

Land Use Planning in the Doldrums:

Case Studies of Growth Management in the I-495 Region

by Christina Rosan and Lawrence Susskind

**With Ona Ferguson
David Fairman
Marina Psaros**

**Research Assistance from
Ye Ding
Pankaj Kumar
Jiawen Yang**

**Prepared for the Rappaport Institute for Greater Boston by
The MIT Department of Urban Studies and Planning and
The Consensus Building Institute**

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Please submit comments and suggestions to trosan@mit.edu

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Executive Summary

Between 1990 and 2000, communities along Route 495, greater Boston's outer belt highway, grew about twice as fast as the region as a whole. How have communities in this corridor responded to that growth and what role did planning and planners play in that response?

To answer these questions, we examined eight representative localities in the region. We found that while all the communities generally face similar pressures and share similar concerns, they have responded to those pressures and concerns in quite different ways. Moreover, master planning turned out to be of limited use and professional planners in those communities generally took their cues from public officials and volunteer boards rather than following "best practices" in the planning field. As a result, local land use planning in Massachusetts is still far behind what occurs in many other parts of the United States.

In all the localities, private entities are interested in building new residential and commercial developments, usually on previously undeveloped land. Many residents of communities in the I-495 region, however, want to maintain their communities' distinctive character. Consequently, ad hoc groups form quickly in the face of any serious threat to community character. In addition, officials in every locality struggle to maintain strong tax bases, particularly in the face of cuts in state funding, the need to accommodate rapidly growing school populations (and the fact that taxes from many residential developments do not cover the costs of educating the children who live in the new houses), and escalating demands for other high-quality public services.

The eight communities responded quite differently to similar pressures and problems. These differences reflect the views of elected and appointed town officials, variations in community values, and participants in local legislative bodies (particularly town

meetings).¹

As a result, professional planners working in these communities are more likely to take their cues from public officials and volunteer boards than they are to follow "best practices" in the planning field. Master planning also turns out to be of limited use. Instead, some of the most effective growth management efforts are linked to restrictive infrastructure planning.

Several other factors also shape local land-use policies. Most notably, a longstanding state law known as Chapter 40B allows the state to overrule local land use regulations for projects in communities where less than 10 percent of the housing stock is affordable. If 20-25 percent of the units in a proposed development are subsidized affordable housing, a developer can propose to build a housing project on land where the existing zoning is not residential. Developers can also propose projects with higher densities than would usually be approved. Some planners and officials feel that Chapter 40B has thwarted local efforts to plan for growth in some towns.² However, others admit the important role that Chapter 40B has played in encouraging affordable housing construction in communities where there has traditionally been resistance to it.

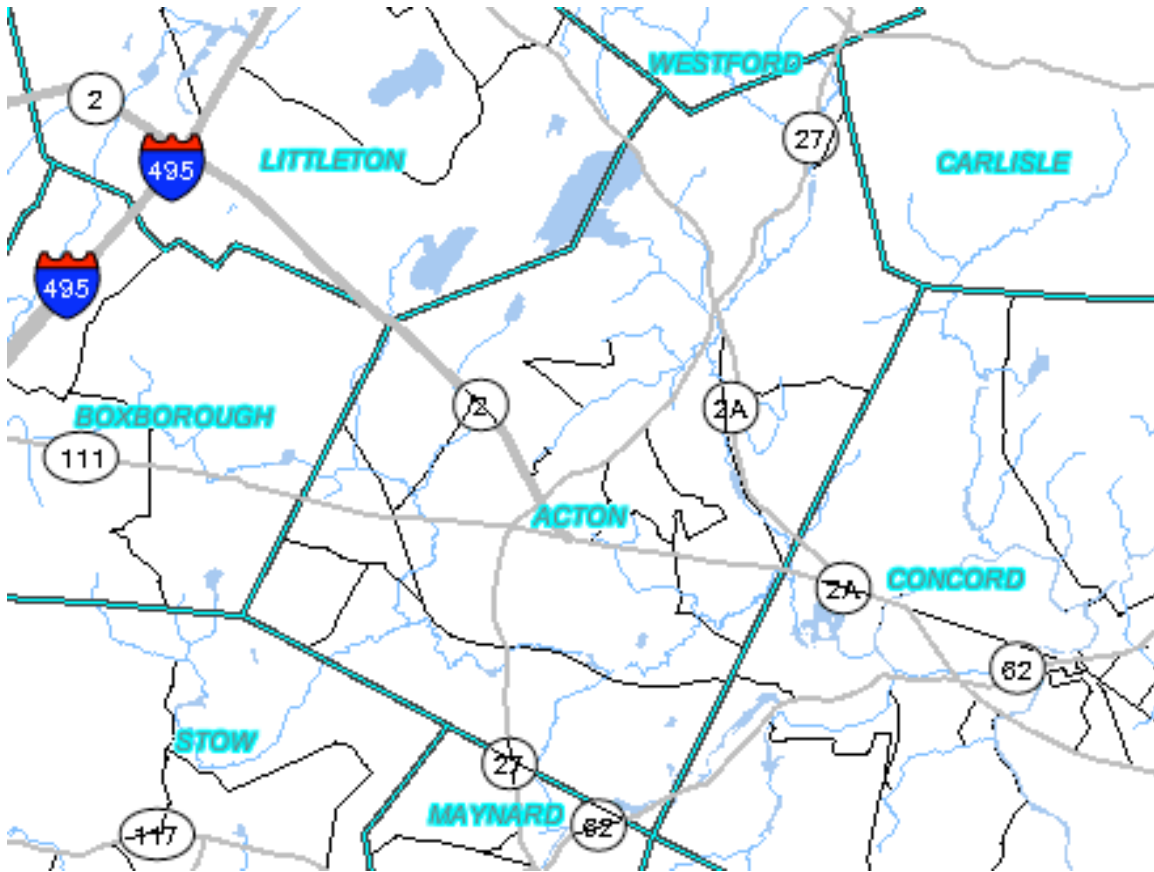
Moreover, although there is some evidence to suggest that some local leaders realize that regional solutions to certain service delivery problems might make sense, forums in which these can be worked out are few and far between. Finally, while state-level decisions, particularly concerning funding, are critical to the success of local planning, few local leaders are convinced of the value of inter-municipal, regional or state interference with what they see as their land use planning prerogatives.

¹ Six of our eight communities are governed by Town Meeting. At the Annual Town Meeting, citizens come together to vote on local policy issues such as the salaries of elected officials, the town budget, and local bylaws. If there is a need for an additional Town Meeting, a Special Town Meeting will be held. Framingham has a representative Town Meeting where representatives are elected. For more information about Town Meetings, see <http://www.sec.state.ma.us/cis/cistwn/twnidx.htm>

² http://www.chapa.org/40b_fact.html, Downloaded on February 6, 2007. If a Zoning Board of Appeals (ZBA) Board does not approve a Chapter 40B project, the developer can make a case to the State Housing Appeals Committee. The State Housing Appeals committee can overrule the local zoning decision.

Case Study: Acton

By Christina Rosan



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

Case Study: The Town of Acton

By Christina Rosan

Acton has an “active planning structure.”- Town Official

I. Introduction

Acton is a town of around 20,000 located 25 miles northwest of Boston. Between 1950 and 2000, Acton grew from 3,510 to 20,331 (an increase of 479%). Today Acton is known for its strong school system and its good quality of life. The Acton Town webpage encourages visitors to come out to Acton to enjoy the scenery and hike on the many conservation trails. Residents of Acton are active in the governance of the community. Conducting interviews in Acton was easier than in many of the other case study towns because there appears to be real pride in the planning work that has been done.

II. The Drivers and Consequences of New Growth

Table 1: Acton Population Growth 1950-2000

Town	1950	1960	1970	1980	1990	2000
Acton	3,510	7,238	14,770	17,544	17,872	20,331

Sources: MISER (1995-1990), Census 2000, Summary File 1 Table P-1 as shown in *To Live in Acton*

Many of Acton's housing units were built between the 1950s-1970s. From 1950 to 1960, Acton's population increased by 106 percent. From the 1960s to the 1970s, it increased by another 104 percent. In the 1990s, many of the region's high tech employees looking for more affordable housing and good schools chose Acton as home.³ Household growth in the 1990s resulted in a 35 percent increase in the town's under-18 population.⁴ This change in the demographics resulted in a need for additional spending on schools. Since the 1990s, school costs have driven the town budget and planning. Members of the Board of Selectman spend a large portion of their time trying to convince local taxpayers that they should pass Proposition 2 1/2 overrides to cover operating expenses. In the past 2 years, Acton has had two such overrides: one for 3 million and one for 3.8 million. It now appears, however, that residents are much less likely to vote for additional overrides.

Table 2: Acton School Enrollment: Net Average Membership Pupils

Town	1986	1990	2000
Acton	3,665	3,259	4,310

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank Local Aid Section

³ Many of the planning officials mentioned that Acton's well-educated population can be very demanding because they often want “proof” and analysis of why one proposal is better or worse than another.

⁴ p. 2. *To Live in Acton*. <http://doc.acton-ma.gov/dsweb/Get/Document-6992/To+Live+In+Acton1g.pdf>
The state growth in under-18 population at the same time was only 11 percent.

Table 3: Acton School Costs as Percent of Total Budget

Town	FY1986	FY1990	FY2000	FY2005
Acton	61.24	60.91	66.66	66.66

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank Local Aid Section

Table 4: Acton School Expenditures

Town	1986	1990	2000
Acton	11,529,955	15,145,323	26,001,262

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank Local Aid Section. This is not adjusted for inflation.

Table 5: School Spending in Acton

Year	School Expenditures in Constant 2005 Dollars	Non-School Expenditures in Constant 2005 Dollars	Total Expenditures in Constant 2005 Dollars	School % of Total	Number of Pupils	Cost Per Pupil in Constant 2005 Dollars ¹
1990	\$ 10,147,366.41	\$ 6,511,288.47	\$ 16,658,654.88	60.91	3,259	\$ 3,553.68
1991	\$ 11,230,704.74	\$ 6,730,266.79	\$ 17,960,971.53	62.53	3,173	\$ 4,037.06
1992	\$ 12,256,067.96	\$ 7,372,826.46	\$ 19,628,894.42	62.44	3,237	\$ 4,402.26
1993	\$ 13,160,069.56	\$ 8,098,384.44	\$ 21,258,454.00	61.91	3,376	\$ 4,511.36
1994	\$ 13,568,787.96	\$ 8,106,334.08	\$ 21,675,122.04	62.6	3,478	\$ 4,412.46
1995	\$ 14,419,460.80	\$ 8,528,833.60	\$ 22,948,294.40	62.83	3,794	\$ 4,316.00
1996	\$ 16,348,927.94	\$ 9,479,956.04	\$ 25,828,883.98	63.3	3,616	\$ 5,162.72
1997	\$ 20,364,297.52	\$ 10,062,539.56	\$ 30,426,837.08	66.93	3,792	\$ 5,869.60
1998	\$ 22,449,451.30	\$ 10,528,792.42	\$ 32,978,243.72	68.07	3,925	\$ 6,390.12
1999	\$ 24,301,252.70	\$ 11,398,739.35	\$ 35,699,992.05	68.07	4,127	\$ 6,490.40
2000	\$ 25,221,224.14	\$ 12,614,933.42	\$ 37,836,157.56	66.66	4,310	\$ 6,679.42
2001	\$ 28,722,512.00	\$ 14,405,639.00	\$ 43,128,151.00	66.6	4,404	\$ 7,330.00

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. This is not adjusted for inflation. This includes students who attend Acton-Boxborough Regional High School. Prices were adjusted to Constant 2005 dollars using the Consumer Price Index.

While Acton's schools are rated among the top 10 in Massachusetts, Acton's local politics revolve around trying to keep the local budget in line with the growing school costs.⁵ With a 5-6% a year growth in school enrollment⁶ and the subsequent increase in the financial burden this places on the town, the anti-school faction in the town has become an anti-growth faction. Officials told us that some of the people in this group are older residents whose children have long-since completed school.⁷ Many live on fixed

⁵ Many of the people interviewed repeatedly mentioned that Acton was one of the top ten school systems. Acton and Boxborough share a regional high school.

⁶ This number was given to us by a member of the Board of Selectman. Between FY 1997 and FY2006, the enrollment in the Acton and Acton-Boxborough schools has increased by 32.60% from 3,948 in FY1997 to 5,235 in FY2006. This information was found on the Acton/Boxborough Regional Schools webpage <http://ab.mec.edu/about/Chapter70Aid/ChangesAid.pdf>

⁷ Older residents may still want to maintain high quality schools in order to keep up high home values. William Fischel discusses this in his book, *Homevoter Hypothesis*.

incomes and do not want tax rates to go up any further.⁸ Other members of the anti-growth faction have lived in Acton for a long time and do not want the town's character to change. In 1999-2000, there were four attempts to slow residential growth. They revolved around attempts to amend the zoning by-laws. In the end, they failed to win the necessary support at town meeting. One of the reasons was that the most politically influential people in town did not support these initiatives.

The Acton Planning Board is primarily interested in making sure that new development reinforces the existing town character. Now they know that growth is coming, one official said, they are "trying to retrofit a town that grew in a *sprawly* way." They are trying to get back to the town's historic roots. They want to create more gathering places in town. They want to encourage less car-dependent development. They passed an anti-"Big Box" zoning ordinance. They have a retail store limit of 60,000 square feet. They already have K-Mart and TJMaxx. On Route 2A there is pressure for big box development in part because of the revenue that additional commercial development could bring. One former Planning Board official said that the biggest challenge that the Planning Board faces is to educate residents about the consequences of the planning decisions they make: "citizens have to realize that they cannot have everything." The Planning Board feels pressure to maintain a vision of the town at its current density and overall pattern of development while at the same time deal with pressure to increase the number of big box stores so that the town's commercial tax base will grow. The tension between these two goals is present in Acton's planning culture.

III. The Shifting Role of Planning and the Town Planner

Acton is described as having an "active planning structure." One official said he is "proud of the process" in Acton. He thinks that if you drive through Acton you can see proof that they have done a good job. Acton still has some charm to it. He admits that Acton "has some warts" but that most of these warts are from before. He says, "it is hard to fix problems once they happen." He described Acton's planning process as NOT "willy-nilly" like other towns. When a plan is submitted to the Acton Planning Department it is sent to all the other departments with an interest in land use planning who then submit their comments on what is being proposed. Roland Bartl, the Town Planner, puts together all the comments that have been made and writes up an opinion that he submits to the Planning Board.

The Planning Department in Acton plays a leadership role in the planning process. They are described as the "source of ideas and solutions to planning problems." One Planning Board member described the town planner, Roland Bartl, as the "backbone of planning." However, Roland Bartl admits that planning in Acton goes in cycles and that planning is often driven by political decisions. Local planning often gets "caught in the throws of political priorities." Sometimes citizens will come up with an idea and convince the

⁸ In his book, *Homevoter Hypothesis*, William Fischel argues that everyone benefits when school quality is high because it is calculated into home prices. However, from the interviews we conducted, there appears to be tension in the community between residents with school aged children and older residents who do not want to voluntarily raise taxes on themselves with an override.

Chairman of the Board of Selectman that the Planning Department should do a study. This often means that resources are diverted because the Planning Staff has to spend time doing a study. The Planning Department does not always set the planning priorities. They often find themselves trying to meet the deadlines set by the State in order for Acton to be eligible for certain funds.

Planning in Acton is very important. Sometimes town officials in charge of planning get criticized for not doing enough by the people who are opposed to growth. One official felt that critics of the planning process do not realize the limitations that the Planning Board and the Board of Selectman are working under; they do not realize the legal underpinnings of the planning process. Acton is unique because the Board of Selectmen controls the permitting process for commercial development while the Planning Board permits residential units. The members of the Board of Selectmen play a more active role in planning than they do in other communities. There is a cooperative relationship between members of the Board of Selectman and the Planning Board because, unlike in other towns, the Board of Selectman appoint the Planning Board. This means that they often choose people who have a shared commitment to certain planning objectives. Some of the members of the Board of Selectman are former Planning Board members. In fact, there appear to be two pathways to getting elected to the Board of Selectman, one is the Planning Board, and the other is the Finance Committee.

Acton is a politically savvy town with active citizens whose participation is primarily driven by an interest in emerging issues or specific project proposals. 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 EPA came to Acton to discuss the clean up of the WRGrace site (a Superfund site) about 75-80 people came because they felt the EPA was not being aggressive enough. One official hypothesized that if they had a general meeting about pollution in Acton, less than 10 people would have shown up because people tend to come to meetings only when they feel they are directly affected. Citizens get actively involved when an override is proposed because it will directly impact their tax bills, their property values, or the quality of their children’s schools. Since many of Acton’s citizens are highly educated (and have an analytical background)⁹, one member of the Board of Selectmen said the Board has to “prove” things to the citizens. Town officials feel that they spend a lot of time justifying their policy choices.

When asked who is in charge of planning one official said, “the citizens are.” The Board of Selectman, the Planning Board, and the Planning Department take a leadership role, but ultimately decisions are up to the community-at-large. At open town meetings, some planning initiatives pass and others do not. Several officials commented on how frustratingly difficult it is to get zoning changes approved. Planning stakeholders, many of whom are volunteers, spend a lot of time working on a suggested change in the zoning only to see a well known business owner get up and talk about why this is a bad idea for

⁹ Many of Acton’s new residents are engineers and scientists who work for technology companies in the I-495 region.

30 minutes. All the work that the committee has done can be thrown out depending on who shows up at the open town meeting and what arguments are made for or against a zoning change. A project or zoning change can be defeated if 1/3 of the people attending open town meeting vote against it. Once a project is rejected, people are often unwilling to revisit it. When a zoning amendment does not pass, committee members typically get “cold feet” about trying again. One official admitted, “no one wants to stick out their neck again because so much went into the earlier efforts to change the zoning.” Another official felt that trying to get zoning changes passed could become a “hotly contested political battle that sometimes turns personal.” He said he still had people who are mad at him from previous attempts to change the zoning. Planning officials recognize they need to build a winning coalition, but they spend most of their energy trying to convince opponents to back down. In the end, everyone admits that the final decision comes down to who shows up at town meeting. In Acton, where they have a system of Open Town meeting, it can be very unpredictable.¹⁰ If there is a controversial issue on the agenda, groups will try to stack the meeting with people who support their point of view. One official said that the problem with getting zoning changes approved is that the subject is too complicated – “too clinical” – making it hard to get people involved. In order to get zoning changes through you have to do a lot of “selling” and “public education” because if you “don’t do enough communication about it, it won’t get done.” Often the people who are willing to come to the meetings are the “die hards” and “special interest” people. Officials lament that it is much harder to get other people to attend.

The history of planning in Acton impacts the types of planning challenges that Acton currently faces. Much of the physical layout of Acton was determined by large lot zoning that was put in place in the 1950s and 1960s. The real population growth in Acton took place in the late 1960s-1970s with the construction of multifamily houses. In the late 1980s, about 20% of Acton’s tax base was commercial. Unlike neighboring towns like Boxborough, which took steps to restrict residential growth, the Acton 1990 Master Plan aimed at curbing commercial development and redistributing it to what are called village centers. The 1990 Master Plan entailed a radical rewrite of the zoning by-laws. A great deal of land zoned for commercial use was shifted to residential. The town also adopted a cluster development by-law which planning officials claim allowed Acton to protect a large amount of open space without paying for it.¹¹ Planning officials felt that the reason for the success of the 1990 Master Plan was that the team that worked on it treated it as a political campaign and drummed up support for the plan and the necessary zoning changes to implement it. Another reason for the success of the 1990 Master Plan was the political climate: Acton residents were really afraid of commercial growth and wanted to do something to discourage it. Ironically, now that neighboring towns like Boxborough have been courting commercial growth to shore up their tax base, the 1990 Master Plan is

¹⁰ In our case study communities Acton, Boxborough, Westford, Carlisle, and Hopkinton have open town meetings. This means that citizens show up to vote on proposals. Framingham has an elected town meeting where representatives are elected. Marlborough and Franklin have the City form of government with a City Council and Mayor.

¹¹ Some town officials perceive cluster zoning as a means of getting “open space” for nothing. However, it is important to remember that cluster zoning is essentially “deal making.” The open space that developers protect is the price the town demands for approving the development (often at a higher than normal density).

blamed for Acton's lack of commercial growth. This is an example of how a plan that is politically viable at one time can quickly become outdated as economic and social conditions change.

The biggest challenge the 1990 Master Plan identified was what at the time was labeled "growth management." The plan advocated steering commercial development into village centers. In 1998, the Acton Master Plan was updated; however, not all the zoning recommendations necessary for implementation have been approved yet. In the updated Master Plan, the emphasis was on encouraging economic development while restricting residential development. Commercial tax revenue had declined to only 10% of the total tax revenue so residents were concerned about how to encourage commercial development. Implementing the 1998 Master Plan Update recommendations necessitates getting zoning changes approved by town meeting. However, the Planning Department and Planning Board members feel that they do not have the political resources to do what is required to implement the 1998 Master Plan. In order to get zoning changed, town officials feel that "you really need to launch a political campaign." For example, several attempts at changing zoning in a part of Acton known as Kelley's Corner have failed. The 1998 Master Plan recommended increasing the density of Kelley's Corner to attract more commercial development. The Planning Board and Committees have tried twice to get zoning amendments approved. Most recently, the abutters objected and defeated the zoning changes.

Town officials were the first to admit that the Master Plan contains contradictions. "That is the nature of the beast," one official said. Different people have different opinions so policy statements in the Master Plan must be "warm and fuzzy." They have to offer something that everyone can agree on. The problem is that people can find justification for many different types of activities under the umbrella of the Master Plan. An example of this is the recent controversy over building a Home Depot in Acton. Advocates of the new Home Depot used the Master Plan to justify the project because the plan calls for a 20% commercial contribution to the tax base. Likewise, opponents of the plan quoted the Master Plan saying there should be "no big box retail." One official said, if you read the master plan, "you can get whatever you want out of it." Another official said the Master Plan serves as "a picture of what the town wants to be." It makes it harder for developers to accuse the town of "spot zoning" if more general policies are written into the Master Plan.

For the Master Plan update currently in the works, town officials are hoping to generate more citizen involvement. One of the problems is that people do not have time to participate. One official admitted, that the "last thing that you want to do at the end of a long day is go to a public meeting at night." The planning department intends to use the Internet to involve more people in the Master Planning process.

Planning officials also hope to involve formal citizens groups in the Master Plan update. Acton has a number of organized groups that are concerned with land use policy: Acton Conservation Trust, Acton Citizens for Environmental Safety, the League of Women Voters, the Historical Society, Historical Commission, and Historic District Commission.

There is also a very active Chamber of Commerce (Middlesex West) that advocates more commercial development in Acton to increase the town's tax base. A strong affordable housing group in Acton also aims to keep Acton more affordable than Carlisle or Concord.

Planning officials in Acton feel they must perform a “balancing act” because there is a fundamental conflict in town between people who want Acton to have a more up-scale appeal while other residents are concerned that the Acton that they grew up in is being gentrified. Both groups applaud the large number of family-owned businesses, coffee shops, and restaurants. Townspeople (particularly those who have lived in Acton for generations) do not want to lose the farming that remains or the locally- owned businesses. One official described Acton as having an identity crisis: “Acton doesn't quite know where it fits in. Is it a white collar or a blue-collar town? The surge in housing prices suggests the former, but people in Acton “pride themselves on NOT being snobs.” Debates about Acton's current and future character underlie the discussion of planning goals.

IV. New Attitudes Toward Inter-municipal Cooperation

Attempts at inter-local coordination often fail because towns are mostly concerned about their own self-interest. In neighboring Westford there is a 40B project that Acton and Westford have been talking to each other about. However, they cannot seem to come up with any kind of joint agreement about how to share the impacts and the benefits of the new development. Developers can use this lack of coordination to their advantage by playing the towns off against each other. Boxborough and Acton officials talked about doing a TIF (tax increment financing) agreement for the Cisco project, but Acton officials could not see what benefit it would have for them.¹² They are currently working with Boxborough to see if they can develop a regional dispatch system; however, there seem to be some real barriers to inter-local cooperation (i.e. chains of authority in the policing system, territoriality, and fear of consolidation).

Planning stakeholders in Acton admit that town-by-town planning efforts are often inefficient, but they do not “have time to care about other towns.” Many work on a volunteer basis and are primarily interested in making Acton a better place to live. Their rationale for why they became involved in Acton's planning is entirely local. They wanted to improve the planning or the financial conditions in their town. While in theory, planning officials in Acton agree that planning should be regional, they feel that the system in Massachusetts does not support a more regional approach.

“Planning in Massachusetts is different in every town,” responded one interviewee when we asked about regional planning. Another official said that “town autonomy” is “ingrained in the thinking” of local officials and is hard to break. The Metropolitan Area Planning Council (MAPC), the regional planning council for the Boston metropolitan

¹² TIF stands for Tax Increment Financing. The Massachusetts Department of Housing and Community Development sponsors the TIF program, which allows municipalities to offer tax incentives to encourage development.

area, does not have any “bite.” Planning stakeholders in Acton felt that MAPC seems to do a lot of studies, but regional planning has “no teeth.” Some officials described the MAPC regional meetings (Acton is a member of MAGIC, MAPC’s subregion) as “just another meeting to attend.” Comments about MAPC ranged from, “I don’t want to go to another evening meeting particularly when nothing gets accomplished,” to “MAGIC meetings can be helpful to see how other towns are dealing with 40Bs,” to “MAPC is good because it is good to have people talking, but they need to lobby the legislature to make some changes to the state laws,” to “MAPC should concentrate on accomplishing a few tasks instead of trying to do too many things at once.” In general, officials felt it is nice to know what is happening in other towns, but “when push comes to shove everyone worries about their own backyards.” Many of the officials interviewed shared the perception that MAPC caters to the larger cities and towns in the region. One Acton official felt that MAPC’s support for legislation that would bring larger towns and cities into the Community Preservation Act (CPA) fund without having them contribute undermined the MAPC’s legitimacy.¹³ Acton already adopted the CPA measure and has used it, so they did not support MAPC advocating at the State House for other towns to come in “for free.” Acton residents and officials saw this as a divisive issue. The director of MAPC had to come out to Acton to explain the agency’s logic that the CPA had a surplus of \$101 million dollars and that the poorer towns were not benefiting from the program because they could not afford to raise their taxes.¹⁴

V. Summary

Acton is an interesting example of a town whose proximity to I-495 and downtown Boston, cheaper housing prices, and good schools have accelerated population growth and generated a need for planning. Planning in Acton is very much a community activity. Many different stakeholders are involved and citizen volunteers play a crucial role. As citizens see the intersection between land use planning, growth management, and the town budget (particularly the school budget) those who were not involved in town politics have become active. Their engagement has had mixed effects. In some instances, it has allowed for the adoption of innovative planning ideas (like those in the 1990 Master Plan). In others, it has effectively stalled efforts to modify the basic zoning by-laws. This has been the case with the 1998 Master Plan Update. Planning in Acton is dependent on the ability of board members and organized citizen groups to convince residents at town meeting of the wisdom of their proposals. This often requires launching

¹³ The Community Preservation Act (CPA) allows towns to voluntarily raise their taxes to promote open space, historic preservation, and affordable housing. The State then matches the funds raised by the tax increase. The money raised is placed into a CPA Trust Fund that is used to advance town open space, affordable housing, and historic preservation goals. Open space, historic preservation, and affordable housing each receive at least 10 percent of the funding; however, communities are allowed to allocate the other 70 percent. This means that one community can use CPA funds for primarily affordable housing while another can use it primarily for one space or historic preservation. Towns that have already agreed to raise their own taxes feel that it is unfair for other towns to be given State funds if they have not raised their own local taxes. Many of the suburban areas that were quick to adopt the CPA worried that they would be effectively subsidizing the larger cities and towns if towns could benefit from State money without taxing themselves.

