

Land-Use Planning in the Doldrums: Growth Management in Massachusetts' I-495 Region

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EXECUTIVE SUMMARY

Between 1990 and 2000, communities along Route 495, a beltway about 20 miles west of Boston, grew about twice as fast as the greater Boston region as a whole. How did the communities in this corridor respond to that growth, and what role did planning and planners play in that response?

To answer these questions, during 2005 we interviewed local officials, real estate developers, leaders of local organizations, and leaders of regional planning entities in eight representative communities in the corridor defined by Interstate Highway 495 (I-495), the region's outer belt highway. We then prepared case studies for each community and reviewed them for common themes and key differences.¹ This analysis showed that while all eight communities faced similar pressures and shared similar concerns, they responded to those pressures and concerns in ways that were at times strikingly similar and at other times significantly different. Most notably, we found:

- **Few formal planning procedures:** Master planning turned out to be of limited use and planners were often unlikely to follow “best practices” in the planning field.
- **Planners tended to defer to local officials:** Professional planners working in the eight communities generally took their cues from part-time, often unpaid elected members of local boards of selectmen (or, in one case, a city council) and members of local planning boards, who were appointed in most of the study communities.
- **“Open” Town Meetings can constrain planning:** Changing zoning and other land-use policies, which requires a two-thirds vote by the local elected body (e.g. Town Meeting or the City Council), is particularly difficult in communities that have “open” town meetings because a relatively few, ardent opponents of zoning changes can, and do, turn out to vote against the proposed changes, while a larger number of less avid supporters often do not bother to attend and vote in support of the proposed changes.
- **Ad-hoc groups play an important role:** Local land-use policies are greatly shaped by the involvement of individuals and groups opposed to specific projects. In some communities, long-standing non-governmental groups and long-time activists also play an important role in planning and growth management.
- **Fiscal pressures often drive planning decisions:** Many communities try to limit residential development because they fear new projects will not generate enough tax revenue to pay for schools and other services required by new residents.
- **Communities have turned to tools other than zoning:** To limit development, many communities have purchased developable open space or limited access to the water and wastewater infrastructure needed for new development. Some communities also actively sought commercial development that would provide revenues beyond the cost of the services needed to support that development.
- **“Chapter 40B” is important — and controversial.** The state law, which allows developers of projects in which 20 percent to 25 percent of the units are permanently subsidized to by-pass local zoning restrictions in communities that do not meet state thresholds for affordable housing, has been used in all the study communities. While the law has helped create much needed affordable housing in the region, many local officials and activists feel the law is unfair because it not only makes it impossible to control the size and location of new developments, but also forces towns to pay the full cost of educating the children who live in those developments. In addition, many planners feel that the ability of 40B developers to ignore planning and zoning negates the value of planning.

- **Local culture produces different views and approaches to planning:** Planners in some communities had some ability to suggest new policies for managing development, while their counterparts in nearby communities were actively discouraged from suggesting new ideas.
- **Limited interest in regionalism:** Many local leaders recognize that regional solutions to common needs and problems can make sense, but they say forums and structures to work out such solutions are limited. Similarly, few local leaders seemed convinced of the value of inter-municipal, regional, or state involvement with what they see as their local planning prerogatives.

Considered together, these findings show that local land-use planning in the growing I-495 corridor is far less effective than local planning in many fast-growing regions outside of Massachusetts. Since state laws and regulations greatly shape local planning, we believe that state government should act to improve planning throughout Massachusetts by:

- Requiring localities to prepare easily updateable master plans that are consistent with both state goals and regional plans;
- Requiring that local zoning is consistent with local master plans;
- Using additional state aid or financial incentives to reward inter-municipal cooperation;
- Finding alternative ways to promote affordable housing development.

The rest of this paper explores these findings in greater detail. Section I provides background on growth in the I-495 corridor and the methodology used in the study; Section II describes the study communities; Section III presents findings; Section IV offers recommendations to improve local planning in the I-495 communities (and other Bay State localities as well) and recommendations for future research. Section V offers some concluding thoughts.

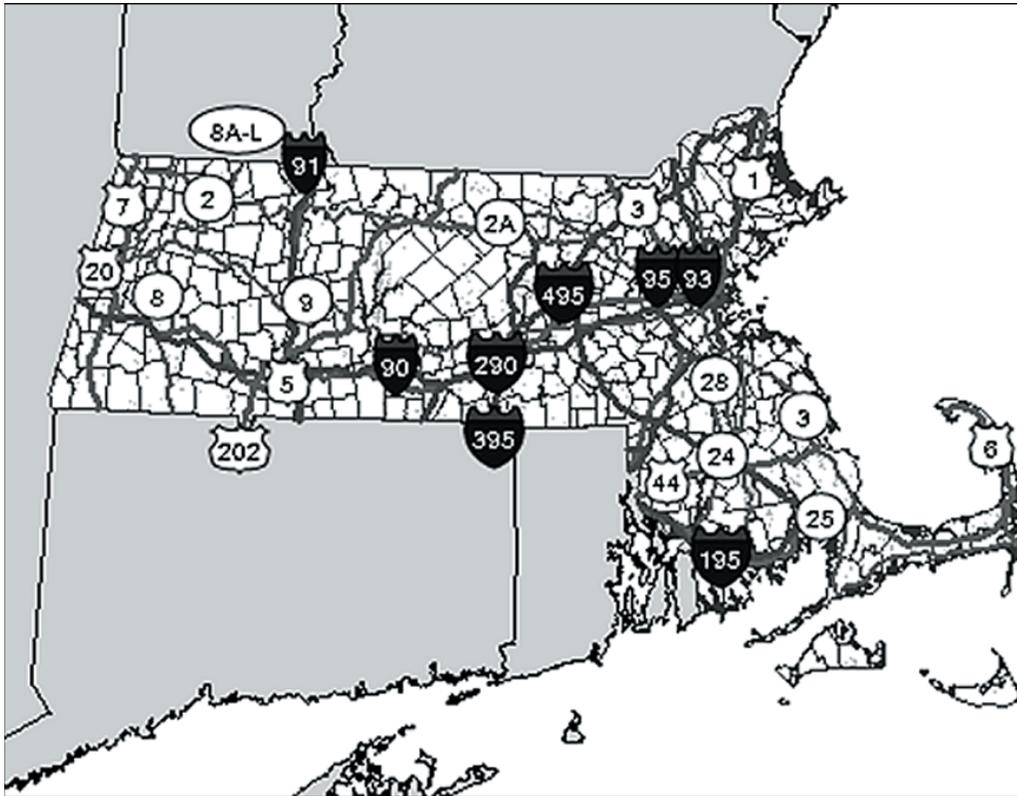
Section I: Context - Growth and Planning in the 495-Corridor

Once an area of isolated small towns and some small cities with significant amounts of manufacturing, the communities in the I-495 corridor have become an integral and important part of the Boston regional economy since 1970, when most of Interstate 495, the outer ring highway in greater Boston, was completed.² (Map 1) Illustratively, from 1990 to 2000, population in the central section of the entire highway, which is often known as the I-495 technology corridor, grew by 13 percent, from about 395,000 to 449,000. In contrast, the population of greater Boston as a whole rose by 4.9 percent while the entire state grew by 5.5 percent.³ (Map 2) Similarly, six of the ten municipalities in greater Boston that added the most housing between 1990 and 2000 were also in the I-495 region.⁴ As a result of such development, between 1971 and 1999, the amount of land devoted to residential uses in the I-495 region increased by an average of 76 percent, compared to 32 percent in greater Boston.⁵

The region has become an employment center as well, particularly for businesses in high technology and biomedical fields. Six of the state's ten largest publicly held firms — including the two largest by market capitalization, Boston Scientific and EMC Corp. — are located west of Route 128, the region's inner belt highway, and the \$13.5 billion total annual payroll of companies and non-profit institutions in the western suburbs near I-495 is second only to the total payrolls for the Boston core.⁶

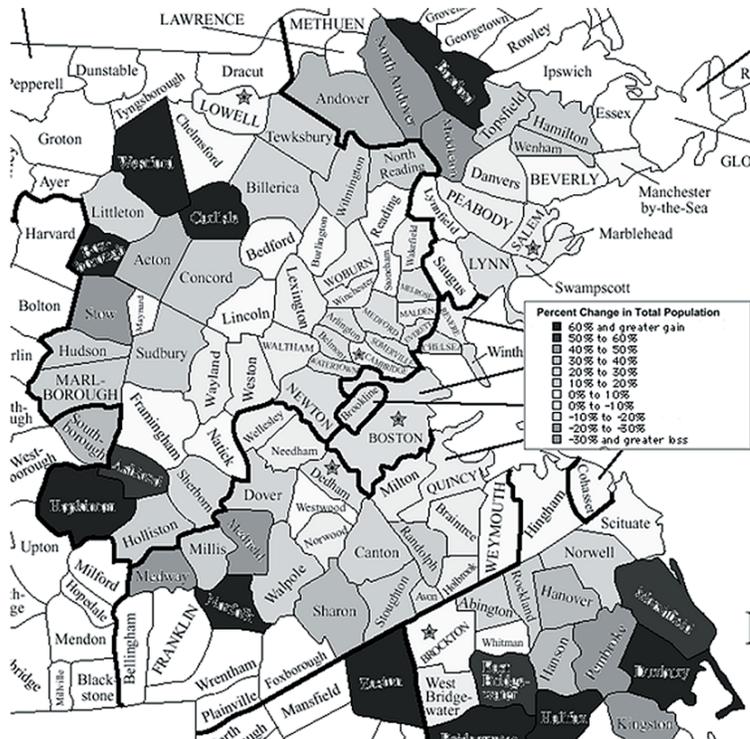
We recognized that three important factors greatly shaped communities' responses to growth: the state's strong tradition of "home rule," severe fiscal pressures at the local level, and the unpredictable pattern and consequences of inevitable growth cycles. The long tradition of home rule—the view that localities have the primary responsibility for funding and operating such public services as schools, public safety, and public works and for regulating land uses

Map 1: State of Massachusetts With Major Highways



Source: <http://maps.massgis.state.ma.us/censustown/pages/main/jsp>.

