



Delayed by Design

How Discretionary Permitting Stalls Housing in Massachusetts

SEPTEMBER 15, 2026

BOSTON
INDICATORS
MEASURING WHAT WE VALUE

Massachusetts Is Making Housing Headlines... Not in a good way!

BOSTON.COM

Report finds loopholes, permitting slowdown are worsening Greater Boston housing crisis

Nov. 2025

THE NEW YORK TIMES

Nantucket's Workers Are Living on the Margins

July 2025

THE BOSTON GLOBE

Campbell sues nine cities and towns for rebuffing state housing law

Jan. 2026

THE BOSTON GLOBE

Fifteen Boston-area towns set big goals to build out of the region's housing shortage by 2030. They're nowhere close.

Mar. 2026

WBUR

For Mass. residents, housing is where affordability hits hardest

May 2026

GBH NEWS

Younger, educated residents are leaving Mass. because of housing costs

Apr. 2024

BANKER & TRADESMAN

Faced with Crippling Housing Crisis, Beacon Hill Nibbles at the Edges

Jul. 2026

THE BOSTON GLOBE

If so many people are leaving Massachusetts, why aren't housing costs going down?

May 2025

The Housing Type Massachusetts Can't Afford to Skip



FITS THE SCALE OF THE STREET

Matches existing character and allows a neighborhood to 'scale up'



REACHES PRICE POINTS BIG HOMES CAN'T

High cost of land in Massachusetts



INFILL DEVELOPMENT

Many lots zoned for a single house can support two to four units with no new infrastructure

The Layers of Our Housing System



Building Housing Means Getting Every Layer Right



ZONING

Allows the housing type,
by right, where it's
needed

+



PERMITTING

A predictable process that
removes uncertainty and
delay

+



BUILDING CODES

Clear, stable standards,
relaxed to support middle
housing typologies

+

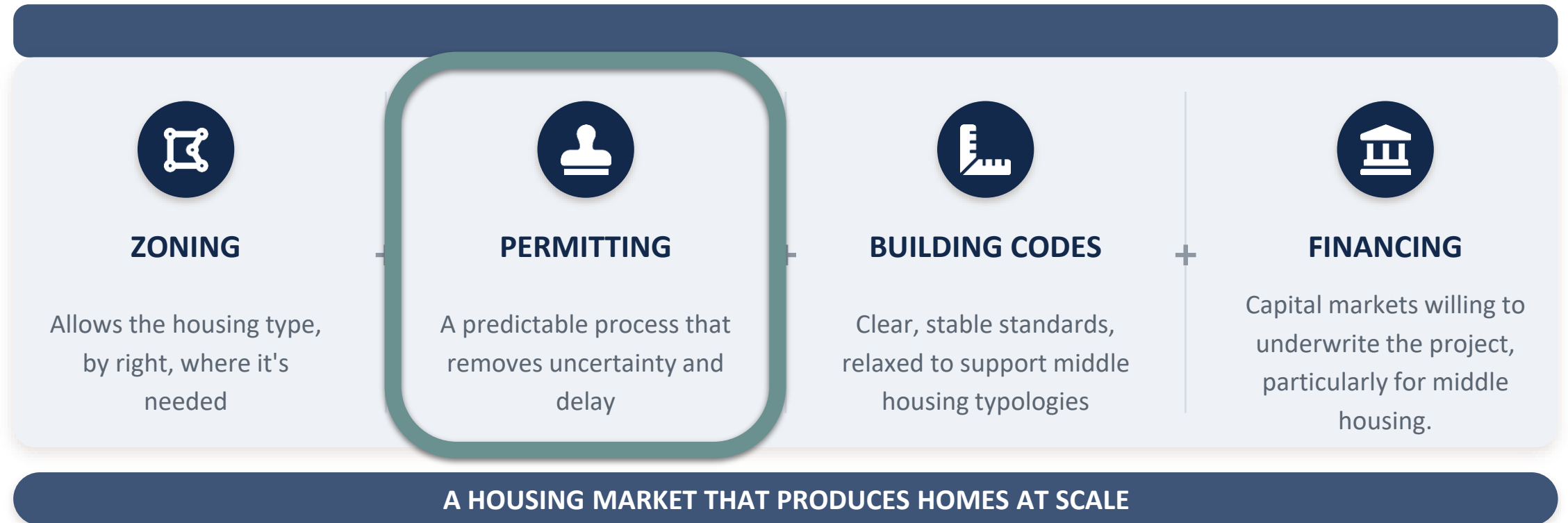


FINANCING

Capital markets willing to
underwrite the project,
particularly for middle
housing.