¹⁴ Flynn, Cathy. “Selectman Blast CPA Fund Proposal: Plan would let communities use money even if they do not donate through taxes.” *Metrowest Daily News*. January 20, 2005.

an all-out political campaign, a task which many local officials and volunteers feel is beyond their capacity.

People Interviewed:

Peter Ashton, Chair of the Board of Selectman, Acton

Kristin Alexander, Assistant Town Planner, Acton

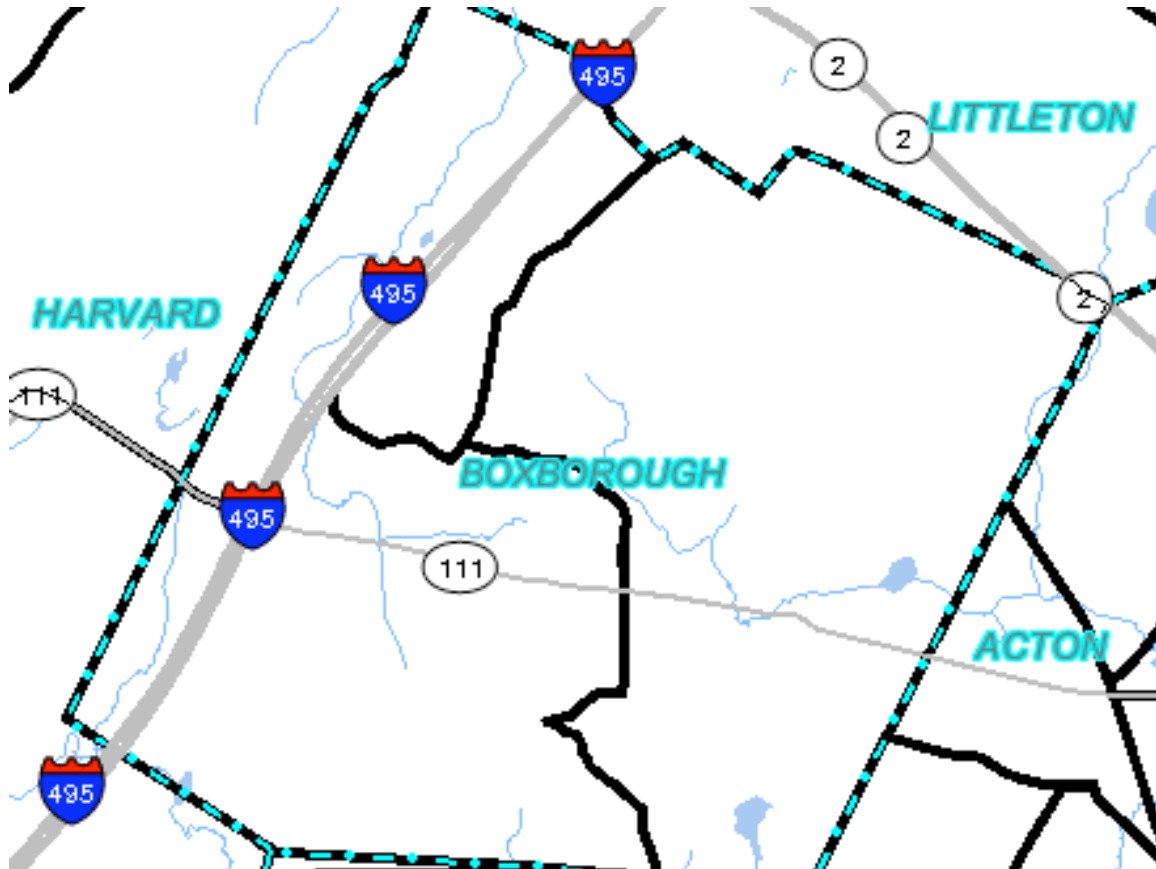
Roland Bartl, Town Planner, Acton

Greg Naminsky, Chair of the Planning Board, Acton

Lauren Rosenzweig, Former Planning Board Member and Current Board of Selectman

Case Study: Boxborough

By Christina Rosan with Jiawen Yang



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

Case Study: Boxborough
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“Towns can’t build a school as rapidly as housing” - Town Official

I. Introduction

The Town of Boxborough lies about 25 miles northeast of Boston bordered by Littleton on the north, Acton on the east, Stow on the south, and Harvard on the west. Boxborough covers an area of only 10.42 square miles. The principal highways serving Boxborough are State Route 111 and Interstate Route I-495, the outer belt around Boston. Commuter rail service to North Station in Boston is available from the adjacent towns of Littleton (travel time: 55-62 min; 40 MBTA parking spaces) and Acton (travel time from South Acton Station: 44-51 min.; 287 parking spaces). The commuter rail stops in Porter Square and easily links into the Red Line to Harvard and Kendall Squares and downtown Boston. Freight rail service is available from the Springfield Terminal Railway. Boxborough is not affiliated with a regional transit authority.

Boxborough is a rural, suburban community that is primarily residential with some working farms, small retail and service businesses. Large-scale non-residential and multi-family development is primarily found west of I-495. The few remaining farms, open fields and extensive wetlands add to the rural character of the town. Many people are attracted to Boxborough primarily because of its rural character and good public services, particular the school system. Boxborough residents want to keep the town’s rural character. One resident said, “I think my town has grown enough... We have to protect more open space for water quality.” Since zoning was adopted in 1965, the town has continued to modify its regulations, primarily to protect its water and other natural resources. Boxborough has no public water supply and almost all of its drinking water comes from private wells. The lack of a public sewer system and the need to provide private septic or wastewater treatment facilities often limits high-density development.

Boxborough residents play a role in growth management by participating in various town boards. Town officials appreciate residents’ involvement in the planning process but one official admits, “it is hard to get a development permit issued.” A developer needs to negotiate with *six boards*. These boards meet only once every other week. Different boards meet at different times. Board A may wait and see how Board B responds to an application. And Board B may also wait and see how Board A responds to the application. The town planner described her role as communicating between different boards. The difficulty of getting the different volunteer boards to approve development proposals can be frustrating for town officials because “it takes several months to get work done.” However, town officials acknowledge that “you really cannot push” the board members because they are volunteers.

While confirming that there is a strong desire to slow down growth in Boxborough, Natalie Lashmit, the former Town Administrator, also points out that some

newcomers are looking for some of the conveniences associated with new development, “They like to have McDonalds in the neighborhood, but they don’t want big boxes.”¹⁵ Boxborough residents have approved a zoning amendment to restrict big box development. In addition, they have also changed zoning by-laws to prevent the phenomena of extremely large houses, known as mansionization.

This case study presents stories of growth management in Boxborough. It examines governance structure, growth pressure, the priorities of the master plan, and major growth management efforts. The information was collected through an analysis of the master plan, as well as interviews with local officials and community members.

II. Drivers and Consequences of New Growth

The construction of I-495 has spurred growth in Boxborough. In the context of growth pressures, one of the challenges the Town of Boxborough has faced is increasing its capacity to plan. When growth is measured by the number of households formed, from 1970 to 1980, the number of households increased by 214%. Between the 1970s-1980s, 770 apartment units were constructed in Boxborough. The pace of development slowed during the 1980s, but increased significantly (46%) during the 1990s. This rate of household formation was more than twice that of the surrounding towns. Despite high growth rates, an initial challenge in Boxborough was convincing town meeting members to supply municipal funding for a town planner. Initial requests for a planner were denied. In 1989, Boxborough finally had enough money to pay for a town planner who came directly out of planning school. This trend is not unusual, smaller towns like Boxborough have had difficulty attracting and paying for experienced professional planners.¹⁶

¹⁵ Natalie Lashmit was the Town Administrator when the interviews for this case study were conducted in the Summer of 2005.

¹⁶ Elizabeth Hughes, Boxborough’s current Town Planner does have a lot of planning experience. She previously worked in California.

Table 1: School Spending in Boxborough

Year	School Expenditures	Non-School Expenditures	Total Expenditures	School % of Total Spending	Number of Pupils	Cost Per Pupil
1990	2,531,112	2,324,213	4,855,325	52.13	556	\$5,340
1991	2,635,950	2,446,078	5,082,028	51.87	545	\$5,760
1992	2,761,991	2,594,719	5,356,710	51.56	582	\$5,913
1993	3,048,211	2,777,085	5,825,296	52.33	647	\$5,791
1994	3,297,530	2,754,528	6,052,058	54.49	742	\$5,390
1995	3,741,450	2,917,437	6,658,887	56.19	846	\$5,174
1996	4,050,487	3,264,647	7,315,134	55.37	827	\$5,598
1997	4,368,632	3,473,387	7,842,019	55.71	923	\$5,540
1998	4,876,676	3,951,154	8,827,830	55.24	961	\$5,820
1999	5,346,391	4,477,565	9,823,956	54.42	1,062	\$5,844
2000	5,886,106	4,832,242	10,718,348	54.92	1,092	\$6,803
2001	7,522,119	5,089,903	12,612,022	59.64	1,125	\$7,126
2002	7,826,542	5,778,873	13,605,415	57.53	NA	NA
2003	8,573,762	5,934,029	14,507,791	59.1	NA	NA
2004	8,924,730	5,675,777	14,600,507	61.13	NA	NA

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. This is not adjusted for inflation. Educational costs include the cost of the Acton/Boxborough Regional High School.

Between 1970 and 2000, the population of Boxborough increased 235%.¹⁷ The effect has been that in the past thirty years, residential lots have gradually replaced agricultural land. Residential land use increased 136% between 1971 and 1999.¹⁸ The 1990s were a decade of considerable change in the I-495-region as a whole and in Boxborough in particular. The population grew 46%.¹⁹ According to the 1990 Census, there were 3126 people living in Boxborough. By 2000, it had increased to 4900 people. The number of residential building permits issued between 1990-1999 was 161% more than the number of building permits issued between 1980-1989.²⁰

According to the Massachusetts Executive Office of Environmental Affairs (EOEA) built-out analysis, in a full development scenario, subject to current zoning regulation and natural resource constraint, 2045 more people could be added to the community and 884

¹⁷ This is also from the MAPC work done on urban typologies.

¹⁸ This comes from data collected by MAPC from a comparison of the MacConnell Land Use Study in 1971, 1985, and 1999.

¹⁹ MAPC. Families moving to new housing in Boxborough generally have household heads in their 40s and are rearing school-aged children. In new subdivisions built since 1990, the number of people per household was 3.96, 40% higher than the town average, as estimated by the master plan consultants. Given the pattern of household formation and the number of new single-family homes that are being built each year, the master plan predicts that by 2010 the number of residents will reach 5,735 and the number of dwelling units will be 2,121. These changes will have significant impact on town services, especially the school system.

²⁰ <http://socds.huduser.org/permits/index.html>. A total of 178 building permits were issued between 1980 and 1989. Between 1990 and 1999 a total of 464 building permits were issued.

new residential lots would be developed.²¹ Town officials in Boxborough view these numbers with some trepidation since they have difficulty finding the funds for existing town services.

III. The Shifting Role of Planning

Boxborough has about 140 full time and 110 part-time employees; however, the town's small size and limited ability to raise tax revenue means that a mix of volunteer boards and hired professionals govern the town. The elected Planning Board and Board of Selectman play a pivotal role in town management.²² The community elects a board of five selectmen who then appoint a town administrator, who is responsible for town operation. The Planning Board is an elected board of five members who serve for three-year terms. Boxborough has 22 boards to carry out various town administrative functions. Five boards are relevant to planning and development: the planning board, the zoning board, the board of health, the conservation commission, and the housing board. People working on these boards are generally volunteers, except for a professional planner, who was hired recently to serve the planning board.

The town planner's job description is 7 pages long. She serves as a liaison between the different boards. She sees her job as "helping to create a balance in the community" and understanding what the key issues in the community are. The town planner helps citizens and developers understand the zoning by-laws and work through the permitting process. She encourages people who have a proposed development to come to talk with her about the town zoning and regulations so that she can help them navigate the complicated process. The town planner recognizes that her role is limited because zoning and town finances have to be approved by town meeting. Town officials that we interviewed expressed frustration with town meeting because they feel that town meeting can be influenced by political manipulation, disinformation, and the ripple effect. One official stated, "democracy is a bad way to make decisions" because the public does not have time or interest.

IV. Leadership for Growth Management

Boxborough's lack of municipal water and sewer has served as a growth management measure because it limits the number and size of new developments. In the 1990s, the Planning Board conducted subdivision review. In 1993, the Town of Boxborough moved from a 1-acre to a 1.5-acre zoning by-law in order to control growth. By increasing the amount of land necessary for new development, they were able to reduce the number of available lots. However, there was a 5-year window for subdivisions before the new zoning requirement kicked in so many landowners who were afraid of losing the development potential of their land sold off their property. Ironically, the result of a planning policy designed to limit development was to spur rapid development.

²¹ Statewide Buildout Statistics.

²² Members of the Board of Selectman receive a stipend of \$400 for the whole year. One Board of Selectman member said the stipend does not even cover his gas.

Another strategy for growth management in Boxborough was the purchase by the town of land in the 1990s for open space. Currently the town owns 22% of the land in the community.²³ The town used money from taxes and bonds in order to buy these properties.²⁴ State subsidy has helped to relieve some of the financial burden of buying land for open space. In addition, the Boxborough Conservation Trust, a non-profit land trust, has been working to preserve open space in the town through conservation easements, land donations, and sale of land to the trust.

Most of the approximate 1,906 housing units in Boxborough that existed in 2000 were constructed over the last 30 years. During the 1970s most of the town's 770 condominiums were built. In the 1990s almost 20 subdivisions with 446 new single-family homes were created. This represents about 23% of Boxborough's current housing stock. For now, Boxborough has about 28 affordable units, far below Massachusetts' 40B requirement of 10%. These affordable housing units include 6 condominiums converted from single-family homes, 12 units in Boxborough Meadows and 10 units in Somerville Complex (for people over 55). The last two are 40B comprehensive permit housing projects approved by the state.

According to town officials, the problem with 40B projects is the impact that they have on the town's infrastructure. Interviewees expressed frustration with 40B projects because towns "can't build a school as rapidly as housing." Boxborough town officials feel that they have a more diversified housing mix than other neighboring towns: 48% of the towns' housing is condos that are relatively affordable, but these do not count towards the state 10% 40B requirement.

Another complaint about 40B developments is that they are often located in areas that the town has zoned commercial. Since Boxborough is only 10 square miles and has a limited number of commercially zoned properties, town officials expressed concern that commercially zoned land used for 40B development would not contribute to the commercial tax base of the town. In fact, 40B developments built in commercially zoned areas reduce the potential for future commercial tax revenue at the same time that they increase pressure on the school system. As a result of the pressure put on the town by 40B developments, Boxborough Town officials have become very savvy about 40Bs. In a landmark case, the town sued the 40B project, Boxborough Meadows, when they discovered that the project developer was making an extra 20% profit above what is allowable under 40B regulations.

An affordable housing study committee in Boxborough recommended a series of implementation actions to meet the state 40B requirements, the first of which was the establishment of a housing board. The recommendations also include: the conversion of condominium units to deed-restricted affordable housing, town acquisition of land for the development of town-controlled affordable housing, and zoning changes to encourage development of affordable housing in the new development led by developers. Al

²³ Interview with Don Wheeler, Board of Selectman

²⁴ Here it is important to note that bonds are backed by future tax revenue.

Murphy has headed the new housing board since his retirement two years ago. The key responsibilities of the board include: 1) Developing detailed implementation and funding plans for affordable housing and bring them to town meeting for approval; 2) Managing affordable housing production programs; 3) Conducting real estate transactions for unit conversions to affordable housing; 4) Acting as the town's agent on private affordable housing projects. 5) Overseeing affordable housing lottery and re-sales. Mr. Murphy is careful in addressing the question about Boxborough citizen's attitude toward affordable housing. He admits that, "People like to have it." However, developers often have a different approach to affordable housing. They prefer a comprehensive permit because "they can gain more." By offering 25% affordable housing units, 40B developers can override local zoning and build more housing at a higher density. "They can earn more by doing this." When discussing his board's relationship with developers, Mr. Murphy said, "we work constructively with the developer(s). People on the boards will insist on open space, design, and traffic circulation. But compromise is unavoidable." Even though the town is still far from the state affordable housing requirement, board members feel that they "should be tough on the developer(s)."

The town budget is on the minds of town officials, volunteer board members, and town meeting members. The town hall in Boxborough has a sign posted on the door, "town hall closed on Fridays due to budget limitations." Population growth, school costs, Proposition 2 1/2, high costs of health care, and a cutback in state aid have left the Town of Boxborough searching for new means of funding local government services and providing adequate schooling. As a result of population growth in the I-495 region, the number of children in Boxborough schools increased 106 percent between 1987 and 2001.²⁵ Adjusting for inflation, the school expenses in Boxborough went up 175 percent between 1987 and 2001.²⁶ School costs make up a substantial portion of the town's budget. In 2004, it made up 61 percent of the budget.²⁷

Every year towns across Massachusetts struggle to balance their budgets. Often balancing the budget requires making hard choices about which services to cut and which employees to layoff. Citizens play a role in determining the town budget because an override can only be approved by citizen vote at town meeting. Boxborough has had several attempts at overrides. In 1989, residents passed a \$75,000 override by a vote of 268 to 255. In 1989, another attempt at an override to cover general operating expenses failed by 291 to 251. In 1991, a \$103,000 increase was passed by 375 to 309 to cover General Operating Expenses and the School Budget. In 2003, an override of \$725,000 to cover public school budgets failed (731 against and 582 for). A 2003 override for a new heating and cooling system in Town Hall failed, as did a subsequent override for building maintenance and a custodian position.²⁸ At the May 2005 Town Hall meeting, town

²⁵ Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section

²⁶ Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. The 1987 school expenses were adjusted to 2001 dollars.

²⁷ Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section

²⁸ Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. Local overrides.

members were asked to decide how to allocate funds because of the 17% shortfall between revenue and expenses. Citizens recognize the importance of participating in the override debates. A letter to citizens posted on the town website states, “Simply put, prudence and fiscal responsibility require that we fund the budget with some combination of an override, budget cuts and the use of our available funds (savings accounts). There are numerous possible scenarios here, depending upon spending priorities and the willingness of voters to exceed Proposition 2 1/2 limitations.”²⁹ Town officials recognize that their ability to cover the costs of local services depend on citizen’s willingness to raise taxes on themselves.

When a town’s growth is primarily residential, keeping up with the financial cost of growth requires coming up with innovative financing mechanisms. Often this means focusing on ways to increase the industrial and commercial tax base of the town. Boxborough residents learned the value of commercial development to their tax base. In the 1980s, when Digital closed its plant in Boxborough, the loss of tax revenue significantly increased residents’ taxes. With the loss of Digital, the residential share of the town’s tax burden was 84% of the total. Fortunately, another opportunity for commercial development presented itself. According to town officials, Cisco Systems came to officials in the Town of Boxborough in 1999 and said, “we know you are a sleepy town” but would you want to work with us to develop the Cisco campus. The developer of Cisco Systems had wanted to work with the neighboring town of Harvard, but Harvard did not want the development. The Town of Littleton did not embrace the project either. The reluctance of other neighboring towns to work with Cisco ended up working to Boxborough’s advantage.

The Town of Boxborough worked with Cisco Systems on a TIF (tax increment financing) agreement. Natalie Lashmit, the former Town Administrator, admitted, that one of the reasons that they went forward with the TIF agreement is that she “is willing to take risks.” She emphasized the importance of local leadership in getting big projects developed. When she proposed the TIF agreement to the Board of Selectman, she was worried about losing her job because it was a controversial and risky move. The TIF agreement gave up \$15 million of tax revenue, but it solidified Cisco’s development in Boxborough. Lashmit said that the process of getting a TIF approved in a town that had never done one required a lot of advance work. She believes that having intelligent members of volunteer boards was critical to this process. Lashmit felt that some of the members of the Board of Selectman were very interested in these issues and since some of them are retired, they had the time to learn about them. The town officials passed the TIF agreement and were also able to get a commercial version of cluster development approved at town meeting for the Cisco property. As a result, they were able to conserve 125 acres of open space at the Cisco site. The end result has been that Cisco located in Boxborough and has taken on a large portion of the local tax burden. Cisco Systems worked with the town to develop a campus that is consistent with the look and quality of town. Boxborough gets about \$1 million of revenue a year from Cisco. In 2004, Cisco

²⁹ Posted on Town of Boxborough Webpage. Please Stay After the Town Hall Meeting for A “State of the Town” Forum. <http://town.boxborough.ma.us/boxborough/cgi-bin/makepage.cgi?State%20of%20the%20Town.pdf>

systems paid 15% of the total town tax bill.³⁰ Cisco also gave GIS (Geographic Information System) software as a gift to the town for planning purposes along with a number of computers. The town's relationship with Cisco has been positive and town officials say they would love for Cisco to add on (particularly since their land is already permitted for development) and to expand the tax rolls. However, town officials also recognize that being dependent on one company for the town's financial viability is risky. They worry that without Cisco's tax contributions they would be in even more financial difficulty.

Facing the growth pressure, Boxborough officials wanted to produce a master plan to guide development. Cisco Systems provided the Town of Boxborough with \$75,000 to produce a master plan. In 2002, after a year of preparation, Boxborough produced its first master plan with the support from the consulting firm BEALS AND TOMAS, INC. On January 19th, 2005, the town has its first meeting about plan implementation. However, implementation of the plan has been difficult because the Planning Board decided that town meeting members were not likely to approve the Master Plan so they did not bring it to a vote at town meeting. The Board of Selectman and Planning Board were reluctant to have the town meeting officially endorse the master plan because they felt the town meeting format is not conducive to the review of large complex documents like a master plan. They doubted that town meeting would adopt the plan. Official rejection of the master plan would make it hard to implement and official endorsement would make it hard to change in the future. They did not want to have to go back to town meeting any time they wanted to make a change. They saw the Master Plan as a "fluid document" or a "road map" which could serve to guide development, but they did not want to be bound to its recommendations, particularly as economic conditions change.

While the master plan in Boxborough serves as a guide rather than an official document, town officials felt that the process of coming up with the Master Plan was an important step in helping to understand what people in the community wanted the town to "look like when they grow up." The process entailed a series of public meetings in which a cross section of town was involved. It helped formulate a "longer range perspective" and served as an opportunity to engage citizens and stakeholders in a dialogue about their preferences for the future. One of the important themes that came out of the master plan was the overall desire for smaller scale development. Boxborough town meeting had already zoned out big box development; however, the Master Plan emphasizes the desire to preserve the rural character of route 111.

³⁰ In 2004, 76% of the taxes were paid by residents and 24% paid by commercial/industrial. While residential taxes still make up the bulk of the town revenue, it is down from 2000 when the residents' share was 81%. Residents we talked with felt that they paid very high taxes and did not get a lot of public services. They complained that they did not even get their trash picked up and have to provide their own water and sewer systems. Their tax rate is the 19th highest in the Commonwealth. One official told a funny anecdote about how a number of people who relocated to Boxborough from Boston have called town hall when they have problems with their water. These former city dwellers are shocked to find out that they have to take care of their own wells and that their high tax bills do not even get them connected to the town water supply.

The 2001 Town Center Visioning was in response to the population shifts in the town. Many of the people who had lived in Boxborough for a long time were willing to drive to Acton to go to a restaurant. However, newcomers hoped for a downtown area in Boxborough. Seniors also wanted a walkable town center and affordable apartments so they could afford stay in Boxborough. The Town Center Visioning plan was an attempt to understand mixed interests and desires of Boxborough residents. However, the output from the Town Center Visioning process has been put on hold because the same developer who owns the proposed town center land is also the developer of Boxborough Meadows, the 40B project that the Town sued.

While the town has tried to guide its growth, ANRs (Approval Not Required) limit the ability of the town to plan for development. 40Bs are also a planning challenge because they can be placed in areas that the town has designated for other uses. 40Bs can overlook local wetlands bylaws and zoning. One of the challenges that Boxborough now faces is that since they are a town of only 10 square miles, they have only a limited number of additional lots appropriate for commercial and industrial development. Currently a 40B project is going into an area that has been zoned for an office park. The use of a commercially zoned part of the town for housing does not help the town increase its commercial tax revenue.

Proposals for zoning changes in Boxborough typically come about when 1) there is a developer who is working with the Planning Board; and 2) when the Planning Board wants to implement something from the master plan. Sometimes zoning changes proposed by the Planning Board are rejected by town meeting. In the 1990s, the Planning Board tried to convince the town meeting that cluster zoning should be adopted in Boxborough. However, citizens realized that cluster zoning would allow more development to happen. Since the local wetlands bylaws are so strict, many lots already have reduced development potential. Cluster zoning would allow developers to build more housing by consolidating lots that were previously not developable. According to town officials it has been a “big battle” in town about whether to have 1-3 acre lots or more clustered zoning with open space behind it.

