



DEC/JAN/FEB  
2000 - 2001

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# NEW ENGLAND PLANNING

Massachusetts Chapter & Rhode Island Chapter

## **MAPA Board Member to Teach Economic Development Course in New Zealand**

Peter C. Lowitt, AICP, Director of the Devens Enterprise Commission and MAPA VP for Chapter Affairs, has been selected by Ron Massey, Economic Development Manager for the Napier City Council, Napier, New Zealand, to teach a course on Sustainable Economic Development as part of the New Zealand Economic Development Institute to be held in Napier, New Zealand March 18, 25, 2001. Mr. Lowitt is one of six Americans selected to conduct this training. He will be joining a distinguished team of economic development professionals and academics, including Dr. Thomas Lyons (University of Louisville), Dr. James Segedy (Ball State University), Dr. John Keller (Kansas State University), Ms. Elaine Fisher (Director of the Indiana Economic Development Academy), and Mr. Greg Wathan, (Executive Director, Perry County Development Corporation, Perry County, Indiana). Peter is also Chairman of the American Planning Association's Economic Development Division and has written extensively on Ecological Industrial Parks and planning issues. His qualifications as an economic development practitioner and leader in the area of sustainable development lead to his inclusion on the team. He has been with the Devens Enterprise Commission for a year and half, coming to Massachusetts from Londonderry, New Hampshire, where he developed the "Sustainable Londonderry" program and helped create the Londonderry Ecological Industrial Park. For more information his recent sustainability work with the DEC, visit [www.devensec.com](http://www.devensec.com).

### PROJECT PROFILE

## **Southeastern Mass Vision 2020: The New Mayflower Compact Growth and Change In Southeastern Massachusetts**

On a warm afternoon in late October, the spirit of the Mayflower Compact was renewed aboard the Mayflower II, nearly 380 years after the original signing. One hundred public officials, citizens and organization representatives from throughout southeastern Massachusetts gathered on board the Mayflower reproduction to sign and support a voluntary regional growth management agreement called the New Mayflower Compact.

Led by Congressman William Delahunt, officials from cities and towns across the region signed the Compact. By affixing their signatures, they agreed to: "voluntarily join together to implement a growth management program that preserves the interests of each town and city yet profits from unified regional actions. This program will be organized by the Regional Planning Agencies, acting together through local representation. The undersigned endorse this approach to growth management and commit to working collaboratively...." Thirty-nine cities and towns (77% of the region's communities representing 82% of the population) have endorsed the Compact. Forty signatures were added from federal and state officials and regional organizations pledging to support the communities' efforts.

The strong response to the Compact is an affirmation of a consensus that the region's inevitable growth can be accommodated with good planning. The New Mayflower Compact is an initiative of the Vision 2020 Task Force created in 1998 by the three regional planning agencies serving southeastern Massachusetts. They are:

- § Southeastern Regional Planning & Economic Development District (SRPEDD) located in Taunton representing 27 communities;
- § Old Colony Planning Council (OCPC) located in Brockton representing 14 communities; and
- § Metropolitan Area Planning Council (MAPC) located in Boston representing 10 of its 101 communities.

## Massachusetts Chapter

*Tom Broadrick, AICP, MAPA President*

If you missed the year 2000 Holiday Luncheon and Awards Ceremony (Hey—didn't I write something similar last Newsletter?), well...then you missed a lot! Held at the Hyatt Harborside Hotel in Boston, it was the Annual Holiday Luncheon co-sponsored by the Massachusetts Chapter of APA and the Massachusetts Association of Planning Directors. Most MAPD Members also maintain membership in MAPA but not necessarily vice-versa, so it makes sense that we will be honoring next year's candidates as the first group of MAPA/MAPD Award Winners. I know I speak for all when I thank Peter Lowitt, Vice-President for Chapter Affairs for pulling off such a great event. I received email and cards indicating that a good time was had by all who attended! With assistance from Lynn Duncan, Chair of MAPD, the location, food, awards and company all mixed together for an enjoyable afternoon.

