

Concept Proposal from Town of Bolton for Place Based Project Technical Assistance under Sustainable Communities program

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Based upon concepts that arose as part of the preparation of its Master Plan in 2006, the Town of Bolton, led by the Bolton Planning Board, has been discussing establishment of a mixed use village overlay district. The town has worked with MAPC, using DLTA and town funds, to explore possible locations for this new mixed use village center, as well as the parameters that would be used in evaluating projects in this village. As a first step, the town amended its zoning (at the 2011 Annual Town Meeting) to include design review criteria for all proposed commercial and mixed use projects proposed in town. The town is continuing discussions relating to the details of mixed use village zoning.

This proposed place-based technical assistance project is to assist the Town of Bolton in completing a critical aspect of its village center zoning; this material will also fit well into a Best Practices Model for use by other communities considering similar bylaws.

As currently proposed, in order to gain approval for any residential or mixed use development within this Bolton village center overlay district, a developer would need to provide cash contribution to the community for acquisition of open space elsewhere in town. This is essentially a Transfer of Development Rights (TDR) program under which the transfer currency is cash rather than having the developer purchase land for open space. This type of program benefits the developer by allowing them to move forward without having to find and acquire land, and also benefits the town in that they get to purchase the land they really want for conservation (rather than just accepting whatever land the developer can find within the "sending zone").

The difficult issue with this type of cash-based-TDR program is defining the amount of money that the developer should contribute for each residential unit established. The contribution must be enough to enable the community to build a meaningful open space fund, but not too much or it will drive away potential developers. It is not simply the value of undeveloped land or developable lots in town; it must also take into account (at least) an analysis of the financial benefits to the developer of the ability to construct and sell the units, versus the cost of construction of these units within the overlay district.

The proposed placed based technical assistance to be provided to Bolton will be to undertake national research and to interview the managers of similar TDR programs, to develop the tool that can be used by the Town of Bolton to calculate the appropriate monetary contribution for market rate units and for affordable units (of various sizes), and to prepare the appropriate text to implement this program through inclusion in the zoning bylaw. The bylaw should enable the use of the tool to re-calculate the cash contribution as appropriate (perhaps annually) in order to respond to market changes.

As noted above, although this tool will be prepared for the Town of Bolton, it should be prepared in a manner that will enable it to be used by any communities interested in implementing such a cash-based-TDR program to promote village development while preserving open spaces.