V. Summary

In a small town like Boxborough, we see how local preference and state requirements interact to shape the planning and development processes. While citizens and town officials in Boxborough work to maintain the rural character of the area, state regulations like Chapter 40B bring new growth management challenges. Since Chapter 40B development can override local zoning by-laws, community members have to negotiate with developers about the location and density of each new project. The outcome, regardless of the negotiation process, is consistently a higher density development than what is specified in the zoning by-law. The development permit application process is the interface where state influence and local preference interact. While developers may see the permitting process as being slow and inefficient, the protracted nature of the permitting process is reflective of a high level of community involvement in growth

management. With the 40B projects, by dragging developers into a time-consuming bargaining process, residents can influence what is being built in Boxborough.

The most important growth management tools in Boxborough are the need for private wells and septic systems combined with strict local wetlands regulations. Residents also play a critical role in determining growth management policy by allowing for certain zoning changes and rejecting others. The town has changed the zoning by-law to restrict extremely large houses and to keep big box commercial development out of Boxborough. However, despite Planning Board recommendations, residents have not supported the idea of clustered residential development for fear that it would increase overall density and allow lots that currently cannot be developed to be developed.

Master planning in Boxborough is important as a means of bringing together different stakeholders in a discussion about how they want their town to appear. However, there is reluctance on the part of local officials to have the Master Plan endorsed by the town meeting since the document is so complex (and it might be rejected). Town officials find that citizens at town meeting are often more concerned with the fiscal impacts of planning decisions than with the big picture ideas presented in a master planning document.

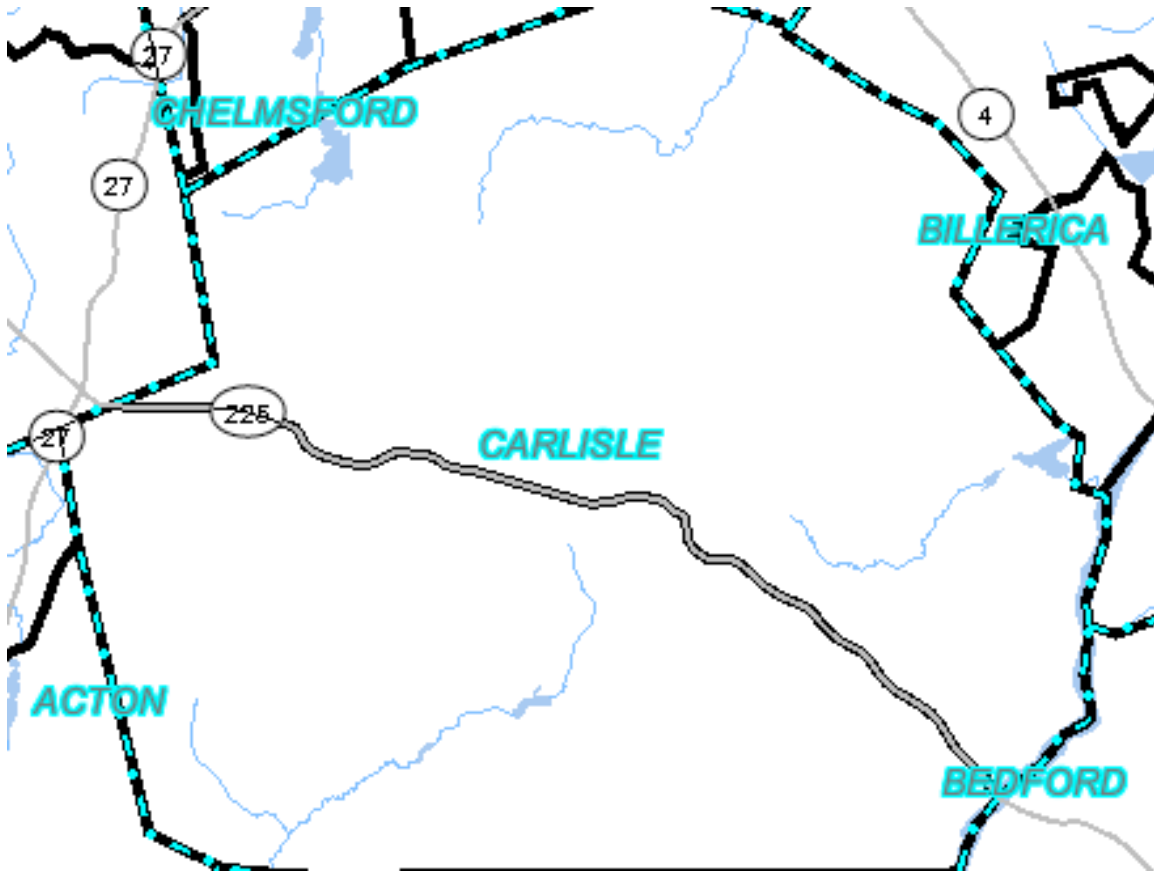
Boxborough's courting of Cisco Systems demonstrates the important role of local leadership. Town officials' willingness to try innovative and (some would say) risky financing mechanisms allowed Boxborough to attract the commercial development necessary to reduce the residential share of the tax burden. While the Cisco Systems development continues to be the shining gem in Boxborough, the town's reliance on one companies' tax revenues raises important questions about the fiscal stability of local towns.

People Interviewed:

Elizabeth Hughes, Town Planner, Boxborough
Natalie Lashmit, Town Administrator, Boxborough
Al Murphy, Affordable Housing Committee, Boxborough
Don Wheeler, Board of Selectman, Boxborough

Case Study: Carlisle

By Marina Psaros



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

Case Study: Carlisle

By Marina Psaros

“People are working hard to make sure that development passes us by.”
-- Marty Galligan, Carlisle resident –

I. Introduction

Carlisle, one of the most rural towns included in this study, is a small community with 5,300 residents. Located 20 miles northeast of downtown Boston, this is an affluent, attractive area that has experienced suburbanization over the past several decades. Growth issues mainly revolve around meeting Chapter 40B affordable housing requirements. With virtually no commercial base and housing stock consisting almost entirely of owner-occupied single-family homes, residential property taxes make up the majority of town revenue. Meeting the state-sanctioned 10% affordable housing stock requirement while still maintaining the town’s rural character is, therefore, one of the most pressing and contentious issues the community faces.

II. The Drivers and Consequences of New Growth

Once a remote farming community, Carlisle has grown into an outer suburb of Boston and Lowell. Before the construction of I-495 in the 60’s, neither access to the town nor employment near it was convenient. In the 1970s, town residents adopted two-acre zoning in an effort to preserve the rural character of the area. Employees of the outer ring’s new industrial parks began moving to Carlisle in the 1980s, attracted by the short commute and inexpensive land. By the 1990s, many Boston professionals with families were also relocating to Carlisle to enjoy the bucolic setting and high-ranking schools. With this growth came a new town hall, the introduction of town administrators and the hiring of a paid full-time planner. By the late 1990s, Carlisle, now with a population nearing 5,000, had the development patterns and administrative infrastructure of a suburb.

Table 1: Carlisle Population Growth

Year	Population	New Residents
1970	2,371	883
1980	3,306	935
1990	4,370	1,064
2000	4,923	553
2003	5,317	394

Source: US Census Bureau

Unlike in many suburbs, however, there are few public services in Carlisle. Residents have their own wells and septic tanks, and neither curbside trash pickup nor access to public transportation exists. The town center consists of a fire station, convenience store, Town Hall, an elementary school, a library, and two churches. One town official explained, “in general, residents are willing to trade off the lack of services for the quality

of the environment here and the closeness to nature.”³¹ Some residents feel that the increase in population over the past several decades has pushed the town to the brink of requiring extensive additional infrastructure, a costly and unwelcome proposition. Concern about the costs associated with that additional infrastructure has been one of the main factors behind residents’ resistance to additional growth.

“There aren’t a lot of troublesome issues in a town as small as Carlisle. Discussions haven’t usually been about land use, they’ve been about budgets, schools, and taxes,” says Marty Galligan, a former Housing Authority member.³² In a town where a recent police blotter consisted of entries such as “1:44 p.m: A child’s car seat was installed at the station” and “3:40 p.m: Loose cattle on Westford Street were retrieved by their owner”, it’s easy to see what Mr. Galligan means. This is a small town, and people like it that way. Strong land conservationist efforts have resulted in 25% of the area being permanently protected as open space. The town has an excellent public school system, lighted cross-country ski trails in winter, an admirable library, and attractive houses set on two-acre plots of wooded land. It is an ideal place to raise children and enjoy nature. Most residents are happy with the status quo and do not welcome change.

Nevertheless, change has come. During the 1980s and 1990s, housing development in Carlisle consisted mainly of large, single-family homes on two-acre lots costing upwards of \$1,000,000. As the high-end market softened in the 2000s, developers began considering other options, including Chapter 40B comprehensive permit projects. Several 40B projects have been proposed by private developers, all of which have been met with a measure of resistance and requests to scale back the number of units involved (or refuse the projects completely).

Residents have been ambivalent about the best way of handling growth problems. On the one hand, they recognize the need to increase housing options, particularly for the elderly and for individuals in the household-formation years (20-34). In a town where the average lot size for new housing is 3.08 acres, it is no surprise that housing is not affordable.³³ Census data from 1980 to the present show both an increase in the elderly population and a decrease in young adults living in Carlisle. These data, in combination with the information in the table below showing median sales prices for single-family homes, suggest that younger people may be priced out of the housing market. At the same time, elderly individuals whose children have left home have few options for relocating to a smaller residence within the community.³⁴ Carlisle residents are concerned about providing enough diversity in the housing stock to meet the needs of community members during different stages of their lives.

³¹ Mansfield, George. Telephone interview by Marina Psaros. August 2005.

³² Galligan, Martin. Telephone interview by Marina Psaros. January 2005.

³³ Data from “Large Lot Housing Construction in the Greater Boston Metropolitan Area.” An Analysis by the Massachusetts Housing Partnership and the MIT Housing Affordability Initiative at the MIT Center for Real Estate. http://www.mhp.net/termsheets/MHP_MIT_1_30_06.pdf

³⁴ *Carlisle Affordable Housing Plan*. June 2005

Table 2: Median Sales Price For Single-Family Homes

Year	Months	1-Family	% Change	# of Sales
2005	Jan - Jul	827,000	11.7%	43
2004	Jan - Dec	730,000	2.1%	89
2003	Jan - Dec	715,000	9.2%	67
2002	Jan - Dec	649,500	-7.8%	48
2001	Jan - Dec	699,900	14.3%	69
2000	Jan - Dec	599,900	21.7%	87
1999	Jan - Dec	470,000	9.4%	97
1998	Jan - Dec	426,000	8.5%	77
1997	Jan - Dec	390,000	-7.1%	91
1996	Jan - Dec	417,500	14.1%	87
1995	Jan - Dec	358,750	2.0%	58
1994	Jan - Dec	351,500	-	72

Source: The Warren Group³⁵

At the same time that housing supply is a concern, individuals also worry about the consequences of allowing additional housing to be built. Under the current two-acre zoning, housing build-out estimates project school enrollment to exceed the state maximum (the school is currently operating at capacity). Constructing additional affordable housing units will likely mean adding an additional elementary school. And building an additional school means a great financial burden – particularly in light of the fact that almost 2/3 of the town’s budget already goes to school funding, whereas only about 1/3 of the residents have children in the school system.³⁶ Complicating the issue is that some projections show a leveling off of the school age children in the area by 2010.

³⁵ Not in constant dollars

³⁶ Freedman, David. Telephone interview by Marina Psaros. January 2005.

Table 3: School Spending in Carlisle

Year	School Expenditures (Millions)	Non-School Expenditures (Millions)	Total Expenditures (Millions)	School % of Total	Number of Pupils	Cost Per Pupil
1990	4.21	3.99	8.21	51.3%	748	\$6,442
1992	4.33	4.04	8.37	51.8%	739	\$6,630
1993	4.48	4.39	8.87	50.5%	772	\$6,934
1994	5.08	4.12	9.20	55.2%	792	\$7,101
1995	5.44	4.21	9.65	56.3%	844	\$7,133
1996	5.80	4.26	10.06	57.7%	898	\$7,239
1997	6.64	4.17	10.81	61.4%	912	\$7,951
1998	7.01	4.63	11.64	60.2%	928	\$8,297
1999	7.51	4.74	12.25	61.3%	964	\$8,755
2000	8.33	5.62	13.95	59.7%	1,038	\$9,218
2001	9.45	6.24	15.69	60.2%	1,088	\$9,654
2002	10.45	6.13	16.57	63.0%	NA	NA
2003	11.17	6.5	17.68	63.2%	NA	NA
2004	11.65	6.68	18.34	63.5%	NA	NA

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section

III. The Shifting Role of Planning and Planners

Reflecting this ambivalence, efforts to build affordable housing have been resisted. Two attempts by the Carlisle Housing Authority to site affordable housing units on town-owned land were both defeated at town meeting. Reasons given by residents vary, though the general view of those interviewed for this report is that the town “just wasn’t ready for that kind of planned development.”³⁷ In both attempts, concerns about water and septic system capacity were cited, particularly with respect to one proposal that sought to develop on town-owned land near the site of a previous gas station. Residents were concerned that construction would disrupt potentially contaminated soil, which could then migrate into the drinking water. Conservationists didn’t like the proposed sites because they allowed development in the interior of “pristine” land. Abutters were also concerned about additional traffic and noise. As one interviewee put it, “All 4,000 people think that affordable housing is a good idea, in principal. But, when a real plan gets on the table, there has been resistance.”³⁸

Town plans have not been explicit about how to direct new growth. Although Carlisle does have a Master Plan, the document was produced in 1995 – before many 40B projects were proposed in Carlisle. The utility of Master Plans is often debated, with supporters arguing that such a document provides an overarching framework for land use decision-making, while detractors contend that the Master Plan has too little specificity to be of any use. Interestingly, the Planning Board (authors of the 1995 Master Plan)

³⁷ Ballantine, John. Telephone interview by Marina Psaros. January 2005

³⁸ Galligan, Martin. Telephone interview by Marina Psaros. January 2005.

intentionally chose *not* to call it a Master Plan (but rather a “Study Plan For the Town of Carlisle”), in the hope that it would actually get some use.³⁹

Although the Study Plan does mention the need for affordable housing, there are very few action items or concrete recommendations. The 1987 Affordable Housing Plan, likewise cited the need for housing stock diversity, citizen education, and by-law changes, but included no reference to Chapter 40B. An Affordable Housing Task Force was therefore convened by the Board of Selectmen in early 2005, and in late June produced an Affordable Housing Plan to submit to the state in compliance with Executive Order 418 Housing Certification. This document details the needs of the Carlisle community and presents a detailed 10-year action plan for meeting state affordable housing requirements. The hope is that, once this plan has been approved by the state, Carlisle’s Board of Appeals will be able to deny comprehensive permit proposals that the town does not support.

Many are pleased with this idea. An oft-cited perception is that developers have used Chapter 40B to push through inappropriate projects for private gain, and that developers rarely have the interests of the town at heart. State approval of the Affordable Housing Plan will allow Carlisle to channel development into areas of town that it deems suitable, and stop developers from what one citizen termed “running wild”.

In recognition of the need to take a more proactive stance towards growth management, the Planning Board recently submitted a budget request for \$11,000 annually to be able to perform more strategic and long-term planning. Among the projects the Planning Board wants to undertake is increasing the town’s GIS capabilities, including the digitization of information such as wetlands district delineations. Not everyone believes that this work will be useful, and it remains to be seen whether or not Town Meeting will approve such an appropriation.

Some town officials believe that part of the problem with proactive planning lies in the perceptions of the community-at-large. Individual citizens have a great deal of power in local affairs in Massachusetts. Because zoning matters are decided at Town Meetings that require a 2/3 majority vote, community outreach and education play a very important part in what gets decided. Recognizing this, the Board of Selectmen has organized a number of planning days and focus groups over the past several years to educate the public about growth management options. Most recently, a “40B Forum” was held in June 2005, during which a real estate consultant outlined provisions contained within Chapter 40B as well as possible strategies for meeting affordable housing requirements.

In Carlisle, planning is a process that involves the entire community. The function of the Planning Administrator in Carlisle is not that of an advocate: this position is paid for through the Planning Board and the role is mainly to deal with technical regulatory issues. When asked about the planner’s role in affordable housing, one town official said that an endorsement of affordable housing by the planner would be seen as “taking sides”

³⁹ Freedman, David. Telephone interview by Marina Psaros. January 2005.

politically and would be frowned upon by the community. Advocacy is left to the Selectmen, individual citizens, and members of private organizations.

IV. Leadership for Growth Management

Carlisle is run by an open Town Meetings and a Board of Selectmen that consists of 5 members serving 3-year terms. A number of permanent commissions and committees exist, some of the most influential being the Planning Board, the School Committee, and the Conservation Commission. These three groups, as well as the Board of Selectmen are “the ones that residents listen to” when matters come before Town Meeting.

The Conservation Commission, along with the nonprofit Conservation Foundation, has been very effective in preserving open space through land acquisition and easements. Unlike the Conservation Commission, the Conservation Foundation has no mandate to monitor rules and regulations, and is able to fundraise and deal confidentially with potential private donors. The Conservation Foundation owns 125 acres of land in Carlisle, and has helped to broker conservation easements on many more acres. The Conservation Foundation and the Conservation Commission work closely together, but on different aspects of land protection.

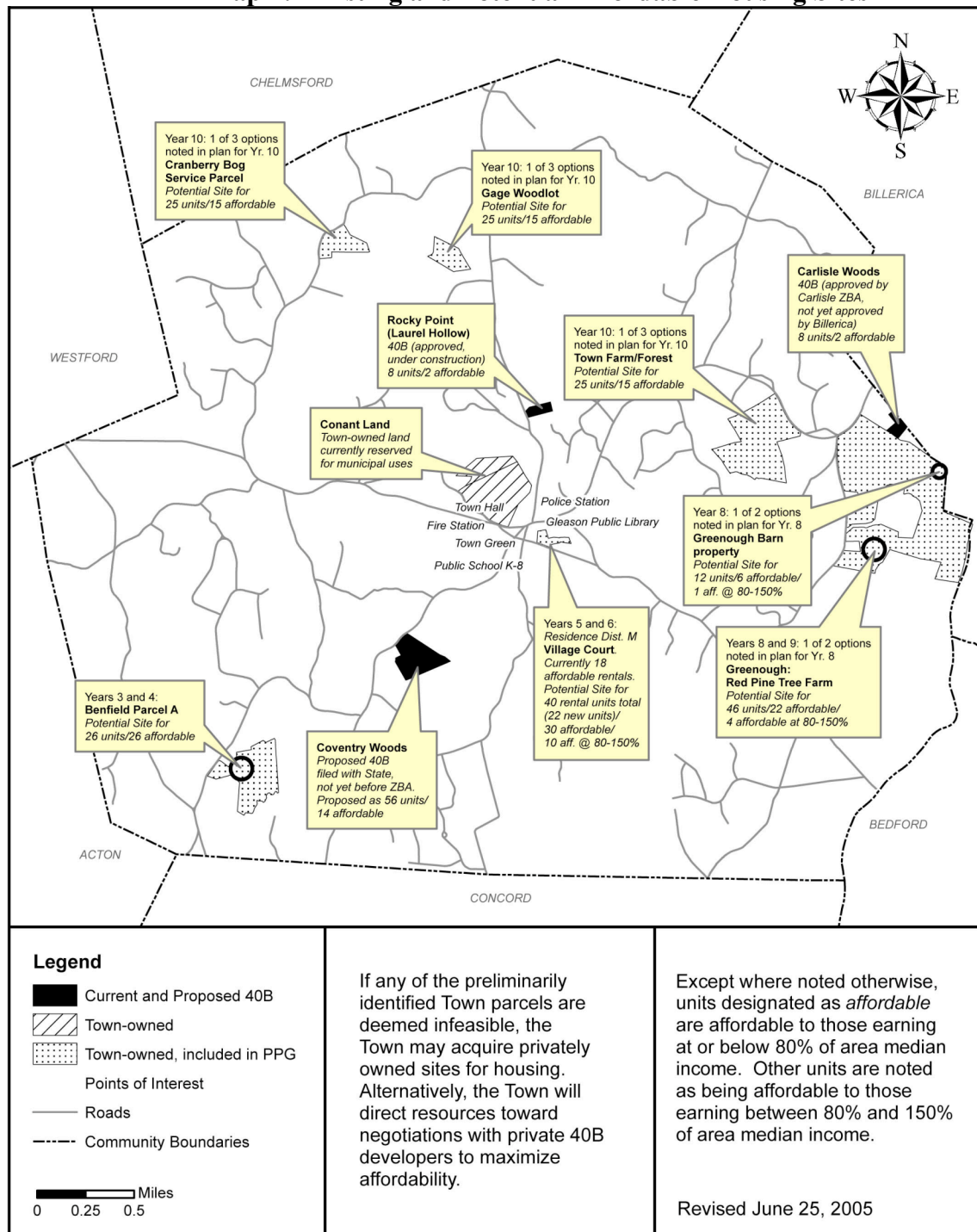
Ad hoc groups are often formed in response to specific concerns, produce one-off pieces of legislation, or take on tasks not assigned to other permanent groups. For example, The Conservation Commission’s newly formed Land Stewardship Subcommittee has been convened in order to do “far more proactive management of the town's conservation properties than ConsCom, with its drumbeat of appraisal, regulation and enforcement responsibilities under the Massachusetts Wetland Protection Act, can accomplish alone.”⁴⁰ Task forces, such as the one that produced the Affordable Housing Plan, are often convened by the Board of Selectmen to produce research and present options related to public town matters.

Major land projects require the cooperation of several different, and often competing, interests and groups. Recent passage of a comprehensive plan for a large parcel of land known as the Benfield property illustrates how citizens have learned to work together to accomplish both conservation and growth management goals simultaneously. The Benfield property is a 178- acre parcel of private land owned by one of the founders of the Conservation Foundation, Ben Benfield. The Conservation Foundation, the Benfield family, the Planning Board, and the Board of Selectmen worked to generate a planning concept for the entire parcel. The plan was for 75 acres to be deeded to the Conservation Foundation as permanent open space, 43 would have a “no build” conservation restriction but be retained by the family, and the town would purchase the remaining acres. Decisions about the use of the town-owned land were contentious, with some residents advocating affordable housing and others hoping to preserve this acreage as open space as well.

⁴⁰ “Proposed Land Stewardship Subcommittee to Manage Town-Owned Open Space,” *Carlisle Mosquito*. July 29, 2005

A number of Selectmen and concerned citizens had been strong proponents of building affordable housing units on the town-owned portion of the land. While some supporters of affordable housing wanted to build as many as 90 units on the property in order to meet state affordable housing requirements as quickly as possible, they realized that such a proposal would never pass town meeting, and scaled back their proposal to 26 units. This plan remained unpopular with the greater community until a few 40B proposals - one comprehensive permit in particular that called for 66 units on 22 acres - sharpened the choices facing the town. State law ensured that growth *would* happen, desired or not. The residents of Carlisle could choose to steer that growth where they felt it would be most appropriate, or have the decisions made for them by outside developers. Preliminary approval of the above mentioned mixed-use development of the Benfield property was received in 2003, just clearing the 2/3 majority hurdle. Heated debate ensued over the number and location of units and the siting of a recreation field. A series of open town meetings to discuss the best use of the land was held in late 2004, and the town selected a nonprofit developer to help develop a final plan for 26 units of affordable housing on the site. The plan was finally approved at town meeting on June 8, 2005.

Map 1: Existing and Potential Affordable Housing Sites



Source: Carlisle Planning Board

V. Inter-municipal Cooperation

Carlisle is part of the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion of the Metropolitan Area Planning Council (MAPC). Meetings are held monthly, and Carlisle representatives do attend these meetings. However, much of MAGIC's focus is on public transportation issues that are largely irrelevant to Carlisle since 77% of the commuters in Carlisle drive alone to work.⁴¹ Historically, the town developed as a farming community, not as a node on the Boston area transport network, and never had a railroad station of its own. The low population density and lack of commercial base in the area indicate that public transportation is a non-issue in Carlisle at the present time, and will possibly remain so for quite a while.

But a number of groups and committees cooperate with neighboring towns on other issues. Concord and Carlisle share a regional public high school, and there is a regional school committee that oversees budgeting and planning. 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 citizen groups in Concord, Acton, Chelmsford and Carlisle are trying to implement a rail trail along the old New Haven Railroad Framingham & Lowell line. In 1997, Concord and Carlisle cooperated with Harvard University on a plan to enlarge and permanently conserve the Estabrook Woods, adding 400 permanent-restriction acres of private and town owned land in Concord and Carlisle to the original 670-acres owned by Harvard. Other ad hoc coalitions are formed to address specific issues as they arise.

One challenge to more regional cooperation is the fact that most active citizens work on a volunteer basis, and therefore must focus the limited time they have to commit on their immediate community. Elected officials serve their local constituents, and private citizens are understandably most concerned with issues that affect their day-to-day lives. A regional approach to growth management is still in its infancy, and there are many hurdles to implementing such systems.