So, here we are with the Year 2000 behind us and Year 2001 full speed ahead. This issue of the Newsletter is the first combined December/January/February issue ever! And it is due to one major and one very minor event: the major event was our Newsletter Editor's wife had twin boys on December 8, 2000! We welcome to the world Linus and Tobit Glenhaber! The minor event that also postponed this issue was that I didn't get my column done in time! But maybe that is just indicative of the "busy-ness" of this time of year. January carries with it the hope of getting done all those things you wanted to get done last year and the promise that you have the next 12 months to do them! It

is also the true beginning of the next millenium and that holds promise too. Did any of you watch *2001: A Space Odyssey* the night of December 31, 2000? In a few short months the National APA Conference will be held in New Orleans celebrating the New Millenium through *2001: A Planning Odyssey*. If you can go, you will be sure to share a fun and informative time with fellow planners in a place everybody loves to sit back and soak up the jazz!

As we enter this new year and look forward to all the things we want to accomplish, don't forget to help your Chapter Officers when they ask for a little assistance with their committee, special event, or special planning activity you've never tried before. We are all trying to make Massachusetts a better place to live and we can make planning in Massachusetts that much better by working together. Whether its E.O. 418, the Community Preservation Act, BSA Civic Initiative, or targeted legislative matters on Beacon Hill...YOU can make the difference.

And don't forget the February 16, 2001 Comprehensive Permit Workshop "C.40B - From A to Z" sponsored by MAPA, MAPD, and CHAPA (see calendar and insert for more info).

So to those who attended the Holiday Luncheon, I believe you agree you had a great time, made some new friends and got reacquainted with friends you hadn't seen in a while...and to those who didn't...well, you missed a lot, again!

Please let your Chapter Board and me know what you've been doing to "Make Great New England Communities Happen"!

My NEW email address is: [broadrick@town.duxbury.ma.us](mailto:broadrick@town.duxbury.ma.us)

## WASHINGTON UPDATE

### Profiles of the New Administration

*Jason Jordan, APA Government Affairs Coordinator*

Housing & Urban Development - Mel Martinez

For the Department of Housing and Urban Development (HUD), President-Elect Bush has tapped a local government official with experience in state planning and growth management reform. Orange County Florida Chairman Mel Martinez is poised to become the nation's 12th HUD Secretary. Martinez has served for the past two years as Chairman of Orange County, which encompasses Orlando and 12 other municipalities. His nomination received an enthusiastic approval from a wide array of smart growth advocates. Bruce McClendon, APA President-Elect and Director of Growth Management under Martinez in Orange County, said, "In the past two years, no one has done more to strengthen growth management and to improve the quality of life in Florida than Orange County Chairman Mel Martinez." Martinez has held a variety of local government posts, including Chairman of the Orlando Housing Authority and President of the Orlando Utilities Commission. In 1999, Martinez was appointed by Florida Governor Jeb Bush to head the state's 23-member Growth Management Study Commission. In Orange County, Martinez has focused considerable attention on smart growth issues. Most prominently, he touched off a controversy in 2000 by declaring a moratorium on certain types of new residential development in over-crowded school districts. As Orange County Chairman, he advocated home ownership programs for low-

## Mass APA Economic Development Committee Free Lunch

*Justin B. Hollander, MAPA Economic Development Committee Chair*

Last month, the President of MAPA, Tom Broadrick, asked me to serve as the Chair of the Chapter's Economic Development Committee. I recently met with Greg Perkins (former Chair) and got updated on the recent history of the Committee.

To get the year off to a good start, the Committee will be holding a "free-lunch" meeting on February 13, 2001. It will give everyone a chance to catch up on the latest activities in the economic development community and plan for future MAPA Economic Development Committee events. In addition, Kit Perkins, Vice President of New Ecology, Inc., will be speaking to the group about her organization and its recent efforts to promote economic development in distressed urban communities ([www.newecology.org](http://www.newecology.org)).

The lunch will be from noon to 1 pm at the Thomas P. O'Neill Federal Building in Boston, 10 Causeway Street, 9th Floor, Room 900, Conference Room A. Please RSVP to me (617-232-7035 or [jhollan1@netbox.com](mailto:jhollan1@netbox.com)) before 2/9/01.