Map 2: Population Change in Boston Metro Area From 1970 to 1998



Source: <http://ase.tufts.edu/biology/envbio/humans/sprawl/chang/boston/html>. Massachusetts Institute of Sociological and Economic Research. County Map by Massachusetts State Government. Data compilation and map coloration by Alex Chang, Tufts University 2000.

within their borders—shapes the willingness and even the ability of cities and towns to accept and comply with state mandates. It also affects the ability of the state to impose or enforce mandates, especially in the area of planning. The state occasionally does step in, most notably via the Massachusetts Comprehensive Permit Law (more generally known as Chapter 40B), which allows the state to overrule local land-use decisions for projects that include permanently subsidized affordable units. But such interventions are rare, and, as is discussed later, often generate intense hostility.

Even though home rule is important, localities across the state, and certainly along the I-495 corridor, are struggling to pay for local services. Because of growing school populations, escalating demands for other public services, and rising costs for health care and pension obligations, the cost of local government operations has been steadily increasing. At the same time, Proposition 2½, a state law passed by referendum in 1980, limits increases in property tax revenues while state aid, which generally increased in the 1990s, fell sharply in the first half of this decade. As a result, any decisions about land uses inevitably must include calculations on whether new development will help or hurt the finances of local government.

Finally, unpredictable growth cycles have greatly affected communities in the I-495 corridor. Not surprisingly, the growth in population and employment in the area was accompanied by a boom in housing, particularly single-family homes on large lots. In 2005, when we conducted our interviews, this boom was still under way, often generating intense resistance from residents who wanted to maintain their communities' distinctive character. Since then, the housing market has greatly cooled and some development disputes have abated. Still, this analysis offers a snapshot of the kind of push-and-pull between development demands and attempts at local control of planning that are bound to intensify during the next growth cycle.

Section II: Study Communities

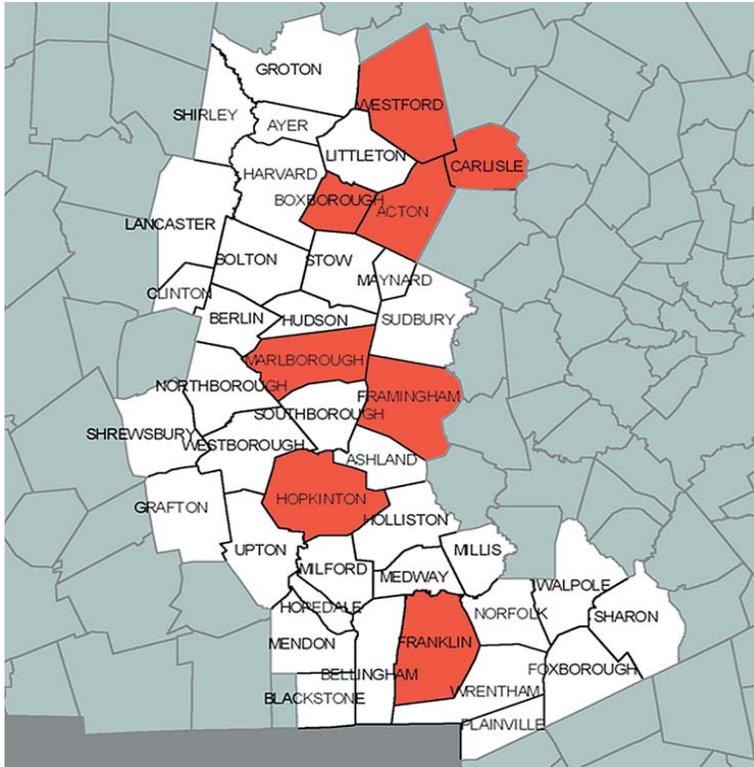
Our field research focused on eight communities in the I-495 technology corridor: Acton, Boxborough, Carlisle, Framingham, Franklin, Hopkinton, Marlborough, and Westford. (Map 3)

Together, these communities are representative of the I-495 region as a whole. All have grown rapidly. (Table 1) They span the overall population range within the region, which runs from a low of 2,396 people in Berlin to a high of 66,910 in Framingham.⁷ (Table 2) The communities also vary in terms of household incomes and housing prices, which generally are higher in the I-495 region than in greater Boston as a whole. (Table 3)

The town of Framingham and the city of Marlborough represent larger, less affluent municipalities that face different challenges from their smaller neighbors. We were particularly interested in Marlborough, which had cut most of its funding for a professional planner, because we wanted to know why one community might have a very different sense of the need for planning from others. One reason for our focus on Framingham was that it has had some particularly intense disputes over land-use policies, fueled by controversies over the siting of social service facilities (many of which address the needs of poorer immigrant populations).

Unlike Framingham and Marlborough, Acton, Boxborough, Carlisle, and Westford are smaller, more affluent towns whose residents seek to maintain what they see as their unique, “small-town” character at a time when their school enrollments have grown dramatically, which has stressed their local budgets. Finally, we chose the towns of Franklin and Hopkinton because while their tax bases have both benefited from an influx of rapidly growing high tech companies, rapid population growth has put particularly intense pressure on schools and local infrastructure.

Map 3: I-495 Towns with Case Study Towns Highlighted



Source: Original Map from Community Preservation Institute Powerpoint. Map was adapted in Photoshop by Karl Munkelwitz.

Table 1: Changing Land Uses in Case Study Communities

Community	Percent Change in Acres of Land Devoted to Residential Uses, 1971-1999	Housing Units in 1970	Housing Units in 2000	Percent Change in Housing Units, 1970-2000
Acton	46%	4,195	7,680	83%
Boxborough	136%	410	1,906	365%
Carlisle	76%	788	1,655	110%
Framingham	13%	19,451	26,734	37%
Franklin	112%	4,509	10,327	129%
Hopkinton	172%	1,836	4,548	148%
Marlborough	67%	8,878	14,903	68%
Westford	129%	2,877	6,941	141%

Source: Data from Metropolitan Area Planning Council compiled by the authors.

Table 2: Population Growth in Case Study Communities, 1970-2000

Community	1970 Population	2000 Population	Percent Change Between 1970-2000
Acton	14,770	20,331	36%
Boxborough	1,451	4,868	235%
Carlisle	2,871	4,717	64%
Framingham	64,048	66,910	4%
Franklin	17,830	29,560	66%
Hopkinton	5,981	13,346	123%
Marlborough	27,936	36,255	30%
Westford	10,368	20,754	100%

Source: U.S. Census.

Table 3: Key Indicators in Case Study Communities

Community	Estimated Population (2004)	Land Area (Square Miles)	Per Capita Income (1999)	Median House Price (2004)	FY08 Operating Budget
Acton	20,660	20.0	41,901	\$532,750	\$68,881,312
Boxborough	5,044	10.4	40,794	\$530,000	\$16,184,013
Carlisle	4,830	15.4	59,559	\$730,000	\$20,847,985
Framingham	65,598	25.1	27,758	\$399,900	\$196,421,166
Franklin	30,192	26.7	27,849	\$361,900	\$93,375,358
Hopkinton	14,031	26.6	41,469	\$497,500	\$51,387,369
Marlborough	37,699	21.1	28,723	\$324,950	\$105,264,905
Westford	21,475	30.6	37,979	\$457,000	\$79,700,392

Sources: U.S. Census, Massachusetts Department of Revenue, Bonnie Heudorfer and Barry Bluestone, "The Greater Boston Housing Report Card 2004."

Governance

Communities in Massachusetts can have different forms of government, which can be significant because changes to zoning must be approved by a two-thirds vote of each community's legislative body (such as a city council or town meeting). In addition, members of key local entities that impact land use policies—such as planning boards, zoning boards, and conservation commissions—are selected in different ways.

To see whether and how these differences affected planning, we made sure the eight communities included several different forms of government. Like most communities in the I-495 technology corridor, the legislative bodies in Acton, Boxborough, Carlisle, Hopkinton, and Westford are "open" town meeting where any registered voter can vote on any matter. Members of the planning board are appointed in Acton but elected in the other four communities. Members of other boards that also influence land-use policies, such as conservation commissions, generally are appointed by the selectmen.

Framingham has a "representative" town meeting whose 216 members are elected from various precincts. Its planning board also is elected; the selectmen appoint members of bodies that influence land uses. Although Franklin is a town, its legislative body is a nine-member town council. Franklin's planning board is also elected; members of other bodies are appointed by the town administrator and ratified by the town council. Finally, Marlborough is a city with an elected mayor and an 11-member city council that must approve changes in zoning. The mayor appoints members of all key boards, including the planning board, which are subject to the city council's approval.

