

FOR IMMEDIATE RELEASE

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Statement from Denny Swenson: The Unit Count Percentages are Arbitrary

Milton, MA – In response to the housing mandate imposed by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), Denny Swenson has released the following statement, expressing concerns over the arbitrary nature of the unit count percentages required for the town's housing expansion.

The MBTA statute called for a “reasonable size” housing district.

The EOHLC promulgated Guidelines that interpret this general and flexible requirement to mandate an addition of “at least” 25% of Milton’s total housing.

Nothing in the statute called for unit count percentages or for something that hugely impactful.

The only reason given for Milton’s 25% housing expansion requirement is that we have an historic commuter trolley. But the 38-passenger trolley cannot possibly absorb the transportation needs of an estimated 2,400 new families.

The state provided no opportunity for a public hearing on its mandate. “You will comply or else” is the only message our residents have gotten. No avenue has been provided by which our residents can constructively propose alternative housing ideas that will actually foster the legislative goals of affordability, sustainability, and traffic mitigation—the article initially adopted by the town under threat by the state would set us back on all three of these goals. That is why the town’s residents subsequently rejected it.

The state has never articulated an objective basis for determining the unit percentages that they mandated. Our town was given no reasonable opportunity to participate in any study to determine a rational basis for these percentages.

In coming up with its mandated percentages, the EOHLC did not go through the promulgation process required under the Administrative Procedures Act (APA). The state conducted no public hearings with our town, which is required under the APA.

Towns are treated differently from one another in inexplicable ways. Smaller communities must zone higher percentages than larger communities in the same category.

In sum, the state's required percentages are arbitrary, irrational, unauthorized by the legislative statute, and violate the Administrative Procedures Act.

For further information please see section V in this Amicus Brief:

https://www.ma-appellatecourts.org/pdf/SJC-13580/SJC-13580_13_Amicus_Swenson_Et_Al_Brief.pdf

For further inquiries, please contact Milton Neighbors for Responsible Zoning at responsiblezoningmilton@gmail.com.