Continued on next page

## Community Preservation Update

*Marcia Molay, Director, and Charlotte Moore, Assistant Director, Community Preservation Coalition*

After three years of cooperative efforts by the Coalition, the Community Preservation Act passed on September 14 and took effect in mid-December. There are many people to thank, but only one person can be credited for staying with this issue through all its twists and turns for fifteen years: Secretary of Environmental Affairs Bob Durand. The good news is that he is still there for us during this implementation period.

### Implementing the Act

Now the hard work is beginning. Educating our communities is the first, most important task for activists. Getting local people to agree to pay a surcharge on their property tax bills is not easy. Even people who care deeply about these issues need to be convinced that adoption of the Act is the best way to proceed.

In some towns, the issue could come up for town meeting approval as early as February or March. The good news is that those few who are first on the block will be eligible for a higher percentage of the state match.

However, we are cautioning activists to take the time to prepare a sound strategy for educating their communities about the benefits of adopting the CPA. Planning ahead is important to ensure the legislation's passage. As in any political campaign, proponents should be methodical and confident of the potential to win acceptance when the question of adopting the Act reaches the ballot.

### Visit [www.communitypreservation.org](http://www.communitypreservation.org)

To help communities get started, the Coalition has its own website, thanks to CHAPA's generous contribution and dedication of staff to keep it updated. To aid local education strategies, the website has the Act's full text as well as much of the information we developed during the legislative effort. You are free to customize the material to fit your town's requirements. It is advisable to give real examples of priority challenges facing your community when you are promoting the Act. The webpage section on "Sample Projects" will give you some ideas.

## WASHINGTON UPDATE (cont'd)

income families and pushed property tax cuts. Confirmation hearings for Martinez have been scheduled for January 17. His nomination faces little, if any, opposition.

### Environmental Protection Agency - Gov. Christine Todd Whitman

New Jersey Governor Christine Todd Whitman is Bush's choice to lead the Environmental Protection Agency. Governor Whitman brings national prominence to the role of EPA Administrator. She is considered a moderate on many environmental issues and announcement as EPA appointee brought cautious optimism from many environmental advocacy groups. Governor Whitman has been lauded for her efforts to preserve green space in New Jersey, including receiving the 2000 Public Official of the Year award from APA. In her acceptance remarks at the APA annual conference in New York City, she reiterated her support for planning and open space preservation as keys to smart growth development. She has been criticized for focusing too much on voluntary compliance as opposed to enforcement. Governor Whitman will assume leadership of an agency, along with HUD, that has taken a leadership role in federal efforts to promote smart growth and community livability. With the appointment of

The website also has a timetable for getting the question on the ballot, with deadlines for each Massachusetts city and town. You key in your community's name to retrieve the appropriate dates. There are many other features coming and it should be even more useful to you by early February. Check the "Forum" section and use it to post questions or suggestions for other local efforts. The Coalition website will include links to our member organizations' websites, and in many cases we will be adding their publications to this website as well.

### EOEA Conference: Feb. 10, 2001

This is what we have all been waiting for. On February 10, EOEA will hold a CPA conference at Mechanics Hall in Worcester from 8:15 am to 12:30 pm. It will focus on the Act's content as well as on local action. At that time, Secretary Durand will release a Q&A brochure covering many local adoption and implementation issues. Come, and bring all your questions. Call Cindy Cormier at EOEA, 617-828-1181, if you do not receive an invitation in the mail quite soon. Also, EOEA has a very useful web site at "[www.state.ma.us/envir](http://www.state.ma.us/envir)". Check it out as well.

### Adopting the Act

Secretary of the Commonwealth William Galvin has prepared a guide to local acceptance of the Community Preservation Act with suggested wording for the ballot question after it receives town meeting/city council approval and for the initiative petition question. It is important to note that the level of surcharge, and the proposed exemptions must appear on the ballot for voter approval. The composition of the local community preservation committee and method of appointment are matters for a local by-law/ordinance, and not for the ballot. We will be putting this guide on our web site as soon as it is available.

### Many thanks to you all

May we take this opportunity to thank you for all your hard work. We succeeded for two reasons: we worked together as part of a coalition that united many voices and many interests in common cause; and Bob Durand championed this effort for so many years with tremendous dedication to community preservation.