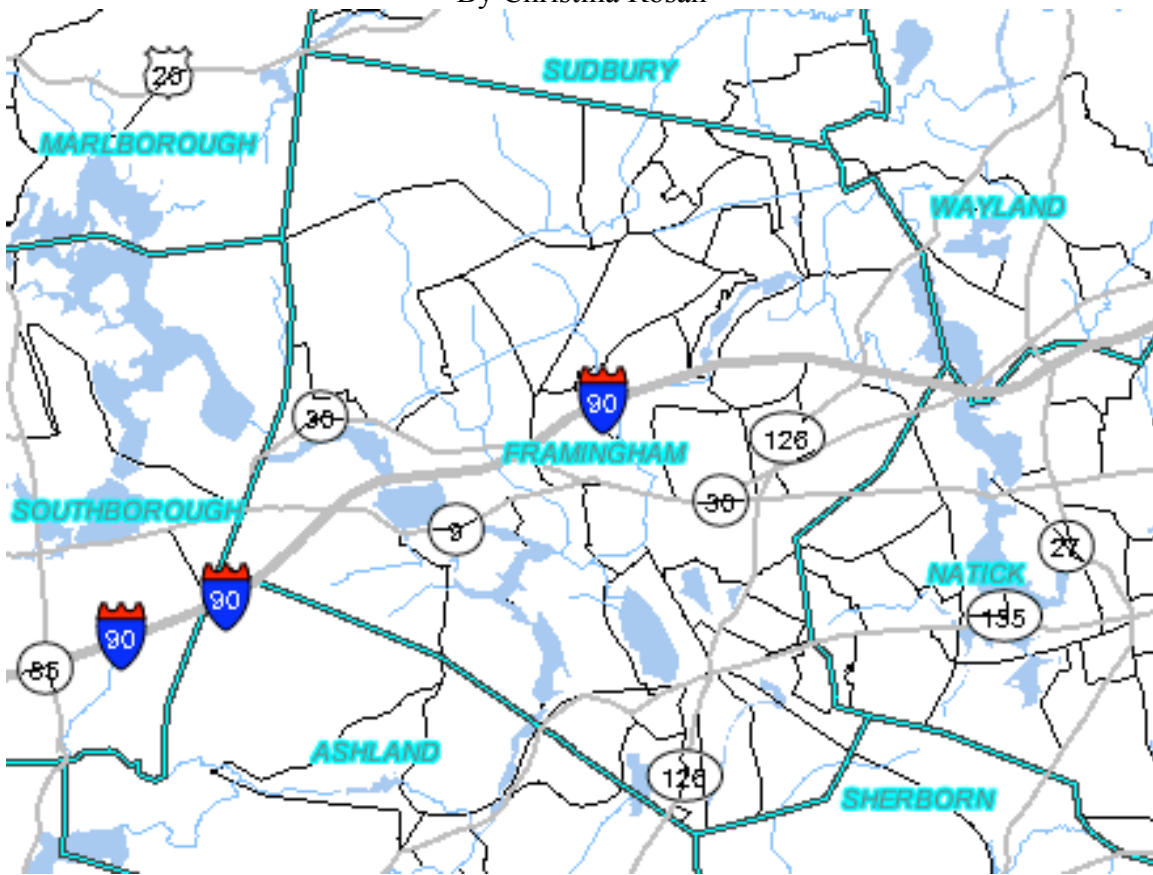
VI. Summary

In Carlisle, the threat of growth looms large in the minds of the residents. Driving down the narrow wooded roads, it is hard to imagine this area becoming "just another suburb." But that is precisely what residents fear will happen if they allow development to proceed as it has in other towns around the Boston area. Not surprisingly, this desire to keep Carlisle rural and small has led to problems with affordability, and the town must now find ways to balance state housing requirements with local desires to stop growth. But as sprawl continues to spiral further and further out from Boston, pressure on places like Carlisle will remain high. One of the greatest challenges to growth management in this town is building citizen knowledge about planning processes, so that residents will be able to shape their town's inevitable growth in the most advantageous ways possible.

⁴¹ Data Set: Census 2000 Summary File 3 (SF 3) – Sample Data. Means of Transportation to Work for Workers 16 Years and Over.

Case Study: Framingham

By Christina Rosan



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

Case Study: The Town of Framingham

By Christina Rosan

“A planner has no right to pursue policy.”

- Steve Orr, Founder of Frambors.com and Town Meeting Member

I. Introduction

With a population of 66,827, Framingham is known as the “biggest small town in America.”⁴² Framingham is actually listed in the Guinness Book of World Records “as the largest town in the world.”⁴³ Despite Framingham’s large population, Framingham still hangs onto its representative Town Meeting form of government (instead of officially becoming a city with a city council). Framingham is an interesting case of growth management because it is a suburban town that has a combination of suburban and urban concerns. Framingham is also a community that is divided spatially along class and race lines. It consists of a middle-upper class suburban north side and an increasingly urban and more ethnic south side.

The General Motor’s Framingham Assembly plant (which opened in 1947) played an important role in Framingham’s development. The plant closed its doors in 1989 along with several other factories in town resulting in the loss of about 13,000 jobs.⁴⁴ Since then, Framingham has recovered “three fourths of the job loss, but today’s total is still 3,200 below the mid-80s.”⁴⁵ As of 2003, the four largest employers in Framingham were Staples (2000+ employees), TJX Companies (2000+), and the MetroWest Medical Center (1600).⁴⁶ About one third of Framingham residents work in Framingham while the other two thirds commute to jobs in the region (8 percent of Framingham residents commute to Natick and 11 percent to Boston).⁴⁷

While the population increased only 4 percent between 1970-2000, residential land use increased 13 percent. Route 9 has served as the backbone for Framingham’s commercial development. The Framingham Technology Park is home to Bose (their campus is so large it is referred to as “Bose Mountain”) and other major corporations. North Framingham consists of farms and state parks. Businesses in downtown Framingham increasingly cater to Framingham’s Brazilian population. Local shops offer a wide range of services in Portuguese.

⁴² Massachusetts Department of Revenue. US Census Estimate 2002. Framingham: A Snapshot of A Community. Framingham Community Partners Indicator Group Report, p. 6.

⁴³ Framingham: A Snapshot of A Community. Framingham Community Partners Indicator Group Report, p. 6.

⁴⁴ Town of Framingham Community Development Plan, June 2004, p. 10.
<http://www.framinghamma.org/web/Government/Framingham%20Final%20CDP.pdf>

⁴⁵ Ibid, p. 10.

⁴⁶ Town of Framingham Community Development Plan, June 2004, p. 14.

⁴⁷ Town of Framingham Community Development Plan, June 2004, p. 6.

In the 1990s, the number of families in Framingham living below the poverty line increased by 48 percent to 1,000. In addition, the number of immigrants in Framingham has risen dramatically. In 2000, 17,600 residents did not speak English well.⁴⁸ Framingham's rapidly changing demographics factor into the debate over growth management and maintaining Framingham's "character."

II. The Drivers and Consequences of New Growth

Framingham's proximity to the Massachusetts Turnpike has been critical for its commercial and industrial development. In the 1980s, Framingham was a hotspot for retail and office construction. The land use boards at the time were very pro-development. They wanted to maximize Framingham's property tax potential on Route 9 and protect the rest of the municipality from this type of commercial development. However, neighborhoods that bordered Route 9 were actively opposed to Framingham's development of the Route 9 corridor. This will be discussed later in the intermunicipal cooperation section of the case study.

In the 1960s and the early 1970s Framingham grew because of multifamily developments. As a result of the rapid population growth, Framingham Town Meeting declared a 2-year moratorium on multi-family housing while they studied the effect of this new growth. After the moratorium, the town voted to remove multifamily housing from the town's zoning by-laws. Currently, Framingham allows mixed-use development provided a variance is granted from the Zoning Board of Appeals. They also have a Planned Unit Development Overlay District. The resistance to multifamily housing comes from the fear of additional density, rapidity of population growth, impact on schools, traffic, community character, and the general cost of government. Between 1990 and 2000, the number of students enrolled in Framingham's public schools increased from 7,953 to 9,017, a 13 percent increase.

⁴⁸ Town of Framingham Community Development Plan, June 2004, p. 10.

Table 1: School Spending in Framingham

Year	School Expenditures	Non-School Expenditures	Total Expenditures	School % of Total Spending	Number of Pupils	Cost Per Pupil
1990	39,921,000	47,839,050	87,760,050	45.49	7,953	5,841
1991	41,254,252	49,357,978	90,612,230	45.53	7,867	6,056
1992	40,652,202	51,183,116	91,835,318	44.27	7,987	6,015
1993	41,357,182	54,274,177	95,631,359	43.25	7,961	6,197
1994	44,509,678	45,797,799	90,307,477	49.29	7,863	6,313
1995	46,462,802	48,530,627	94,993,429	48.91	8,401	6,487
1996	50,387,789	53,297,020	103,684,809	48.60	8,373	7,176
1997	54,621,185	54,556,874	109,178,059	50.03	8,607	7,532
1998	56,555,986	57,341,374	113,897,360	49.66	8,787	7,960
1999	61,486,900	60,394,991	121,881,891	50.45	9,039	8,209
2000	64,672,260	64,114,067	128,786,327	50.22	9,017	8,795
2001	70,085,765	69,136,589	139,222,354	50.34	9,317	8,986
2002	74,012,263	71,726,689	145,738,952	50.78	NA	NA
2003	77,067,065	76,937,693	154,004,758	50.04	NA	NA
2004	78,497,361	79,894,148	158,391,509	49.56	NA	NA

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. This is not adjusted for inflation.

Framingham is 26 square miles and it is almost at buildout because between 80-85% of the land is already developed. One official said, “when a community almost reaches buildout, citizens and town officials have to start thinking differently about how to use and reuse the land.” Most of the undeveloped land is in Framingham’s northwest quadrant and does not have water or sewer access. Water is slowly being brought to new developments in the northwest quadrant, but as a matter of public policy the town has tried to avoid bringing water and sewer out there to support greenfield development. This is one growth management strategy.

Framingham has some significant protected open spaces: Callahan State Forest is in Marlborough, Framingham, Sudbury, and Southborough. A few million dollar houses have been built in the area near the forest, but a number of community groups are actively involved in protecting the area from future development. Framingham has also used cluster zoning as a way of preserving open space. Cluster zoning allows them to “get open space without having to pay for it” since there is not enough money to buy open space outright.

III. The Shifting Role of Planning and Planners

Framingham's planning structure is a bit different from other towns in the area. The Board of Selectman is elected and they appoint a Town Manager. The Town Manager manages the Planning and Economic Development Department. The Planning and Economic Development Department is responsible for housing rehabilitation, managing Community Development Block Grant funds, limited short-term and long-range planning, proposing zoning changes, and the operation of the LIFT bus (Local Inter – Framingham Transit). The Planning Board is an elected board that is independent from the Town Manager, the Board of Selectman, and the Planning and Economic Development Department. The Board is responsible for project mitigation, site plan review, and project monitoring. It has control over ANR (Approval Not Required), subdivision review, and can propose zoning amendments to Town Meeting along with the Planning and Economic Development Department. One of the Planning Boards' key concerns is that new development in Framingham meet certain design standards. Through the Special Permit Review Process, the Planning Board has been able to influence the physical design of big box retail development. The existing Target, Wal-Mart, and Kohls in Framingham all have architectural elements that are a consequence of the Planning Board's Special Permit Review Process. One Planning Board official described the Lowes that is being built in Framingham: "it will be different from any Lowes in the country. We put them through hell," but the Planning Board official was proud of the outcome they achieved.

The Planning Board in Framingham deals with a wide range of projects. One Planning Board member felt that the role of the Planning Board is to be able to "filter out the important stuff that NIMBYs are saying." Citizens often do not understand the zoning bylaws so they are frustrated when the Planning Board "just doesn't say NO." Citizens do not understand some of the legal constraints that the Planning Board is working under. Planning Board officials are not willing to say "yes" or "no" to a project that will not stand up to the law. They already have faced enough legal challenges by developers and citizens groups that they have to be very careful about the processes they follow and the projects they approve or reject. Planning Board members often get accused of "being in bed with the developers." One Planning Board member said, "you have to be a good teacher and explainer of the law." You also have to understand how to deal with "100 people with steam coming out of their ears." You need a "thick skin to be on a board. A lot of people can't take it. You have to be willing to take phone calls at all hours of the day and night. It can be a huge commitment and sometimes people in the community treat you with disrespect. A lot of people seem to have lost sight of the fact that we are their neighbors. Sometimes people don't realize that the Planning Board is a volunteer board."

The Planning Board also acts as a mini-real estate development corporation. It collects impact fees that are between 3-6% of the total value of a new development and decides how to spend this money for traffic improvements and other necessary upgrades to offset the impact of new development. The amount of money that the Planning Board is managing can be quite a lot. When the 9/90 area, an industrial park at the intersection of

Route 9 and the Massachusetts Turnpike, was developed it brought in Staples, Marriott, and CompUSA as well as \$3 million in mitigation money that the Planning Board had to manage. The Planning Board decides the spending priorities for the mitigation money. They have to work in conjunction with the Massachusetts Turnpike Authority and the Massachusetts Highway Department on some of the state highways and roads. Finally, the Planning Board is in charge of the Master Plan updating process. In 2005, Town Meeting allocated \$80,000 for an update of the plan. The last master plan was completed in 1988.

Another important body in the planning process is the Zoning Board of Appeals that is appointed by the Board of Selectman. In order to grant a variance, they have to achieve a super majority. The Zoning Board of Appeals is becoming more and more active as the town has less available land and more non-conforming uses. This reflects a shift in planning decision-making.

Who has jurisdiction over planning activities in Framingham can be the cause of tension. Framingham's planning structure is unique because the Planning Board and the Planning and Economic Development Department are separate. When asked whether having the planning function divided up into different parts was inefficient and potentially redundant, one official said that they act as "complementary streams." In a large community like Framingham, the official reasoned, "there is more of a need for division of labor." One advantage of having the Planning and Economic Development Department separate from the Planning Board is that it is harder to accuse the Town Planner of unfairly influencing the Planning Board. The Planning and Economic Development Department can act more as an advocate for business. However, some planning stakeholders argued the Planning and Economic Development Department is "misnamed" and suggested that it should be called "the Economic Development Department" instead of planning. Some interviewees suggested that the goal of the Planning and Economic Development Department seems to be to "push development along." The Planning Department's goals are described as often being different from those of the Planning Board. The Planning Board is interested in keeping density down while the Planning Department is more interested in creating affordable housing and bringing more businesses to Framingham. The tension between the different planning bodies appears to be an important part of the story of growth management and planning in Framingham.

Zoning amendments in Framingham can take years to get through Town Meeting. Framingham has a representative Town Meeting with many standing boards such as the Planning and Zoning Committee, etc. In order to get zoning changes passed the proponents of a change have to first testify in front of a number of standing boards. This can be a real problem for developers who have to pay someone to represent them at all these different meetings. One official described the Representative Town Meeting as a kind of mini-Congress. The richer precincts from north Framingham tend to have all their seats filled, while other precincts in town have vacant seats. The representatives from the north tend to work as a bloc to stop projects. The "over-55 zoning amendment" which allowed for the development of housing for the over-55 population took years to

get town meeting approval because of the fear that it was another way for multifamily housing to “get its nose under the tent.”

At the same time that some officials are frustrated by the Representative Town Meeting, they also feel that it is better than open town meeting or City Council. In open town meeting if there is a hotly contested issue, “the issue will pass or fail depending on which side of the issue is better at organizing people to attend the Town Meeting.” “At least in a Representative Town Meeting,” one stakeholder said, “you know who is going to attend the meetings and you can work to get them the information they need to make an informed decision. However, there have been cases where people will fill the seats just for a particular issue and then you will never see them again.”

Framingham has passed some innovative planning measures in the downtown core. So for instance, Town Meeting has approved Urban Center Tax Increment Financing. They also have an affordable housing zoning by-law so that any developer has to build 10% of their housing affordable and keep it that way in perpetuity. These policies stand out as very progressive considering they are happening in a town with groups that pride themselves on NIMBYism. One of the ironies in Framingham is that there is much stronger community activism around housing than there is around commercial development. One Planning Board member said that when the Planning Board held hearings for the 9/90 Office Park or Shoppers World (both huge projects which would impact the community) nobody came to the hearings, but when they hold hearings for small subdivisions, scores of community activists show up to oppose.

Affordable housing is a very controversial topic in Framingham. The Housing Action Plan submitted to town meeting by the Framingham Housing Partnership (the Planning and Economic Development Department of Framingham helped draft the report with the assistance of MAPC) in 2004 upset many Town Meeting members and citizen activists. They felt that the document was primarily staff driven. Opponents to the plan claimed that there was not a lot of community input. The Housing Action Plan’s suggestion that there was a need for a lot more affordable housing in Framingham caused significant opposition. The Framingham Taxpayers Association, one of a number of small community organizations organized to oppose new housing developments, argued that it was a “thoughtless document” that did not respect the local context and was essentially lifted from state housing policy documents. One community member said that the Housing Action Plan was a “laundry list of how to destroy the town.” Opponents saw the Housing Action Plan as a plan to “drain wetlands and build 2 story apartments.” One member of the Housing Partnership that drafted the plan admitted that perhaps they “took too bold a step too soon.” The Partnership did not realize just how scared community members were of affordable housing: “We spent 2.5 years working on the housing plan and it turned out to be an exercise in futility.”

While the Board of Selectman never accepted the Housing Action Plan, the fact that they approved the Housing Policy section of the Housing Action Plan, which outlined housing needs for the town of Framingham, has been the subject of on-going controversy. Outraged Town Meeting members brought forward an article at Town Meeting that said

that any policy related to housing should be made by the Town Meeting and not by the Board of Selectman. The logic behind this argument for removing housing policy from the Board of Selectman is that the Board of Selectman are only in office for three years and housing policy has a much longer impact on the town. The article says that when housing policy is modified it needs to be done with the Board of Selectman in conjunction with the Planning Board and a 2/3 Town Meeting majority. Town Meeting has asked the Board of Selectmen to rescind its approval of the Housing Policy. So far, they have not done so. Currently, a new council, The Citizens' Advisory Council, which is composed of Planning Board members, citizen volunteers, and selectman, is working to outline a planning process to address the housing needs of Framingham. The findings from the Citizens' Advisory Council will be incorporated into the new master planning process.

IV. Leadership for Growth Management

As mentioned above, local land use planning in Framingham is a hotly contested issue. There are a number of community groups that have grown up around land use concerns. Members of these groups are increasingly involved in town decision-making through on-line discussion groups, signs posted around town, and the election of representative town meeting members. Community groups in Framingham go so far as to embrace their NIMBYism. One group even calls itself FIMBY, which stands for "Framingham Is Our Backyard." Members of these citizen groups feel that planning in Framingham should be an expression of community interests rather than a reflection of a professionalized planning agenda. Steve Orr, a Town Meeting representative and the director of Frambors.com, an on-line discussion group about Framingham related issues, says, "A planner has no right to pursue policy." He believes that policy should be made by elected officials instead of appointed employees. He argues that planning goals put forward by the Planning and Economic Development Department are "not consistent" with "community character" or with goals agreed on at Town Meeting. Planning officials feel that the "Frambors.com has completely changed the face of town politics." Planning officials find that their decisions are being publicly questioned and posted on the Internet for discussion.

Part of the reason that there is such fervent interest in planning decisions is that Framingham citizens are increasingly aware of the interconnection between land use policy and the taxes they pay. A group called Stop Tax Exempt Property Sprawl (STEPP) has formed around the use of property in Framingham for tax-exempt social services and schools. This group works to "stop Framingham from continuing to host a disproportionate number of the region's social service agencies."⁴⁹ *"We are your neighbors -- concerned citizens of Framingham that have witnessed Framingham's problems increase while its budget has gotten tighter, watched as parents have had to pay for their children to ride the bus to school while property taxes went up, watched as homeless people moved in and elders who raised their children here moved out. We are your neighbors looking out for all our property values and safety. We are your neighbors who have watched as the social services industry has flooded Framingham with more*

⁴⁹ <http://makingpages.org/STEPPS/>

*facilities per capita than any nearby town, and we say **enough is enough.***"⁵⁰ STEPP argues that "[e]ach time SMOC [a social services agency] or another nonprofit purchases a property and removes it from the tax rolls, it no longer pays taxes to the town, and we as taxpayers pick up the tab. In addition, the town has to pay more because of the added strain on schools, police, firefighters, and other services like trash collection. Both ways, **you lose.**"⁵¹

Frustration at the growing number of social service facilities located in Framingham have fueled the on-going land use controversy over the siting of the Wayside Youth and Family Center. The neighbors are appealing a decision to allow the Wayside Youth and Family Center to turn a former nursing home into a center for recovering drug addicts. The Suckerpond Neighborhood Association was formed to fight the Wayside Youth and Family Center and has taken the issue to court. Members of the Association have asked, "Who needs this new facility on the limited site squeezed inside the residential zone?"⁵²

As with other communities in the region, in Framingham you cannot talk about land use planning without talking about 40B. Mention the term 40B in Framingham and you are likely to find yourself in the middle of an on-going debate. Framingham is one of the few towns in Massachusetts that has reached what is described as the "magical" 10% affordable housing target that protects the town from state override and unwanted 40Bs. However, how to stay at the 10% threshold is the cause of much concern. Framingham is now just over the 10% affordable cutoff so they do not have to accept unwanted 40B developments. However, since they have some expiring use apartments⁵³ and they are just over the 10% (10.17%), many in the town are fearful that they will fall below the 10% level. What this has meant is that there are some cases in which groups that have been "anti-affordable housing" are fighting for more affordable housing just so they can stay at the 10% affordability level to protect against 40Bs. The controversy around the accessory apartment law is a case of people who had traditionally been "anti-affordable housing" pushing for more affordable housing. The Planning and Economic Development Department was interested in legalizing accessory apartments since there are many illegal apartments in Framingham. Town officials have "looked the other way" because they are worried about the homelessness problem that might occur if they cracked down on illegal accessory apartments.⁵⁴ The proposed change in zoning to allow accessory apartments was led by community groups and activists that are typically anti-affordable housing. These activists were interested in the zoning change as long as any new accessory apartments or illegal ones that were grandfathered were guaranteed to be affordable. This addition to the proposed accessory apartment by-law has been problematic because owners of accessory apartments are likely to be opposed to the idea of making these units affordable in perpetuity. The irony is the desire to maintain 10%

⁵⁰ <http://makingpages.org/STEPPS/>

⁵¹ <http://makingpages.org/STEPPS/>

⁵² The MetroWest Daily News. Brown: Wayside plan won't benefit children
By Eugenia Brown / Guest Columnist Wednesday, September 10, 2003

⁵³ Expiring use apartments will no longer be mandated as affordable and will return to market rents.

⁵⁴ Particularly immigrant families have many families doubled up in these apartments. However, overcrowding is a real problem in Framingham and parking has become a flash point because some homes have so many people crammed into them.

affordability in Framingham to insulate against 40B developments has led groups that have typically been against affordable housing to become its advocates.

Despite reaching the 10% affordable mark, there are still controversies in Framingham over 40Bs. The Jewish Community Housing for the Elderly was approved as a “friendly” 40B by the Zoning Board of Appeals in 2004. The project is considered “friendly” because Framingham had already met its 10% affordability requirement and did not have to accept more. RAND (Framingham Residents About Nobscot Development) has appealed the decision to Massachusetts Superior Court arguing that the Town should not have granted the “friendly 40B.” Another group called Framingham Neighbors of Elderly Housing has come out in support of the project.

Although not a 40B project, the National Development Planned Unit Development project at Danforth Farms has also been at the center of community controversy for years. The land, which was a former sand and gravel pit, was originally zoned for a PUD development in 1988. However, it was not until 2000 that a real estate development company, National Development, proposed building a 665 unit complex. Their special permit was immediately opposed by 3 groups because of traffic concerns. One of the groups, Save Our Towns, was a group of community activists from Framingham and Wayland who opposed to the project.⁵⁵ It took two years for National Development to settle all the lawsuits that were brought against them. The final result is that the project has been reduced from 665 to 525 units. National Development ended up paying \$8 million in mitigation money. In order to cover their increased costs, National Development has changed the type of housing they are offering. Their final plan calls for 20% less housing and more expensive town house units.

V. Intermunicipal Cooperation

Framingham’s rapid development on Route 9 in the 1980s was a cause for concern among neighboring communities. Route 9 became so congested that residents in the rest of MetroWest started to complain. Citizens in communities in the region started to wonder what they could do to regain some control over the developments in Framingham that were directly impacting them. The MetroWest Growth Management Committee was established in 1985 in an effort to achieve more regional coordination. While all the towns involved in the MetroWest Growth Management Committee were technically part of MAPC, MAPC at the time was perceived as being primarily concerned with the closer-in communities in the Boston region. The purpose of the MetroWest Growth Management Committee was to help with Regional Impact Review, a requirement of MEPA (Massachusetts Environmental Protection Act), which is administered by the Executive Office of Environmental Affairs.⁵⁶ Projects that would affect the entire region (because they were over a certain square footage or had a certain amount of parking) had to be submitted for a regional impact recommendation.

⁵⁵ It is interesting to note that sometimes projects on town borders can bring together residents from neighboring communities who oppose the project.

⁵⁶ The MetroWest Growth Management Committee currently acts as the subregional body for MAPC.

In the 1980s, Route 9 was the major source of commercial revenue for Framingham and Natick; however, according to one interviewee there was growing concern that the “golden goose was dying laying the golden egg.” Citizens and officials alike started to realize that the region’s demise would be a consequence of its success. A 1987 MAPC Build-Out Analysis of the Golden Triangle area suggested that “[c]ontinued development in the Golden Triangle area will further complicate already difficult traffic problems.”⁵⁷ The Golden Triangle interlocal zoning agreement between Framingham and Natick was a product of years of discussion about how to improve the situation. Over the course of five years, the MetroWest Growth Management Committee facilitated discussions between public officials and private developers about the need for standardizing the two towns’ zoning regulations in the Golden Triangle area.⁵⁸ Projects in the Golden Triangle District were required to be reviewed by the two planning boards.

Unfortunately, innovative planning inevitably has to bow to economic conditions. The MetroWest region was hit hard by the recession in the late 1980s and early 1990s. When the economy picked up again, Natick lost its motivation to control growth when they started benefiting from the tax dollars associated with new development. The Natick Mall supplied the town of Natick with one million dollars to upgrade its downtown. When Natick was short on funds, they approved the Natick Mall expansion. Natick negotiated mitigation money for Spleen Street, the affected area in Natick. However, they did not deal with the traffic problems near Framingham that would occur because of the mall expansion. The Town of Framingham sued Natick and the mall developer for additional mitigation money (for the part of the new Route 9 development that would affect Framingham) because under the Golden Triangle zoning agreement, they should have been consulted.⁵⁹ The case was settled out of court and Framingham received 1 million dollars in traffic mitigation money. This includes an annual contribution to the LIFT bus service in Framingham.⁶⁰ While Framingham officials are pleased that they received 1 million dollars, one of the big challenges is figuring out where to spend that money. Since Route 9 is owned by the Massachusetts Highway Authority there is a question about who should pay for what and who makes the decisions about which improvements are undertaken.

Framingham has been involved in a number of lawsuits with neighboring towns. Ashland sued the town of Framingham over the development near the 9/90 intersection. Wayland appealed Framingham’s approval of the National Development PUD that is on Wayland’s border. The number of lawsuits between Framingham and its neighbors is indicative of the lack of intermunicipal planning and cooperation and the need for it.

The MetroWest Growth Management Committee continues to bring together local planners to discuss projects of regional significance. Local planners meet once a month.

⁵⁷ Golden Triangle Build-Out Analysis: an extension of the Route 9 Corridor Planning Study Framingham/Natick. MAPC. 1987. p. iii.

⁵⁸ For an in-depth description of the process see, MetroWest Growth Management Committee: A Case Study by Nora Huvelle. The case study was developed by the Partnership for public works.

⁵⁹ Natick claims that they tried to involve the Framingham Planning Board in the decision, but they did not respond.

⁶⁰ LIFT is Framingham’s local bus service.