Common Challenges

While they differ in size, income, and governance structure, all eight communities grappled with similar problems. Between 1985 and 2006, school enrollments increased sharply in six of the eight study communities (while increasing modestly in Marlborough and declining slightly in Framingham). Because education represents half to two-thirds of all local government expenditures in the eight communities, this growth forced all but Westford to devote a larger share of their budgets to education.⁸ (Table 4)

Besides new schools, all the communities had to finance and build public safety facilities, libraries, roads, and, in some cases, water and sewage treatment facilities. In 1988, for example, Hopkinton had no sewer connections. By 1998, it had constructed several phases

Table 4: School Enrollment, Taxes, and Share of Spending on Education, 1980s and 2000s

Community	Percent Change in School Enrollment (1985-2006)	Percent Change in Single Family Tax Bill (1988-2005, Adjusted for Inflation)	Percent of General Fund Spent on Education 2004	Percentage Point Change in Share of General Fund Spent on Education (1988-2004)
Acton	49%	59%	68%	6.8%
Boxborough	108%	102%	61%	4.5%
Carlisle	78%	73%	63%	9.5%
Framingham	-2%	42%	61%	8.6%
Franklin	88%	35%	49%	3.4%
Hopkinton	144%	123%	58%	4.4%
Marlborough	4%	N/A	57%	11.6%
Westford	81%	113%	50%	-7.4%

Notes: Acton and Boxborough have a regional high school so the data for these communities only reflects K-6. The data for Carlisle is for K-8 since Carlisle shares the Concord-Carlisle Regional High School.

Sources: Massachusetts Department of Education and Massachusetts Department of Revenue

of its sewer system and was providing service to 1,178 homes. Likewise, the number of customers supplied with town water increased by 71 percent to 1,600 customers from 1974 to 1998. The town expanded its fire station in 1997 and, since the mid-1990s, built a new elementary school, a new high school on Hayden Rowe Street, made improvements to the middle school, and committed funds to design a new elementary school. As a result, between 1995 and 2004, debt service as a percentage of the town's operating budget rose from 8 percent to more than 14 percent, fixed cost expenditures increased by 155 percent, and the town's total operating budget increased by 180.7 percent. In contrast, aggregate spending on local government services statewide rose by only 60.3 percent.⁹ Because Hopkinton's population grew dramatically, its increase was more extreme, but all eight case-study communities experienced high costs associated with population growth.

Because increases in state aid have not kept pace with increasing costs, all the communities have increasingly relied on property taxes to fund local services. When adjusted for inflation, between 1988 and 2005, property taxes paid by local residents in the case-study communities increased by between 35 percent and 123 percent.¹⁰

Responses to Growth

The communities responded to the cost impacts of rapid development in several different ways. Some have tried to limit development - and the need to finance new infrastructure and services - by buying and restricting undeveloped land to conservation use. Other communities changed their zoning by-laws to increase minimum lot sizes and limit the number of new housing units that could be constructed, thereby reducing the influx of additional school children.

Another strategy has been to encourage industrial or commercial development in order to shift some of the burden of municipal finance away from the individual taxpayer. In Boxborough, for example, local officials watched their commercial tax base decline, even as demand for services kept increasing. While most town officials had never put together any large-scale development deal, they recognized the need to be innovative in order to attract business to the town. They ultimately secured Town Meeting approval of an agreement to bring in Cisco Systems, a leading supplier of networking equipment and management for the Internet. Cisco agreed to build a new facility in Boxborough while the town provided infrastructure for Cisco, funded through a Tax Increment Financing (TIF) district, a tool that

uses increased property taxes from a new development to pay off bonds issued to provide needed infrastructure. Because of Cisco, Boxborough successfully reduced the residential tax rate from \$18.50 to \$15.50 and the tax burden shifted from 81.8 percent on open space and residential in 1983 to 76.4 percent in 2005, which made it one of three communities in this study that reduced the share of property taxes derived from that category.¹¹ (Table 5)

Table 5: Share of Total Assessed Property Values That is Residential or Open Space, 1983 and 2005

Community	Share in 1983	Share in 2005	Change (in Percentage Points)
Acton	79.7%	87.6%	9.95%
Boxborough	81.8%	76.4%	-6.61%
Carlisle	96.9%	98.5%	1.63%
Framingham	71.0%	77.4%	10.10%
Franklin	80.7%	78.7%	-2.40%
Hopkinton	76.1%	84.5%	11.10%
Marlborough	69.1%	71.8%	3.95%
Westford	88.1%	86.0%	-2.43%

Source: Massachusetts Department of Revenue

Section III: Findings

We expected to find – and did find – common trends in planning practices among the different communities in the I-495 region. But we were surprised by the enormous variation in how each municipality handles land-use planning and growth management. While this is evidence of the lack of a strong, common planning framework in Massachusetts, another striking commonality was the shifting role of planning and planners among the municipalities we studied.

Though much of the literature on municipal planning focuses on the role of professional planners, the Massachusetts reality is that volunteer boards, elected and appointed officials, ad hoc community groups, and state and regional planning agencies have as much, if not more, impact on the patterns of development than professional planning. Our discussions with stakeholder groups identified these generally accepted propositions about land-use planning in the I-495 region:

1. The ability of professional planners at the local level to “plan” depends on the support they receive from volunteer boards, ad hoc citizens’ groups, and the community-at-large. Volunteers and non-governmental groups play a critical role in growth management and planning at the local level.

When asked who is in charge of planning, one official said, “The citizens are.”

Volunteers appointed or elected to planning boards, zoning boards of appeal, conservation commissions, finance committees, and economic development commissions shape the local planning context. Boards of selectman or city councils set the tone, while volunteer boards and committees help define what planning will and will not be done at any given time.

Some municipalities lack updated master plans that can serve as a guideline for future community planning. Zoning maps that sometimes pass for plans are often a patchwork of amendments and modifications, offering little coherent commitment to an explicit land-use pattern or rate of development. Without a master planning process to outline the planning goals of a community, land-use decisions are made by political leaders, often driven by what is politically expedient, rather than by the community’s long-term planning goals. Since

many local officials' first priority is to balance their annual budgets, their land-use priorities often differ from those of a municipal planner.

Planning boards, which are elected in six of the eight study communities, are responsible for proposing changes to zoning by-laws for approval by their community's legislative body. However, while planning boards technically have similar authority in all study communities, we found that they vary substantially in their composition and in how they interpret their role. Some see their task as serving as "aesthetic police," while others are more passive about the shape and quality of new developments. The difference in planning outcomes in different communities also appears to be a function of the personalities and technical capacity of the individuals who serve on planning boards. In some municipalities, some people become planning board members in an effort to stop a particular project. Other planning board members have no personal agenda, seeing their role as giving back to the community. Yet we also found that some of the Planning Board members, who originally became involved with planning because of a personal concern, had moved away from a Not-In-My-Backyard (NIMBY) focus after spending time on the Planning Board and learning more about the legal and fiscal constraints on planning.

Even when boards of selectman, planning boards, and professional planners agree, any changes to zoning must be approved by the local legislative body. As a result, professional planners – whether consultants to the town or full-time employees – found that they had to "sell" specific zoning proposals to largely uninformed members of the public, particularly in the five communities with open town meetings. Even with such an effort, a local planner might work for many months on a plan, only to see it shot down in minutes because a small number of outspoken opponents swayed the crowd at Town Meeting.

Planning board members also become frustrated with how difficult it is to get zoning amendments passed at Town Meeting, where they often find themselves at odds with other elected town boards or with residents who have banded together to fight specific projects. As a result, ideas that may be considered good planning practice are often not adopted by Town Meeting, or planning board members are often unwilling to "go back to Town Meeting" when an effort to change zoning fails. Planners faced similar problems in Framingham, where it can take years for zoning amendments to get through representative town meeting.

Once a project or zoning change is rejected, planning officials are often unwilling to revisit it. Similarly, committee members typically get "cold feet" about trying to reintroduce a zoning amendment that does not pass. As one official put it, "No one wants to stick out their neck again because so much went into the earlier efforts to change the zoning." Another official said efforts to pass zoning changes can become a "hotly contested political battle that sometimes turns personal." He said people are still mad at him because of his previous attempts to change zoning. This personal nature of planning decisions was a common theme mentioned by both municipal planners and volunteer board members.

Planning officials recognize the need to build a winning coalition in order to get changes passed at Town Meeting and spend much of their energy trying to assuage and address opponents' concerns. One official said the problem with getting zoning changes approved is that the subject is too complicated – "too clinical" – making it difficult for many citizens to understand the key issues at stake. Often, the people who are willing to come to the meetings are "die-hards" and "special-interest" people who will be directly impacted by a zoning change; those who have the most at stake and are therefore willing to spend the time to learn about the impacts of a zoning change. Planning officials lament that it is much harder to get other people to attend. According to another official, getting zoning changes approved require: "a lot of selling and public education, because if you don't do enough communication about it, it won't get done."

2. Different municipalities have different approaches to growth management, reflecting the views of local officials, community values, and the goals set by Town Meeting, city council, or the board of selectman. Because many people involved in planning decisions are not necessarily aware of “best” planning practices, local planning strategies are often reinvented in each municipality.

The extent to which local political situations drive planning decisions, even when professional planners disagree with them, is striking.

Local elected and appointed officials’ views of planning determine the latitude given to municipal planners. In some communities, officials recognize the value of planning, while others believe that the market (i.e., real estate developers) should drive outcomes. In some municipalities, officials are decidedly pro-growth, while in others, they do everything they can to prevent growth. In either case, officials who feel that planning interferes with their agenda can ignore recommendations made by professional planners.