Whitman, President-Elect Bush has demonstrated his desire to bring the state perspective to Washington.

### Department of Transportation - Norman Mineta

The appointment of former Rep. Norman Mineta as Secretary of Transportation in the Bush cabinet brought cheers from those who have supported enhancements as a component of our nation's surface transportation responsibility. Mineta, a Democrat currently serving as Commerce Secretary, was an author of the legislation that became ISTEA in 1991, shifting transportation decision-making to state and local governments, increasing funding for mass transit, and supporting monies for environmental enhancements such as bike paths, conservation easements and historic preservation. Mineta is a former Chairman of the influential House Transportation and Infrastructure Committee. Roy Kienitz, executive director of the Surface Transportation Policy project (STPP) credits Mineta's efforts over 20 years in the House of Representatives as "bearing fruit, with major upsurges in transit ridership and demand for everything from new rail systems to more walkable communities." He has received high marks for his brief tenure as Commerce Secretary and becomes the only

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## **MAYFLOWER COMPACT (cont'd)**

The three regional planning agencies have been supported in this effort with a grant from the Massachusetts Executive Office of Environmental Affairs and the state legislature. The Task Force was chaired by nationally prominent land use attorney Donald L. Connors and consisted of representatives from business, agriculture, education, environment, finance and local government.

The Task Force issued a report in 1999 entitled Vision 2020: An Agenda for the Future. The Agenda outlines a new direction that leads to a future with:

1. Cities that are vital centers of civic and cultural life, that fully participate in the diversified economy of New England, and that are excellent places to live, work and visit.
2. Towns that are physically distinct, retain individual character, and offer a high quality of life.
3. Rural areas that retain agricultural and forestry industries and that preserve large areas of open space.
4. A natural environment that is protected and enhanced.
5. Efficient infrastructure that supports local needs through regional coordination.
6. Prosperity for the region's present and future residents and businesses.

The New Mayflower Compact contains actions that the endorsing parties are being asked to work collaboratively to implement, including:

1. Create incentives to encourage growth in areas with existing and underutilized infrastructure.
2. Provide local communities expanded planning tools, technical assistance and financial support to shape their future.
3. Reform state laws and policies that promote sprawl and discourage regional cooperation.
4. Analyze and address the full range of impacts associated with local zoning decisions and the funding of infrastructure projects.
5. Execute regional agreements that reduce competition by sharing the benefits and impacts of development among communities, and provide a means of alternative dispute resolution.
6. Preserve natural resources and protect regional water supplies through proper planning and land protection techniques.

By taking this action, the communities in southeastern Massachusetts are following the example of the 41 Pilgrims who signed the original Mayflower Compact on board the Mayflower in 1620. The original signers agreed to "...covenant and combine ourselves together... for our better ordering and preservation." The words are still appropriate today.

Southeastern Massachusetts is the most rapidly growing region in Massachusetts, adding more than 10,000 new citizens a year for the past thirty years and growing at a rate that is triple the state rate. To accommodate this growth, the region has consumed more land in the past 40 years than in the first 340 years after the Pilgrims landed at Plymouth in 1620. Land is being developed at three to four times the rate of population growth. This gap is the result of large lot development and suburban sprawl. Furthermore, the region has lost one third of its

open space and agricultural land in the past thirty years.

In addition, the population of the region's three large cities (Brockton, Fall River and New Bedford), which want, need and can absorb new growth, increased only 3.6%. The rest of the region, much of which is unprepared for development, has grown by 80.9% in that period. Of the six towns projected to receive the most rapid growth over the

next two decades, none have professional planning capability, none have public water and sewer, and only one has a recent master plan. One billion dollars in new transportation improvements (Old Colony Railroad, Route 44, Routes 3 & 24 improvements) are increasing the growth pressure in the region.

For additional information, please contact:

- Southeastern Regional Planning & Economic Development District (SRPEDD), Taunton, MA: (508) 824-1367; Steve Smith, Executive Director;
- Metropolitan Area Planning Council (MAPC), Boston, MA: (617) 451-2770; David Soule, Executive Director;
- Old Colony Planning Council (OCPC), Brockton, MA: (508) 583-1833; Dan Crane, Executive Director.