Some of the key regional issues are transportation, water supplies, and sewage treatment. However, traffic from new development seems to be a number one concern. Residents in many of the towns in the region have to go through at least one other town to get to the highway. One official said that the MetroWest Growth Management Committee has become a stronger force in the region. However, local interests are still first priority. "People are interested in intermunicipal coordination until someone's ox is gored." Intermunicipal cooperation tends to fall apart when towns get hungry for more revenue. Officials consistently admitted that Proposition 2 1/2, Massachusetts' limit on tax increases, makes communities hungry for commercial development. It is described by one planner as, "the biggest progrowth policy because it has made communities that might have said 'no', say 'yes' to development." One example that was given was the TJX development. When TJX, a retail and corporate magnet, wanted to expand, Natick went along with huge increases in the floor area ratio (FAR). Twenty percent of the expansion was in Framingham and 80% was in Natick. One official said that Natick approved the project because they thought it might be the "last bite off the apple." Recognizing that the sites available for development near the Mass Pike were limited, Natick took the opportunity to bring in additional commercial development. Natick made a deal with TJX that they would provide mitigation money (3 million dollars) for a parkland elsewhere, but not for parking and traffic impacts.

VI. Summary

Framingham is an interesting case of local planning because of the town's diversity and size. Framingham has the governing structure and capacity of a town, but it faces many of the problems of a large city. This is made all the more complicated by the complex interrelationships among the different stakeholder groups involved in local planning. The Planning and Economic Development Department, the Planning Board, the Board of Zoning Appeals, Board of Selectman, and Representative Town Meeting members all feel that they play a key role in the planning process. Each entity sees the goals of planning, however, slightly differently. Sometimes, these groups find themselves in conflict about who has jurisdiction over certain planning decisions. In addition, an increasingly mobilized citizenry makes sure that planning decisions remain transparent. Active citizen planners change the dynamics of local planning decisions by making them the subject of controversy and debate. In the future, it will be interesting to see whether a new Master Planning effort leads to streamlining or modification of the planning process in Framingham or whether the Master Plan falls victim to local politics.

People Interviewed:

Kathy Bartolini, Planning Director, Town of Framingham

Sue Bernstein, Planning Board Member, Town of Framingham

Jay Grande, Planning Board Administrator

Michele Grenzda, Conservation Commission, Town of Framingham

George King, Town Manager, Town of Framingham

Helen Lemoine, former Chair of the Planning Board, Town of Framingham

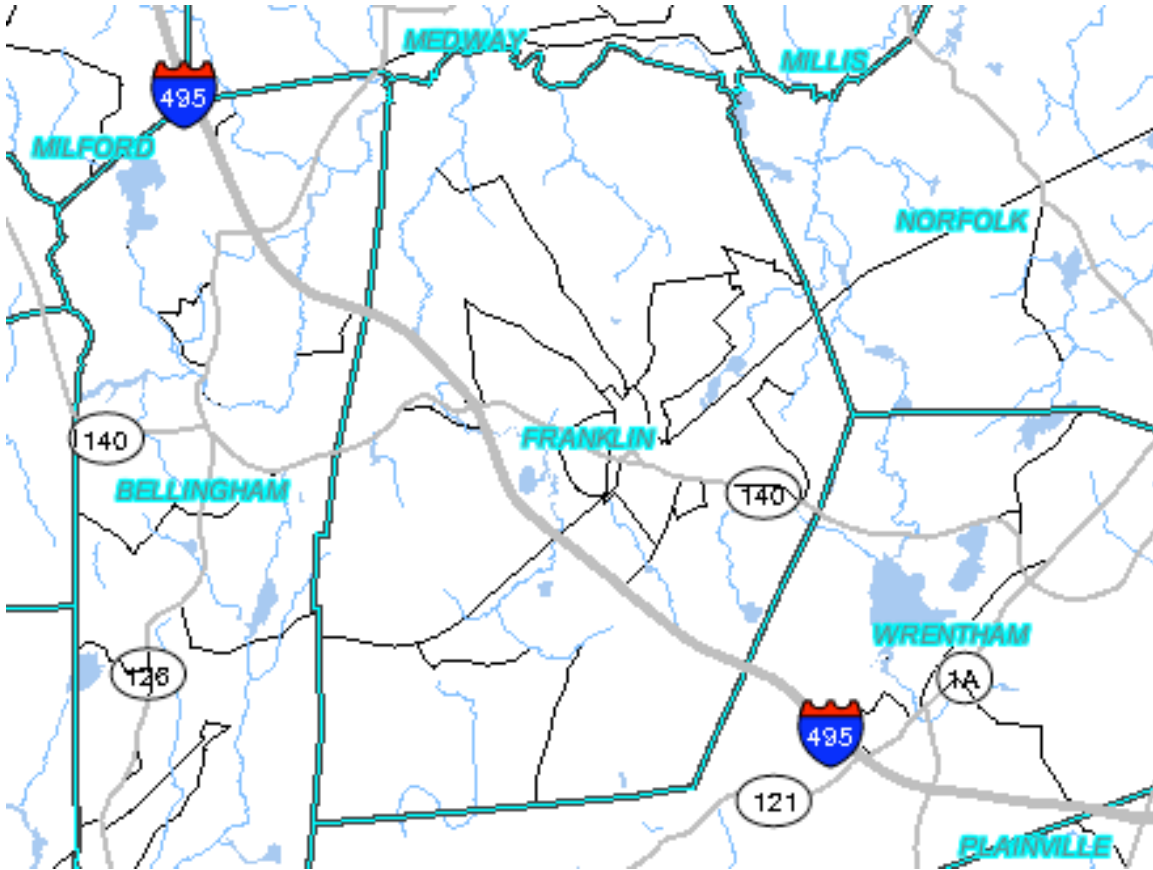
Steve Orr, Town Meeting Member and Community Activist, Editor of Frambors.com

Douglas Straus, Senior Vice President, Director of Residential Development, National Development

Theodore Tye, Managing Partner, National Development

Case Study of Franklin

By Ona Ferguson with Ye Ding



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

Case Study: Franklin, MA

By Ona Ferguson with Ye Ding

“Local government – where the action is.” – Nick Alfiri, Franklin Town Planner

I. Introduction

The town of Franklin, Massachusetts, named in honor of Benjamin Franklin, was settled in 1676. Initially, it was part of the town of Wrentham, and it wasn't incorporated until 1778.⁶¹ Early industries included cotton mills, felt makers, and boot- and shoe-makers. In the 19th century, straw bonnets became the primary industrial product. Proud of the fact that there are 116 books donated by Benjamin Franklin in the public library, Franklin residents today value public services as well as their history.⁶²

Many people who have moved to Franklin in the past few decades have done so because the town boasts a lovely common, good schools, relatively affordable housing, and is located within close proximity to both Providence and Boston. Significant investment in the Franklin Public Library in the 1980s shows the town's commitment to providing quality public services. Its “semi-rural” setting appeals to families with children, causing a boom in new single-family housing and school population. Most development in the 1980s and 1990s was in 3-4 bedroom homes, selling at much lower prices than homes in nearby communities with strong public school systems.⁶³

Governance Structure

The town is governed by the nine elected council members, rather than by town meeting.⁶⁴ The town councilors appoint a town administrator. A 1995 revision of the town charter required that councilors have concurrent terms. This means that all of them are up for reelection simultaneously every two years.⁶⁵ As a result, it is possible for a substantial majority to change every two years. This makes continuity in town leadership a challenge. The council meets twice a month, and adopts the bylaws that comprise the town code.⁶⁶

⁶¹ Metropolitan Area Planning Council Website, 23 October, 2005:

http://www.mapc.org/metro_area/town_pages/franklin.html

⁶² Mass.gov: Franklin.

<http://www.mass.gov/portal/index.jsp?pageID=mg2localgovccpage&L=1&L0=home&L1=Resident&sid=massgov2&selectCity=Franklin> August 9, 2005.

⁶³ Speers, Susan, Metacomet Land Trust. Phone interview with author. August 4, 2005.

⁶⁴ Franklin Town Code, Article 1, Section 2-1: http://gcp.esub.net/cgi-bin/om_isapi.dll?clientID=733606&infobase=twfrank.nfo&softpage=Browse_Frame_Pg42. September 25, 2005.

⁶⁵ Franklin Charter Commission. "Minority Report." Final Report. Franklin: Charter Commission, 1995.

⁶⁶ Franklin Town Charter and Code, Introduction.

Voters in Franklin elect a five member Planning Board (members have four-year overlapping terms of office).⁶⁷ The town administrator appoints seven members to a Conservation Commission, seven members to a Historic Commission, three members to a Zoning Board of Appeals, fifteen members to an Industrial and Development Commission, five members to an Industrial Development Financing Authority, four members to a Housing Authority, and four members to a Redevelopment Authority.⁶⁸

Residential and Land Use Profile

Franklin covers 27 square miles. The average cost of land today is \$250,000 per acre,⁶⁹ and as of 2000 the median household value was \$227,100.⁷⁰

In the last several decades of the twentieth century there was a rapid influx of residents to Franklin. Between 1970 and 2000, the population of Franklin increased by 66%. During that time, residential land use increased by 112%. People living in Franklin are more likely to own their own homes than the average Massachusetts citizen and, in those homes, they are likely to have more than the typical number of rooms.⁷¹ While new construction slowed in other Massachusetts communities during the recession in the 1990s, it did not slow in Franklin. The community was attractive, in part, because of a train station and a low tax rate compared with neighboring towns. Franklin's population has grown from 22,095 in 1990 to 29,560 in 2000 (according to the US Census), an almost 35% increase, to a current population of 30,994.⁷²

II. The Drivers and Consequences of New Growth

Not only is Franklin located between Providence and Boston, but it is also not that far from Worcester. It has two exits off of I-495 and two commuter rail transit stops, one of which is the endpoint for the commuter rail. As the population has increased, there has been substantial stress on local infrastructure capacity including schools and roads. Farms and fields that have been subdivided for residential development, and there is even pressure on industrial land.⁷³

Franklin has ten public primary or middle schools and two high schools (Franklin High and Tri County Regional Voc Tech). Whereas in 1990, Franklin spent \$4,572 per pupil, in 2000 it spent \$6,827.⁷⁴ Nine of ten 2002 Franklin High School graduates were planning to attend college.⁷⁵ Franklin raises a substantial amount of money from donations for extra-curricular activities like music and art programs, which some believe

⁶⁷ Franklin Town Code, Article 3, Section 1-1.

⁶⁸ Franklin Town Code, Article 4, Section 2-5

⁶⁹ Aug 9, 2005: City-Data.com: <http://www.city-data.com/city/Franklin-Massachusetts.html>

⁷⁰ Aug 9, 2005: City-Data.com: <http://www.city-data.com/city/Franklin-Massachusetts.html>

⁷¹ <http://www.city-data.com/city/Franklin-Massachusetts.html> (8/9/05)

⁷² US 2000 Census.

⁷³ Nick Alfiri. Phone interview with author. August 10, 2005.

⁷⁴ Commonwealth of Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section, November 17, 2005. <http://www.dls.state.ma.us/mdm.htm>

⁷⁵ MAPC Community Profiles; Growth Trends in Greater Boston's 101 Communities. Metropolitan Area Planning Council, revised 2004.

is part of why students emerge from high school so well prepared for college-level study.⁷⁶ Yet schools in Franklin are crowded. While in 1990 3,482 pupils were enrolled in Franklin public schools, this increased to 5,705 pupils by 2000.⁷⁷ Through local bond issues and support for the state school construction fund, the town has built two new schools and renovated two others. While state aid for schools has been increasing since 1996 in the form of Chapter 70 Aid, this has required simultaneous higher local contributions to education.⁷⁸ School costs now represent 62% of the total town budget (i.e., \$42.5 million of a \$68 million budget).⁷⁹

In addition to pressure on the school system, rapid development has put significant pressure on the public library and the water and sewage systems. There has even been some question as to whether the town might be forced to close its prized public library. The Master Plan predicted that water demands would exceed the available supply by 2001.⁸⁰ Water difficulty in Franklin is seasonal, with more of a strain on resources in the summer. Landowners draw water from the aquifer, but drain it into the sewers. This means that the aquifer is no longer being replenished.

Development in Franklin has included three industrial parks that are now built out. Most Franklin commercial and business properties are also built out. The current tax ratio is 18% commercial and 82% residential.

III. Planning

In the mid-1990s, 250-350 new buildings were approved per year, and Franklin was the fastest-growing community in Massachusetts.⁸¹ In 1998, 349 new buildings were permitted (selling at an average price of \$119,100). By 2003, only 68 new buildings were permitted (these were sold at an average price of \$271,600). Thus, housing construction rates dropped almost 80% while sale prices jumped over 120%.⁸²

Franklin's development in the mid to late 1990s came predominately in the form of single-family homes. With all these new homes came a substantial investment in new infrastructure, including widening and straightening of roads. Most of the new houses were built in subdivisions with lots of approximately one acre. Developers were often given waivers of local regulations (regarding such things as required landscaping and tree planting), and with their savings were asked to pay for infrastructure costs. During this

⁷⁶ Speers, Susan, August 30, 2005

⁷⁷ Commonwealth of Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section, November 17, 2005.

⁷⁸ "Chapter 70 Aid Trends Franklin." Massachusetts Department of Education. January 26, 2005. <<http://finance1.doe.mass.edu/schfin/Chapter70/profile.aspx?ID=101>>.

⁷⁹ Commonwealth of Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section, November 17, 2005.

⁸⁰ Franklin Master Plan (1997), August 8, 2005: <http://www.franklin.ma.us/auto/town/pacdev/fmplan/>

⁸¹ Nick Alfiri, August 10, 2005.

⁸² Franklin Massachusetts Detailed Profile, August 9, 2005. <http://www.city-data.com/city/Franklin-Massachusetts.html>

period, Franklin was paying less than a million dollars a year in upkeep on its roadways and sewers.⁸³

As the effects of subdividing the landscape became more and more visible, town residents and decision-makers realized that something needed a change. In the two years leading up to the 1995 election, citizens on the Franklin Charter Commission built support for a Charter amendment (which passed). It did away with staggered, ward-based elections. As a result, all nine Councilors are elected simultaneously on an at-large basis.

In the late 1990s, frustration with the rapid rate of development peaked, and several citizens formed a citizen action committee. This committee developed a slate of proposed councilors who sought to oust the town administrator and halt new growth. In 1997, all nine on this slate were elected. The new Town Council was pro-school and anti-growth. These Councilors made some substantial changes. They established an Open Space committee and other committees, instituted design reviews for all site plans, and adopting a Master Plan with a growth management component. The Council adopted a local Bylaw for Conservation. The regulations and changes to zoning implemented during this period limited subdivisions and made it more expensive to build in Franklin which, contrary to the Council's intentions, also meant that the town has had an increasingly difficult time covering rising infrastructure costs.

In-fighting within the Council led to an election in 1999 in which town residents voted in another new Council. This time residents chose previous councilors and people who had experience in town government. New Planning Board members were elected at the same time, and the population of that Board has stayed more or less the same ever since. The Council that was elected in 1999 was less public about its internal disagreements than the previous one. They hired a new town administrator and worked to build a more stable committee structure.

In 1999, a Growth Rate Management Bylaw was passed limiting building per year in Franklin to 100 (except for senior or affordable units).⁸⁴ In 2004, an override to Proposition 2 1/2 almost passed for the first time, highlighting the challenges faced by the town as it tries to provide services given its current tax rate. In that election, the ballot provided only two options to voters, either to override the 2 1/2% levy limit or risk shutting down the public library.

Open Space

Franklin has lost substantial amounts of forest and agricultural lands over the past two decades. It ranks fifth among all Massachusetts municipalities in the loss of forest to residential development between 1985-1999. It is also in the top 20 for acres of agricultural land lost to residential development.⁸⁵ An Open Space Subdivision Bylaw from the late 1980s conserved some land, as parcels were donated to the town or to Metacomet Land Trust, the local conservation land trust. Yet, as remaining parcels

⁸³ Nick Alfiri, August 10, 2005.

⁸⁴ Metropolitan Area Planning Council, Data Center, 2002.

became more difficult to build on (i.e. due to slopes or other development challenges), this Bylaw was used less and less frequently.

Prior to 1998, the town was somewhat complacent about open space. It has a 900-acre state forest, acquired during the depression, a 150-acre town forest, the Charles River, and many farms and agricultural lands.⁸⁶ In 1998, at the urging of residents, the Town Council formed an Open Space Committee to advise the Town Council. Eight volunteers sat on the original committee, which completed the Community Open Space Action Plan⁸⁷ in 1999.⁸⁸ In March of 2003 a successor to this committee, the Public Land Use Committee, was formed with Town Council Resolution 03-20. The purpose of the Public Land Use Committee is to preserve open space and develop and maintain recreational properties.⁸⁹

A 1999 Community Open Space Action Plan recommended three primary goals: providing more open space, preserving local character, and protecting natural resources (including water resources). It recommended the use of Chapter 61.⁹⁰ This is a preferential tax program for land that is in private recreational and agricultural use. It reduces taxes and allows the town the right of first refusal or the opportunity to match within 120 days any offers from developers that would take the land out of protected use. The decision process has to be set up ahead of time so that the town can make its decision quickly.⁹¹ Franklin has not tried to pass the Community Preservation Act. As of the late 1990s, a hotel revenue tax in Franklin has been used for recreation and open space projects.

Since 2002, the Open Space Committee's work has slowed. The Town Council has mostly been supportive of the Open Space Committee. The Council expanded the committee's focus and made it permanent, but it is still staffed by volunteers. The Committee is currently seeking members to help revise the Open Space Plan in order to make the town eligible for state funding.

The Franklin Conservation Commission is charged with protecting Franklin's natural resources.⁹² Both the Conservation Commission and the Metacomet Land Trust work to preserve wetlands, which cannot legally be built on. But many of the largest projects in the 1980s and 1990s were on farmland, suggesting that this type of open space was not well protected. Today, Franklin's farms are mostly all gone, and many private woodlots have been developed.⁹³ In the first decade of the twenty-first century, the strategies used by Franklin decision-making bodies to protect open space have been quite diversified.

⁸⁵ MassAudubon. Losing Ground: At What Cost, 2003.

⁸⁶ Franklin website: Public Land Use Committee site. 26 October, 2005. <http://www.franklin.ma.us/town/>

⁸⁷ The Franklin Open Space Committee. Franklin Community Open Space Action Plan. Franklin, MA, 1999.

⁸⁸ Speers, Susan, August 30, 2005.

⁸⁹ Franklin website: Public Land Use Committee, October 26, 2005.

⁹⁰ Franklin Open Space Committee. Franklin Open Space Action Plan, 1999.

⁹¹ Speers, Susan, August 30, 2005.

⁹² Franklin website: Conservation Commission. October 26, 2005.

⁹³ Speers, Susan, August 30, 2005.

The town has purchased some open space, sometimes through bargain prices offered by supportive landowners. The town has also used available state funding mechanisms to secure matching funds. In 2005, the town announced an agreement to acquire more than twenty acres of land for watershed protection.⁹⁴ As of the spring of 2004, Franklin has 2099 acres of open space protected.⁹⁵

Master Planning

Franklin has had master plans since 1959. Updates to this original plan were completed in 1978, 1989 (this one was never officially adopted), and 1997.

The update in the mid-1990s was in response to concerns over how development was being permitted in Franklin. One watershed subdivision case was that of Padden Estates, in which 30 acres of land were divided into half-acre parcels. This project, which occurred as the town was working on revising its master plan, raised awareness about both enforcement of regulations as well as the need for open space protection. Half-acre zoning for that part of the town surprised nearby residents in neighborhoods with larger minimum lot sizes. The half-acre lots were developed as residences, and were built to capacity. The land included significant steep slopes and granite outcroppings, which meant that the developers were required to ask for multiple waivers to put houses on these parcels. These were granted, and many buyers of new homes in Padden Estates were shocked to discover steep slopes and retaining walls ten feet high on their land. These residences would not have been built if the town had required that developers meet all existing local regulations. By waiving certain requirements, the town undermined the efforts of those who had developed the regulations to protect Franklin's land.

In addition to Padden Estates, several other, smaller, developments caused other new residents to complain about development in their area. There were cases where new residents went to the Planning Board or Zoning Board of Appeals to protest things like developers defaulting or failing to complete streets that had been promised. When they did not get the response from the Planning Board or the Zoning Board of Appeals they hoped for, they ended up attending Town Council meetings to share their stories.⁹⁶

These local experiences with development difficulties and an increasing awareness of the substantial costs associated with residential housing contributed to Franklin's decision to update its master plan in the mid-1990s. The plan adopted in 1997 was developed by citizen volunteers (the Citizens Action Planning Committee) and included community vision and growth management components.⁹⁷ The plan also included a Transportation Improvement Program that made it eligible for state funding for road improvement and other transportation construction projects.⁹⁸ In addition, the town strengthened its

⁹⁴ Ibid.

⁹⁵ MAPC Community Profiles, May 2004.

⁹⁶ Speers, Susan, August 30, 2005.

⁹⁷ The Franklin Master Plan, 1997.

⁹⁸ "Franklin Master Plan Circulation," 1997.

Planning Department and Department of Public Works and increased its efforts to carefully evaluate every development proposal.⁹⁹

In the late 1990s, water and sewer were two areas of particular concern for Franklin. In 1997 and 1999 Franklin completed new wells to meet increasing water needs. Owners of large parcels in Franklin may now put in their own on-site disposal systems assuming they have enough land to do so and do not build on those areas.¹⁰⁰ In addition, the town has a Water System Map with which new developments are required to comply. By ensuring that new developments have adequate water and sewer, the town of Franklin has been able to slow increases in infrastructure costs.

Today, sites being proposed for development are on increasingly marginal land, and the denser the project, the more challenges town officials are likely to raise regarding storm water management. Franklin now offers both carrots and the sticks in an effort to influence new development. The attitudes of the individuals on the Planning Board and the Town Council are one of the most important factors in determining how Franklin will develop.¹⁰¹ The town now encourages redevelopment and mixed-use developments with small condos, office, and small retail, as well as transit-oriented redevelopment near the train stations.

Affordable Housing

Franklin has available senior housing. Officials in Franklin see senior housing as a good financial deal since seniors do not send children to the schools. Senior and affordable housing are exempt from the 1999 Growth Management Bylaw.¹⁰² As an aging population moves from larger homes into senior housing, more large single-family homes will come on the market. One of the challenges for Franklin in developing the housing is that 40B projects are using up Franklin's industrial property and marginal land, rather than going where town officials want development. The town would like mixed-use development that includes affordable housing in the form of small condos.¹⁰³

In the early 1990s, Franklin built seven affordable housing units, the first five with support from a community development grant. The land was purchased by Metacomet Land Trust and was cleaned up using federal and state funds. Using the model of a community land trust, in which a land trust maintains ownership of the land while giving long-term leases to residents for the housing units, income-qualified residents may have permanently affordable leases. In the mid-1990s, the town donated six acres to Metacomet Land Trust, on which the land trust built two units of affordable housing.

Some 40B projects have been forced upon the town, but in the early 2000s, town officials decided they needed to achieve Franklin's 10% affordable housing goal. This would put Franklin in a position of strength in dealing with developers (and the state). In order to

⁹⁹ Speers, Susan, August 30, 2005.

¹⁰⁰ Massachusetts Trial Court Law Libraries . 310 CMR 15. 15.240 and 15.248. December 27, 1996. <http://www.mass.gov/dep/brp/files/310cmr15.pdf>, January 26, 2005.

¹⁰¹ Speers, Susan, August 30, 2005.

¹⁰² "Zoning By-Law Amendment 04-548, Town of Franklin." Franklin, MA. 2004. http://www.franklin.ma.us/town/planning/minutes/2004_2007/apr2804.pdf, January 26, 2005.

¹⁰³ Alfiri, Nick, August 10, 2005.

attain that goal, the town supported the creation of 300 apartments. This brought the town to just under the 10% mark as of the 2000 census, which means another 80 or so affordable units will be required due to population growth since then.¹⁰⁴ Whereas in 1997 Franklin had 6.9% affordable housing (or 531 of 7675 year round units), in 2002 it had only 5.4% affordable housing (or 559 of 10,296 year round units).¹⁰⁵ In 2005, 6.4% of Franklin's housing stock is affordably priced.

Town officials have realized that it is possible to work with developers to design projects that can bring benefits to the town such as reduced snow clearing requirements, and preserve the town's rural character.¹⁰⁶ These requests work for both 40B and other developments. Because town officials and citizens have seen what happens if the Franklin does not reach its 10% affordable housing requirement (when 40Bs can come in without meeting zoning regulations), there is no longer a strong and *unified* local resistance to the idea of affordable housing.¹⁰⁷ As it has become increasingly difficult for people who grew up in Franklin to afford to live there, citizens have begun to understand that middle class families benefit from affordable housing. According to the 1997 Franklin Master Plan, in a 1990 survey "57% of owners surveyed and 63% of renters surveyed thought that their children would probably not settle in Franklin because of housing prices."¹⁰⁸ Recently built houses are valued at as much as six million dollars and many subdivisions include units that all cost at least \$600,000. The Planning Board now asks developers to strive to create model projects with amenities. The town currently has many 3-4 bedroom single-family homes, but few small 1-2 bedroom condos that sell for an amount that middle-income people who want starter homes can afford. Town officials want people in the service industry and young people to be able to live in town, but they know given the current housing market this will continue to be a challenge.¹⁰⁹

Franklin has an affordable housing Trust Fund that developers can choose to pay into instead of building affordable units. This fund has enabled the Town to build affordable units itself. In the past few years, one developer paid \$550,000 into the fund instead of meeting a requirement to make two of 36 new developments affordable.¹¹⁰

There continues to be resistance in Franklin to higher density development. This poses a challenge for affordability when two-acre lots can cost \$400,000 before a house is even constructed. Town officials and citizens are struggling to decide where to put denser development, what it should look like, and how to keep it from having a negative impact on the schools. One possible strategy is to create more apartments. These may bring in fewer families with school-aged children than single-family homes will. Residents are hesitant to bring in more families, rather than objecting to affordable housing itself.

¹⁰⁴ Alfiri, Nick. August 10, 2005.

¹⁰⁵ MAPC Community Profiles, May 2004.

¹⁰⁶ Alfiri, Nick. August 10, 2005.

¹⁰⁷ Here it should be noted that there is still some resistance to affordable housing, particularly housing for families with school aged children.

¹⁰⁸ <http://www.franklin.ma.us/auto/town/pacdev/fmplan/housing/default.htm>

¹⁰⁹ Ibid.

¹¹⁰ Rutherford, Emelie. "Franklin to Create Affordable Housing Trust Fund." The Milford Daily News. August 26, 2004.

