

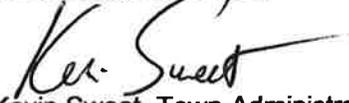


**AGENDA**  
**Maynard Board of Selectmen's Meeting**  
**October 30, 2013**  
**Town Building – Michael J. Gianotis Meeting Room**  
**(No. 201)**  
**Special Meeting Time: 7:00 pm**

(All public meetings may be recorded, broadcast and or videotaped)

1. Call to order (7:00pm)
2. Pledge of Allegiance
3. Public Comment
4. Introduction: Edith Netter, Special Counsel
5. Board Questions & Answers: Chapter 40B
6. Discussion: 129 Parker Street Comprehensive Permit (Chapter 40B)
7. Executive Session
8. Adjourn (9:30)

Respectfully submitted,

  
Kevin Sweet, Town Administrator

Next meeting date: November 5, 2013 (Regular Meeting)

**THIS AGENDA IS SUBJECT TO CHANGE**

## *Edith M. Netter* *Associates, P.C.*

**Land Use Law  
Environmental Law  
Mediation  
Consensus Building**

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Edith M. Netter, an attorney and mediator with a background in land use planning, represents public and private sector clients in land use, real estate development and environmental matters. Ms. Netter works with governments by drafting land use regulations and providing advice on and negotiating real estate development projects and assists developers in obtaining land use, transportation and environmental permits. She also mediates and facilitates land use, real estate development, affordable housing, transportation, historic preservation and environmental disputes.

### **PROFESSIONAL HISTORY**

Ms. Netter heads her own law and mediation firm, Edith M. Netter & Associates, P.C., a certified woman-owned business. Previously she was Assistant Director of the Boston Redevelopment Authority, where she conceptualized and supervised the rezoning of Boston and the zoning and environmental permitting processes. From 1981 to 1985, Ms. Netter was an attorney with Robinson & Cole, Connecticut's second largest law firm, nationally-recognized for its land use law practice. From 1978 to 1981, Ms. Netter edited a national publication, Land Use Law & Zoning Digest, and was staff attorney to the American Planning Association.

### **EDUCATION**

Education includes degrees from Washington University (M.A., Urban Studies, 1975) and Washington University School of Law (J.D., 1977). Ms. Netter was a Loeb Fellow at the Harvard University Graduate School of Design from 1987 to 1988.

### **AWARDS/GRANTS/BOARDS**

Ms. Netter received awards from the American Planning Association and from its Connecticut affiliate for contributions to the planning profession and grants from the Ford Foundation and the National Endowment for the Arts. She was a Regents Lecturer at UCLA, was in Who's Who in American Women, and served on the boards of the American Planning Association, the Connecticut APA chapter, Connecticut Women in Planning, the Employer-Supported Childcare Network, the Childcare Capital Initiative Fund, and 1,000 Friends of Massachusetts. She was on the Panel of Arbitrators of the American Arbitration Association and a commissioner/member of the Boston Landmarks Commission, the Rocky Mountain Land Use Institute, the Belmont, MA Land Trust and the Belmont Zoning Board of Appeals. She currently serves on the editorial board of Planning & Environmental Law (formerly Land use Law & Zoning Digest). She has participated in many state and national bar and planning association committees.

## **PUBLICATIONS/COURSES/LECTURES**

Ms. Netter has published over 40 articles in national periodicals on land use law and land use mediation including Rathkopf's, The Law of Zoning and Planning, Land Use Law & Zoning Digest, Urban Land, Planning, the Journal of the American Planning Association, and Zoning and Planning Law Report. She has edited Land Use Law: Issues for the Eighties (APA) and co-edited A Planner's Guide to Land Use Law (APA).

Ms. Netter has taught courses or has lectured at a number of colleges and universities, including the universities of Pennsylvania, Massachusetts, Maryland and Connecticut, Harvard University, Cornell University, George Washington University, Berkeley, MIT and UCLA. She has also given presentations around the country to planners, lawyers, elected officials, and others interested in land use matters.