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## **APA Executive Director Frank So Announces Retirement**

American Planning Association (APA) Executive Director Frank So, FAICP, announced recently he will retire March 30, ending a 33-year career with the organization and its forerunner, the American Society of Planning Officials. "Over the course of his career, Frank has not only been an effective leader of APA and its professional institute, the American Institute of Certified Planners," said APA President Joanne Garnett, AICP, "but he has made numerous contributions to the planning profession, particularly in the areas of continuing education and professional practice."

A search committee to find a new executive director has been appointed. For more information about applying for the position, contact APA President Joanne Garnett, AICP, with the Sublette County Planning and Zoning office at P.O. Box 506, Pinedale, Wyoming, 82941 (tel. 307/367-4375). Deadline for submitting applications is Feb. 5, 2001.

So was appointed executive director of APA in 1996 after serving in a number of different positions since 1967 when he started with the American Society of Planning Officials. In 1979 that organization was renamed the American Planning Association. Throughout the 1980s and 1990s, So helped establish a significant number of APA and AICP programs to serve their members as well as the entire planning profession.

Among other things, So oversaw the growth and expansion of APA's research program; development of a web site and internet presence; expansion of the annual awards program; development of new continuing education and profession-building programs through AICP; and an expanded public policy program in Washington, D.C., that also provides assistance and training to the 46 state and regional chapters affiliated with APA.

Before becoming executive director, So had been coordinator of APA's National Planning Conference for several years. He developed an innovative series of in-depth, half- and all-day professional development workshops under AICP sponsorship that were among the most popular and highest-attended sessions

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*Joseph P. J. Vrabel, Esquire, Bowditch & Dewey, LLP  
Patterson et. al. v. Omnipoint Communications, Inc., et. al. v.  
Zoning Board of Appeals of Town of Scituate (Civil Action  
Nos. 99-CV-12336-JLT and 00-CV-10561-JLT)  
Telecommunications Act of 1996, Preemption*

Plaintiffs filed suit in the United States Federal District Court attempting to annul a special permit and a building permit for a telecommunications tower issued by the Town of Scituate. The Plaintiffs sought to obtain a preliminary injunction requiring dismantling of the tower and also sought to collect damages under 28 U.S.C. Sect. 1983 and Mass. G.L.c. 93A. The District Court denied relief.

In connection with the case of *Tower Ventures v. Warner*, (No. 99-CV-11422-JLT) (involving these same parties), the Federal District Court issued an order requiring Scituate to issue a special permit and a building permit for the construction of a telecommunications tower. That court order was the result of a settlement reached by the parties to that action; this litigation arose out of that settlement. The Plaintiffs in this case claimed that the Scituate Planning Board, Building Inspector and the Board of Appeals all exceeded their authority by issuing and affirming a special permit and a building permit without following the procedural requirements of the Massachusetts Zoning Act, Chapter 40A. Scituate moved to dismiss all claims on the grounds of “issue preclusion,” since this action was a collateral attack on a valid and final judgment in the *Tower Ventures v. Warner* case. The Federal District Court agreed and dismissed all of the Plaintiffs’ claims, finding them to be impermissible collateral attacks on matters previously litigated and also found that the Telecommunications Act of 1996 (“TCA”) preempted all procedural requirements of the Zoning Act, as applied in this case.

Judge Tauro first went through a lengthy analysis of the interplay between the TCA and Ch. 40A requirements necessary to be observed in connection with the issuance of a special permit. Judge Tauro concluded that “an act of Congress rooted in a constitutionally enumerated power, preempts conflicting state laws and regulations.” He further held that “preemption is triggered by a congressional intent or when a state law actually conflicts with the federal statute.” A state law “actually conflicts with a federal statute, where compliance with both is a physical impossibility” or when Judge Tauro viewed developing federal case law under the TCA as preempting state and local laws, when the application of those laws violates one of the TCA’s limitations on state zoning authority. To prevent this situation, Federal Courts often have held that the appropriate remedy for a violation of the TCA is a mandatory injunction ordering the issuance of a special permit. This stops local authorities from keeping wireless providers tied up in a hearing process that would frustrate the TCA’s clear mandate to expeditiously review and remedy TCA violations.