A HOUSING MARKET THAT PRODUCES HOMES AT SCALE

Building Housing Means Getting Every Layer Right



dis·cre·tion

dih-SKRESH-uhn · *noun*

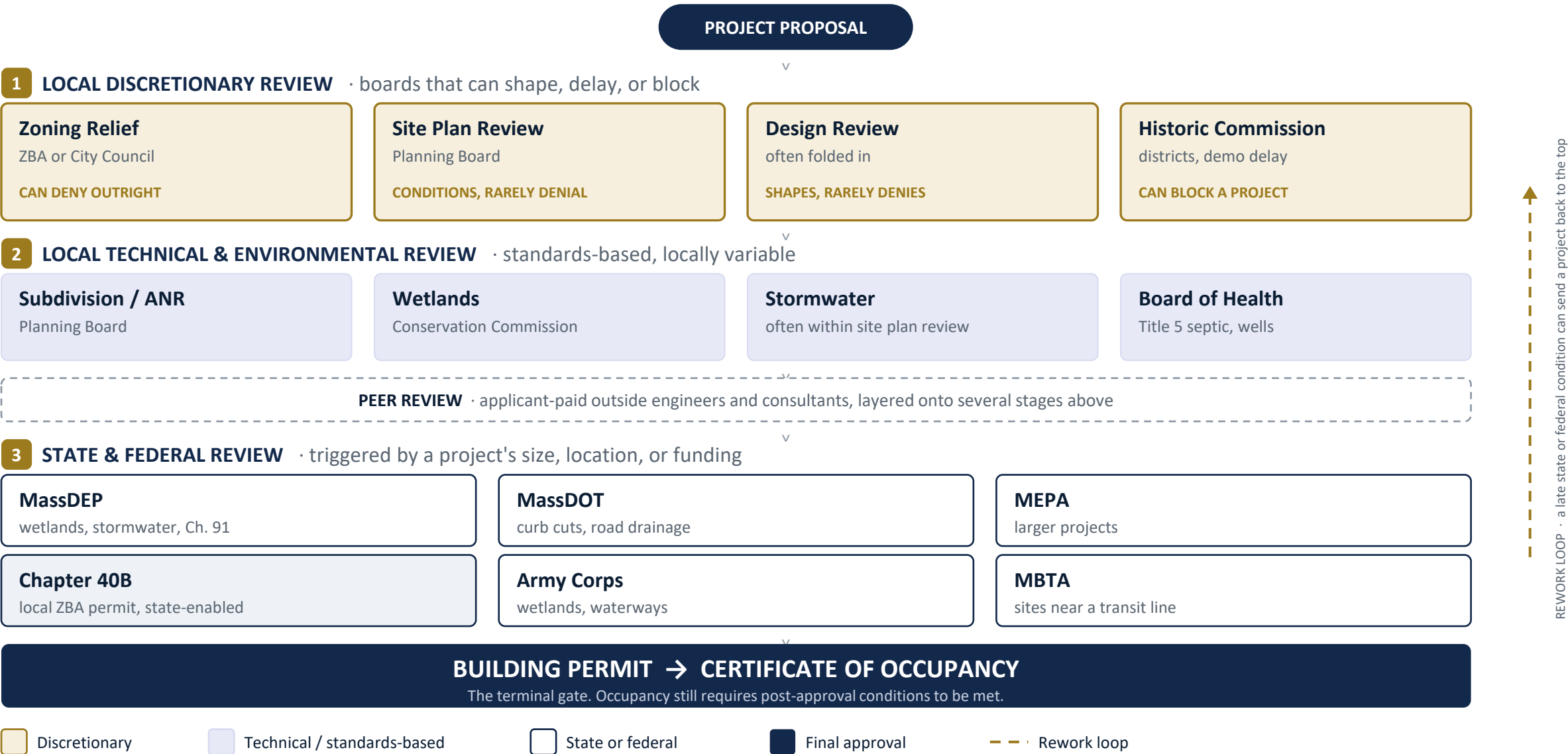
- 1 the freedom to decide what should be done in a particular situation;
the ability to act on one's own judgment; power to choose or decide freely within certain legal bounds

