

**From:** Lorraine Iovanni

**Sent:** Friday, October 27, 2023 11:50 AM

**To:** Ann Harrison <harrisona@manchester.ma.us>; John Round <roundj@manchester.ma.us>; Brian Sollosy <Sollosyb@manchester.ma.us>; Catherine Bilotta <Bilottac@manchester.ma.us>; Becky Jaques <jaquesb@manchester.ma.us>; Ronald Mastrogiacomo <mastrogiacomor@manchester.ma.us>; Sarah Creighton <CreightonS@manchester.ma.us>; Laura Tenny <tennyl@manchester.ma.us>; Christopher Olney <olneyc@manchester.ma.us>; Susan Philbrick <philbricks@manchester.ma.us>; Mary Foley <foleym@manchester.ma.us>; Christine Delisio <delisioc@manchester.ma.us>; Greg Federspiel <federspielg@manchester.ma.us>

**Cc:** Gail Hunter <HunterG@manchester.ma.us>

**Subject:** [EXTERNAL] - MBTA TF, Input Oct 16, 2023 SB Meeting/ MBTA is not a part of Ch 40A, Sec A??

## **ATTN: SB, PB, MBTA Zoning Task Force, TA**

(Ms. Hunter, please distribute to all MBTA Zoning Task Force Members, thank you)

Good Morning, Ann,

I was unable to attend the Oct 16, 2023 SB Meeting, but viewed the video yesterday. I am **compelled** to address several issues regarding our focus as to why the TF is undertaking the MBTA zoning study, in my opinion.

**1. What is a MBTA Community?** You made a statement (I believe that I heard accurately) to the effect that the push by the State for multi-family zoning is not really connected to the MBTA. In our email exchanges, I understand completely your thought process on this one (*and do not disagree*) because as you've stated to me in another email, the MBTA is a common and convenient denominator to force this type of multi-family zoning by right throughout some of the Commonwealth.

Notwithstanding, we need to be very clear here with residents on why MBTA has decided to study MBTA Zoning, **keeping in mind that NON-MBTA COMMUNITIES (AND NON-ADJACENT MBTA COMMUNITIES) need not do anything, if we follow this argument.**

For the record the study we are performing has a direct **nexus** to the LAW.

a. Sec 3A of the Ch 40 A of the Zoning Act has a specifically designed purpose: "An **MBTA community** shall have a zoning ordinance or bylaw

that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right..."

**b. MBTS is defined as an MBTA community:** " 'MBTA community' ” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority."

I will leave it to you and Mr. Olney to ensure that we are clear of purpose here. We are governed by Sec 3A of the Law and guided by the EOHLA Compliance "guidelines." **This is not about rezoning our small Town for the sake of establishing more density and multi-family by right. It is driven by the sole fact that we have a commuter rail. As such, the guidelines will form the basis of our actions, not the narrative that we need to come up with multi-family by right zoning because the State wants it.**

**2. Threats by the State AG:** As any good TA, Greg was rightfully concerned at the Oct 16 SB meeting about any potential lawsuits. However, resident Sarah Pierce made an astute statement to the effect that this alone must not drive what we do and must not be the primary response to the reason we are doing the study. A potential suit is certainly a piece of the puzzle, as is the withholding of grant money. All of these matters should carry full and equal weight and balance other factors in our Town.

a. As a resident, and if I were serving on the TF at this time, I would ask that the Town Counsel weigh in NOW on the legality of the AG threats. We are a Town with HOME RULE and as a small Town of less than 10,000 people, our taxpayers and resident have the power to vote on zoning. This would make for an interesting challenge. If the TF has not done so, I would suggest that Town Counsel weigh in NOW and estimate the cost of legal counsel to defend. We need that data also. I am not convinced that the State has authority to come into MBTS and compel us to establish MBTA Multi-family by right zoning, apart from voters. Our Town Counsel should offer an opinion on that matter, as well.

b. Our Town cannot operate under threats. MBTA Zoning is not a *fait accompli*.

While the TF and elected boards will do what they deem is best and recommend decisions, it must do so from FACTS, CLEAR NARRATIVE, EFFECTIVE AND ACCURATE COMMUNICATION, AND STRONG ADVOCACY. We are on the right track with a communications plan and open forums for residents, but we have not completed the study...consultant, impact on the Town resources and detriment to quality of life as density increases in the downtown area for everyone, protection of our historical district and significant buildings; and, as Mr. Olney has stated on balance, resulting impact if voters reject this State plan.

Below, I offered significant data to the TF, PB, and the SB regarding lack of an MBTA Plan to mitigate flooding of the Rockport Line. I am hopeful that this relevant data will at least be briefly discussed and given the weight it deserves, as we may want more relief from the State.

Thank you for permitting residents to input into this difficult and complex problem.

Regards,

Lorraine Iovanni  
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