In this case, the Plaintiffs contended that the Scituate Planning Board should have complied with the Zoning Act by conducting more public hearings, both before it agreed to settle the *Tower Ventures* suit and after the Federal District Court ordered the issuance of the special permit. The Federal District Court disagreed, holding that to require a zoning board to follow procedural requirements under the Zoning Act, which would

result only in a decision already required by a valid judicial order, would frustrate the purposes of the TCA. Such a process also would force local zoning boards to choose between disobeying a court order and engaging in a never-ending loop of litigation with dissatisfied residents, all for the sake of a procedural exercise in futility.

The Federal District Court found that the Plaintiffs had received more than adequate opportunity to provide input during three public hearings held in March, April and May of 1999. The Plaintiffs did not allege that the Planning Board failed to consider their input when it conceded that its initial denial lacked the “substantial evidence” foundation required by the TCA. In view of this, the Federal District Court found that as a practical matter, allowing individual residents to sue their zoning board for settling a TCA suit without first consulting those residents would effectively preclude settlement of TCA litigation as an option. The Court rejected this and recognized that when TCA suits are commenced, it very often makes good sense for local boards to settle with telecommunication companies on the most favorable terms possible, rather than spend more time and money on litigation.

The Plaintiffs next argued that the Zoning Act required the Scituate Planning Board to convene a second round of public hearings even after the Federal District Court ordered the issuance of the special permit. Judge Tauro cited *Lucas v. Planning Bd. of Town of Lagrange*, 7 F. Supp. 2d 310 (S.D.N.Y. 1998), a New York case on remarkably similar grounds, where a court ordered the issuance of a special permit and town residents subsequently challenged the validity of that permit. In *Lucas* the court recognized that allowing a subsequent challenge to that permit would return the parties to the hearing process, where everyone would again jump through various costly and dilatory hoops, all of which would frustrate the clear mandates of the TCA.

Judge Tauro concluded that Federal preemption of the procedures under the Zoning Act was proper in this case, noting that Congress enacted the TCA pursuant to its power to regulate interstate commerce. This power permitted limitations on local zoning boards and provided for judicial review as an expeditious means to remedy violations. Judge Tauro noted that forcing the Planning Board to open up to public debate the issue of whether to obey a judicial order, would stand as an obstacle to an expeditious response to a TCA violation.

The Plaintiffs also seemed to argue that vesting special permit-granting authority in a Federal judge somehow impermissibly invaded state and local zoning authority, and implicitly encouraged judicially-sanctioned deal-making between zoning boards and wireless communications providers, thus somehow depriving individual residents of their constitutional procedural due process rights. However, Judge Tauro noted that where Congress acts pursuant to its Commerce Clause power, the resulting law becomes the supreme law of the land. Taking this further, he felt that when Congress enacted the TCA, it clearly

## LEGAL AFFAIRS (cont'd)

manifested its intent to preempt certain areas of local zoning laws.

Dismissing the Plaintiffs' Tenth and Fifth Amendment challenges under the US Constitution, Judge Tauro concluded that a Federal District Court's order crafted to bring a state back into compliance with a preemptive federal statute, did not violate the Tenth Amendment. Further, the Plaintiffs could not show even a potential Fifth Amendment violation, as there was no state-protected property interest to which they could attach a due process claim.

The Federal District Court finally concluded that the Plaintiffs' claims for damages under Federal Section 1983 and Mass. G.L.c. 93A completely lacked merit. Scituate itself pointed out that zoning disputes do not give rise to a cause of action under Section 1983, absent a specific allegation of a violation of a federal or constitutional right.

Special permit granting authorities should notice that under the rationale of this case when a TCA case is settled in Federal Court, further procedural compliance with Chapter 40A appears unnecessary, as the TCA will preempt the procedural requirements of the Zoning Act. This is an important case for permit granting authorities who choose to settle litigation at the Federal Court level. Despite what the Federal District Court says, this decision certainly does appear to vest in Federal Judicial authorities the ability to mandate the issuance of a Chapter 40A permit without procedural compliance with the Zoning Act.

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## WASHINGTON UPDATE (cont'd)

Democrat appointed to the Bush cabinet. Mineta brings to the new Administration a strong background in local government having served on the City Councilman and Mayor of San Jose, California.