Because they are elected, boards of selectmen, planning boards, and city councils are considered to be more legitimate decision-makers when it comes to planning, and their views determine the ability of the planner to shape the agenda. In places such as Marlborough, which one official said has an “on-again, off-again relationship with planning,” planning is viewed as important during economic booms, when development pressures threaten to overwhelm the management and financial capacities of the city. But when the economy wanes, so, too, does the commitment to planning. In the recent economic downturn, Marlborough redirected funds from its city planner to an economic development specialist, meaning that the person who formerly devoted five days a week to planning was reduced to one day each week on planning and four days on community development. On the other hand, officials in some localities such as Boxborough and Acton recognized the need for more and better planning and spent money to increase the technical capacity of their municipal planning offices (e.g., creating municipal Geographic Information Systems).

3. How professional planners view their role, along with the political context in which they operate, defines the tasks they are willing to take on and their likely impacts.

Because of the large degree to which the political process constrains planning, many of the municipal planners we interviewed felt they had very little autonomy or the authority or legitimacy required to propose specific plans or changes in plans. Moreover, because their offices are short-staffed, they spend most of their time trying to balance the demands placed on them by planning boards, developers with permitting applications, citizens, and state reporting requirements. They usually see themselves as “staff” to either the planning board or to other elected officials and are often cautious about being “too proactive” because, in many communities, elected status, not professional planning expertise, is the source of legitimacy. This is reinforced by community groups that tend to react equally negatively to plans made by either unelected planning staff or self-interested developers. Because planners see their role as highly constrained, they tend to spend most of their time helping individual developers navigate the permitting process. As a result, local planning in these communities tends to be reactive instead of proactive.

In other municipalities, such as Acton and Hopkinton, however, professional planners have the power to help initiate and direct planning efforts. They may point out a need (for a new master plan, for example), manage the process of plan preparation (ensuring widespread public buy-in by offering extensive opportunities for public participation), or lobby within the political system to ensure that new policies and plans are implemented. While these planners

also recognize their limited authority, they feel that they can capitalize on their expertise to help frame the discussion about land use. As one planner acknowledged, “Planners are essentially powerless, but if you are creative enough, you can be powerful.”

Many of the planners we interviewed felt they could help residents understand where different development options might lead and identify opportunities to talk about community vision. One of the most useful tools planners identified was a visual preference exercise that allowed them to show residents how different types of development might look, enabling citizens to better understand the outcome of land-use decisions and thus express their own views more effectively. This tactic helped persuade Acton’s Town Meeting to pass zoning that outlaws “big box” development (with a retail store limit of 60,000 square feet) that conflicts with what many call “town character.”

Local municipal planners with a proactive approach saw their job not as forcing people to accept one particular vision of the future, but as helping to facilitate a community-wide visioning process. These planners felt they could help frame discussion in a useful way, but that citizen advocacy was necessary to make changes to local planning. At the same time, citizen advocates sometimes work against the broader vision that has emerged. In other words, local planners find that citizen involvement can be the key to innovative planning – or an obstacle to it.

Planners taking what they see as a long-term view describe being frustrated by what they view as the short-term vision of many local elected officials, who feel they must act cautiously, especially around election time. Professional planners’ ability to drive growth management is limited by the need to balance the competing demands of the town manager or mayor, various boards, selectmen or city councilors, real estate developers, non-governmental groups, and citizens. Such a multi-stakeholder environment, with high levels of uncertainty, tends to make “people vote NO if they have any doubts about a project,” according to planners.

Planning efforts are complicated in Massachusetts due to Proposition 2½, which imposes two limits on localities’ ability to raise money from property taxes. Approved by Massachusetts’s voters in a 1980 referendum, the law establishes an overall limit on the amount of money the community can raise from property taxes and on how much total revenues can increase each year.¹² These limitations, which can be overridden by local voters, place fiscal constraints on municipalities, particularly when localities have the primary responsibility for funding and supplying many basic services.

Under Proposition 2½, new development is not subject to the 2.5 percent limit on overall revenues when it is first added to the tax rolls (though it is included in the total value of all taxable property thereafter). According to one planner we interviewed, this provision has made Proposition 2½ “the biggest pro-growth policy because it has made communities that might have said ‘no,’ say ‘yes’ to development.”¹³

However, as noted earlier, except for the most expensive houses, new residential units for families are likely to demand more in services than they are likely to generate in property taxes. As a result, such projects tend to be unpopular and are often rejected by planning boards or, if they need zoning changes, by legislative bodies. In addition, fear of new residential development has also caused some municipalities to buy undeveloped land and preserve it as open space.

4. Because of restrictions on raising revenue, localities are struggling to maintain strong tax bases in the face of reduced state funding, rising health care and other costs, population growth, and an increase in the number of school-aged children.

In all the localities we examined, planning officials acknowledged pressure to reduce the number of new children coming into the community because locally generated revenues fund at least half the cost of educating each student. Some communities have adopted planning regulations to reduce residential development, which is viewed as “not paying its way.” In Franklin, for example, a 1999 Growth Rate Management By-law limited building to 100 units per year (except for senior or affordable units). And some communities are pushing to encourage more commercial and industrial development to increase total property tax revenue. However, officials are beginning to wonder about the long-term viability of such a strategy, particularly since as of late 2006, office vacancy rates in the Boston suburbs were about 20 percent and higher in most of the I-495 region — 27 percent in I-495 North, 24.1 percent in I-495 West, and 16.8 percent in I-495 South.¹⁴

To address fiscal constraints, several communities, for example, have asked local voters to approve property tax increases beyond what is allowed by Proposition 2½. The measures have had a mixed record of success. Voters in Franklin, for example, turned down five different override proposals before voting to approve a \$2.7 million override in May 2007. Had the measure not passed, town officials planned to lay off 55 teachers and eight library employees and to greatly scale back library hours. Even with the measure, the town still planned to lay off 15 teachers.¹⁵ In Spring of 2007, overrides also passed in Boxborough and Carlisle, which were the only other communities in our study that sought overrides in 2007. In general, however, overrides in the state faced tough going, passing in less than half the 43 communities that voted on such measures between January and May 2007, a slightly worse record than in 2006, when voters approved about half the 100 overrides on local ballots.¹⁶

5. Few incentives exist for regional cooperation.

While regional cooperation can be a means to combine resources and share planning tools, local elected officials usually see little reason to work at the inter-municipal or regional level. They see themselves as elected by and responsible to local constituents, who want them to keep their tax burden low, provide desired services, and to respond to local concerns. Given the short time frame of the local election cycle, it is no surprise that longer-term regional planning is not a high priority for most local politicians, who focus on their own immediate jurisdiction.

While municipal officials focus primarily on their own communities, they do take note of what happens beyond their borders. Municipal officials respond vigorously to large developments in other towns that might negatively impact their locality, for instance by increasing traffic. Lawsuits between municipalities commonly occur when project impacts spill across borders. Communities often compete with one another to offer better tax abatement packages to lure businesses. One town official who “won” a large commercial development admitted to not wanting to share any of the property tax revenue associated with the new development with neighboring towns.

Towns have sued each other for a share of tax revenue from development projects, especially when development has negative externalities. In 2004, Framingham sued Natick, arguing that Natick had not consulted with Framingham over plans to expand the Natick Mall. This was despite an earlier agreement that the two towns would consult with each other over developments in the area where the mall is located, which is known as the Golden

Triangle. While Natick would receive \$1.7 million a year in additional tax revenue from the mall expansion, Framingham officials worried that they would be stuck with added traffic, an estimated 9,000 additional trips.¹⁷ The Town of Framingham sued the mall developer, General Growth Properties, to pay for traffic improvements. General Growth agreed to pay Framingham \$1 million to withdraw its lawsuit against the expansion.¹⁸ In another case of inter-municipal tension, in May 2003, the town of Wayland filed suit challenging the Framingham Planning Board's decision to issue a special permit approving National Development's plans for a 665-unit residential project on the Framingham/Wayland line. In January 2005, Wayland and the abutters dropped the suit after National Development scaled back the project to 525 units and agreed to pay Wayland up to \$1.45 million to make traffic-related improvements and provide protections for conservation land and underground water.¹⁹

6. Despite limited inter-local cooperation, local leaders acknowledge the need for more regional solutions, especially on infrastructure.

Rapid population growth has meant that many communities are struggling with common problems, highlighting the need for more regional cooperation. With tax revenue-raising abilities strictly limited by Proposition 2½, it has been increasingly difficult for localities to pay for schools, employee health care, snow removal, police and fire protection, road repair, and other infrastructure improvements.

Among the most pressing inter-municipal issues in the I-495 region are sewage treatment, drinking water supplies, and transportation. Towns in the region have seen little progress in resolving these vital issues. Since most I-495 communities are not connected to the Massachusetts Water Resources Authority (MWRA), which provides drinking water and wastewater treatment for most of greater Boston, they cannot accommodate significant new development without concurrent investments in water and sewage infrastructure.²⁰ Serious concerns about protecting aquifers and drinking water supplies in the region led all the study communities but Marlborough to adopt laws governing development near wetlands that are stricter than state standards.²¹

Traffic caused by new development is another critical regional concern. Residents must often drive through at least one other town to get to a major highway. Many of the key highway interchanges are already close to capacity, even though maximum development levels have not been reached.²² This major concern will require municipal cooperation.

Although municipal officials recognize that some kind of regional planning makes sense, stakeholders involved in local planning doubt that inter-municipal cooperation will ever be achieved, and point out that it is difficult enough to get the people in their community to listen to the need for more local planning. When asked what happened on the other side of the town's boundaries, one planning official told us that it was not his concern. In contrast, another planner was interested in regional collaboration because "We can't sustain this model. Each community cannot afford to have its own police chief and town administrator. Towns have to get over the mentality that they have to have their OWN everything."

Some communities have already begun to think about pooling their efforts, rather than going it alone to provide services. Though not yet finalized, some municipalities are working together to cost-share certain services, such as regional dispatch systems for police and fire departments. However, such discussions are often uphill battles, since consolidating services can threaten the livelihoods of people who currently hold those positions in each town.

