

Healey wants more housing. But how hard will she push communities to approve it?

The lieutenant governor is working behind the scenes in the debate over housing at South Shore Plaza. But when it comes to zoning, local control is a powerful thing.

By **Andrew Brinker** Globe Correspondent, Updated March 2, 2023, 6:25 p.m.



ZOM Living has proposed a multi-unit apartment and senior-living complex behind South Shore Plaza in Braintree, which would occupy some of the parking lot behind the plaza. PAT GREENHOUSE/GLOBE STAFF

Ever since word spread through Braintree of a 495-unit apartment complex proposed at the South Shore Plaza, an organized opposition campaign has been ramping up. Lawn signs decrying the “monster project” are appearing around town, and some residents are urging the Planning Board to deny the project.

But in the background, one key figure has quietly been working to find a path forward: Lieutenant Governor Kim Driscoll.

A few days after a public meeting in February boiled over into shouting, Driscoll spoke on the phone with an executive at the development firm behind the project, Florida-based ZOM Living. She also reached out to Braintree Mayor Charles Kokoros, who has publicly condemned the proposal, though they have not yet spoken.

Karissa Hand, a spokesperson for Driscoll and Governor Maura Healey, said Driscoll made the calls to “learn more about the project and how our administration can be a partner.” And it’s not clear if or how forcefully she might push for approval.

But the lieutenant governor’s willingness to step into conversations about a single development may signal a shift from prior administrations on what role the state can and should play in local housing debates — which shape so much about what can get built where in Massachusetts.

As the Healey administration takes aim at Greater Boston’s housing crisis, it may well demand that towns do more to build, as several other states have in recent years. That’s a good thing, advocates and observers say, because digging out of the region’s supply shortage hinges on compelling slow-growth suburbs to build more.

But it’s a delicate line to walk. Local control of zoning is deeply rooted in Massachusetts’ town system of government, dating back centuries. And city and town officials often recoil at housing rules from Beacon Hill.



An artist's rendering of the apartment complex that ZOM Living wants to build at the South Shore Plaza. HCM DESIGNS INC.

“Balance is important here,” said Peter Forman, president of the South Shore Chamber of Commerce. “Forcing apartments on communities doesn’t work well. You need local leadership to help identify the right locations so you’re not just building out in a field. But at the same time, if the state doesn’t make towns rezone, they won’t.”

Land use in Massachusetts, like the rest of New England, is regulated by an intricate web of zoning rules that place control over housing in the hands of select town officials. Those rules vary from town to town, but most generally favor single-family housing while requiring denser projects to win a special permit, often an expensive and uphill battle.

Most towns’ land-use laws were written decades ago, an era in which zoning was used as a tool for exclusion along racial and class lines, said John Infranca, a professor of law at Suffolk University. But the laws remain today because some residents see them as essential for preserving community character and warding off unwanted development, he said.

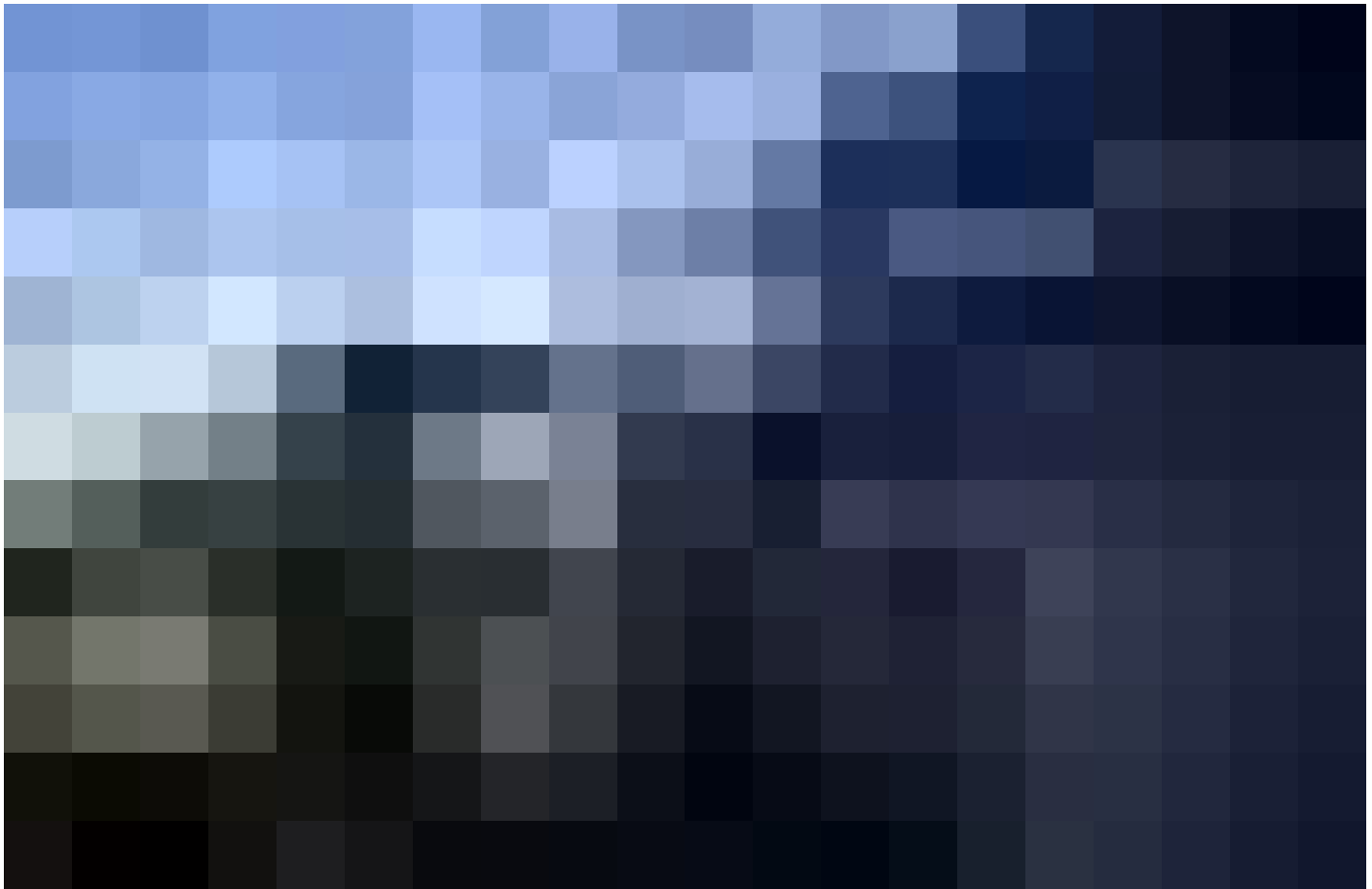
“Everybody wants more housing, but nobody wants it built in their backyard, because they see negative effects on traffic patterns, on residential character, on schools,” said