### Department of Interior - Gale Norton

One of the new Administration's most controversial appointments also comes with a background in state government. Interior Secretary-Designate Gale Norton served two stints as Colorado's Attorney General. Prior to holding elected office, Norton served in the Reagan Administration under controversial Interior Secretary James Watt. She would bring to Interior a background strongly steeped in conservative political and environmental ideology. Norton worked for two conservative think tanks, the Mountain States Legal Foundation and the Hoover Institute, and is widely known as a strong, even radical, proponent of private property rights. Her nomination has raised great concern among environmentalists and livability advocates. She will likely draw opposition on Capitol Hill. Norton has recently become embroiled in controversy over remarks she made in a speech as Colorado Attorney General in which she stated that "we lost too much" when the Confederacy lost the Civil War. In another controversial statement which has drawn the ire of environmental advocates, Norton testified before Congress the NEPA (the National Environmental Protection Act) had "lost its way," and she called for "devolution."

### Office of Management & Budget - Mitchell Daniels, Jr.

One of the most influential but often overlooked appointments is the Director of the Office of Management and Budget.

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## Wellesley Decision Requires Chapter 40B Units to Remain Affordable

Nine affordable rental units in the town of Wellesley will remain affordable because of a decision by Superior Court Judge Elizabeth Bowen Donovan. Judge Donovan's decision in *Zoning Board of Appeals of the Town of Wellesley v. Ardmore Apartments Limited Partnership*, found that prepayment of an MHFA mortgage and the termination of SHARP subsidy does not convert affordable units to market rate.

The town of Wellesley opposed the development when it was originally proposed in June 1979. The Zoning Board of Appeals (ZBA) denied the developer's application which sought to build multi-family housing on property zoned single family. The developer appealed to the Housing Appeals Committee (HAC) which ordered the ZBA to issue a comprehensive permit. The HAC decision was affirmed in 1982 when the ZBA appealed the case to the Supreme Judicial Court. The development was ultimately built, and in the current case, the town argued that the affordable units in the development must remain affordable so long as the development does not comply with local zoning.

The Court reviewed the history of Chapter 40B and then addressed the parties' arguments. The new owner, Ardmore, claimed that once the mortgage was paid and the subsidy ended, the units could be sold or rented at market rate. The town said that the development was allowed to be built under Chapter 40B because it included units for low and moderate income families, that the purpose was to create affordable housing, and that the owner would receive a windfall if the units were converted to market rate.

Additionally, the town stated that the payoff of the mortgage does not impact the zoning override. The Court agreed and found that the SHARP guidelines intended that the affordable units would continue after payment of the mortgage and the end of the subsidy saying, "This court is not the proper body to impose a time limitation on the obligation to maintain low income housing when none appears in the statute; rather, this a [sic] matter to be addressed by the Legislature."

*Printed courtesy of CHAPA, the Citizens Housing and Planning Association.*

## Comprehensive Permit Workshop "C.40B - From A to Z"

Learn how to be most effective on behalf of your community from understanding the basics to writing a good decision; from successfully dealing with abutters to negotiating with the developer. Find out the latest legal case law and its implications. For planners, ZBA members, Planning Board members, and others interested in how to manage the comprehensive permit process.

When: Friday, February 16, 2001, 9:00 - 2:30 (registration and continental breakfast at 8:30 a.m.)

Where: Crowne Plaza Hotel, Natick

Guest Luncheon Speaker: Werner Lohe, Housing Appeals Committee Chairman, Department of Housing & Community Development

Presented by the Mass Association of Planning Directors (MAPD), Mass Chapter of APA, Citizens' Housing and Planning Association (CHAPA). For registration information call Lynn Duncan, MAPD Chairman - 978-658-8238; duncan@town.wilmington.ma.us.

## **Bus Rapid Transit and the American Community A National Design Competition**

WestStart and the Federal Transit Administration (FTA), in collaboration with seventeen communities around the country, are staging a competition to foster a new and innovative service called Bus Rapid Transit (BRT). BRT is a high quality service that will significantly reduce travel time, reduce congestion and improve air quality. The competition will challenge multi-disciplinary teams — industrial designers, planners, engineers, architects, artists, manufacturers, community groups — to envision innovative ways in which new bus vehicles, transit sites and integrated support systems can be designed to best serve the future American community.

