



Massachusetts Municipal Lawyers Association

MMLA MUNICIPAL MINUTE

VOLUME I, ISSUE 14 – SEPTEMBER 7, 2022

Greetings, and welcome to this issue of the MMLA Municipal Minute, our e-newsletter to you, our Massachusetts Municipal Lawyers Association (MMLA) membership. Make sure to click the hyperlinks below for more information about a particular topic or matter.

We're back from a brief summer break, and we will be resuming publication on the first and third Wednesdays of each month.

2022-23 MMLA Membership Applications and Dues

If you have not already done so, please renew your MMLA membership for the membership year that began July 1, 2022 and ends June 30, 2023. **Please note that you must be current on your dues to use the ListServ and other membership benefits.**

As a reminder, all applications **must** be made electronically this year. If you are part of a municipality, non-municipal government agency, law firm or other private organization with six (6) or more attorneys eligible for membership, an **Organizational Membership Application Spreadsheet** can be downloaded and submitted on behalf of you and all other eligible members and dues paid at one of three (3) flat rates. All other applications must be made using Survey Monkey. Please see the information found [here](#) for specific instructions for submitting applications and dues payments, including links to the spreadsheet and 2022-2023 dues schedule.

Volunteer for MMLA Committees

If you are interested in serving, or continuing to serve, on one of the many MMLA standing and ad hoc committees, you can still complete and submit a committee volunteer form using this [link](#). Appointments will be made in the next week or two, so please indicate your interest as soon as possible.

The revised [Bylaws](#) approved at the Association's June 8, 2022 Annual Business Meeting established several new standing committees that provide additional opportunities for members to serve. Serving on a MMLA committee is open to all MMLA members and is a great opportunity to advance MMLA's objectives and goals, tap into your interests and skills, and

meet and network with other MMLA members. The work by our members on Committees is critical to the success of the organization.

Under the Bylaws, starting in 2022, committee appointments will be made for staggered two- or three-year terms depending on the committee. Therefore, **all members** wishing to serve, **including those currently serving on a committee**, will need to complete and electronically submit a committee volunteer form.

Upcoming Programs and Events:

- **Executive Board Meetings:** MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. The next Executive Board meeting is likely to be held on **Thursday, September 15, 2022**. To attend, please contact MMLA Executive Director/Secretary-Treasurer Jim Lampke (jlampke@massmunilaw.org).

Recent Decisions, Rulings, Cases, and Legislative Developments of Note:

- **Legislative Update: Governor Baker Signs New Cannabis Legislation, S.3096:** On August 11, the Governor signed cannabis legislation into law that may, in part, have significant impacts on municipal host community agreements, among other things. MMLA had raised concerns with several aspects of the legislation, [S.3096](#), and expressed those concerns in [a letter to the Governor on August 4th](#). The Governor vetoed only one section of the bill relative to medical marijuana use in K-12 schools. Also see [Governor Baker Letter to Legislature regarding S.3096](#) and [Signed Cannabis Last Parchment with Section 26 Veto](#).
- **DHCD Issues Final Compliance Guidelines for Section 3A of Zoning Act:** On August 10, 2022, the Department of Housing and Community Development (DHCD) and Executive Office of Housing and Economic Development (EOHED) issued [final Compliance Guidelines for Multi-Family Zoning Districts under Section 3A of the Zoning Act](#). These guidelines are the end result of a process that began in December 2021 when draft guidelines were released and after subsequent outreach and collection of public comment earlier this year, including substantial input from MMLA members and an ad hoc committee our organization formed to help address the concerns of our organization and our clients. The final Guidelines require the 175 MBTA communities to adopt multi-family zoning where multi-family is allowed “as of right” near a transit station if there is one. Cities and towns with no transit stations are still required to adopt zoning, but have flexibility in the location. In a letter to the 175 MBTA Communities, DHCD/EOHED summarized the following changes in the guidelines from draft to final:
 - **Revised Community Categories:** MBTA Communities are now categorized as rapid transit, commuter rail, adjacent, or adjacent small town. The “bus service” category has been eliminated.

- **Significant Adjustments for Small and Rural Towns with No Transit Stations:** The final guidelines eliminate the minimum land area requirement and reduce the multi-family unit capacity requirement for communities with a population of less than 7,000 or less than 500 residents per square mile.
- **Changes to the Reasonable Size Criteria:** The guidelines establish “circuit breakers” that prevent multi-family unit capacity from exceeding 25% of a community’s existing housing stock, or the minimum land from exceeding 1.5% of its total developable land area.
- **Tailored District Location Requirements:** The portion of a multi-family zoning district that must be located within a half mile of a transit station now varies based on the amount of developable station area within each MBTA community. Communities with more developable station area land will be required to have more of their multi-family districts within a half mile of transit stations. A community with less than 100 developable acres within a half mile of a station will be free to choose any appropriate location.
- **Multi-family Unit Capacity Tool:** To help communities calculate multi-family unit capacity in a consistent, transparent, and data-driven way, DHCD/EOHED built a compliance model workbook tool. The compliance model will provide a GIS land map for each municipality and calculate a zoning district’s multi-family unit capacity and gross density based on inputs provided by each community. This tool will be widely available for use in the fall.

DHCD will be presenting an explanatory webinar tomorrow, on September 8, 2022, at 1:00 p.m. You can find the guidelines and related materials, including a registration link for the webinar, [here](#) on DHCD’s website.

Do you have any decisions that you would like to share with the MMLA membership and/or have posted on the MMLA website, such as recent federal or state court or administrative decisions? Note that the MMLA is looking to create a database of notable Supervisor of Public Records decisions, which are presently unavailable through a publicly available online search platform – we welcome your submissions. Please send an email containing any recent decisions that you would like to spotlight, to massmadmin@massmunilaw.org.

Other News and Reminders:

- The MMLA has new employment opportunities posted on its website for:
 - [City of Westfield – Assistant City Solicitor – Labor Specialist](#)

Do you have any news or other information that you would like to share with the MMLA membership? For example, do you have any recent achievements, MMLA members in the

news, or promotions or career opportunities? If so, please send an email to massmadmin@massmunilaw.org.

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This newsletter is sent as a service to our membership. If you would like to update your contact information or city/town affiliation, please visit the [MMLA website](#).

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