IV. Shifting Role of Planning and Planners

In Franklin, the Town Council approves or turns down all specific development plans, while town planners make suggestions and draw up general plans. The Planning Board reviews conceptual plans and pre-submissions, makes recommendations on zoning amendments to the Town Council, and grants approvals for site plans, subdivisions and senior housing. The Zoning Board of Appeals is responsible for 40B applications, and the Council approves all 40B projects.

In the 1980s and 1990s, planners were frustrated by the elected Council giving developers numerous waivers. This has changed as awareness of the high cost of public services has risen (and the understanding that new houses cost the town more money than they generate in taxes). Planning staff and town leadership have acquired more power than before.¹¹¹ Beginning in 1993, Franklin started calculating the full costs of development by allocating costs per service unit.¹¹² As of 2000, infrastructure was still priced at average cost (per resident) rather than at marginal cost (per additional resident), and so the tax burden to new homeowners did not take into account the actual costs they generated. Early on in the development boom, the elected Council may not have understood how to predict what development would mean for the town. Now, however, there is a clear understanding that Franklin has to zone for whatever kind of use it wants (residential, commercial, and industrial) and that zoning for certain types of development as opposed to others has specific tax implications for the town.

Today's staffing in Franklin includes a part time conservation agent, two full-time planners and a full-time secretary, as well as two part-time people providing administrative support.

V. Community Groups and Citizen Involvement in Planning

As in many other towns along I-495, the Franklin citizens most active in planning decisions sit on volunteer or elected boards. Among the committees and commissions that enable citizens to participate in planning efforts in Franklin are the Zoning Board of Appeals, the Public Land Use Committee, the Conservation Commission, the Franklin Downtown Partnership, and the Historical Commission.

Some residents involved in planning efforts, first became educated about planning processes when developments were proposed near them and they started attending Council meetings. One current initiative is the creation of the Franklin Downtown Partnership, an incorporated group that wants to grow the downtown for the benefit of the community as a whole.

¹¹¹ Speers, Susan, August 30, 2005.

¹¹² Franklin Master Plan, 1997.

Design charrettes are organized when new bylaws or zoning changes are being considered. The town Charter requires open hearings before the Planning Board in which citizens are invited to comment. Participation at these hearings is not always high, and some note that the same people show up time and time again and so get responses to their concerns. These tend to be developers and their representatives, consultants, lawyers and engineers. Few citizens participate.¹¹³

VI. Intermunicipal Cooperation

Franklin has been part of several intermunicipal projects. It is a member of the Southwest region of the Metropolitan Area Planning Council. The MAPC helped Franklin start its GIS program with a grant and technical assistance (to digitize paper maps). Franklin has worked with other towns to try to get better bus service from the MBTA, also with help from MAPC. That effort is still underway.¹¹⁴

A regional committee was convened to address concerns about affordable housing. As a result, the towns of Franklin, Bellingham, and Blackstone revised their bylaws to create a 501(c)3 organization to generate affordable housing and push for area-wide open space preservation. This organization has a board elected annually by its membership.¹¹⁵

Franklin has worked with other towns in the I-495 corridor to establish a tax incentive program (TIPS) aimed at bringing business into the area. This program makes it possible to initiate a TIPS with other communities. For the most part, Franklin staff feel they are facing challenges that sit at either a local or a higher level (state or federal), and that they get the best results working locally rather than starting regionally or higher.¹¹⁶

VII. Summary

Franklin has struggled to address the challenges of rapid population growth and the concomitant pressures on town infrastructure. The town has tried various strategies to alter development -- including changing the town charter and electing new Council members with radically different perspectives on development. While the capacity of Franklin's town government is increasing, it is in many ways too late to stem the tide of new growth.

¹¹³ Alfiri, Nick, September 10, 2005.

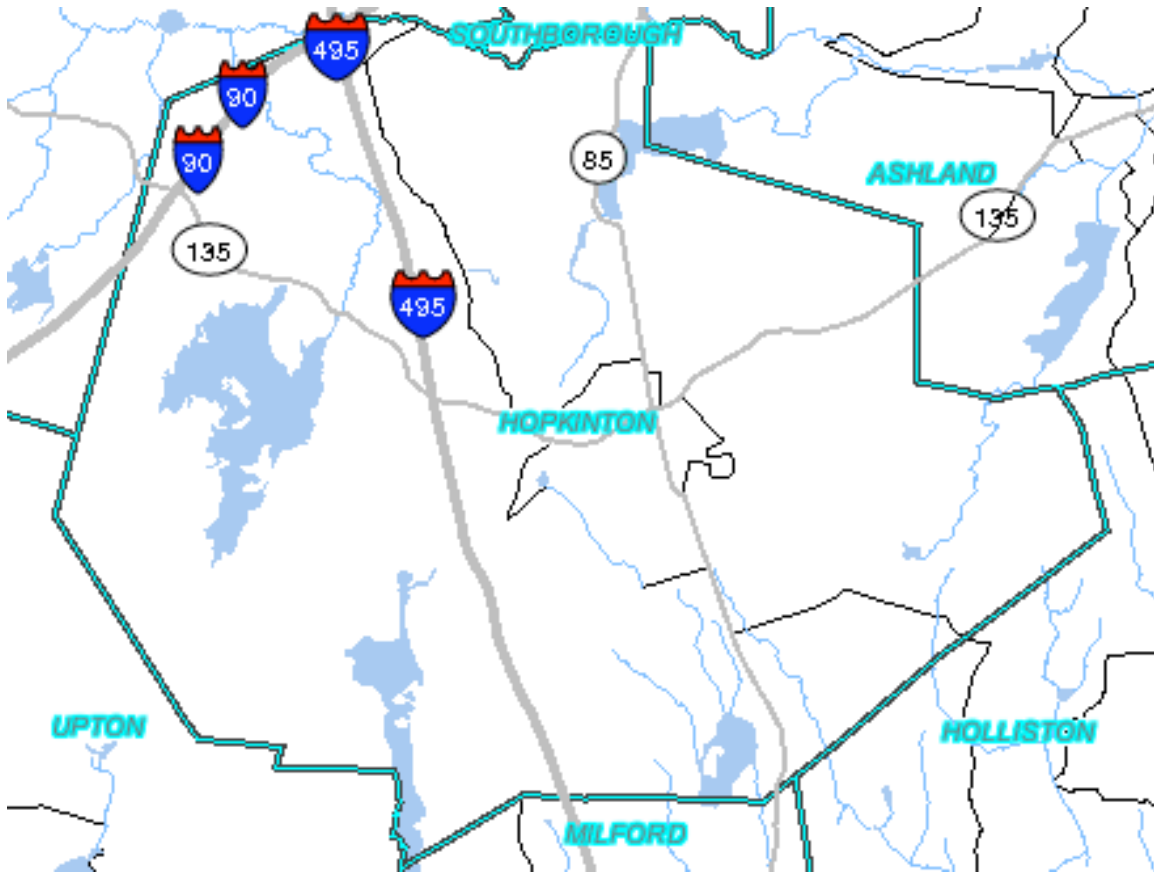
¹¹⁴ Racicot, Mark, Metropolitan Area Planning Council. Phone interview with author. August 25, 2005.

¹¹⁵ Speers, Susan, August 30, 2005.

¹¹⁶ Alfiri, Nick, August 10, 2005.

Case Study: Hopkinton

By Ona Ferguson



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

Case Study: Hopkinton, MA

By Ona Ferguson

I. Introduction

The town of Hopkinton, Massachusetts lies 26 miles due west of Boston. It is a largely residential, forested town established in 1715. Hopkinton is home to families that have lived in the area for decades, since the days when it was a rural community, as well as to a significant number of households that have moved to the area over the past 20 years, as it has become a more affluent suburb.

Hopkinton's bustling Main Street has several small businesses, a town hall, restaurants and gas stations. According to some residents, the downtown is in need of revitalization.¹¹⁷ In addition to the downtown, Hopkinton has an industrial area on South Street, hills and valleys filled with residential subdivisions, and hundreds of acres of protected open space. Equestrian crossing signs and a noticeable lack of large chain stores or fast food establishments give some indication of the development priorities of Hopkinton residents. Residents value the quiet, rural lifestyle they have worked hard to protect. They attach top priority to good schools and open space. To this end, residents volunteer for numerous committees and commissions, and support the hiring of professional staff for the Planning Department and Conservation Commission.

Hopkinton, like many towns along the I-495 corridor, experienced rapid population growth in the late twentieth century, with a 123% increase between 1970 and 2000.¹¹⁸ Between 1990 and 2000, the population grew 45%.¹¹⁹ As companies located along I-495, many workers chose to move their families to Hopkinton, in large part because of its excellent public schools and scenic landscapes. Approximately 90% of high school graduates in Hopkinton plan to go to college.¹²⁰ New home construction increased the percentage of residential land use by more than 170% between 1971 and 1999. Approximately 90% of Hopkinton homes are single-family. Recently constructed single family homes in Hopkinton are large, with an average living area of 3,338 square feet, 4-5 bedrooms and more than 2 bathrooms. The average selling price of a new home in Hopkinton was \$544,000 in 2004.

Governance Structure

Hopkinton has an open Town Meeting structure, with annual Town Meetings in May. The Board of Selectmen is made up of five elected members and has as one of its primary responsibilities appointing members to the many town-level committees. Town committees are primarily made up of volunteers, and include the Planning Board (9 elected members who serve for five-year terms), the Board of Appeals, the Conservation

¹¹⁷ Hopkinton at the Crossroads; Summary of Master Plan Forum, May 25, 2005.

¹¹⁸ US Census Estimates for 2002. From the Massachusetts Department of Revenue. Division of Local Services.

¹¹⁹ Ibid.

¹²⁰ MAPC Community Profiles; Growth Trends in Greater Boston's 101 Communities. Metropolitan Area Planning Council, revised 2004.

Commission (7 appointed members), the Land Use Study Committee (11 appointed members), and a Zoning Advisory Committee (appointed by the Planning Board).¹²¹

Residential and Land Profiles

Hopkinton's population in 2004 was 14,504. In 1990 it was 9191, and going back as far as 1980 it was 7114.¹²² In the first half of 2005, the unemployment rate was 3.9% about equal to the statewide rate in Massachusetts.¹²³ Hopkinton has one of the highest percentages (33% of residents are under 18 years of age)¹²⁴ of young residents in the state (in the 1990s, Hopkinton's population of people under the age of 18 increased 71%¹²⁵). This data suggests that Hopkinton especially attracts young families.

Hopkinton is 28 square miles. Hopkinton ranks eighth of all Massachusetts municipalities in "forest loss to residential development between 1985-1999."¹²⁶ Even so, it still has 2,888 acres of preserved open space or 24 % of its total land area. This includes a town forest, four town parks, four town recreation areas, and two state parks (Hopkinton State Park and Whitehall State Park). Approximately 90% of the housing in Hopkinton is single-family homes. This homogeneity is both one of the primary reasons people choose to live in the area as well as one of the challenges residents face due to their primarily residential tax base.

II. The Drivers and Consequences of New Growth

The story of new growth in Hopkinton is one of families seeking rural character and good schools.

Early History

At the beginning of the 20th century, Hopkinton's downtown developed around several shoe factories.¹²⁷ The shoe factories burned down in the early decades, and were never rebuilt. This led Hopkinton to become, once again, primarily an agricultural village. Prior to the 1950s, state laws provided the only guidance used by the town to direct development. In the 1954, local zoning was established in Hopkinton.

I-495 and Residential Development

In the 1960s, Interstate I-495 was planned. Once constructed, Hopkinton sat at the intersection of I-495 and the Massachusetts Turnpike (I-90), two of the biggest highways

¹²¹ Hopkinton Planning Board website. <http://www.hopkinton.org/gov/planning/index.htm>. September 20, 2005.

¹²² "Hopkinton at the Crossroads, May 25, 2005.

¹²³ Division of Career Services-Division of Unemployment Assistance town data. <http://www.detma.org/LMIdataprog.htm>. September 20, 2005.

¹²⁴ Ibid.

¹²⁵ Community Opportunities Group, Inc. The Town of Hopkinton Housing Plan, p 12. http://www.hopkinton.org/gov/planning/pdf/Hopkinton_EO_418.pdf. Boston, MA, March 2004.

¹²⁶ Mass Audubon. *Losing Ground: At What Cost: Changes in Land Use and Their Impact on Habitat, Biodiversity, and Ecosystem Services in Massachusetts*. 2003. http://www.massaudubon.org/PDF/advocacy/losingground/LosingGround_All.pdf

¹²⁷ Roux, Ron, Owner, Hallmark Companies. Phone interview with author. September 20, 2005.

in the state. This made Hopkinton convenient for commuters working in Boston as well as Worcester.

In the 1970s, developers started to subdivide parcels, providing new housing opportunities. At that time, families made up the majority of the people moving into the town, a trend that continues today, as families move out of both suburban and urban areas in search of homes in safe communities within commuting distance of the bulk of the new jobs. This migration continued in the 1980s and 1990s. In 1971 9% of Hopkinton land was devoted to residential use. By 1999, that figure was just under 25%.¹²⁸ The increase in new home construction (30% of homes in Hopkinton today were built in the last ten years¹²⁹) and a mushrooming population, put significant strain on public services, including schools, trash collection, sewer, water supply, transportation, and police. The fact that a fifth of the population is under the age of 10, and that between 1992 and 2002 school enrollment increased by 110% has created enormous pressure on the public schools.¹³⁰

Public Schools and Municipal Services

Forty-nine percent of households in Hopkinton have children under 18, compared with 31% state-wide.¹³¹ Because of the ever-increasing school population, providing the resources to maintain a top-notch education system is a major challenge for Hopkinton. However, citizens are actively involved in keeping the Hopkinton schools going strong. This dedication is evidenced by the Parent Teacher's Associations (PTA) success in raising over \$100,000 a year in supplementary support for local public schools. In the 1990s, the town built two new schools and undertook major renovations on a third. Along with new schools, the town built a new police station and a significant addition to the fire station. They also hired new staff and purchased additional equipment. These expenses, including rising debt and interest payments, have increased the residential property tax burden dramatically. Today the largest portion of tax dollars (54% of FY06) goes to support the yearly operating budget of elementary and high schools. (A portion of that money covers debt and interest on the new buildings).¹³²

¹²⁸ The Hopkinton Housing Plan, page 27.

¹²⁹ Ibid, page 12.

¹³⁰ Hopkinton at the Crossroads, May 25, 2005.

¹³¹ The Hopkinton Housing Plan, page 11.

¹³² Harrington, Mary. Phone interview with author. August 29, 2005.

Table 1: School Spending in Hopkinton

Year	School Expenditures	Non-School Expenditures	Total Expenditures	School % of Total Spending	Number of Pupils	Cost Per Pupil
1990	6,536,041	6,446,389	12,982,430	50.35	1,513.90	4,506
1991	6,684,953	6,113,618	12,798,571	52.23	1,560.50	4,736
1992	6,655,008	6,472,982	13,127,990	50.69	1,628.70	4,354
1993	7,472,562	6,971,155	14,443,717	51.74	1,669.60	4,899
1994	8,211,385	7,579,174	15,790,559	52.00	1,758.00	5,073
1995	9,113,920	6,777,290	15,891,210	57.35	2,012.00	5,077
1996	10,243,820	8,079,173	18,322,993	55.91	2,202.20	5,240
1997	11,514,479	8,185,594	19,700,073	58.45	2,262.90	5,784
1998	12,497,289	9,053,619	21,550,908	57.99	2,471.80	5,555
1999	14,411,440	10,107,197	24,518,637	58.78	2,706.50	5,926
2000	16,188,160	11,059,817	27,247,977	59.41	2,844.80	6,256
2001	18,810,837	14,092,410	32,903,247	57.17	3,054.70	6,724
2002	22,455,538	16,406,076	38,861,614	57.78	NA	NA
2003	24,883,133	18,293,271	43,176,404	57.63	NA	NA
2004	25,771,173	18,840,784	44,611,957	57.77	NA	NA

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section. This is not adjusted for inflation.

The land that has not been developed in Hopkinton and is not protected open space is primarily marginal land, with significant percentages of wetlands, inadequate access, or steep slopes. The wastewater disposal facilities and water supply are approaching their limits, and will not be able to support many new homes. The Commonwealth of Massachusetts, Executive Office of Environmental Affairs, completed a buildout analysis of Hopkinton's in 2000. The analysis was intended to be a graphic depiction of where a community is heading, so that planning and land use decisions could be made. The process involved identifying developed land and absolute constraints on development, determining the amount of available land, and then calculating how much development could occur under the Town's current regulations. The buildout analysis for Hopkinton concluded that the Town's population at buildout would be 18,350 people. The amount of developable land area identified during the study was 7,614 acres. Since 2000, about 1,000 acres of land has either been developed or preserved as permanent open space, so is no longer buildable. The rate at which Hopkinton approaches its buildout is a function of the housing market and local land use regulations.¹³³

The buildout analysis also concluded that the additional residents would translate into 1,671 additional school children, 2,785 additional housing units, and 47 additional road miles. The analysis concluded that there was 4,846,298 sq. ft. of additional commercial and industrial floor area possible, and the additional water demand at buildout would be 568,090 gallons per day for residential and 363,472 for commercial and industrial uses.

¹³³ Lazarus, Elaine, Planning Director, Town of Hopkinton. Interview with author. August 12, 2005.

Housing

Today Hopkinton runs the risk of excluding “ordinary” people, due to extremely high housing costs and property taxes. In fact, mean housing prices are so high that people who are not affluent -- including local police, schoolteachers, municipal employees, and long-term residents on fixed incomes – are not able to afford to buy or remain in Hopkinton, especially if they are first-time home buyers. While some may be able to capitalize on rising home values and sell a home to “trade up,” others are prevented from entering the home buying market because of the lack of lower priced entry-level homes. The median sales price of a home in 1995 was \$282,000. Today it is \$544,000.¹³⁴ People we interviewed say that ensuring local housing for the local workforce is one of their primary challenges. The need for affordable housing is increasingly recognized by residents.¹³⁵

The town’s Community Housing Task Force was established in 2001 by the Planning Board to study local housing needs. The Task Force developed a municipal employee housing program and helped the town qualify for certain loan programs. Some of the individuals serving on the Task Force then formed the Hopkinton Community Housing Task Force, Inc – a nonprofit housing development corporation. While in 1997, Hopkinton had 8.5% affordable housing (or 114 out of 3274 total year round units), by 2000 it had only 2.7% affordable housing (or 122 out of 4521 total year round units).¹³⁶ Hopkinton currently has 165 affordable housing units, 3.65% of their housing stock. Today the Hopkinton Housing Authority owns and manages 96 units of elderly housing and 6 units of family housing.¹³⁷

III. Land Use Planning

The history of land use planning in Hopkinton is one of a wide spectrum of residents and municipal officials working together to protect key aspects of the town they care the most about. Over the decades, the tools used by the planning board and planning staff have become increasingly sophisticated.

Before I-495 was built, splitting Hopkinton in two, Chuck Zettek, an early and long-term member of the Planning Board, (and a professional planner), organized residents to think about the implications of the highway. As told by one long-term resident, when the state decided to build Interstate I-495 in the 1960s, Hopkinton’s Industrial Commission had the foresight to float a bond to construct South Street, the Hopkinton industrial area. The Town Meeting approved the bond to build South Street and to provide water and sewer services for the new industrial zone. At the same time, it added a Rural Business District at the interchange of I-495, where small parcels of land and that particular zoning prevented large chain stores from locating. The Rural Business District requires that

¹³⁴ Hopkinton at the Crossroads, May 25, 2005.

¹³⁵ Kramer, Muriel. Phone interview with author. August 30, 2005.

¹³⁶ MAPC Community Profiles, May 2004.

¹³⁷ The Hopkinton Housing Plan, March 2004.

restaurants can only serve food to seated (not drive-through) customers. It was designed as it now stands to prohibit fast food chains that depend on drive-through windows.¹³⁸

Since the 1950s, Hopkinton has had zoning, a Planning Board, Zoning Board of Appeals and a Conservation Commission. A Zoning Advisory Committee has existed since around 1975. The Zoning Advisory Committee's members include members of the other three committees, the building inspector, and a representative of the Chamber of Commerce. Its members work to coordinate the activities of the three groups and to address discrepancies between the master plan and the existing zoning.¹³⁹ Over the years, the Zoning Advisory Committee has itself been responsible for many creative bylaws, including a Garden Apartment Bylaw and a Senior Housing Bylaw.

The Garden Apartment Bylaw, adopted in 1970, allows for multi-family development. While neighboring municipalities experienced substantial growth in the 1970s and 1980s, Hopkinton protected itself by using the special permit process for multi-family housing to selectively approve certain projects and disapprove others. In more recent years, however, the committees and tools used to guide land use decision-making, including the Conservation Commission, state regulations regarding wetland protection and the design of septic systems, the Board of Health, and the Planning Board, began to be overwhelmed by the number of applications for new construction.

Typical subdivisions prior to the late 1980s involved examples such as a 60-acre piece of land with one house per acre and grid roads dividing up the landscape. As this pattern continued, Hopkinton residents decided they wanted something else. One project in particular, in which a developer from out of town purchased over 200 acres but was unwilling to produce an overall plan for the parcel, particularly upset the Hopkinton Planning Board.¹⁴⁰

As local and state regulations have become more complex, the paperwork and procedures for developers trying to get projects approved have also become more onerous. Permits that used to take a few weeks to gain approval now often go through a six-month review period, after which they are just as likely to be turned down. One person we interviewed noted that when he built his house in Hopkinton decades ago, he was required to seek a zoning variance because of proximity to wetlands, and approval was granted when he simply promised (verbally) not to upset the ecological balance in the nearby pond.¹⁴¹ Getting the same approval today would require filing a request for a state wetlands permit. This stands as an example of the increasing sophistication and complexity of the rules and regulations in Hopkinton and of the Commonwealth of Massachusetts.

¹³⁸ Harrington, Mary, August 29, 2005.

¹³⁹ Morrison, Brian, Chairman, Hopkinton Conservation Office. Interview with the author. August 12, 2005.

¹⁴⁰ Harrington, Mary. August 29, 2005.

¹⁴¹ Coolidge, John. Phone interview with author. September 1, 2005.

Open Space

Many residents in Hopkinton support the idea of maintaining open space. The town today boasts that 24% of its land is allocated to open space.¹⁴² Some recognize the tax benefits of preserving land as open space rather than allowing it to be developed for residential use (since land preserved as open space is land where there will be no children who have to go to school, no need for police services, and sewer services). Hopkinton has an Open Space and Recreation Plan and an Open Space Preservation Commission. The Commission is funded by town meeting appropriation and from back taxes paid upon the turnover of “agricultural, forestry and recreation” properties that are protected under M.G.L. Chapter 61, 61A, and 61B. The Town has also adopted the Community Preservation Act. Funds generated under the CPA are from a surcharge on local property tax bills plus an annual match by the State. The State’s matching funds come from a surcharge at the Registries of Deeds statewide. CPA funds may be used for historic preservation, open space, and affordable housing. The Open Space Preservation Commission has negotiated for the purchase of land, then requested funding under the CPA. The Community Preservation Commission makes recommendations with respect to the funding for certain projects, which are voted by town meeting. Some of the funds have been used to purchase open space, which has been placed under the jurisdiction of the Open Space Preservation Commission.¹⁴³

The Conservation Commission, comprised of seven appointed members and several support staff, is the primary organization protecting natural resources in Hopkinton.¹⁴⁴ It coordinates with other town boards and officials, and reviews permit applications for projects with natural resource impacts. In 1995, Hopkinton passed its local Wetlands Protection Bylaw. This requires buffers between wetlands and all development. Through rigorous defense of the Bylaw, the Commission has become known to developers as one that will fight development that it opposes. This willingness of the Commission to act to protect wetlands has substantially decreased the number of proposals seeking permission to fill wetlands. Though this bylaw was stricter than state law at the time it was adopted, state law and the bylaw are now similar. The Bylaw still imposes stricter standards than the state act, as required under Home Rule authority.¹⁴⁵

In the late 1990s, filings for Conservation Commission approval were pouring into the commission’s office. There was one part-time conservation scientist assigned to evaluate and approve applications. In 2000, a full-time staff member for the Conservation Commission was added. Now, several people work for the Commission. This has enabled the group to review applications for completeness and to keep up with its site monitoring obligations. Previously, much of what had been gained during permitting would be lost when development was not monitored for compliance.¹⁴⁶

¹⁴² Lazarus, Elaine, August 12, 2005.

¹⁴³ Lazarus, Elaine, August 12, 2005.

¹⁴⁴ Town of Hopkinton Conservation Commission website.
<http://www.hopkinton.org/gov/conservation/index.htm>. September 20, 2005.

¹⁴⁵ Chagnon, Ellen, Conservation Scientist, Hopkinton Conservation Office. Phone interview with author. August 15, 2005. And Morrison, Brian, August 12, 2005.

¹⁴⁶ Chagnon, Ellen, August 15, 2005.

While the Hopkinton Conservation Commission is primarily charged with protecting natural resources in Hopkinton, other groups in Hopkinton also play a role in open space preservation.¹⁴⁷ The Open Space and Landscape Preservation Development Zoning Bylaw was developed in response to concerns about open space being lost as land is subdivided into tiny residential pieces.¹⁴⁸ This bylaw was an early effort to preserve open spaces within residential areas. The bylaw allows for cluster development, based on a model produced at the University of Massachusetts, to encourage developers to adopt designs that do not involve grid subdivisions. Cluster development can preserve half or more of a parcel as open space.¹⁴⁹ Ron Roux, a local developer who wanted to build a 240-acre development that included significant open space, was instrumental in the passage of this bylaw. At first, the Planning Board did not support the idea of cluster development. Ron presented it at Town Meeting just to share the idea with the public. At that time, and without support of any of the boards, it nearly attained the required 2/3 approval of Town Meeting required to pass. That year, Hopkinton hired its first town planner, Nelda Hoxie. At the next Town Meeting, in 1988, the bylaw was easily approved. As put forward and approved it had some details that deterred developers from submitting cluster proposals. With help from Ron, appropriate amendments were approved in 1990. Since then, virtually all single-family subdivisions on parcels of 10 acres or more have been developed in a cluster fashion.¹⁵⁰ Land developed under the Open Space Bylaw saves developers and the town money on infrastructure costs and encourages closer contact among residents. In its 15 years of existence, over one square mile of Hopkinton land has been preserved as open space at no absolutely no cost to the town.¹⁵¹ Developers argue that residential land values near open space have also increased. Developers and the town staff feel the community as a whole has benefited from cluster zoning.