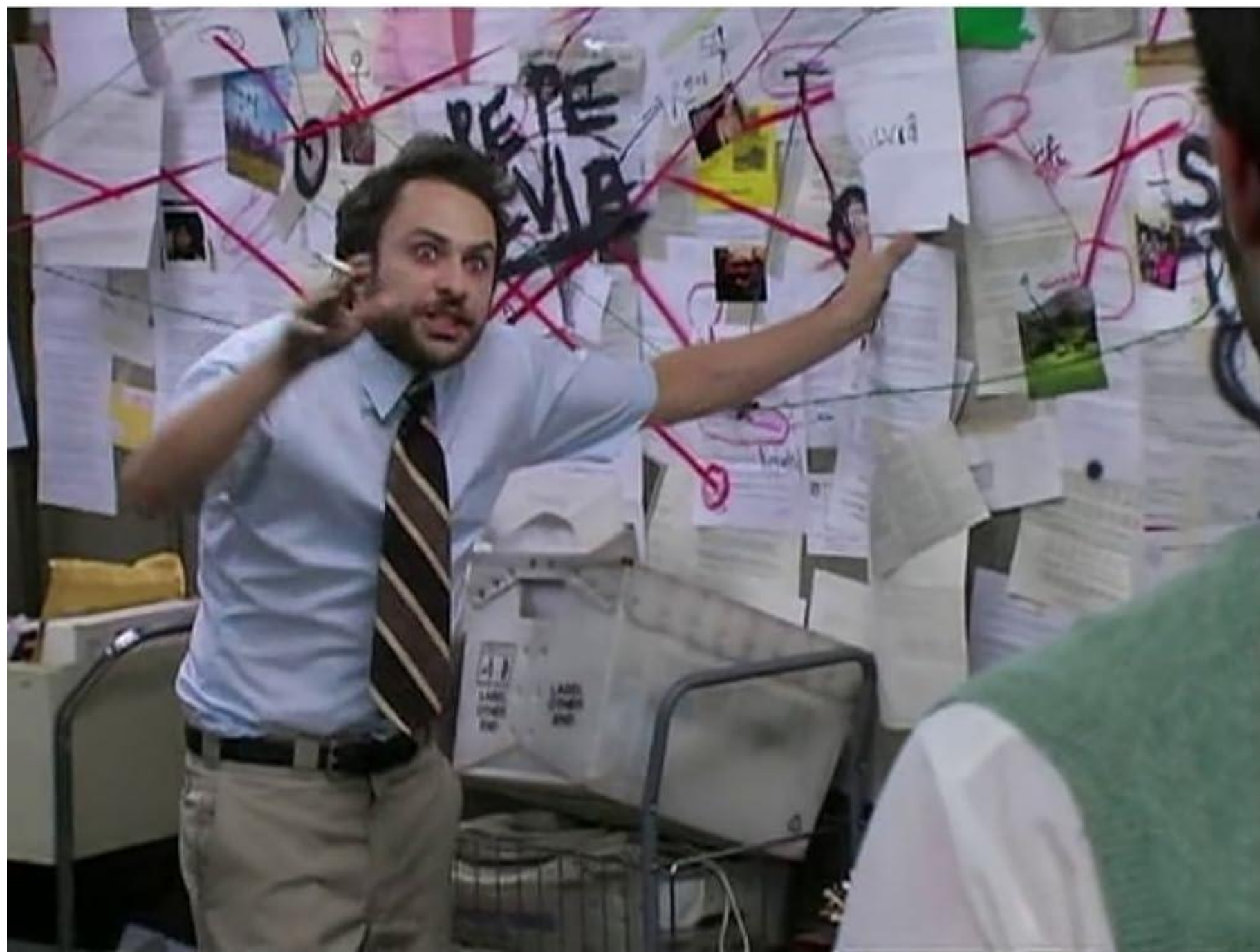
Permitting Is a Spectrum of Discretion



The Pursuit of a Building Permit

Not a fixed sequence. A project may pass through most or all of these, in an order that varies by community.