## **REPRESENTATIVE PUBLIC AND NON-PROFIT CLIENTS**

Baltimore, MD	Marblehead, MA
Barnstable, MA	Mass. Ass'n of Regional Planning Agencies
Barnstable Housing Authority	Mass. Federation of Planning and Appeals Boards
Berkshires Land Use Commission	Mass. Mediation Service
Boston, MA	Mass. Water Resources Authority
Bristol, RI	Metropolitan Area Planning Council
Center for Rural Massachusetts	Nantucket, MA
Center for Community Change (Washington, D.C.)	Nantucket Land Council
Charles River Watershed Ass'n	National Park Service
Columbia, SC	Neponset River Watershed Ass'n
Conn. Dept. of Transportation	NH Office of Planning
Cranston, RI	NJ Office of State Planning
Delaware Dept. of Transportation	Newton, MA
Dennis, MA	Norwell, MA
Devens Enterprise Commission	Prince George's County, MD
District of Columbia Downtown Partnership	Puget Sound Regional Planning Council
Environmental Lobby of Massachusetts	Rowley, MA
Fairbanks/North Star Borough, AK	Sacramento Redev. Authority
Falmouth, MA	Stamford, CT
Glastonbury, CT	St. Croix Landmarks Society
Hartford, CT	St. Thomas Landmarks Society
Hong Kong Planning Dept.	Tufts University
Lexington Montessori School	Unalaska, Alaska
Lynnfield, MA	Urban Land Institute
	Washington D.C.

## **EDITH M. NETTER: AFFORDABLE HOUSING PROJECTS**

For over 35 years Edy Netter has been involved in land use and affordable housing, particularly inclusionary housing regulations and comprehensive permits (under the Massachusetts “Anti-Snob Zoning Act” developers may seek a single (“comprehensive”) permit to develop mixed-income housing.

### **Comprehensive Permits**

- Facilitating or representing communities reviewing comprehensive permits (Arlington, Ashland, Ayer, Berlin, Chatham, Dartmouth, Dighton, Duxbury, Easthampton, Falmouth, Grafton, Halifax, Hamilton, Hanson, Hingham, Leicester, Lenox, Lunenburg, Lynnfield, Nantucket, North Andover, Northbridge, Norwell, Reading, Rowley, Salisbury, Saugus, Westhampton, and Williamsburg. (Multiple projects in Falmouth, Lynnfield, Saugus, Dighton and Norwell)
- Mediating mixed-income housing disputes (Rowley, Merrimac, Barnstable, Acushnet, Carver, Chelmsford, Falmouth, Millis, Newton, North Andover, North Hadley, North Reading, Taunton).
- Representing developers seeking comprehensive permits (Billerica, Berkley, Bridgewater, Chelmsford, Duxbury, Framingham, Great Barrington, Lexington, Marshfield, Medway, Middleboro, Natick, Sturbridge, Tewksbury, Townsend, Wayland, Weston)
- Participating in a task force advising the Massachusetts Executive Office of Communities and Development on proposed regulations implementing the Massachusetts "Anti-Snob Zoning" Act.
- Participating in various Citizens Housing and Planning Agency (CHAPA) committees on Chapter 40B

### **Inclusionary Housing and Linkage Programs**

- Keynoting Urban Land Institute Workshop on Workforce Housing (Washington D.C.)
- Consulting for the cities of Atlanta, Georgia and Chicago, Evanston, and Highland Park, IL on Inclusionary Zoning
- Lecturing (to professional and lay audiences) around the country on using land use regulations to promote affordable housing including national conferences such as those held by the American Planning Association, Urban Land Institute and the National Association of Homebuilders.
- Drafting “Inclusionary Zoning: Guidelines for Cities and Town” published by the Massachusetts Housing Partnership (2000)
- Writing an article entitled "The Legal Foundations for Municipal Affordable Housing Programs: Inclusionary Housing, Linkage, and Housing Preservation” for Zoning and Planning

Law Report (November, 1987).

- Conceptualizing and drafting inclusionary housing regulations for Nantucket, Cambridge, Somerville, Marlboro, Wenham, Brookline and Arlington, MA, Glastonbury, CT.
- Conceptualizing and drafting Boston's housing linkage program, which is used as a national model.
- Assisting the Sacramento Redevelopment Authority in establishing its housing linkage ordinance. The Ninth Circuit Court of Appeals upheld the ordinance's constitutionality.
- Drafting a broad range of housing ordinances for Glastonbury, Stamford and Hartford, CT and Boston, MA.