Master Planning

There are several examples of Hopkinton elected and appointed officials and volunteer boards working together to plan for the future. One example of creative and consensus-based planning done in Hopkinton is the Growth Study Committee. In 1995, in response to ever increasing numbers of subdivision proposals, the Planning Board suggested a development moratorium bylaw that would limit the number of building permits to 84 per year and let the town plan for the new growth. There was substantial dissension within the community, and as a result there was especially high turn out at the next Town Meeting. While typically 200 people show up, at that meeting, the Town Clerk's records show that 761 people voted to adopt the bylaw. The bylaw, however, was not approved by the Attorney General and so it was not enacted.¹⁵²

¹⁴⁷ Town of Hopkinton Conservation Commission website, <http://www.hopkinton.org/gov/conservation/index.htm>. September 20, 2005.

¹⁴⁸ Hopkinton Rules and Regulations Relating to the Subdivision of Land. Adopted May 8, 2000 and amended through June 16, 2003. <http://www.hopkinton.org/gov/planning/pdf/subrules2003.pdf>. October 13, 2005.

¹⁴⁹ Morrison, Brian, August 12, 2005.

¹⁵⁰ Coolidge, John, September 1, 2005 and Morrison, Brian, August 12, 2005.

¹⁵¹ Roux, Ron, September 20, 2005, Lazarus, Elaine, August 12, 2005.

¹⁵² Lazarus, Elaine, August 12, 2005.

Following this episode, the Growth Study Committee was created by the Planning Board. The idea was to recognize that the town would grow and to specify the most desired way for that to happen. A wide cross-section of the community was represented on the 15-member Committee, which meant that discussions were initially difficult. The Committee eventually decided to preserve rural character with growth, and established some ground rules for how that could be achieved. The Committee made a series of recommendations, many of which were financial. They pushed for changes in how local taxes were collected, as well as for phased approval of development plans and new zoning.¹⁵³ One of the most forward-looking steps, however, occurred in 1995: a five-person Growth Study Implementation Committee was created. The Implementation Committee's task was to make sure that the recommendations of the 15-person Committee were implemented. The five people on that Committee included the Planning Board chair, a real estate company executive, a local activist, a member of the planning board and a developer. The people on both committees understood that a combination of laws and stated objectives for the future would dictate what could and could not be done, and they worked together to determine what they thought would be best for the whole community.¹⁵⁴

Hopkinton also completed master plans in 1993 and 1999, as it is the intention of the Planning Board to have one completed every five years. It is "intended to be a dynamic and useful document frequently used by the Planning Board and other Town officials."¹⁵⁵ It reiterates that the primary planning efforts in the 1990s were the Growth Study Committee Report of 1995 and the Open Space and Recreation Plan in 1996. The 1999 Master Plan called for areas to be rezoned to protect watersheds and conservation in high-density areas.¹⁵⁶ In 2004, Hopkinton completed its EO-418 Community Development Plan, called the Town of Hopkinton Housing Plan. This plan updated the 1999 Master Plan with respect to housing issues.

There are efforts underway to prepare a new Master Plan. Master Plans in Hopkinton are always prepared by volunteers with assistance of the Town Planner.¹⁵⁷ A process has been underway since 2003 when the Board of Selectmen appointed nine volunteer members, to formulate Hopkinton's vision for the future, dubbed Voices for Vision. The mission of this group is to create processes and models to capture the vision of citizens, to implement that vision, and "to advocate a commitment to civic engagement so that all citizens can better work together to attain their desired way of life."¹⁵⁸

Because a plan or regulation must be adopted at Town Meeting in order to go into effect, it is difficult if not impossible to get an entire Master Plan approved at a Town Meeting.

¹⁵³ Harrington, Mary, August 29, 2005.

¹⁵⁴ Roux, Ron, September 20, 2005.

¹⁵⁵ The Hopkinton Master Plan. http://www.hopkinton.org/gov/planning/mp1999.htm#_Toc448821551. September 20, 2005.

¹⁵⁶ Racicot, Mark, Manager of Government Services, Metropolitan Area Planning Council. Phone interview with author. August 25, 2004.

¹⁵⁷ Kramer, Muriel, August 30, 2005.

¹⁵⁸ Town of Hopkinton website. <http://www.hopkinton.org/gov/index.htm>. August 10, 2005. Voices for Vision; Civic Engagement Focus Group.

Instead, Hopkinton uses its plans, developed with a great deal of input from residents, as general guidance documents.

Affordable Housing

Several creative bylaws have been passed by Town Meeting in recognition of the need for affordable housing, as described above. In 1999, a Senior Housing Bylaw was passed as a supplement to the Garden Apartment Bylaw to promote development of housing for people over 55 years of age. This was soon followed by the Duplex Bylaw, in 2002, allowing for duplex units when at least one of the two is affordable.¹⁵⁹ In addition, Hopkinton has supported several public-private partnerships. Among these are the modernization and relocation of a single-family house that EMC Corporation donated and that was financed with support from the Community Preservation Act revenue.

The town is about 330 units short of the 10% affordable housing goal. Since each 40B development only contains 25% affordable units, the total number of units that would have to be built to meet the goal is much higher than the 330, if the goal is to be accomplished solely through traditional 40B proposals.¹⁶⁰

IV. The Shifting Role of Planning and Planners

The Planning Board in the Town of Hopkinton is elected. The nine members serve five-year terms, and some end up sitting on the Board for consecutive terms. Until the mid-1980s, Hopkinton planning decisions were guided exclusively by the volunteer Planning Board. In the mid-1987, in response to the high rate of residential development and the desire for more technical expertise, Hopkinton hired its first professional planner. She brought technical expertise that enabled her to organize the town's review process and provide needed professional input into a range of town decisions.¹⁶¹ Yet Chuck Zettek, mentioned above, was both a volunteer on the Planning Board and a professional planner, so for decades Hopkinton had the benefit of technical expertise from Chuck and others.

Today Hopkinton employs one Planning Director, a full-time administrative assistant, and a part-time Secretary. A second part-time Planner position is un-funded at the present time. The planners' sense of their role shapes what they are able to accomplish.

One of the great challenges to implementing innovative zoning strategies in Hopkinton is getting additional bylaws approved at Town Meeting. According to interviewees, an idea is likely to be shot down the first time it is presented at Town Meeting. The conclusion by some is that the professional planner's ability to plan is largely dependent on his or her relationship with volunteer boards and citizen groups. They serve as important liaisons with the community. Planners are perpetually operating in a multi-stakeholder environment. The perspectives of local board members determines whether or not town planning efforts receive funding. Thus, planning and town politics are inextricably linked.

¹⁵⁹ The Hopkinton Housing Plan. March 2004.

¹⁶⁰ Lazarus, Elaine, August 12, 2005.

¹⁶¹ Roux, Ron, September 20, 2005.

The Planning Department and Conservation Commission staff we spoke with both described education of both regular citizens and those serving on voluntary boards as one of their primary tasks. They explain that the primary challenge the town faces is how to reconcile the many conflicting ideas residents have regarding the future, such as maintaining a rural community while providing excellent schools and services and keeping taxes low.¹⁶²

In addition to working closely with residents, town planning staff and board members work closely with developers. This can be seen in the unique approval process that enables them to give input to developers early on, sharing with developers the priorities of the town and citizens. In the Hopkinton project approval process, a preliminary or concept plan must be filed and approved, prior to a developer investing in substantial engineering or design documents.¹⁶³

V. Community Groups and Citizen Involvement in Planning

Citizens have always been important players in planning in Hopkinton. They “act and react, form organizations in response to actions by town bodies and boards,”¹⁶⁴ and sit on the boards themselves. All of the committees that shape local planning are staffed by volunteers. Often those who serve on one committee serve on multiple committees. The volunteer board members we spoke with are committed to helping guide land use planning through numerous channels and have served for years and even decades, on the Zoning Board of Appeals, the Planning Board, the Open Space Preservation Commission, as well as various housing task forces, the Conservation Commission, and even the Board of Selectmen. Mary Harrington, to cite just one example, sat on the Zoning Board of Appeals for 29 years in addition to serving on other committees.¹⁶⁵ Mary embodies the civically-engaged spirit of Hopkinton, and was honored in 2003 by the Chamber of Commerce.¹⁶⁶

Not surprisingly, development that personally affects residents is one of the primary factors contributing to residents’ involvement in local government. One of our interviewees described attending every meeting of the Board of Selectmen for six years due to the threat posed by a business she saw as detrimental that wanted to develop near her home.¹⁶⁷ Others found themselves getting a crash course in local government as they became more and more involved. The multiple roles played by residents over years and across committees and task forces means that individual relationships are of crucial importance and that people see one another not just at monthly or bi-monthly meetings, but also at the conveniences store, children’s school performances, and at other

¹⁶² Kramer, Muriel, August 30, 2005.

¹⁶³ Lazarus, Elaine, August 12, 2005, Coolidge, John, September 1, 2005, and the Hopkinton Rules and Regulations Relating to the Subdivision of Land.

¹⁶⁴ Morrison, August 12, 2005.

¹⁶⁵ Harrington, Mary. August 29, 2005.

¹⁶⁶ Roux, Ron, September 20, 2005.

¹⁶⁷ Jackson, Lisa, founder, Hopkintonians Organized to Preserve and Enhance (HOPE). Phone interview with author. August 12, 2005.

committee meetings addressing multiple topics. Yet, different group missions often mean conflicting priorities for the individuals in particular roles. Some local committees are focused on balancing the budget while others hope to implement new programs that cost more money.

There have been periods of great stability and understanding of town regulations and periods of instability. We heard from many interviewees that board turnover correlates with decreased stability and a loss of institutional knowledge. Currently the mood of local officials is increasingly anti-development. Citizens and officials are concerned that Hopkinton cannot afford more growth. Because of the high value of land, developers are interested in developing even marginal land, but the anti-development sentiment and the increasingly complex approval requirements deter many developers from proposing projects there.¹⁶⁸

In the past decade or so, citizens in Hopkinton have become increasingly aware of the connection between taxes and land use decisions. At a series of community forums in 2003 participants' named their priorities: (1) quality schools, (2) revitalized downtown, (3) maintaining rural character and open space, and (4) increasing commercial and industrial tax base. The major obstacles to achieving this vision were identified as: (1) residential tax burden, (2) NIMBY (not in my backyard) sentiments, (3) Infrastructure needs, and (4) a lack of understanding of town issues and initiatives.¹⁶⁹

Increased citizen awareness about economic costs and benefits of planning has translated into more citizen involvement. A core group of residents involved in many town activities pay close attention to land use decisions. They use the power of their votes at Town Meeting to support or reject zoning bylaws and tax initiatives. They also vote for representatives to town boards with similar visions for the future of Hopkinton.

VI. Inter-municipal Cooperation

While Hopkinton is part of the southwest region of the Metropolitan Area Planning Council (MAPC), it seems that few residents or officials see any meaningful incentives for regional cooperation. They are elected locally, and are responsible to their constituents. While the state framework of 40B, Executive Order 418, and wetland protection laws set the parameters within which town decision-makers do their work, there is no substantial regional collaboration.

However, there are some examples of inter-municipal cooperation. In the late 1990s, Hopkinton selectmen and the Superintendent of the Water Department negotiated an agreement with the Town of Ashland to supply water from a newly installed Ashland well. This municipal water supply well is now shared.

Currently a member of the Board of Selectmen goes to regional MAPC meetings, and town representatives are involved in planners' roundtables, which focus primarily on

¹⁶⁸ Roux, Ron, September 20, 2005.

¹⁶⁹ Town of Hopkinton website, August 12, 2005.

issues such as transportation infrastructure and water resources.¹⁷⁰ Elaine Lazarus (Hopkinton's Planner) and Ron Roux (a developer) were asked by MAPC and neighboring communities to talk about their experience with the Open Space Bylaw, and the two of them presented around the state together, even speaking about responsible development at the Build Boston conference in 2002.

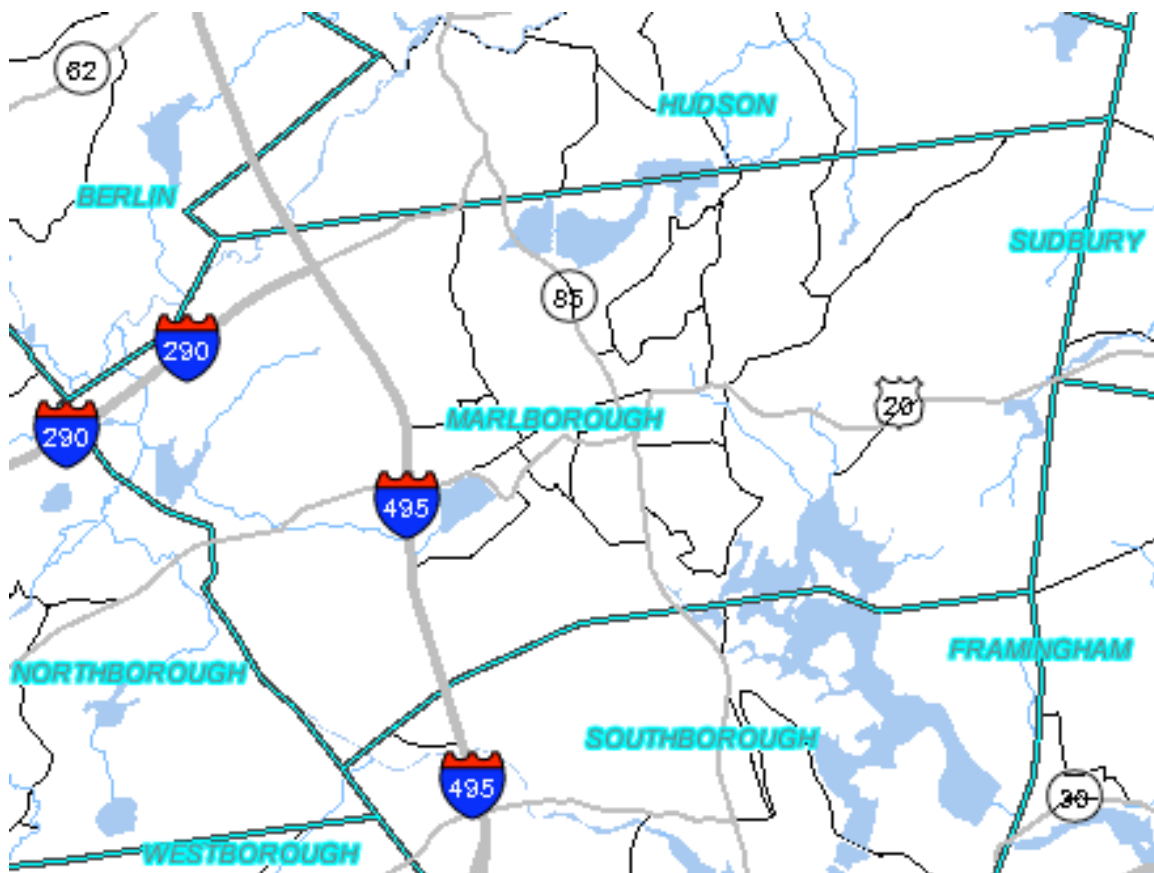
VII. Summary

Hopkinton's planning efforts have grown over the past half a century, responding to the pressures of increased residential development. Creative developers, citizens' boards, and professional staff, have worked together to develop regulations and strategies that have won support at Town Meeting, and have shaped and protected the much-loved, rural character for which Hopkinton is known. For certain periods of time in the town's history, people with great vision were actively involved in town planning and were able to anticipate what was going to happen next and to plan for it. Due in large parts to their efforts, Hopkinton remains a place where (well off) families want to live, high quality public services – particularly public schools – are available, and open space is preserved. It can also be argued that some of the efforts at planning and land use regulation have played a role in keeping Hopkinton unaffordable for middle income families.

¹⁷⁰ Lazarus, Elaine, August 12, 2005.

Case Study: Marlborough

By Christina Rosan



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

Case Study: City of Marlborough

By Christina Rosan

Introduction:

The City of Marlborough had a population of 37,444 in 2005 and a 1999 income per capita of \$28,723.¹⁷¹ With 21.1 square miles, the City of Marlborough has a variety of land uses: a downtown city center, residential neighborhoods, and suburban office developments like EMC2, Raytheon, and Fidelity. Fidelity has a 90-acre campus in Marlborough where 3,600 employees currently work.¹⁷² These high tech and biotech companies along I-495 bring in revenue, but most of the people who come to work in these companies commute in from other parts of the region.

The Drivers and Consequences of New Growth:

Marlborough has always been a “pro-growth community,” with the exception of a brief period of time in the 1970s and 1980s when there was concern about controlling growth. Marlborough city officials want developers and according to one interviewee, Marlborough treats them on a “first come first serve basis. They don’t tend to wait around for a better deal. Often the desire for development now overrides longer-term planning initiatives.” When asked if Marlborough wants more growth in the future, one interviewee said, “it depends on what type of growth.” Marlborough has a diverse use of land that residents want to preserve. At the same time, Marlborough city officials are interested in adding new commercial and industrial facilities to supplement their tax roles.

The Shifting Role of Planning and the City Planner:

According to one interviewee, Marlborough has an “on again off again relationship with planning.” Marlborough officials “do not have a consistent philosophy about planning.” The problem in Marlborough is “it can’t decide what it wants. The city is not consistent in its support for planning.” After the planner left in the 1990s, they replaced him with an economic development director. In 1999, when the economy was heating up, they replaced the economic development director with a planner because at that point there was citizen concern about controlling growth. In the 1990s, Marlborough grew rapidly; however, when development slowed down Marlborough City Councilors became more interested in bringing in economic development than in planning.

This current shift in priorities away from planning is reflecting in the movement of fiscal resources away from the planning office. In 2004, Marlborough City Council voted to

¹⁷¹Massachusetts Department of Revenue, At a Glance Reports, http://www.mass.gov/?pageID=dorterminal&L=3&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&sid=Ador&b=terminalcontent&f=dls_mdmstuf_aag_aagindex&csid=Ador

¹⁷² Fidelity Announces Major Expansion in Marlborough; Gov. Cellucci, Legislative Leaders and Mayor Welcome News of a 4th Building, Business Wire, August 31, 2000, Available for Download http://www.findarticles.com/p/articles/mi_m0EIN/is_2000_August_31/ai_64995672
<http://www.wbjournal.com/archives/2006/05-01-06/fidelity.html>

reduce the budget of the planning department by 80 percent. As a result, Al Lima, the Director of Planning, only works one day a week as planning director and the other four days, he works for the Community Development Commission and is paid by Community Development Funds. Al's one day of planning related work is partially paid by fees for site plan review. One interviewee said, "it isn't that they don't like planning, they just don't want to pay for it. They think that there are more important budgetary priorities." Another interviewee thought that the fact that Al Lima does not live in Marlborough may contribute to the way that some City Councilor's view the work he does. Ed Clancy, the Chair of the Urban Affairs Committee on the City Council, said that "Al Lima was worth his weight in gold," but that not all City Councilors agree.

When Al Lima came into the city in 2001, the mayor at the time, Mayor Mauro asked him to produce a "vision for the city"--- but there was no funding for a master-planning consultant so Lima ran a series of charettes. Lima maintains that the vision that was produced is very similar to a Master Plan in that it has goals, objectives, and action items. So while Marlborough may not have had a formal master planning process, he feels that the charettes played this role and many of the planning goals have since been implemented. Patricia Ryder, the City Conservation Officer, agrees saying that "Al planted the seeds for a lot of interesting projects. There is not one document that you can check off these accomplishments on, but there are accomplishments that you can point to. The Main Street has been redone and there is an idea of putting the wires underground in the future. There was also a proposal to put more trees on Route 20. So far it didn't happen, but it is in people's minds." There was not a formal plan, but a series of charettes that allowed people to "think visually about what they want." Planning in Marlborough is described as more of an iterative process because it is less about drawing up one big master plan and more about making a number of smaller plans that gain momentum. Patricia Ryder said, "Al is an amazing planner" who has been stewarding projects in the community. We see in this case, the persistence of a planner struggling to prove that his work is relevant in a city where planning has fallen out of favor.

Since the city has reached its 10 percent affordable housing requirement, 40B developments have become less controversial and city officials feel less vulnerable to them. In addition, since there is not a lot of available land zoned for new housing development, officials no longer fear rapid residential growth. This changing perception of what is coming "down the pipeline" may help explain the city's laissez-faire approach to planning. Since the City is no longer defending itself from rapid residential growth or 40B developments (and the resulting drain on fiscal resources), the City Councilors do not place planning high on their list of priorities.

The City Council has taken on many of the roles that were previously the responsibility of the Planning Department and the Planning Board. The City Council approves all special permits except open space subdivisions, which are approved by the Planning Board. The Planning Department is still in charge of Site Plan Review. The Zoning Board of Appeals (ZBA) plays a role in the city's planning when there is a conflict about a Planning Board's decision. 40B development projects come before the ZBA. The Urban Affairs Committee on the City Council is in charge of special permits. One example is

the Municipal Headquarters project. Municipal Headquarters makes police cruisers for the region. They wanted to locate in the region and finally found a parcel off I-495 in Marlborough. In order to locate there, they needed to change the zoning of the lot so that it could be an overlay district for a limited industrial area. The City Council granted this change.

The City Council's primary concern is being able to balance the budget. Paying for Community Policing, Schools, Community Development, and Planning means the city's budget is strained. One interviewee said, "planning tends to get dropped." According to interviewees, the City Councilors have the perception that they take care of the function of planning within their many different existing committees. One interviewee described City Council's pragmatic approach to planning using the Fry Boot site as an example. When the City acquired the Fry Boot site, a brownfield site, the elected officials were most interested in "getting it done" because they want to have the project on the city tax roll. The planner wants to "do it right" and this means more "long term thinking."

While the Planning Board and the City Council make most of the planning decisions in Marlborough, these two entities tend to work independently. The City Council sometimes listens to the Planning Board, but not always. One interviewee suggested that the City Council form of government is a more effective form of government for planning than the town form because changes to a zoning ordinance do not have to be approved at Town Meeting. Instead, a supermajority in City Council can approve zoning changes. The mayor of the City of Marlborough also plays an important role in the planning process because the mayor has control over the planner. Interviewees agreed that Mayor Mauro took more of interest in planning than the recent mayor, Mayor Hunt. The mayor can send a signal about how important planning is.

The Conservation Commission also contributes to planning in Marlborough. A group of stakeholders and decision-makers spent two years updating the Open Space Plan. Committee members were City Councilors and other stakeholders with the power to make things happen. The City Council's acceptance of the plan in 1997 built momentum for open space acquisition. In a 5-year span following the adoption of the plan, the City of Marlborough bought about 400 acres of open space. There was a sense of urgency on the City Council because they felt that if "we don't do this now, we can't do it." Of course, the rapid acquisition of open land took place in 1997-1999 when the economy was booming. There was mitigation money coming in from new development projects so they did not have to raise tax money to buy land. Patricia Ryder credits the plan for the progress that was made. She thinks it was very important because it gave the process legitimacy and direction. People really cared about preserving open space and "following the plan."

The Conservation Commission is also working on other ordinances that will regulate land use in Marlborough. The Commission is working to update the stormwater ordinance to meet EPA standards. In this case, the EPA regulations are forcing them to carry through goals that have already been laid out in the Open Space planning process. A local wetlands ordinance will also change what can be built in Marlborough. Local wetlands

ordinances are required to be stricter than state regulations. Right now the Commission has a 20-foot setback policy, but it is just a policy and not an ordinance. The Conservation Commission decided to make this into an ordinance because there are more and more tiny lots that are being built developed. “No one would have dreamed about building on these lots before,” says Patricia Ryder, “but since the cost of land has risen so high, now they are being developed. People are cramming things in places because the land prices are so high.” As a result, the Conservation Commission wants to have an ordinance in place so that they can regulate this type of development. They need the legal authority to say, “no, you may not.” The new ordinance may also raise public awareness about the importance of wetlands protection to Marlborough’s water resources.

To protect open space, Marlborough also has an Open Space Development Ordinance where developments that are more than 5-acres are allowed to cluster the remaining land. This allows developers to put houses on smaller lots and cluster the open space. Developers save money on infrastructure development while the city can protect more open space without paying for it. One of the key issues that will affect the city’s ability to grow is the lack of sewer capacity. City council has to appropriate new funds for the development of new sewage treatment plant.

Leadership for Planning and Growth Management:

Marlborough does not have a large number of citizen groups. The Marlborough Community Development Corporation (CDC) grew out of some neighborhood associations interested in stopping crime and addressing blight in downtown Marlborough. The CDC works in partnership with the Planning Department on a number of planning issues. Affordable housing is a critical issue since housing prices have risen dramatically in Marlborough and have priced people out. There has been some resistance to affordable housing in Marlborough. However, some of the newer projects such as Avalon Orchards, the Fairfield Project, and some other ‘friendly 40Bs’ have demonstrated that affordable housing can be nice developments.¹⁷³ They have shown that affordable does not have to look affordable.

The Fairfield 40B project was located on the border between Southborough and Marlborough. Southborough complained that they would bear the burden of the project, but not get the affordable housing credit they needed to reach 10 percent affordability. The end result was that Marlborough increased the size of the project by 30 units so that Southborough would get some credit. Marlborough has now reached its 10 percent limit for affordable housing. Another way Marlborough encourages the creation of affordable housing is by asking developers to include some affordable units in their housing projects. If the developer does not want to build these units, they are asked to contribute to an Affordable Housing Trust Fund through mitigation funds and donations. One negative effect of the increase in new affordable housing projects; however, has been that

¹⁷³ ‘Friendly 40B’ projects are when the developer works with the community to get the development approved.

people have moved to them from downtown which has resulted in a number of downtown vacancies.

The Marlborough CDC is also working with the Planning Department on a neighborhood study and a street-scaping project to revitalize downtown Marlborough and preserve trees. Since the Planning Department is underfunded, the CDC can help bridge the gap between the city and the community and provide additional planning resources. Trish Settles, the director of the CDC, admits that the “CDC can take risks that the city can’t.” The CDC is interested in using land banks so that it can hold key properties until other properties come online. This way the CDC can help with development projects that promote community economic development.

Patricia Ryder, the Conservation Officer, thinks there are a few groups of citizens who play an important role as citizen planners. She has some volunteers who help her with land management. Another interesting project that has mobilized activists is the Assabet River Rail Trail that extends from Marlborough through Hudson (and will eventually go to Acton). There has been an active volunteer group coming from communities in the region who have participated in the planning of this project for the past 14 years.