The Thresholds Problem

SALISBURY · 3+ new units triggers “major site plan review”

DUPLEX



NO SITE PLAN REVIEW

THE
THRESHOLD

+1 UNIT

TRIPLE-DECKER



SITE PLAN REVIEW TRIGGERED

Don't Hate the Player, Hate the Game

“*This is not about vilifying board members, planning staff, neighbors, or developers. Everyone in the case studies that follow is behaving rationally inside a system that enables and sometimes even encourages delay and significant discretion.*”



Board Members

Volunteers applying vague standards under public pressure



Planning Staff

Often understaffed, interpreting inconsistent local rules



Neighbors

Using the only tools the process gives them to be heard



Developers

Pricing risk into every decision, from design to litigation

EDITORIAL

Tame the 'ghost haunting' land use law

Site plan reviews can become a backdoor permitting process that blocks development.

By **The Editorial Board**

Updated December 7, 2025, 4:00 a.m.

Communities can use ***site plan review as an end run around their own zoning codes.*** Reviews can drag on for months where towns set no time limit, and boards can demand far more than simply confirming a project meets the written rules.

“

If the state is telling me to do something, I'm going to comply, but that doesn't mean I'm going to make it easy to develop. It's making as many barriers to entry as possible.

— Planning board chair, central Massachusetts community
(on its MBTA Communities compliance plan)

SIX CASE STUDIES

The Case Studies

Six sample middle-housing developments, tracked from proposal to permit, ordered by how much discretion each project ran into.

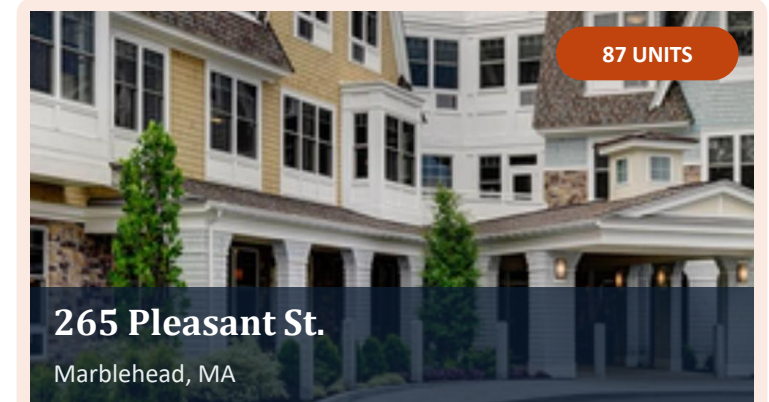
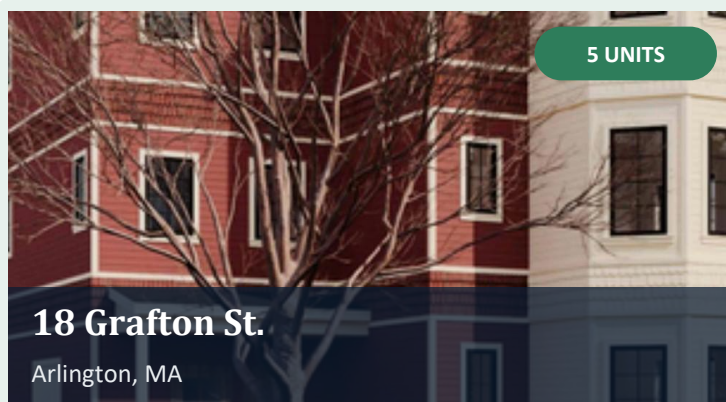
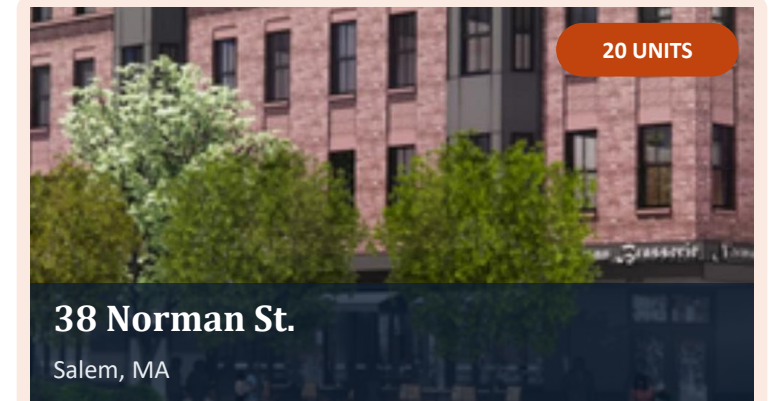
LOW FRICTION



