA 3A for short) is the inability to apply for a limited number of select discretionary "public grants". There are NO other enforcement or penalty provisions in this law. Furthermore, the statute does not provide for the State to take any action against non-compliant cities and towns. The statute is clear. Be aware that **these "guidelines" can also be changed at any time** without legislative action! ([Section 3A Guidelines | Mass.gov](#))

2. **What are the implications for non-compliance?** Only the inability to 'apply for' specific discretionary State grants, are all competitive and NOT automatic. A Freedom of Information request has been submitted to identify if any of these were granted to Rowley in the past and for how much. We will provide an update to this text once that information is received.

None of these named grants will affect school funding. It will likely cost *us many millions more* than the town may potentially receive in any small amount of future grant money. For example, just one new water treatment facility can cost upwards of \$50 million, while the only known grant received (as of 2/20/2024) was \$10,000 to pay the consultants to help Rowley comply with the 3A mandate!

3. **Can the State impose zoning on towns and cities?** Yes, possibly, but this is a severe erosion of the principle of "Home Rule". The American Revolution confirmed the rights of the people to govern themselves. In 1966, due to the unacceptable gradual erosion of this principle by large corporations that were entrenched at the state level, the MA legislature was prompted by the people to grant Home Rule authority (under M.G.L. Ch. 43B) to cities and towns to strengthen this principle and enhance self-governance. This law allows each city and town to exercise a power or function through approval of its voters, as long as, it is not in disregard to the State Constitution and established a doctrine of "Fair Play" between the Municipalities and the governor/legislature relative to the power exercised by the State. *The proposed 3A guidelines are blatant claw back by the State of authority granted to the Town in order to facilitate developers to maximize profits by way of less restrictive zoning guidelines and to further the political agendas of elected officials.*

Ironically, over 150 years ago, railroad companies were among the first politically entrenched corporations to abuse the right of towns to govern themselves, eventually prompting the "Home Rule" laws to be passed. Now the State's zoning is trying to claw back authority, from towns, again and includes another Railroad company in its name – the MBTA!

If 3A guidelines are voted in by the Town, the developer, through the State, will be able to override ALL local by-laws within the new overlay zoning created. The town will no longer have control over any aspects of the development. The developer will retain the right to override any town mandated guidelines including: height restrictions, aesthetic appearance of the buildings, property, open space requirements, setbacks, bedroom & occupancy limits and more. **Even if the town wants it based on our proposed plan, and 3A passes a town vote, the State can then override it.**

4. **Is there a "housing shortage/crisis" in MA?** No. In fact, MA was one of the most moved from states in 2023. [<https://www.boston25news.com/news/local/massachusetts-was-one-most-moved-states-2023-study-says/SYH7NIY7OVCADAPSCQNFQ2I6RM/?outputType=amp>] United Van lines, one of the largest moving

companies, reported that in 2023 56.6% of residents moved out, while only 43.4% moved in - with similar numbers in 2022 as well. The 200,000 housing unit number needed (by 2030) came from a State estimate on possible housing needed to keep the economy growing and has nothing to do with an actual housing shortage. Now, the third message change from the Governor's office as to why these units are needed is now, that business can't get local help because the prices of housing in Boston are too high! No kidding, but 3A will take our town's voting power away along with our ability to control our own growth planning, *at a rate its current citizens ~~can~~ afford*. Rowley's 3A required unit number is the highest out of all the commuter rail towns on the list! This unprecedented increase in housing and population, once realized, will force a significant increase in taxes – *forcing Veterans, taxpayers on limited incomes and young folks to move out of town* because they will no longer afford to live here. 3A units will be **listed at market value**, per 3A, forcing property values/costs even higher than they are now. Lastly, under 3A, the way the town has zoned the Station area will eventually take away people existing homes, locally owned businesses, open space, woods (in the Western area) and wetlands (the same areas of critical environmental concern (ACEC) that we've been protecting and living in balance with for almost 400 years!). Note: 3A does not take into account any development completed since 2020 either!

5. **Doesn't Rowley have a 'housing shortage'?** No. Rowley statistics show that between 1970 - 2000 our population increased by 80%, almost 2,500 residents. In 2022, the Annual report shows an increase of 88 people, however, the town converted to using its own census rather than the federal census data for this year. *The town has not released the 2023 population increase numbers yet.*

However, we do not have sufficient housing options for citizens who need 'affordable housing', 'public housing' or 'senior housing' options. Rowley currently is behind in our 40b required unit amounts, because of its 'deferral' by-law, that the town is now *not* in compliance with. **Rowley did recently approve an 'affordable housing' development of 321 units, along with SEVEN other NEW developments as listed on the Town website, for what appears to be a total of approximately 478 units. So, assuming an average of 4 occupants per family housing unit, the potential population increase equals about 25% not including 3A, which has an additional 601 required units, again with an average of 4 occupants, will equal a 47% increase** (essentially doubling) the overall population in under two to three years!