In our case studies, we found more support for tangible inter-local projects than for the general notion of being "regional for regional's sake." Cooperation between Ashland, Framingham, and Holliston – which in 2007 together established the MetroWest Regional Transit Authority to address common transportation issues – demonstrates a growing

recognition that specific, shared problems need regional solutions. But while local officials are interested in projects that will help them in the day-to-day management of their communities, they are often skeptical about the role that can be played by the region's official planning entity, the Metropolitan Area Planning Council (MAPC). Though it has begun a number of initiatives on regional cost-saving measures, local planning officials in the I-495 region often perceive MAPC, whose purview extends to 101 cities and towns in greater Boston, as being primarily interested in larger cities and in communities closer to Boston.

The more regionalism was specifically defined as the I-495 region, the more favorably local officials spoke about it. Cities and towns in the region have been working with MAPC, the MetroWest Growth Management Committee (the sub-regional branch of MAPC), and groups such as the 495/MetroWest Corridor Partnership, a consortium of local officials and corporations on I-495 regional issues, such as housing affordability, transportation, and water and sewer capacity. Several planners said the MetroWest Growth Management Committee, which brings together local planners on a monthly basis to discuss projects of regional significance, has recently become a stronger force.

However, despite some successful regional efforts, local interests clearly remain first priority. As one local planner said, "People are interested in inter-municipal coordination until their ox gets gored." Like local elected officials, planners ultimately are accountable to their own communities, not the region. Inter-municipal cooperation especially tends to fall apart if it threatens the ability of towns to attract new growth. Since "new growth" is one way to avoid Proposition 2½ limits, communities are often pitted against each other when it comes to attracting new commercial and industrial development.

Though a regional approach to growth management is still in its infancy, some towns in the I-495 region successfully share resources. Concord-Carlisle Regional High School and Acton-Boxborough Regional High School both serve high school students in their respective towns. Non-governmental organizations can also help bridge jurisdictional boundaries. The Carlisle Conservation Foundation is part of the Massachusetts Land Trust Coalition, an organization that works with state and local governments on land preservation. Private citizens in Concord, Acton, Chelmsford, and Carlisle who are members of the Carlisle Conservation Foundation, have worked together to implement a rail trail along the old New Haven Railroad Framingham & Lowell line. Similarly, for over 40 years, the towns of Concord and Carlisle have worked with the state, the federal government, individuals, and foundations to preserve about 400 acres in the Estabrook Woods, an area of woodlands, hills, and swamp that spans the two towns.²³ And leaders in Franklin and surrounding communities convened a regional committee to address concerns about affordable housing and open space. As a result, Franklin, Bellingham, and Blackstone revised their by-laws to create a 501(c)3 organization to generate affordable housing and promote area-wide preservation of open space.²⁴

7. Growth controls and open space protection policies are piecemeal.

Rather than formal planning limits, some municipalities have used two other means to control growth: limits on infrastructure investments and protection of open space.

Infrastructure limits

Limiting access to public water supplies or making development contingent on sewage, road, or other municipal service capacity can block or slow new growth. Municipalities decide how much they can afford to spend on infrastructure expansion, where expansion should take place, and what premium developers should pay if no excess capacity is available or planned. While it may not be easy to generate agreement on these items, infrastructure investment appears to be an effective way to control the rate of new development in the I-495 region. On the down side, this form of growth control often limits development to large lots, contributing

to the region's housing affordability crisis and the rapid conversion of open space to residential development.

Environmental Regulation

Localities may limit new development by imposing stricter-than-state standards on development near wetlands or on new septic systems and, in doing so, empower a different set of actors. For example, the Hopkinton Conservation Commission, comprised of seven volunteer members appointed by the Board of Selectman and several support staff, is the primary organization protecting the town's natural resources. It coordinates planning with other town boards and officials and reviews permit applications for projects with natural resource impacts. In 1995, partly due to the commission's efforts, Hopkinton passed a Wetlands Protection By-law that requires buffers between wetlands and all development that are larger than those required under state law. As a result, the town has seen a substantial decrease in the number of proposals from developers seeking to fill wetlands.²⁵

Hopkinton's experience appears to be quite common. Amy Dain and Jenny Schuetz, for example, found that as of 2004, 131 of the 187 communities in greater Boston had at least one local wetlands regulation that was more stringent than the state's regulations and that 109 of the 134 communities that relied at least partially on septic systems had adopted stricter-than-state standards for those systems. Using that data, Edward Glaeser, Jenny Schuetz, and Bryce Ward estimated that the imposition of such regulations, which grew dramatically in the last two decades, was associated with a statistically significant decline in local permitting of new housing.²⁶ Such efforts, moreover, often lead to bitter court battles, including a notable case where the U.S. Supreme Court declined to hear a case challenging a decision by Ashland's Conservation Commission.²⁷

Open space protection

Another strategy for growth management is the purchase of open space, which removes land from the possibility of development. In some cases, state subsidies have helped localities protect open space.

In the 1990s, the Town of Boxborough used revenue from taxes and bonds to buy various properties for open space. Currently, the town owns 22 percent of all land in the community.²⁸ In addition, the Boxborough Conservation Trust, a non-profit land trust, has been working to preserve additional open space through conservation easements, land donations, and sale of land to the trust. Hopkinton, where 24 percent of the land is open space, has followed a similar approach.²⁹

In some communities, the state's Community Preservation Act (M.G.L. Ch. 44B), which passed in 2000, has been an important source of funding for these efforts. Under the law, local voters can approve a surcharge on property taxes, to be matched by state funds raised from fees on most filings at county registries of deeds. The money can be used only for historic preservation, open space, affordable housing, and recreation—with the first three uses each receiving at least 10 percent of available funds. Since the CPA was created in 2000, 119 communities, including Acton, Carlisle, and Westford, have approved the use of CPA funds, and like most communities that have adopted CPA, appear to have used most of the money to preserve open space.³⁰

With up to 85 percent of its 26 square miles already developed, the Town of Framingham is almost at build-out under its current zoning. As one official said, "When a community almost reaches build-out, citizens and town officials have to start thinking differently about how to use and reuse the land." Most of Framingham's undeveloped land is in its northwest quadrant, which currently lacks water and sewer access. As a matter of public policy, town officials have tried to avoid bringing water and sewer access to such "greenfields" areas. By

not providing infrastructure, Framingham officials recognize that they can make greenfield development less attractive in order to protect open space. Framingham also has some significant protected open space, notably a section of Callahan State Forest, which is located in portions of Marlborough, Framingham, Sudbury, and Southborough. A few million-dollar houses have come into the area near the forest, but a number of community groups are actively trying to prevent or greatly limit future development in the area.

Cluster zoning as a control tool

Several of the study communities have used cluster zoning to preserve open space. Such policies generally give developers a density bonus if they “cluster” housing on part of a site and permanently preserve the rest as publicly accessible open space.

In 2000, for example, Hopkinton passed an Open Space and Landscape Preservation Development Zoning By-law to respond to concerns about open space in residential areas being divided into a large number of small residential lots.³¹ The by-law, based on a model developed by the University of Massachusetts, allows for cluster development to encourage developers to adopt designs that do not involve grid subdivisions. These cluster developments, which can preserve half or more of a parcel as open space, have helped preserve about 800 acres of open space in the town.³² Officials in Framingham, which has used a similar law, say it is attractive because it enables the town to preserve open space without having to pay for it.

However, the increased density that accompanies cluster zoning can be controversial. In the 1990s, the Boxborough Planning Board tried to convince the Town Meeting that cluster zoning should be adopted as a way to preserve open space. Despite support from the town’s Planning Board, Town Meeting has repeatedly rejected the idea of clustered residential development, fearing that it would increase overall density and allow building on lots that are not currently developable.

8. Master plans are of limited use to towns in the I-495 region.

Many planning professionals assume that master plans are valuable because they increase public participation in planning and force communities to “brainstorm” about how they want development to proceed.

In Franklin, development difficulties and an increasing awareness of the substantial costs associated with residential housing contributed to the town’s decision to update its master plan in 1997. The effort was developed by the volunteer Citizens Action Planning Committee and included community vision and growth management components. The plan’s transportation improvement program made the town eligible for state funding for road and other transportation projects. The plan also called for strengthening Franklin’s Planning Department and Department of Public Works, as well as for improved efforts to evaluate all development proposals.³³

While creating a master plan can be an important forum to discuss community goals, our interviewees told us that master plans tend to be purposefully vague and incorporate as many views as possible. As a result, municipal officials concede, master plans often contain contradictions. “That is the nature of the beast,” one official said. Because of differing opinions, policy statements in the master plan must be “warm and fuzzy,” offering something everyone can agree on. But this vagueness can be used to make arguments for and against the same project. An example is the recent controversy over building a Home Depot in Acton. Because the town’s master plan calls for a 20 percent commercial contribution to the tax base, supporters used it to justify the project. But opponents quoted the master plan opposition to “big box retail.”

Moreover, unlike some other states, Massachusetts does not require local zoning to be consistent with localities' updated master plans.³⁴ As a result, many communities never implement key recommendations in those plans. Illustratively, the biggest challenge identified in Acton's 1990 Master Plan, which was updated in 1998, was the need to promote "smart growth" by steering future commercial development into village centers. Because this approach required changing some of the town's zoning code, it had to be approved by a two-thirds vote of Acton's open Town Meeting. The town's Planning Board did propose changing the zoning to allow more commercial development in a part of town where the Master Plan called for creating a village center. However, because some people living near the proposed village center strongly opposed the proposal and turned out to oppose it at Town Meeting, the proposed zoning change has twice failed to get the required two-thirds vote.