Infranca. “And when states let local governments have control over housing, those no’s keep stacking up.”

And so even projects that make sense on paper, like an apartment complex built on mall parking lots, face steep odds to ever be built. In the case of the South Shore Plaza development, along with concerns over traffic and school capacity, some residents are opposed to the project solely because the current zoning there doesn’t allow it to be built.

Aside from the 1969 passage of 40B, a state law that allows developers to circumvent zoning in towns where less than 10 percent of the housing stock is affordable, Beacon Hill has generally stayed out of the local zoning fray. Even governors who have urged more housing, like Healey’s predecessor, Charlie Baker, offered grant money as an incentive to build, but generally avoided mandates or penalties on towns that would not. Carrots, but not sticks.

Things started to shift in 2021 when the Legislature passed Baker’s Housing Choice bill, which lowered the voting threshold on some zoning changes to a simple majority, from two-thirds, and the MBTA Communities law, which mandates that cities and towns served by public transit approve zoning for multifamily housing.



A view of the Waltham MBTA commuter rail station. The MBTA Communities law mandates that cities and towns served by public transit approve zoning for multifamily housing. LANE TURNER/GLOBE STAFF

Those new rules were the first real challenge to local control in decades, said Marc Draisen, executive director of the Metropolitan Area Planning Council, and they laid the groundwork for the Healey administration to push further.

“The Baker administration teed Healey up on this particular issue,” said Draisen. “Now she needs to be willing to get towns to do more.”

Enter Driscoll, who has emerged as the administration’s early leader on housing after making it a key issue during her tenure as mayor of Salem. Her willingness to engage in Braintree is at least an indication that the Healey administration plans to be more involved in local housing debates.

There are early signs, too, that it will take a harder line against the towns that restrict housing production. In an appearance on WBUR last month, Healey said that towns considering flouting the MBTA Communities law should know that compliance isn’t

optional, and that her administration will utilize both “carrots and stick[s]” to ensure the law reaches its full potential.

“We are in a housing crisis that requires us to examine every aspect of the housing production and preservation process, including our existing zoning laws,” said Hand, the Healey spokesperson. “We need a comprehensive, multi-pronged effort and must consider every lever to ensure we are expediting and incentivizing housing development.”

That’s a tricky task, and local pushback against MBTA Communities — which Infranca said strikes a careful balance by “mandating new zoning, but leaving it up to towns to decide how to implement it” — has made that abundantly clear. Other states, like California, have implemented stricter rules that give towns less flexibility.

Part of the challenge, local leaders say, is that state housing rules put them in a tough position, wedged between broad regional issues and residents — their voters — who want to keep their communities mostly the same. Town officials often side with the latter.



A construction worker at 500 Ocean Ave. in Revere in 2019. JESSICA RINALDI/GLOBE STAFF/THE BOSTON GLOBE

Revere Mayor Brian Arrigo said that the politics of development on the local level can be high stakes, but that it's ultimately a local official's responsibility to decide what's best for their municipality. His administration has overseen a wave of new housing, especially along Revere Beach, but concerns about overdevelopment featured prominently in his 2019 reelection campaign, which Arrigo won narrowly.

"In some respects, it's a risk-reward situation," said Arrigo, who announced this week that he will not seek another term. "You have to take some political heat to see a project or a policy through. But in my experience, once it's in place and residents see what it's about, their perspective shifts. The fact that my mayoral terms are four years long helps with that."

And then there is Kokoros, Braintree's mayor, who can run through a long list of reasons why he thinks housing shouldn't be built at South Shore Plaza: sewer issues, traffic concerns, school capacity, and the zoning relief a housing project there would require.

But to him, it's the opinions of residents that matter most. If residents dislike a project, he said, "I'll generally disapprove of it too."

"State mandates make things difficult," said Korkoros. "We'd much prefer to decide how we want Braintree to grow on our own."

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