6. **Will 3A bring in "affordable" housing to Rowley?** No, per the 'guidelines' there can be "*no income limit*" put on these multifamily units - NONE. So, there will be NO percentage that will be 'affordable'. Rowley can elect to require up to 10% to be 40b (public housing), however, Rowley already has an exception in the by-laws to allow a developer to defer building the 40b units in that same development, so currently NO 'affordable or public housing' will be added in Rowley as a result of this 3A guideline if the deferment clause is allowed.
7. **Is 3A funded by the State?** No. **It is completely unfunded!** So, all the development support costs and required town infrastructure improvements (I.e. insufficient water supply, 24 hr. fire coverage, new schools/school additions, etc.) **WILL FALL on TOWN TAXPAYERS** though increased property tax and possibly increases in excise or other taxes and fees as well. **<To date, Rowley town officials refuse to estimate and make public how much this will cost citizens of Rowley.>**

One example of infrastructure needs is school capacity; Rowley is required to build 601 multi-family units, bringing in approximately 2,404+* new people (*using a base of 4 person household), half of which are children 1,202. At 20 or 21 kids per classroom, Rowley will need to add a significant amount of new classrooms (or possibly build 2 new schools depending on the current land capacity at each school) for both grades 1-5 and 6-12 = *all at the cost of the town taxpayers.*

Plus, if the town follows their general rule of not forcing the developer to include the legally required 40b "affordable" units within these sites, Rowley will need to build *even more new 40b units* to cover the shortage, which will also add to the school capacity!

Note: *none of the figures above include the seven 2024 developments listed currently on the Planning Board site! Nor does it include costs expected for Triton and Whittier upgrades.*

8. **What are the ecological ramifications of 3A on Rowley?** Without a formal study, the exact effects can't be precisely predicted. However, open land will be lost, increased traffic will require more road additions and updates including bridge repairs, increased hazardous pollutant run-off into neighboring properties, and in the case of the "Station" zone, will drain directly into the wetlands, Rowley River and The Great Salt Marsh (The Great Marsh: An Introduction To A Magical Place - The Manchester Cricket (thecricket.com) below. *It will affect the river itself, boating volume and town landing capacity, our claiming industry, and essentially everything in the surrounding buffer and critical conservation zones including but not limited to interconnected waterways, and many rare and endangered plants, animals, birds, fish and shellfish.*

The "Western" zone is near the Georgetown/Rowley State Forest and is a heavily wooded area itself with some wetland areas within and near its boundaries. Development here will mean immediate impact on all of the existing wildlife within the zone, place further environmental burden on the State Forest to accommodate migrating animals and will disrupt current wildlife migration corridors through our entire town. It will also decrease our area's ability to counteract increased carbon emissions. A total of 601 3A units will add to carbon emissions through heating and fuel systems, increased vehicle emissions, parking lot surfaces, and more.

The environmental implications should be well understood before adopting this 3A mandate. Rowley has a long history of fisheries within the adjacent Great Marsh. The Marsh is already impacted by runoff and seepage from development of nearby upland areas. For example, clam flat closures due to rain events and associated runoff cause closures to clam flats for typically 5 days after each rain event more than ½ inch. By analogy an increase of the number of dwellings by 25% (601 units for Rowley) that a 3A zoning district would allow, will increase runoff and septic seepage by 25% impacting the fisheries in a severely negative manner. (Note: Rowley already has several septic system failures according to data from the Merrimack Valley Planning Commission site.)

For an overview of the current threats to the Great Salt Marsh, including coastal overdevelopment and pollution, see <https://www.hamptonnh.gov/DocumentCenter/View/402/Threats-to-the-Salt-Marsh-Environment-PDF>.