**Housing Trust Funds and Legal Documents Ensuring Long-Term Affordability**

- Conceptualizing and drafting Cambridge, Marlboro and Somerville, MA housing trust funds and drafting legislation to authorize these trust funds. The Cambridge Housing Trust is used as a national model.
- Revising Nantucket's land bank legislation to include fees for affordable housing.
- Chairing Citizens Housing Action Planning Agency (CHAPA) subcommittee on drafting affordable housing restrictions.
- Drafting the legal analysis section of a national report on housing trust funds for the Washington D.C. Center for Community Change.

**Financing and Refinancing of Affordable Housing Projects**

- Assisting towns (Arlington and Chelsea) and North Shore Consortium with legal documentation for financing affordable housing

**Edith M. Netter:**  
**Experience with Chapter 40B and Comprehensive Permits**

Edy Netter has three decades of land use law experience, the last two of which include extensive involvement with Chapter 40B and comprehensive permits. Her experience involves legal representation of developers and communities and mediation. Her background includes land use planning, in addition to law and mediation. Her knowledge and skills include an understanding of how Chapter 40B works, an ability to successfully negotiate within the confines of 40B and to litigate if necessary, an understanding of how to move the permitting process forward, how the legal documentation works, knowledge of what constitutes a complete application and an adequate comprehensive permit decision and an understanding of the planning issues surrounding mixed-income housing projects.

**Facilitation or Legal Representation on Behalf of Towns**

Towns: Arlington, Ashland, Ayer, Berlin, Chatham, Dartmouth, Dighton, Duxbury, Easthampton, Falmouth, Grafton, Halifax, Hamilton, Hanson, Hingham, Leicester, Lenox, Lunenburg, Lynnfield, Nantucket, North Andover, Northbridge, Norwell, Reading, Rowley, Salisbury, Saugus, Sutton, Westhampton, and Williamsburg.  
(Multiple projects in Chatham, Falmouth, Lynnfield, Saugus, Dighton and Norwell)

**Legal Representation of Developers**

Developers seeking permits in: Billerica, Berkley, Bridgewater, Chelmsford, Duxbury, Framingham, Great Barrington, Hopkinton, Lexington, Marshfield, Medway, Middleboro, Natick, Sturbridge, Tewksbury, Townsend, Wayland, Weston

**Mediation**

Edy has mediated approximately 15 comprehensive permit disputes involving rental and homeownership projects in the towns of Acushnet, Barnstable, Carver, Chelmsford, Falmouth, Lynnfield, Merrimac, Millis, Newton, North Andover, North Hadley, North Reading, Rowley and Taunton. For some of these towns Edy mediated more than one dispute. Edy assisted the parties in successfully settling approximately three-quarters of these disputes.

**Litigation**

Towns: Reading Board of Selectmen, Lynnfield ZBA

Developers: Projects in towns including Berkley, Billerica, Medway, Natick, Tewksbury, Wayland

### 40B Task Forces

MHP Task Force on 40B guidelines for communities (co-chair)

DHCD Task Force on the Housing Appeals Committee

CHAPA Task Force on Maintaining Long-Term Affordability. (chair)

### Amicus Brief

Coordinated the drafting of an amicus curiae brief (written by David Brown and Kurt James of Sherin & Lodgen) in *Ardmore v. the Zoning Board of Appeal of the Town of Wellesley*, on behalf of CHAPA, the Massachusetts Chapter of the American Planning Association, the Massachusetts Association of Planning Directors, the Massachusetts Federation of Planning and Zoning Boards and the Massachusetts Municipal Association.

### Workshops and Lectures

40B workshops in Duxbury, Falmouth, Lenox and Reading for all of the town boards and officials. Edy has participated in a number of panel discussions and conferences on Chapter 40B, including conferences or workshops sponsored by Massachusetts Continuing Legal Education, the Massachusetts Department of Housing and Community Development, the Massachusetts Bar Association and Harvard's Kennedy School of Government.

### Publications

Local 40B Review and Decision Guidelines (co-author, published by MHP). Articles on mediation, which include sections on mediating affordable housing disputes. A mediation that Edy did for the town of Rowley was written up as a case study by Larry Susskind of the Consensus Building Institute and published by the Lincoln Institute of Land Policy.