Finally, since localities are not obligated to have master plans approved by Town Meeting, the only body with the power to make zoning changes in Massachusetts's towns, citizens may be totally unfamiliar with the directions set by the master plan. Many of the planners with whom we spoke said master plans are much too complicated to present to Town Meeting. Gaining approval of what can be a complex technical document with hundreds of pages of maps and sophisticated analysis in an hour or two at Town Meeting can be an impractical and even painful process, they said. "It is hard enough to get a simple zoning change," said one planning official, "The idea of having an entire master plan approved by the Town Meeting sounds like a nightmare."

9. Chapter 40B development regulations are a flashpoint in many communities.

The Massachusetts Comprehensive Permit Law (Chapter 40B, §§ 20-23 of the General Laws, enacted as Chapter 774 of the Acts of 1969, but better known as Chapter 40B) allows the state to overrule local land use regulations for projects where 20 to 25 percent of units in a proposed development are permanently subsidized if less than 10 percent of the communities' housing stock is in projects with permanently subsidized units.³⁵ Specifically, the law allows developers of eligible projects to seek a comprehensive permit from the local Zoning Board of Appeals rather than multiple permits often needed for major new projects. Developers can appeal both a zoning board's denial of a comprehensive permit or the conditions the board puts on an approved permit, and both such appeals generally succeed.

Chapter 40B has played an important role in encouraging affordable housing construction in communities that have traditionally resisted it. According to the Citizens' Housing and Planning Association (CHAPA), approximately 35,000 housing units (22,000 of which are designated for families making less than 80 percent of median area income) have been created across Massachusetts under Chapter 40B since 1970.³⁶ Moreover, since 2000, according to Bonnie Heudorfer, one of the state's leading experts on 40B, the "total production under Chapter 40B has nearly matched that of the previous 30 years." In the three decades from 1969-1999, 499 projects were approved under Chapter 40B. Since 2000 alone, 488 projects have been approved under Chapter 40B in 156 communities.³⁷

At the same time that Chapter 40B has contributed to the development of affordable housing, it has also frustrated local officials. The law often leads to projects that are much denser than what communities would otherwise allow and are sometimes located in areas that communities have not zoned for residential uses. As a result, some planners and officials feel that Chapter 40B has thwarted local efforts to plan for growth.

Five of the eight study communities—Acton, Boxborough, Carlisle, Hopkinton, and Westford—fall well below the 10 percent threshold, while Framingham, Franklin, and

Marlborough exceed it.³⁸ Local officials we interviewed sometimes feel threatened by Chapter 40B projects, since developers whose requests for zoning changes have been turned down can circumvent local planning decisions by using Chapter 40B to apply for a permit from the Zoning Board of Appeals. Many planning officials feel that Chapter 40B violates the long tradition of local home rule, since the state gives developers permission to ignore municipal zoning regulations. Many municipalities that already face fiscal crises do not want additional housing developments because of the school-aged children they bring.

In some cities and towns, residents and officials have worked hard to generate master plans, only to have their vision for growth overridden by a 40B development. While many planners sympathize with the need for more affordable housing, they would like to see this goal accomplished within the context of on-going local planning efforts.

Moreover, because Chapter 40B allows developers to build housing in areas zoned for commercial or industrial development, it can negatively impact local finances in two ways. First, commercial or industrial developments are often appealing to communities because they generally generate more in property taxes than they demand in services. Second, except for luxury housing, most housing developments with units large enough for families generally require more in services (particularly schools) than they will generate in property taxes. Therefore, using Chapter 40B to build housing in an area zoned for commercial or industrial development not only loses the potential revenue from property taxes that would come from commercial/industrial development, but it also adds the burden of costly services associated with more residents.

Boxborough is an example of this phenomenon. The town, which only covers 10-square miles of land, has long sought to strengthen its tax base by allowing commercial development on land near I-495. In keeping with this approach, in 2002, after extensive and sometimes contentious hearings, the town's zoning board approved the Gutierrez Co.'s plan to build a 245,000-square-foot office complex on part of a 56 acre-parcel near I-495. Under the approved plan, the company agreed to preserve about 60 percent of the lot as open space and to fund improvements to some local roads that served the project. However, because of high vacancy rates, the company did not move forward with its plan. In early 2007 it scrapped the office plan and sought town approval for a 244-unit, 40B project on the site. The new plan, which as of this writing was still being reviewed by the town, had less open space and no funding for traffic improvements.³⁹

Many officials also believe that developers increasingly are using Chapter 40B comprehensive permits to develop parcels that local governments have determined are unsuitable for new construction. For example, a housing plan developed for Hopkinton in 2004 warns: "Since most of Hopkinton's readily developable land has been subdivided, what remains is often marginal: influenced by wetlands, very steep slopes, and access problems. Sites with relatively few constraints will continue to attract market housing development because single-family homes remain the most economic use of land in Hopkinton, but as difficult-to-develop property becomes more common, Hopkinton will be ripe for comprehensive permits."⁴⁰

The fact that 40B projects can override local planning also has minimized the perceived effectiveness of planning. Citizens ask, "Why bother to get involved in a time-consuming planning process if a developer can just put in a 40B?" But while the 40B process frustrates some planners, others are using thoughtful design intervention to help turn 40B development into projects that match communities' overall character. A planner's ability to negotiate with a developer about design can be an important source of professional legitimacy for planners. For example, in Marlborough, City Planner Al Lima was credited with improving the aesthetic design of several 40B projects so that they fit better into the community. Similarly, planning officials in Franklin realized that it is possible to work with developers to design

40B projects that can bring local benefits, such as reduced snow-clearing costs and the preservation of the city's rural character.⁴¹

When it comes to accepting 40B projects, communities may have little choice. If a town fails to meet the 10 percent Subsidized Housing Inventory (SHI) mandate, it faces little chance of winning an argument before the state Housing Appeals Committee (HAC), which ruled 84 percent of the time in favor of the developer between 1970 and 2002.⁴² Still, many developers prefer to win municipal approval rather than wait for a case to be heard by HAC. As a result, 40B developers are often willing to make concessions to local concerns. Heudorfer found that more and more developers and communities are working together to negotiate the terms of 40B projects rather than taking them to the HAC.⁴³ This finding is supported by Lynn Fisher, who recently reviewed the fate of more than 300 40B applications filed in greater Boston between 1999 and 2005. She found about 80 percent of 40B applications are approved by local zoning boards of appeal and that over 80 percent of the time developers do not appeal the conditions that zoning boards put on those approvals. (When they do appeal, developers generally win or negotiate more acceptable terms when they appeal zoning board decisions to the HAC.)⁴⁴

The threat of 40B developments and the financial burden (both perceived and real) that they place on the municipalities has resulted in more proactive planning for housing affordability. As a result of such pressures, some citizens and communities that have typically been "anti-affordable housing" are now pushing for more affordable housing of their own design (e.g., encouraging privately financed condominiums for "active" 50-year-olds with no children.)

In Hopkinton, a 2002 by-law approved by Town Meeting allowed for duplex development, provided that one of the units is affordable and can be counted towards Hopkinton's SHI. Hopkinton also created a Community Housing Task Force and a non-profit housing development corporation to help create more affordable units. The town also allows single-family homes to be converted into apartments.⁴⁵

Another local strategy to forestall specific 40B projects is to develop and carry out a state-approved plan to annually increase the local stock of affordable housing by .75 percent of the locality's total housing stock in 2000. If the state approves a locality's plan for increasing the stock and also certifies that the town is following the plan, then the HAC will uphold ZBA decisions as being "consistent with local needs," which means that communities are protected from unwelcome 40B projects.⁴⁶ While plans submitted by Acton, Boxborough, Carlisle, Franklin, Hopkinton, and Westford have been approved by the state, as of this writing only Acton had also been certified as following its plan and, therefore, was not subject to HAC oversight.⁴⁷

Affordable housing trust funds are another mechanism for communities to increase the number of affordable units. After having a number of 40B projects forced on it, officials in Franklin decided the town needed to achieve the 10 percent affordable housing mandate in order to gain a position of strength in dealing with both developers and the state. Franklin created an affordable housing trust fund into which developers can pay instead of building affordable units. One developer paid \$550,000 into the fund instead of meeting a requirement to make two of 36 new developments affordable.⁴⁸ Working with the Town, the Metacomet Land Trust has helped developed housing, which it leases to homeowners at rates that make the housing more affordable. Moreover, to keep the housing affordable, resale prices are not allowed to rise faster than a modest annual amount. Because of such efforts and others like them, Franklin, which until recently was below the state's 10 percent affordable goal, recently exceeded it.