9. **If the town adopts the current proposed MBTA 3A zoning overlay district will a precedent be set for future additional zoning mandates dictated by developers through the state?** Yes, the pathway to allow this action will be set and they'll keep doing it...!
10. **Is the zoning overlay district putting the "cart before the horse"?** YES – absolutely! Data on infrastructure costs, traffic congestion, school costs and the degradation of the suburban-rural character of the town to a suburban-urban character needs to be fully understood before allowing this zoning overlay to be approved. *It's the Selectboard members' duty to oversee this activity and publicize the results for every citizen to be able to make an informed decision.*

Also know that **Rowley already allows for multi-family housing zoning within its Central District!** Because the State told us to do this once already, but unlike 3A, it didn't allow the State to take control of what happens, like the density, within the Zone. So why would we place a *second* multifamily zone in an Area of Critical Environmental Concern as opposed to somewhere within the existing Central district that begins only .7 miles (instead of .5 miles that 3A requires) from the station? 3A actually allows the town to propose an alternate location, like the Central zone, if the .5 miles is located in an environmentally sensitive area. So why hasn't the town tried to work with the State to do this instead already?

Note: the current MBTA Overlay District proposal sites were specifically chosen because both locations have property owners ready and willing to begin development. (One of whom has tried before to create a smaller development, than the 'Station' district is now being designed for, was denied previously.) *Therefore, the selectboard's claims that they do not have to research any of this because 3A only sets a "zone in place" and doesn't mean building will commence, is a dereliction of their duties to this town's taxpayers as our elected officials. Why? Because once 3A is passed, it opens the town up for lawsuits from the developers if building is delayed for any reason that only serves to delay construction and, we already know that this is unfunded, so*

determining the upcoming costs and planning for them only makes fiscal sense to do so to help voters make informed decisions BEFORE a "yes" vote is cast = from which there is no return.

11. **Town Draft 3A Overlay District Bylaws**, (as of the date shown below) **contain too many loopholes and use discretionary wording**. For instance, they leave the opportunity for the State to increase the number of required units at any time in the future *and* they aren't tied to the current dated version of the Guidelines, which also leaves all the other rules listed under 3A open to change *at any time* by the State. Also know that the Town's 3A draft plan was changed *after the public hearing*, with *no* version control number system, no 'update' date, no summary of what was changed and *no subsequent public announcement* to alert anyone that this occurred.

Be very critical of the state and regional planning commissions marketing messages, most are misleading. They argue this is not a housing production mandate but only a zoning mandate. However, they also argue that the zoning mandate is needed to address a housing shortage and housing costs. So, really, they are acknowledging that this mandate will result in more housing to be built = not just zoned for. **The state never mentions that large development corporations, many from out of state, have lobbied lawmakers for over a decade to achieve their ultimate goal of maximizing development opportunities and profits** at the expense of changing character of our town and increasing costs to us. The State has even created a whole system for developers to find buildable sites within (and other than) the pending 3A zones!

There is no logical way the state can build its way out of higher home prices. And to attempt to do so at the expense of only 177 out of the 351 towns located in the state is not only irresponsible, but inequitable. Please ask the state folks pushing this 'build more to lessen prices' strategy to cite an example of where this has actually occurred for any length of time. Ask them what role they feel the current mortgage interest rates, inflation rate, doubling of rents with no corresponding increase in wages factor into the price of 'affordable' housing options as these factors easily overwhelm anything on the supply side.

Ask questions! Any that YOU have. Raise concerns to local, state, and Federal agencies that govern all related laws, like the Environmental Protection Agency, MA Audubon, Department of Justice, etc.

Know that we are not alone in Voting NO. Several towns are poised to or have already voted NO to the MBTA 3A zoning guidelines, most notably the towns of Milton, Holden and Littleton (as of February 13, 2024). The immediate response of the state was to withhold previously approved grants, which are already discretionary, and filing civil court actions against the town's voter's decision. The State is also **not giving credit for housing built between 2020 and 2024**, nor have they accepted any other town's request to renegotiate or reclassify designations under the guidelines. Ask yourself why would our own government revoke grants that were awarded based on priority needs of its people?

Know also that the State's Governor, Maura Healey, not only continues to publicly threaten (aka blackmail) each town with the threat of a lawsuit and restrictions on select grants, she, in conjunction with Kim Driscoll, Lieutenant Governor of MA, are also **violating voting laws** by trying to influence town voters *via an email that contains non-factual information!* Are YOU going to stand for this blatant undermining of your constitutional voting rights by your elected government officials?

More information can be found on Facebook at *Don't Boston MY Cape Ann*, and *MBTA Multifamily Zoning Communities (no thanks, keep your grant money)*. Planning board 3A information can be found at: <https://www.townofrowley.net/planning-board>. Selectmen contacts can be found at: <https://www.townofrowley.net/board-selectmen>.

Be a Hero and Rescue Rowley from land overdevelopment, increased taxes, zoning by-law violations and more = Vote NO on 3A. Save our town character, history, our woodlands, our river, and our one-of-a-kind natural resource - the Great Salt Marsh.

Draft 3-21-24 Rowley Rescue Community Group.