FRICTION BUT FUNCTIONAL



CAUTIONARY TALE



CAUTIONARY TALE

38 Norman Street

Salem, MA · Site Plan Review + PUD Special Permit · Kinvarra Capital

20

UNITS APPROVED

6→4

2 FLOORS CUT
before the first hearing

2 YRS

PERMITTING

5+ YRS

SINCE ACQUISITION
still not built



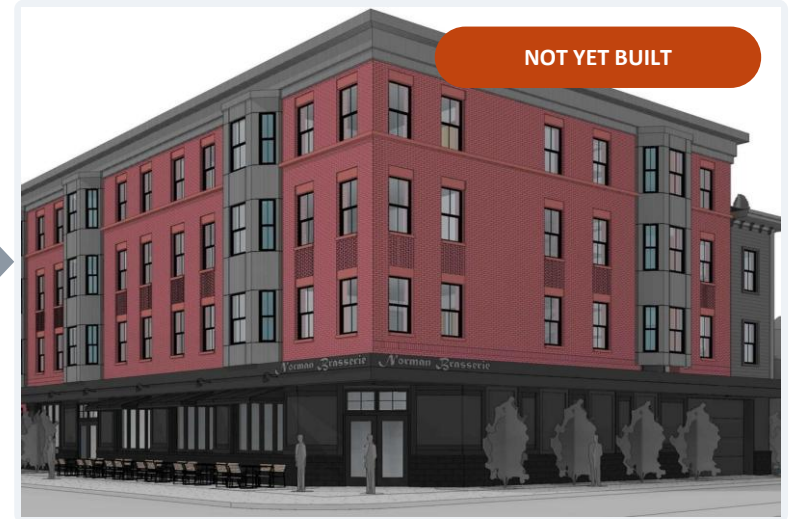
EXISTING CONDITION

vacant lot, downtown Salem



PROPOSED

6 stories, steel & glass



APPROVED — APRIL 2022

not yet built

APR 2021

Pre-Application

OCT '21–APR '22

Planning Board

MAY 2022

Abutter Appeal

2023–24

HDIP + TIF

SEP 2021

Application Filed

APR 2022

Approved 8–0

MAR 2023

Settled

FRICTION BUT FUNCTIONAL

2 Murphy Court

5

TOWNHOMES

down from a 6-unit concept

24-0

FINAL COUNCIL VOTE

after 7-0 Land Use Cmte. rec.

10 months

COMMUNITY ENGAGEMENT

kitchen-table meetings, pre-filing

Newton, MA · Special Permit & Site Plan Approval (24-member City Council)



EXISTING CONDITION

nonconforming two-family home



ORIGINAL CONCEPT

6 units, ground-floor retail



APPROVED

5 townhomes, clapboard & mansard

DESIGN
Plan revised

January 2024
Approved at Full
Council 24-0

April 2023 - November 2023

Kitchen-table
meetings

December 2023

Land Use Committee
7-0 vote

CONSTRUCTION

Built in ~9 months

...A Closer Vote, Just A Few Blocks Away

NEWTON BEACON · CITY HALL

Brookside housing plan comes up short on votes

By Bryan McGonigle · Aug. 13, 2026



A proposed four-house development at 60 Brookside Ave., West Newton. (MGD Habitat Design)

13-11

A 16-vote supermajority was required for this parcel. It fell three votes short. The plan did not advance.

60 Brookside Ave., West Newton · 4 homes proposed

LOW FRICTION

25

APARTMENTS

3 permanently affordable

~5.5 MO.