The Marlborough Fairfield Green Project demonstrates how a 40B development also can turn inter-municipal conflict into cooperation. Southborough wanted credit for affordable units in

a 40B development that would be located in Marlborough but required an access road through Southborough. Residents and officials in Southborough were upset that they would get all the traffic impacts from the project, but none of the credit towards the town’s 10 percent affordable housing requirement. The two communities eventually decided to allow an even larger 40B housing project so that Southborough would get credit for 30 of the affordable units.⁴⁹

10. The case-study communities want to maintain their distinctive character.

When citizens and planning officials resist or try to control “big box” commercial projects and large-scale housing developments (particularly multi-family housing) or when they bemoan the loss of agricultural land, forests, and open space, some of their concern is the financial implications of new growth. But anti-growth sentiment is equally well explained by an allegiance to the small town ideals and historical patterns of development that make communities distinctive. It should be noted, however, that “maintaining community character” can be a code that excludes immigrants, people of color, and lower-income residents. (Table 6)

Table 6: New Single- and Multi-family Construction, 1998 - 2002

Community	New Single-family Units	Average Lot Size (Acres)	New Multi-family Units	Average Lot Size (Acres)
Acton	174	0.63	284	0.70
Boxborough	107	1.41	8	0.36
Carlisle	98	2.20	0	N/A
Framingham	267	0.46	30	0.13
Franklin	553	0.92	183	0.08
Hopkinton	585	1.08	4	0.63
Marlborough	274	0.45	477	0.21
Westford	602	0.67	121	1.30

Sources: MIT Center for Real Estate

In Framingham, frustration about the town’s growing number of social service facilities has fueled a land-use controversy over the site of the Wayside Youth and Family Center. Neighbors appealed a decision to allow the Center to turn a former nursing home into a facility for recovering drug addicts. Members of the Suckerpond Neighborhood Association, formed to fight the proposal, have asked, “Who needs this new facility on the limited site squeezed inside the residential zone?”⁵⁰ While the language used by the association against the project is based on neighborhood character and zoning, some interviewees believed that the opposition’s real desire was to keep certain types of people, who are often poorer and non-white, out of the community.

To maintain their community character, some communities have focused on minimizing large commercial development. For example, Westford residents successfully blocked Wal-Mart’s attempt to locate a store in 1994. Organizers gathered 5,000 signatures of protest, numerous local editorials opposed it, and Wal-Mart became a hot topic at Town Meeting. In the face of such opposition, the company withdrew its building application. Shortly thereafter, residents adopted new zoning by-laws to prevent other retailers from pursuing similar projects. One by-law prohibits retail developments of more than 60,000 square feet; another requires 30,000 – 60,000 square foot developments to acquire special permits from the planning board.⁵¹

11. Ad hoc community groups are increasingly involved in planning decisions.

The realization among citizens that land-use decisions, local finances, property values, and community character are all linked has meant an increase in public participation in and education about many land-use and planning decisions. Citizens use the Internet to mobilize against proposed projects. In a number of the municipalities, a core group of concerned citizens keep a watchful eye on planning and land-use decisions. Many leaders of these groups subsequently run for local office or use the power of their votes to influence Town Meeting and elect their preferred candidates.

In Acton, one official said, “Citizens only get involved when there is a problem in their immediate area. When citizens get a letter telling them that trees are going to be torn down in their neighborhoods, they become concerned and start showing up for meetings.” When the U.S. Environmental Protection Agency came to Acton to discuss clean-up of a Superfund site, about 80 people came to a meeting because they felt the EPA was not being aggressive enough. One local official thought that people showed up to this meeting because it was about a particular site that they cared about. If the town had held a general meeting about pollution in Acton, the official believed that less than 10 people would have shown up.

12. State-level decisions are critical to local planning.

State policies on taxation, such as spending and other areas, set the framework within which cities and towns are expected to plan. The state also plays an important role in providing incentives and penalties (although not always successfully) to encourage what has been dubbed “smart growth.” Municipalities that do not have an up-to-date master plan or do not meet other planning requirements are not eligible for certain statewide infrastructure assistance grants, which can sometimes be leveraged to promote local planning.

Some planners argue that the state’s smart growth incentives require them to do a lot of extra work for a negligible pay-off. For example, the state provides \$30,000 in technical assistance to municipalities that prepare a Community Development Plan,⁵² but municipal officials say this is not enough money to produce a full-scale master plan.

Since we conducted our field research, two important development-related measures have become law: Chapter 40R (Smart Growth Zoning and Housing Production), and Chapter 40S (Smart Growth School Cost Reimbursement). The former law, which passed in 2004, provides financial rewards to communities that adopt special zoning districts allowing as-of-right high density residential development. The latter, which passed in 2005, provides that “additional state funding will also be directed to cities and towns that establish a 40R district to cover the costs of educating any school-age children who move into such districts.”⁵³

The requirement that new projects be relatively dense, along with provisions that limit localities’ ability to review plans for projects in the special districts, has led many to oppose the establishment of 40R districts. Moreover, opponents also question whether in the long run the state will honor promises to provide additional school aid to communities with the special districts. Because of these and other concerns, none of the eight study communities are among the 10 communities that as of mid-2007 had adopted such districts, the eight communities that were seeking state approval for proposed districts, or the more than two dozen communities where such districts were being actively discussed.⁵⁴

Section IV: Interpretation and Recommendations

Communities encounter many of the same planning problems across the I-495 region, but they address them at a purely local level. State and regional planning efforts have little influence on municipalities; planning in the I-495 municipalities is instead driven by local decisions, rather than best practices in planning. Though some of the individuals we

interviewed see this as a victory for “home rule,” we argue that municipalities repeatedly miss opportunities to use resources at the state and regional levels to achieve long-lasting, positive outcomes in the face of significant and complex economic and development problems.

The practice of land use planning in the I-495 region lags behind other states where innovative best practices have taken hold. In part, this reflects the lack of planning framework in the Commonwealth of Massachusetts. Across the country, best practices are taking place in communities that, in many cases, have no more resources than those in our case study communities. These best practices focus on: 1) sustainable development, not just environmental protection; 2) ensuring that affordable housing gets built; 3) increasing development density and reinvesting in old downtowns; 4) innovative form-based zoning that improves the quality of what is built, not just its bulk and density; 5) negotiated approaches to development that give incentives to developers of all kinds to build the housing that a community actually wants; 6) regional tax-sharing and other collaborative approaches to manage development that is of regional concern; 7) on-line, updatable growth management plans (rather than static master plans); and 8) web-based (GIS-connected) public involvement tools.

In order to address some of the concerns discussed above, we propose the following policy recommendations:

1. Strengthen the state land-use planning framework to better support local planning.

Other states require local master plans and consistency between master plans and zoning. While many Massachusetts communities have master plans, they are often not implemented because zoning changes necessary to implement the plan are not approved by Town Meeting. Without requirements for consistency between the master plan and local zoning, planners spend a large amount of their time struggling to get Town Meeting to approve zoning regulations that are necessary to implement the Master Plan. The result is that planning tends to occur only at the margins and is reactive rather than proactive.

2. Address the role of municipal finance on planning decisions.

Our findings demonstrate that planners, elected officials, and citizens are all very aware of the tax-generating ability of different types of development. An indication of deep flaws in the state municipal finance system is that families with children are “unwanted” residents in communities because of their tax implications. Another indication that municipal finance is a driving force behind local land-use decision-making is the many legal battles between communities over commercial developments because of the projects’ property tax benefits. Efforts at smart growth need to address these fiscal constraints and resulting land-use decisions. Chapter 40R and 40S are important because they begin to recognize the role of fiscal constraints on planning behavior. However, it is not clear that they provide enough incentives.

3. Explore ways by which the state can use additional state aid or incentive grants to reward inter-municipal cooperation.

Interviewees in all the communities we studied acknowledged that the problems they face are regional in nature. At the same time, planners and citizens felt that only state-level incentives would enable inter-municipal cooperation to happen.

4. Create a stronger framework for regional cooperation through state legislation requiring consistency between local and regional plans.

In other states, metropolitan planning agencies have more clout because they are given certain planning mandates by the state. They also control important financial resources. The

voluntary nature of the Metropolitan Area Planning Council (MAPC) makes it difficult to get commitment from localities to cooperate. If the state granted it more authority (both fiscal and regulatory), MAPC could play a stronger support role to planners and planning in the region.

5. Promote more inter-municipal dialogue about planning best practices.

MAPC's sub-regional councils, such as the MetroWest Growth Management Committee, are important because they create a forum for the discussion of common planning problems and innovative solutions. By coming together to discuss their concerns, planning officials have an important way to share information about best practices. This practice can also help reduce the planning variation in the region. The state can offer incentives for local officials to work together so that they have a reason to come to the regional table.

6. Examine whether mechanisms other than Chapter 40B can be used to promote affordable housing development.

Communities must be accountable for providing affordable housing and building at higher densities. While Chapter 40B has greatly increased the affordable housing supply in the I-495 region, our case studies demonstrate a consistent frustration with the law and its impact on the financial stability of communities and their ability to plan for their futures. The state should design policies that recognize the financial relationship between affordable housing and the provision of local services, particularly education. Chapters 40R and 40S are a step in the right direction.

7. Work with design and land use professionals to develop prototypes of form-based zoning.

Form-based zoning is an innovative planning tool that helps link ideas about urban form agreed on in master planning processes with zoning codes. Form-based zoning offers planners an opportunity to promote development based on its design impacts on a community. Rather than focusing planning regulation on land uses (commercial, residential, etc.), form-based zoning regulates the physical form of the development.⁵⁵ Master planning, which engages citizens in discussions about how they want their communities to look in the future, can be implemented through form-based zoning codes.

8. Explore ways to get local land trusts more involved in local land-use planning.

Our research demonstrates that local land trusts are an important tool for preserving open space and providing affordable housing. The state should support them as a proactive way to involve local citizens in community planning.

Suggestions for future research

Clearly, municipal finance is a driving force in the approach to and results of land-use planning in Massachusetts. A study that explores in more detail how local planning efforts might be enhanced by relieving certain fiscal constraints – especially the over-reliance on municipal property tax revenue as the primary source of local spending – would be of great value. Tax revenue sharing, for example, in the I-495 region might lead to much more efficient land-use patterns and investments.