New Attitudes Towards Inter-municipal Cooperation:

Attitudes towards inter-municipal cooperation can change depending on the political leadership and state of the economy. Mayor William Mauro, Jr. was particularly focused on cooperating with other towns in the region. However, with new mayoral leadership and harder economic times, the City of Marlborough cut its membership fees for the MetroWest Growth Management Committee, the committee of regional planners that acts as the subregional arm of MAPC.

On environmental issues, there are some strong regional players. Patricia Ryder is involved with the Assabet River Rail Trail that extends from Marlborough through Hudson. There has been an active volunteer group participating in the planning of this project for the past 14 years. Another initiative is taking place between citizens of Marlborough, Northboro, and Westboro on a trail system near an industrial park. They are planning a joint trail network for the 3 towns. As the Marlborough Conservation Officer, Patricia works with neighboring communities on preserving land around Callahan State Park. She worked with the Sudbury Valley Trustees on a study of how to preserve open space. They work together as a group of 4 communities meeting several times a year. She thinks it is important to work regionally because you “don’t want to lose opportunities for land preservation just because they are over the town borders.”

Summary:

The City of Marlborough is described as having an “on again, off again” relationship with planning. With the planning director down to one day a week, the amount of work that he can do is minimized. Still, interviewees credit the current planning director with laying the foundation for good planning in Marlborough. The city form of government in

Marlborough makes planning in Marlborough somewhat different from the other case studies in the I-495 region. While zoning changes do not have to be determined by Town Meeting, we see City Councilor's views of planning influencing the budget for planning and the role that professional planners play in the community.

Interviews:

Ed Clancy, City Councilor and Head of Urban Affairs Committee and Conservation Committee on Marlborough City Council

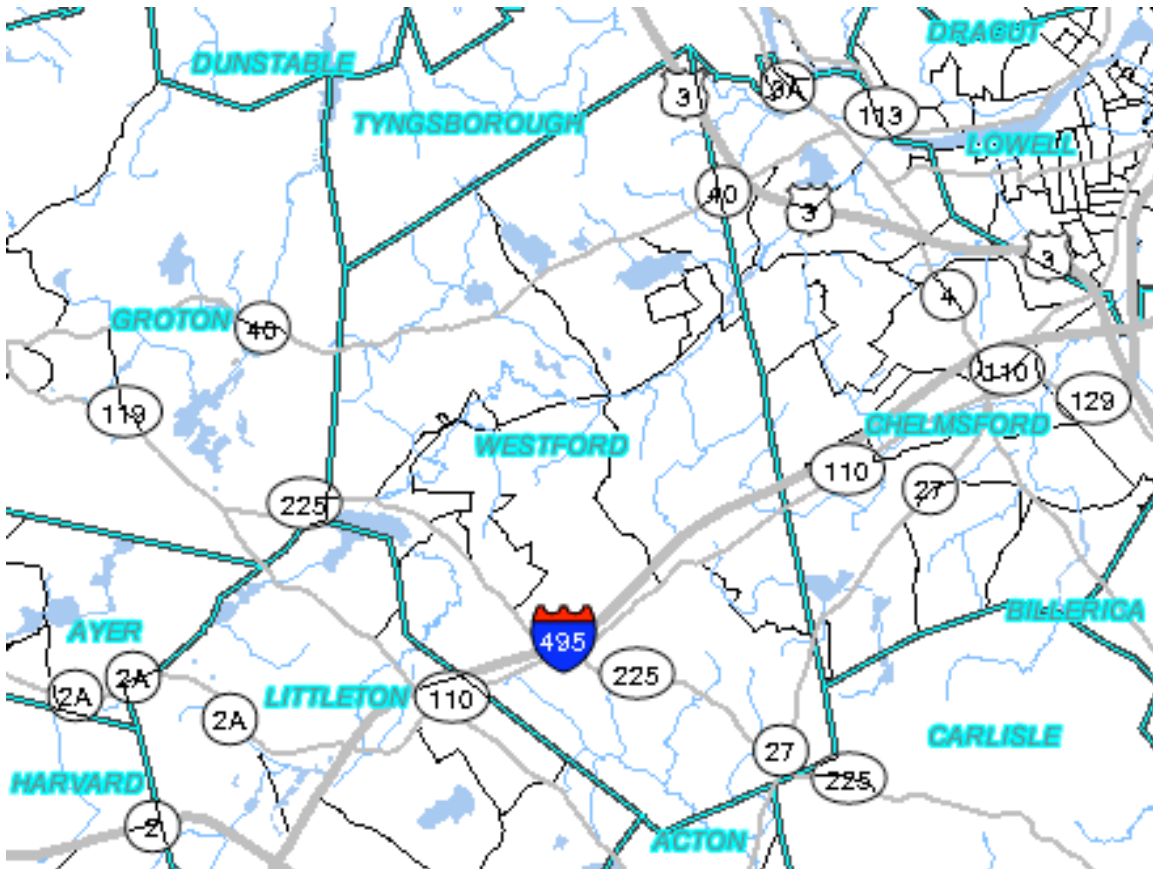
Al Lima, Planning Director, City of Marlborough

Patricia Ryder, Conservation Officer, City of Marlborough

Trish Settles, Executive Director, Marlborough CDC

Case Study: Westford

By Marina Psaros with Pankaj Kumar



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

Case Study: Town of Westford
By Marina Psaros with Pankaj Kumar

“It’s a wrongheaded idea that development is inherently bad.”
-Angus Jennings, planner and developer

I. Introduction

The town of Westford is a community of 21,000 residents located in northern Middlesex County approximately 23 miles northwest of Boston and 10 miles south of Lowell. Westford’s location along Route I-495 is an important factor in its growth, residential character, and overall housing appeal. In addition to its I-495 convenience, the community’s residential assets include a highly regarded school system, the historical charm of the town’s several village centers, significant open space and recreational facilities, and the nearby high-tech employment base.

Westford looks fairly suburban in character. Indeed, residential property comprises 78 percent of Westford’s tax base, and 90% of its housing stock consists of single-family homes on individual lots. The lack of a public sewer system in the town – that some local officials claim was part of a consciously planned growth management strategy - has encourage a pattern of low-density development. Concerns about growth have recently focused on finding ways to meet affordable housing demands – both in terms of existing community needs as well as in terms of state requirements – without compromising what residents see as the high quality of life.

II. The Drivers and Consequences of New Growth

“Westford is a town that was just poised for growth,” says Beverly Woods, assistant director at the Northern Middlesex Council of Governments. Good road connections, proximity to the I-495 high-tech corridor, excellent schools, and a wealth of developable land helped fuel a housing boom in the 1980s and 1990s. With the imposition of slow-growth regulations, however, the town’s pace of construction has dropped to under 100 units annually since 2000. In the last three years, condominium permits have begun to re-appear.

Table 1: New Housing Starts

Year	Single Family	Condo Units
1982-1989 (Avg/year)	153	0
1990-1999 (Avg / year)	169	0
2000	86	0
2001	84	12
2002	50	36
2003 (through 9/17)	36	56

Source: Westford Affordable Housing Plan

Westford's population has grown by 54 percent since 1980, making it one of the fastest growing communities in Massachusetts. From 1990 to 2003, its population grew from 16,500 to 21,000. In the past 20 years, the community has grown at a rate four times faster than the state. From 1980 to 2000, Westford's child population grew by 42 percent and children now represent one in three residents. However, high home prices in Westford will make it harder for young families with children to stay in (or move into) the community. The lack of rental housing (currently at about 8% of total housing stock) adds to this concern.

Westford's young seniors (55 to 74 years) more than doubled over the past 20 years and the Census Bureau projects that this cohort will grow by nearly 75 percent over the next decade. Some of these "empty nesters" may want to stay in the large homes they currently occupy, but many will prefer to move to smaller, easier to manage properties with lower taxes. At present, there is a limited supply of such units in Westford. The older senior population is also projected to grow by nearly 75 percent or approximately 460 households over the next decade.¹⁷⁴ Age-appropriate independent housing and assisted-living housing for frail seniors are two areas of growing need.

In 2000, Westford's median household income was the 12th highest in the state at \$98,274. Only 20.9 percent of its 2000 households reported incomes below \$60,000 -- the median -household income for Middlesex County at that time. This represents a decline in the percent of the town's low and moderate-income households (In 1980, one in three residents earned less than the county median income). At the same time that Westford's population has expanded, the economic diversity has shrunk. Even so, Westford still has 720 households earning less than \$36,000 (or 60 percent of the area's median income). Another 380 households earn between 60 and 79 percent of median income.¹⁷⁵ These demographic trends are troubling to many in the town because accommodating all these needs moving forward means continuing to grow. "The town recognizes the need for affordable housing, but we want to do it on our own terms" says Fred Palmer, Planning Board member.¹⁷⁶ Many residents feel that they are squeezed between the requirements of one-size-fits-all state regulations on the one hand, and greedy developers who are only too happy to exploit those regulations for their own profit on the other. Norman Khumalo, Assistant Town Manager, explains that some residents feel that the state government is pressing unfunded mandates without providing the necessary resources for those communities to succeed.¹⁷⁷ Residents feel that the Chapter 40B affordable housing requirements force towns to keep building housing and expanding their population without providing the necessary financial resources to support population growth. "40B just isn't a winning situation for communities that aren't near 10% yet" says Beverly Woods, assistant director at the North Middlesex Council of Governments. "75% of what winds up getting built isn't going to be affordable -- can't be affordable"

¹⁷⁴ For more details regarding Westford's housing conditions, refer to the Affordable Housing Action Plan on the town's website at <http://www.westford-ma.gov>

¹⁷⁵ Much of the information in this section is paraphrased from the *Westford Affordable Housing Action Plan*. 2004. URL: <http://www.mass.gov/dhcd/ToolKit/PProd/apWfrd.pdf>

¹⁷⁶ Palmer, Fred. Telephone interview by Marina Psaros. August 4, 2005.

¹⁷⁷ Khumalo, Norman. Telephone interview by Marina Psaros. August 22, 2005

because no developer can recapture costs unless the majority of what they build is market rate.¹⁷⁸ This sets up a self-reinforcing problem whereby the number of units that needs to get built to reach the 10% goal becomes a moving target, always increasing as the absolute number of housing units increases. “It’s hard for towns like Westford because the 40B requirement says that the bigger your community is, the more it needs to grow” says Angus Jennings, the former town planner for Marshfield who is familiar with the challenges that 40B regulation cause for towns like Westford.

More growth means added pressure on town services and infrastructure. In May of 2005, a \$3 million override was proposed and subsequently defeated at Town Meeting. Having decided that most school funding should be devoted to core education functions and not to peripheral services, the school committee warned before Town Meeting that, without an override, new fees would be put in place. These fees would cover student activities such as athletics and music, and also pay for busing. Massachusetts’ law requires that K-6 grade children who live outside of a 2-mile radius of the nearest public school must be provided with free transportation to school. In Westford, free busing has traditionally been provided for all K-12 students. Since the defeat of the May override, however, all students in grades 7-12 and K-6 students within 2 miles of a school must pay \$225 per student per year, with a family cap of \$600 per year, to ride the school bus. This new fee has engendered much ill will in Westford on all sides of the issue. It has also served to remind residents that growth, although slower than in the past, still remains an issue that must be addressed.

In order to be able to direct growth in ways that the community deems appropriate, Westford filed an affordable housing plan with the state last year. Certification of this plan would allow the Board of Appeals to reject comprehensive 40B permits as long as Westford meets the production targets laid out in its plan. For many communities, getting an affordable housing plan certified by the state has become a top priority, the main tool in stemming unwanted growth.

These affordable housing plans usually make reference to the buildout analyses that the Executive Office of Environmental Affairs published in 2002. A buildout analysis is meant to enable a community to examine its likely future based on its zoning and other regulations, and determine if that is the future that is desired by the community. The analysis provides community-based estimates of the impacts of the buildout on the number of residents and school children, the water supply needs of the community, the future trash production, and the additional road miles associated with the buildout.¹⁷⁹ Some people feel, however, that these buildout analyses can also act as a shopping list for developers. “When the EOEA was working on them, some planners didn’t want the buildout analyses released. They were afraid that it would set off a race between developers and land conservationists, and that they’d have to play defensive on every parcel of undeveloped land” explains Angus Jennings. Others fear that such explicit planning will raise prices on land that is top priority for development, and believe that the release of the analyses has actually contributed to growth pressures.

¹⁷⁸ Woods, Beverly. Telephone interview by Marina Psaros. August 2, 2005

¹⁷⁹ From MAPC website. URL: http://www.mapc.org/data_gis/gis_projects.html

III. The Changing Role of Planning and Planners

Westford's is governed by an open Town Meeting. The Town Manager handles administrative concerns including the preparation of the annual budget, maintenance of town-owned facilities, and oversight of the Land Use Planning Department. The Land Use Planning Department employs 4 planners, 1 zoning administrator, 2 GIS technicians, and 3 engineers. This department provides the professional administrative and technical expertise required for the Planning Board to fulfill its mandate: "establishing planning goals and preparing plans to implement those goals."¹⁸⁰ The Board of Selectmen "set policy in the gray area that exists between all of the different types of legislation and different user groups."¹⁸¹ These organizations make up the key institutional actors in the planning process.

Private citizens also play a critical role in town decision-making. Massachusetts' strong tradition of home rule means that a great deal of power has devolved to the citizenry, for better or for worse. "Sometimes I feel like this town of 21,000 is run by only 50 people," quips Palmer. This sentiment was echoed by several other active community members who expressed a desire for greater civic engagement. One town official said that "you've got the same small group of people cycling through different boards and committees, and while that is good in terms of knowledge continuity, wider involvement would really be a benefit."

One Selectman recently ran for her position not because she wanted to advocate for a particular outcome on a specific issue, but because she wanted to "pitch in" and raise the level of public dialogue. "I've seen what happens on committees when races go uncontested – you don't have real debate, you don't have challenges to ideas, and therefore you don't have good research. This does not serve the community," says Valerie Wormell, newest member of Westford's Board of Selectmen.

Depending on what issues are on the agenda, attendance at Town Meetings can vary from 200 to 2,000 people. Any time that funding and appropriations are slated for discussion, turnout is high. More localized projects bring a smaller number of people into the discussion; usually those whose day-to-day lives will be affected by the project in question, or those who have an interest because some broader concern is raised. Many town officials agree that the problem with this is that decisions that ultimately impact the entire town are made by a small subset of people. For example, Westford's Town Meeting has no quorum requirement, so it is entirely possible that 200 residents could vote to change the zoning laws that would affect 21,000 people. "We [planners] need to do a better job educating the public about the benefits of planning and participation. If it were easier to connect the incentives – a new traffic light or economic benefits, for example – to the process in the minds of the citizenry, then it would be easier to get involvement" believes Khumalo.

¹⁸⁰ From Westford's Planning Board description at <http://www.westford-ma.gov/generalinfo/government.htm>

¹⁸¹ Wormell, Valerie. Telephone interview by Marina Psaros. August 25, 2005

“Planning is political,” says one town official. “Ultimately, the planning process requires individuals to participate in a public conversation about quality of life issues, about their values.” What information those individuals have when they come to the discussion frames both the choices available and the preferred outcome. One of the roles that planners can play is that of educator or information disseminator. “I advise my planners not to editorialize, but to concentrate on the facts,” says Khumalo, “we need to educate the public on the likely outcomes of any project; on the benefits, the downsides, the impacts.” And because information is subject to change and projects are dynamic, a constant and effective means of communication is necessary. Khumalo notes that there have been a number of times when he was criticized in Town Meetings for not providing what some residents felt was the necessary information quickly enough.¹⁸²

Khumalo says that the major question for planners is: “How do I manage my core existence in this very dynamic and diverse environment? It takes a lot of creativity for a planner to exist in an environment with so much input from Selectmen, private citizens, interest groups, et cetera.” Khumalo says that planning school does not teach planners how to be able to reconcile all the different views, needs, and interests that exist in any community. Knowing how to do this is one of the keys to success that most planners interviewed for this study identified.

“Planner” in this sense, does not only refer to those individuals with the word “planner” in their job title. In fact, when asked what groups and individuals were responsible for helping shape public opinion and lead growth management efforts in Westford, many interviewees cited the Selectmen and the Planning Board, most of whom do not have a “planning” education background or job title. Often times, town-appointed planners possess a store of regulatory and technical knowledge that is used when crafting legislation, whereas Planning Board members are politically savvy and have an agenda that they advocate in public settings. Thus, “planning” is a process that is pursued through a mix of political, professional, and private actors and interactions.

¹⁸² Providing community education or information dissemination without adding one’s own biases is a concern that all planners must confront. So, too is deciding when a planner *should* advocate on behalf of the public interest. Angus Jennings believes that if a project deals with an issue that the town has identified as a goal, then the role of the planner is to advocate for a decision that supports the town’s goal. “I’ve been in situations where it would have been professionally irresponsible to do anything but push reforms,” he says. “On the other hand, that made me really unpopular for a while.”¹⁸² Other situations call for the planner to neutrally facilitate a discussion. This is particularly relevant in the case of affordable housing proposals: while developers’ plans may be very unpopular with town residents, allowing new development is often necessary in order to fulfill state affordability requirements as well as community needs. The planner’s role in these situations, say several area planners, is to frame the discussion in the most productive manner possible and make sure that all sides have the appropriate information to make the best long-term decision for the community.

IV. Leadership for Growth Management

Westford has grappled with growth concerns for the last few decades, and has had varied levels of success in controlling and shaping development. In the early 1990's, the Board of Selectmen attempted to convince the town to purchase two parcels of land that were coming up for sale. However, most people did not want to spend a few million dollars to acquire what at that time seemed 'un-developable' land, and the motion did not pass at Town Meeting. Shortly thereafter, private developers purchased the land and converted it into 300+ residential units. This sudden increase in population resulted in a significant loss of open space, increased municipal spending, and required the building of three new schools, at a total cost of approximately \$108 million.¹⁸³ This demand for additional town services required an increase in property taxes, placing a difficult burden on many citizens, particularly those with fixed or low incomes, and made the community as a whole acutely aware of the need to plan for and manage undeveloped land.

When Wal-Mart attempted to locate a store in Westford in 1994, town residents successfully repelled the big box retailer. Organizers gathered 5,000 signatures of protest, numerous editorials ran in the local paper, and Wal-Mart became a hot topic at town meeting. In the face of such opposition, the company withdrew its building application. Residents adopted new zoning bylaws to prevent other retailers from pursuing similar projects shortly thereafter. Town Meeting passed one measure that prohibits retail developments over 60,000 sq ft and another that requires 30,000 – 60,000 sq. ft. developments to acquire special permits from the Planning Board.¹⁸⁴ Westford then passed a bylaw in 2000 to limit the number of non-40B housing starts per year to 48. Of course, a comprehensive 40B permit can override local zoning bylaws, a fact that has compelled the town to file an affordable housing production plan of its own (with the state) in order to be able to turn away unwanted 40B projects.

Producing the plan required a tremendous effort on the part of the Affordable Housing Committee members, some of who hold other positions on the Board of Selectmen or Planning Board. The Affordable Housing Action Plan, completed in March 2004, calls for the production of 70 affordable units per year over the next 10 years. Overall, the goal is to create 332 ownership units, of which 192 will be for families with children, 52 for singles and couples, and 88 for seniors and the disabled. The plan also calls for 368 affordable rental units: 158 will be for families, 70 for singles and couples, 70 for seniors and the disabled, and an additional 70 units for frail seniors who have special needs.

The strategy outlined in the plan proposes a combination of approaches to meeting these production goals. Westford has a number of abandoned and unused textile mills that will be converted into a mix of affordable and market rate housing units. Reusing these buildings will help Westford minimize the need for new construction and therefore limit impacts on open space. Westford is also looking into using town-owned land for affordable housing. There will be a vote at the next town meeting on allocating CPA

¹⁸³ Trust For Public Land "Campaign To Protect East Boston Camps"
http://www.tpl.org/tier3_cd.cfm?content_item_id=17635&folder_id=260

¹⁸⁴ Boston.Globe. "Growing Westford Works to Preserve Past". 9/16/2000

funds to conduct a feasibility study of several town parcels already identified as potential affordable housing sites.¹⁸⁵ The housing plan also calls for changes in the zoning bylaws that would allow for more flexible and denser development, emphasize affordable housing, and promote new rental housing in the Commercial-Highway zone along Route 110. Currently, the Affordable Housing Committee is in the process of creating an Affordable Housing Trust Fund to acquire land and do fundraising.

Other efforts to address growth include a long-overdue update of the Master Plan, which was last revised in 1995. Two and a half years ago, the Master Plan Implementation Committee undertook a study to analyze the town's adherence to the vision of the Master Plan. They examined the document and identified 110 goals that it enumerated. To see whether or not these goals had been met, the committee members carried out research and conducted interviews, and eventually determined that Westford had implemented about 2/3 of the recommendations. The town lagged in two areas: economic development (the plan had called for an economic development council that was never created) and traffic management (a traffic council to work with business and town officials was recommended, but the council that was created was not very effective).

These findings were subsequently presented at Town Meeting along with a recommendation that the Master Plan be updated. The updated plan needs to reflect the town's growth over the past ten years and confront the new challenges Westford faces, such as the disappearance of undeveloped industrial land and the need to be proactive about the kinds of businesses they want to attract. Once the committee has completed the update, it will take the Master Plan to town meeting for a vote. "Otherwise" explains Palmer, "that document is going to wind up sitting on a shelf somewhere. That is the problem with a lot of Master Plans – they don't have any legitimacy or authority because they don't get official support from the town."¹⁸⁶ Palmer would also like Westford to implement the same process that exists in Walpole, where a "Master Plan report card" is produced annually and presented at Town Meeting. Unfortunately, these ideas will have to wait until the Master Plan Implementation Committee is able to find 20 private citizens willing to make the time commitment and join the group.

Another area in which Westford residents are attempting to address growth management problems is in land conservation. One interviewee felt the need to protect open space before "it all gets paved over." The most recent success in open space preservation is the town purchase of a 300-acre parcel known as East Boston Camps. The Westford Conservation Trust, the Trust for Public Land, and the Westford Land Preservation Foundation worked for a year with the town to develop a plan to purchase the parcel and preserve it as open space. During the period leading up to the Town Meeting vote, many members of different conservation groups were active with outreach and education. The Conservation Trust, for example, organized walking tours of the area and the Land Preservation Foundation ran a fundraiser that collected almost \$500,000 from individual residents. The vote was unanimously in favor of purchasing the land. This brings the

¹⁸⁵ See the Final Report of the 2000 Land Use Priorities Committee

¹⁸⁶ Palmer, Fred. Telephone interview by Marina Psaros. August 4, 2005.

town-owned open space in Westford up to approximately 1,000 acres. The below tables show how land use in Westford has changed over the past few decades.

Table 3: Land Use Change in Westford 1971 – 1991

	Acres			Change		
	1971	1985	1991	19'71-'85	19'85-'91	19'71-'91
Commercial	71.2	137.9	172.7	94%	25%	142%
Industrial	477.6	572.8	719.9	20%	20%	51%
Residential	2,504.6	3,642.9	4,931.0	45%	35%	97%
Developed	3,053.4	4,353.7	5,823.6	43%	34%	91%
Undeveloped	13,844.0	12,544.0	11,074.1	-9%	-12%	-20%
Total	16,897.0	16,897.0	16,897.0			

Source: NMCOG¹⁸⁷

V. Inter-Municipal Cooperation

Westford is not part of the Metropolitan Area Planning Council (MAPC) region that most of the other case studies in this report belong to. Westford is part of the Northern Middlesex County of Governments (NMCOG), another regional planning organization that includes Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, and Tyngsborough. NMCOG holds meetings once a month. Each town is represented at these meetings by one member from the Planning Board and one member from the Board of Selectmen. Discussions generally focus on issues related to transportation, emergency planning, homeland security, economic development, and affordable housing.

In 1999, NMCOG organized a two-stage growth management charette for its members. Over 50 individuals attended to voice concerns about economic development, infrastructure needs, environmental degradation, loss of open space, affordable housing pressures, and the loss of many towns' historical character. NMCOG followed up with a questionnaire and a preliminary action agenda for the second stage of the charette. After the second stage, NMCOG produced the "2020 Vision Plan" which was accepted by the member towns as a guiding plan for the region. The plan lays out 12 "action agenda" items, which range from "preserving open space" to "revitalizing town, village, and downtown commercial centers." Each of these goals has a list of action steps that should be taken in order to achieve the goal.¹⁸⁸ To preserve open space, for example, the authors of the Vision Plan recommend creating "an alliance of local land trusts with the possible goal of uniting as a regional land trust."

This is an admirable document representing a commendable effort on the part of NMCOG and the participating individuals. Getting agreement on what regional goals should be, let alone identifying specific steps to achieve those goals, is difficult. But

¹⁸⁷ NMCOG "Land Use Change 1971 – 1991 By Town"
<http://www.nmcog.org/pdf/Land%20Use%20Change%201971-91.PDF>

¹⁸⁸ NMCOG XXXX. "2020 Vision Plan"
<http://www.nmcog.org/pdf/Chapter%2013%20Action%20Agenda.pdf>

seeing those steps through to completion is even harder. There are few incentives for locally-appointed, unpaid volunteers to spend their limited time working on regional problems. And, although regional organizations such as NMCOG can make recommendations and suggestions, they have no authority in municipal decision-making. This means that each of the goals laid out in the 2020 Vision Plan requires legislative approval from constituents in every town, and these constituents may not understand or even care about the regional significance of the decisions they make at their own Town Meetings.

This ties back to the need that many planners have identified to educate the voting public. Because a resident may live in Carlisle, commute to Acton, buy groceries in Westford, and pick up their children from the high school in Concord, the decisions that each of those towns make will impact that person's life. Learning to think in terms of a larger community will be critical to achieving any regional objectives.

VI. Summary

Like many other communities along the I-495 corridor, the town of Westford has experienced growing pains over the past few decades. Population increases, loss of open space, and financial pressures have forced the town to confront growth management issues. Westford residents have responded by enacting several growth-slowing bylaws and purchasing land in order to preserve the small-town character that they value so highly. At the same time, residents have become increasingly aware of the need to provide appropriate housing for all members of the community and to meet the state affordable housing minimum requirements. Realizing that these problems affect more than just their town, some town officials are attempting to work on a more regional level. Given residents' ambivalence towards additional growth, the role that community leaders play in educating, advocating, and facilitating the discussions and decisions about growth will be critical.

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