APPLICATION TO APPROVAL

filing through decision

4

BOARDS IN PARALLEL

reviewed concurrently, not in sequence

150 day

SHOT CLOCK (March 2025)

185–189 Bedford Street

Lexington, MA · Site Plan Review (MBTA Communities Overlay)



EXISTING CONDITION

two commercial buildings & a surface lot



APPROVED

25 apartments, ground-floor retail

September 2024

Engineering Review Pre-PB

December 2024

Setback waiver granted

August 2024

Development Review Team

October 2024

4 advisory boards and
abutter engagement

January 2025

Approval

What Delay Actually Costs

Illustrative model for a hypothetical 20-unit infill project. Figures are constructed for illustration and are not drawn from a specific project in this report.

COST CATEGORY	3 MO	6 MO	12 MO	18 MO	24 MO
Predevelopment loan interest	\$30,000	\$60,000	\$120,000	\$180,000	\$240,000
Property taxes / security / site maintenance	\$6,000	\$12,000	\$24,000	\$36,000	\$48,000
Insurance	\$1,500	\$3,000	\$6,000	\$9,000	\$12,000
Legal and consultant fees	\$10,500	\$21,000	\$42,000	\$63,000	\$84,000
Predevelopment overhead	\$9,000	\$18,000	\$36,000	\$54,000	\$72,000
Total	\$57,000	\$114,000	\$228,000	\$342,000	\$456,000

This is a simplified, linear model. It does not account for compounding interest or the likelihood a predevelopment loan would need to be refinanced or restructured over a longer holding period, a caveat that matters far more at 36–48 months than at 3–6.

Note: Direct permitting and application fees, opportunity cost of equity, and escalation of construction and material costs during delay may also be part of this consideration, but are not reflected in the figures above.

THE BOSTON GLOBE • BUSINESS

Apartments for homeless to be built in Jamaica Plain after lawsuit over parking settled with Pine Street Inn

Work on the 202-unit building, the largest such facility in Boston, begins soon, but lumber costs have risen sharply during the pandemic.

By Tim Logan • May 10, 2021



3368 Washington Street, Jamaica Plain — Pine Street Inn's 202-unit supportive housing building. (Photo: RODE Architects)

A Path Forward: Five Categories of Reform

Part of a broader push to balance the public need for housing with legitimate local concerns

1  **Reduce How Many Projects Enter Discretionary Review**

2  **Strengthen Guardrails Around Discretionary Review**

3  **Strengthen Administrative Capacity**

4  **Create Faster, More Predictable Paths to Appeal**

5  **Improve Coordination**



Reduce How Many Projects Enter Discretionary Review

1

Liberalize underlying zoning rules

Allow housing as-of-right in more places. Not just more housing types, but the dimensional standards (lot sizes, setbacks, height, density, parking) that make that housing financially feasible to build.

2

Address the ‘threshold’ problem

Make discretionary review proportional to project scale; consider tiers based on project scale.



Strengthen Guardrails Around Discretionary Review

1 Pass statutory guardrails on site plan review / Adopt Mass Wins (Rep. Kassner's Bill)



?

2 Adopt municipal design review criteria, within reason

3 Incorporate community values, beyond preservation, into historic review

4 Lower the approval threshold to a simple majority for approvals

5 Put reasonable constraints on municipal septic, stormwater, and wetlands regulation



Strengthen Administrative Capacity

New deadlines and standards only work if towns have the staff and tools to meet them. Massachusetts' small municipalities are often understaffed.

1

Expand qualified third-party plan review and inspection

2

Cap the number and duration of mid-review applicant-funded peer reviews

3

Create a state-sponsored library of pre-approved building plans for middle housing

4

Create a state-funded permitting capacity grant fund



Create Faster, More Predictable Paths to Appeal

1

For Applicants: Create a New Administrative Appeal Path

2

For Abutters: Further Reform Abutter-Appeal Processes And Adjust Guardrails



Improve Coordination

- 1 Pass the Healey-Driscoll administration's Mass Ready Act (state/local coordination)**
- 2 Improve municipal operation and procedures (local/local coordination)**
- 3 Encourage consolidated, concurrent multi-board and multi-agency review**
- 4 Strengthen and empower a state-level housing mediator or ombudsman**
- 5 Create a statewide housing and permitting performance dashboard**



How reasonable guardrails on discretionary permitting allowed Massachusetts to unlock needed new middle-housing while strengthening our communities.

Jonathan Berk

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