Similarly, it is important to examine the impact school funding arrangements have on planning decisions and growth patterns. Our research demonstrates that school costs are a primary factor in determining how land is allocated. Future research can explore whether smart growth policies that attempt to offset the school costs related to new housing development are working. We would be particularly interested in follow-up studies that examine the extent to which substitution of state income and other commercial tax revenue for local property tax revenue might radically alter the opportunities to preserve open space,

maintain community character, ensure an adequate supply of affordable housing, create jobs, equalize the quality of public education, reduce adverse environmental impacts, and reduce the cost of infrastructure.

Section V: Concluding Thoughts

Municipal planning in Massachusetts is parochial. The Commonwealth of Massachusetts must make long-needed improvements in local land-use planning. As long as cities and towns in the Commonwealth have no choice but to depend almost entirely on locally generated property tax revenue to fund public improvements, anti-growth sentiment will prevail. While land conservation, environmental protection, and the preservation of community character are crucial, these concerns need to be balanced against the need for affordable housing and job creation. Growth management decisions must be made with an eye toward meeting regional needs and priorities. In the end, home rule needs to be relaxed to address the counterproductive effects of shortsighted local decision-making and the self-defeating results of attempts to stave off growth and development.

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Endnotes

- ¹ The case studies are available online at <http://web.mit.edu/publicdisputes/>. The Acton, Marlborough, and Framingham cases were written by Christina Rosan. The Boxborough case was written by Christina Rosan with research assistance from Jiawen Yang. Ona Ferguson wrote the Hopkinton case study. Ona Ferguson wrote the Franklin case study with research assistance from Ye Ding. Marina Psaros wrote the Carlisle case. Marina Psaros wrote the Westford case with research assistance from Pankaj Kumar.
- ² I-495's first section, in Westford, opened in 1961, and by 1970, it ran for almost 100 miles from Amesbury in the northeast to Mansfield, which is south of Boston. In 1983, the road was extended to Wareham in southeastern Massachusetts. See, Warner, 2001, 166.
- ³ See University of Massachusetts Donahue Institute, 2007
- ⁴ The communities increased their housing stock by 20 to 38 percent. The fast growing communities in the I-495 region were (in order): Hopkinton, Bolton, Franklin, Boxborough, Southborough, and Medway. The other communities in the top ten were Wilmington, Middleton, Pembroke, and Canton. Source: Metropolitan Area Planning Council, 2001, 53.
- ⁵ Authors' calculations from urban typology data collected by the Metropolitan Area Planning Council, the official regional planning agency, using a classification system developed by William MacConnell, a professor of forestry at the University of Massachusetts, Amherst.
- ⁶ Gavin, 2006. See also: "495/MetroWest Corridor Partnership"
- ⁷ Massachusetts State Data Center (2005a), Massachusetts State Data Center (2005b), and U.S. Census Bureau (2006).
- ⁸ Massachusetts Department of Education (2007) and Massachusetts Department of Revenue (2007b). See also Carmen, Bluestone and White (2005).
- ⁹ Hopkinton Land Use Study Committee (2005).
- ¹⁰ This was a common trend for all of the state's communities. See Municipal Finance Task Force (2005).
- ¹¹ Massachusetts Department of Revenue (2007a).
- ¹² Specifically, a community cannot levy more than 2.5 percent of the total cash value of all taxable property in the community (called the levy ceiling); and its "allowable levy for a fiscal year (called the levy limit) cannot increase by more than 2.5 percent of the maximum allowable limit for the prior year, plus certain allowable increases such as new growth from property added to the tax rolls." For more information on Proposition 2 ½ see Massachusetts Municipal Association (2007).
- ¹³ For a good discussion of the effect of Proposition 2 1/2 on land use in the Boston region see Metropolitan Area Planning Council and McCormack Institute for Public Affairs, (2001).
- ¹⁴ Meredith and Grew (2007).
- ¹⁵ Drake (2007a, May 23).
- ¹⁶ Drake (2007b, May 26). See also Robertson (2007).
- ¹⁷ Murray (2004, July 15).
- ¹⁸ Schworm (2005, January 23). See also Framingham/Natick Retail (2007).
- ¹⁹ McDonald (2005, January 23).
- ²⁰ In the I-495 region, the only communities serviced by the MWRA are Northborough, Southborough, Framingham, Marlborough, Ashland, and Natick. See Massachusetts Water Resources Authority (no date).
- ²¹ Dain and Schuetz (2006).
- ²² Noonan (2007, April 29).
- ²³ The woods cover more than 1,200 acres. Harvard University's Museum of Comparative Zoology owns another 670 acres, which is used as a permanently protected ecology research site. In 2006, after a bitter battle, the town of Concord allowed the private Middlesex School, which owns about 300 acres of woods, to build athletic facilities on about 11 acres of that land and build facilities that might allow Middlesex to develop another 40 acres after 2027. The school, in return, has agreed to permanently preserve at least 120 acres of its holdings in the woods. See Heaney (2006, August 10).
- ²⁴ Interview with Susan Speers, treasurer, Metacomet Land Trust, August 30, 2005.
- ²⁵ Interviews with Ellen Chagnon, conservation scientist, Hopkinton Conservation Office, August 15, 2005 and Brian Morrison, chair, Hopkinton Conservation Commission, August 12, 2005.
- ²⁶ Dain and Schuetz (2006) and Glaeser, Schuetz, and Ward (2006).
- ²⁷ John M. Giovanella, who brought the case, had purchased two adjacent parcels in 1999. One had a house; the other was vacant. Giovanella sought to develop the second parcel, but the town's

conservation commission ruled that under the town's wetland ordinance, he could not do so. He sued contending the decision was an unconstitutional regulatory taking. In 2002 a state lower court ruled against him. He appealed, but in 2006, the state's Supreme Judicial Court upheld the lower court's decision. In March 2007, the U.S. Supreme Court decided not to hear the case. See *Giovanella v. Conservation Comm'n of Ashland*, SJC-09678 (2006).

- ²⁸ Interview with Don Wheeler, member, Boxborough Board of Selectman, June 2005.
- ²⁹ Interview with Elaine Lazarus, planning director, Town of Hopkinton, August 12, 2005.
- ³⁰ Affluent communities have gotten the bulk of the matching funds, not only because they are more likely to approve a CPA and because they raise more money locally, but also because their property is more valuable. Because of these factors, between 2001 and 2006 Westford received almost \$5 million in matching funds, more than every locality in the state except for Cambridge, Newton, Weston, and Nantucket. On a per capita basis, Carlisle received almost \$263 per person in the same period of time, more than all but eight communities in the state. Moreover, because the state match is funded by a per transaction fee, the state matching funds generally are moving from less affluent to more affluent communities, such as Westford which generated about \$836,000 in fees that funded the state match. See Sherman and Luberoff (2007), 13-15.
- ³¹ Hopkinton Planning Board (2003).
- ³² Interview with Brian Morrison, chair, Hopkinton Conservation Commission, August 12, 2005 and Town of Hopkinton (2004), 6.
- ³³ See Town of Franklin (1997).
- ³⁴ See Institute for Business and Home Safety (2007).
- ³⁵ In order for a unit to be counted towards a municipality's 10 percent Subsidized Housing Inventory (SHI) it must: 1) be a part of a subsidized development which is operated by a non-profit, government agency, or limited dividend organization, 2) include at least 20-25 percent of the units in the development which are restricted to families with 80 percent of median area income and provide rent and sales prices that are affordable for at least 30 years (if it is new construction), 3) be in a development that it is monitored by a non-profit or government agency and is subject to a regulatory agreement, and 4) be in a development where the owners meet affirmative marketing requirements. For a good overview see, Citizens' Housing and Planning Association (2004). For more information about Chapter 40B see Development (1999).
- ³⁶ Citizens' Housing and Planning Association (2004).
- ³⁷ Heudorfer (2007), 4.
- ³⁸ Figures from Massachusetts Department of Housing and Community Development (2007a).
- ³⁹ Bushnell (2001, July 21), Anderson (2002, December 2), and Lefferts (2007, February 18).
- ⁴⁰ Town of Hopkinton (2004), 6.
- ⁴¹ Interview with Nick Alfieri, town planner, Franklin, August 10, 2005.
- ⁴² Citizens' Housing and Planning Association (2004).
- ⁴³ *Ibid.*
- ⁴⁴ Authors' calculations from Fisher (2007).
- ⁴⁵ Town of Hopkinton (2004), 4-5.
- ⁴⁶ See Massachusetts Department of Housing and Community Development, (2007b).
- ⁴⁷ For approvals see Massachusetts Department of Housing and Community Development (2007c). For certification see Massachusetts Department of Housing and Community Development, (2007d).
- ⁴⁸ Rutherford (2004, August 26).
- ⁴⁹ See Town of Southborough (2006).
- ⁵⁰ Brown (2003, September 10).
- ⁵¹ Giordano (2000, September 16).
- ⁵² Executive Order 418 creating the Community Development Plan Program was signed by Governor Cellucci in 2000 with the goal of encouraging communities to plan. Communities were provided \$30,000 worth of technical assistance from the Department of Housing and Community Development (DHCD), the Executive Office of Environmental Affairs (EOEA), the Executive Office of Transportation and Construction (EOTC), and the Department of Economic Development (DED). For more information, see Johnson, Salkin, Jordan, and Finucan (2002) and Massachusetts Department of Housing and Development (no date).
- ⁵³ Massachusetts Department of Housing and Community Development (2006).
- ⁵⁴ Data from the Commonwealth Housing Task Force (2007). For a good overview of the issues related to 40R districts, see Scott and Hartmann (2007).
- ⁵⁵ Form Based Code Institute (no date).

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