

SHOULD BEDFORD APPROVE A FREEZE ON RESIDENTIAL DEVELOPMENT?

Although Bedford's zoning bylaw contains a provision allowing the town to modulate of the rate of residential development, that provision is moot, for two reasons. First, Bedford is unlikely to ever again reach the minimum level of housing construction that would activate that provision. Second, a landmark 2004 court case—Zuckerman v. Hadley, MA—strongly affirmed that towns could set only temporary moratoria on development, and only when tied to a major and compelling public purpose, such as a crisis in wastewater capacity, widespread problems with the quality or quantity of the water supply, or anything else that might compel special studies or long-range planning efforts. Unless such conditions exist unequivocally in Bedford, a freeze on residential development is highly unlikely.