In the past, bus design and its use has followed a narrow, traditional approach. Bus transit has filled a relatively small role in the expansion of transit opportunities; in many instances, that role has devolved into the choice of last resort. But as traffic congestion increases, rail transit costs escalate, and funding timelines stretch out into decades, new ideas are beginning to emerge. These ideas encourage us as a nation to rethink how new vehicles might move America, and how “buses of the future” might serve us better.

The competition format anticipates a multi-disciplinary team of professionals or students with representatives from the following areas of expertise: Industrial and Urban Designers, Planners, Architects, Landscape Architects, Interior Designers and Engineers. Additional skills may be garnered from outside areas, including talent drawn from, but not limited to, graphic designers, artists, management, or from anyone able to contribute to an insightful and creative submittal. Competitors will be encouraged to design new vehicles that can better solve the needs of cities, towns and patrons as part of the rapid transit system. Competitors must also show how new visions of integrated/intermodal transportation can contribute to communities through imaginative approaches to transit, its stops, stations, nodes or links, its infrastructure, services and its application. Successful submissions will take advantage of the emerging new BRT thinking and technology, and many new transit enhancing services which allow buses and transit sites to serve a greatly expanded role in the transportation network.

The competition will be held from mid-January until mid-May and will contain two related challenges. The first challenge, the design of the vehicle platform, will consist of a rapid sketch problem to solicit initial ideas on the design of the bus, to be submitted February 21, 2001. Each team will be responsible for designing a “vehicle of the future” that can serve the New/Bus Rapid Transit concepts and better meet the opportunities for our communities than the vehicles available today. The second challenge of the competition will focus on the final design of the bus and its integration into a specific community, to be chosen by each competing team. The submittals will illustrate the qualities of the bus design, how it can serve special new needs, and how new infrastructure and associated transportation enhancements can positively impact the quality of life and environment in the American community. Final submittals will be in two-dimensional sketch/illustration form and will include an electronic or “soft” copy suitable for display on the Internet and hard copy

publications.

Monetary and non-monetary awards will be issued in multiple categories for both stages of the design competition. Awards for the most creative ideas in the first stage will be announced at the end of the competition. A distinguished jury is being formed to review and premiate the entries. Additional expert feedback and workshops will be offered during the course of the competition.

For more information or to register, contact: Fred Silver, Competition Manager, WestStart, (805) 987-1462 or [fsilver@weststart.org](mailto:fsilver@weststart.org); or Jonathan Harris, University, College and Industrial Team Entrants Coordinator, The Cecil Group, (617) 424-8686 or [jharris@cecilgroup.com](mailto:jharris@cecilgroup.com). Website: [www.weststart.org](http://www.weststart.org)

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## **New APA Report Reviews State Incentive Zoning Programs**

*Incentive Zoning: Meeting Urban Design and Affordable Housing Objectives, by Marya Morris*

This 64-page report discusses incentive zoning for design, smart growth and affordable housing. The author begins with a historical perspective and statutory overview of incentive zoning, which was first used in Chicago in 1957 to encourage downtown office building developers to provide public plazas and arcades in exchange for increased density. Today, at least 10 states have laws allowing local governments to offer so-called “zoning bonuses.”

Part two covers incentives connected with design and smart growth issues. Case studies from five metropolitan areas – Chicago, Minneapolis, Seattle, New York City and Arlington County, Virginia – are examined. Part three of the report review how jurisdictions in California, New Jersey, Oregon, Florida and Maryland encourage construction of affordable housing through inclusionary zoning practices, ordinances and housing programs. The author cautions that while density bonuses and regulatory waivers are two of the most common tools used to implement mandatory housing plans, these practices by themselves are not enough to encourage developers to build housing for low- and moderate-income families.

The report concludes with a list of references and an appendix that includes a copy of the premium bonus provisions of the Minneapolis, Minn., zoning code; a model incentive zoning statute; and excerpts from the American Planning Association policy guide on housing.

*Marya Morris, AICP, is a senior research associate and assistant editor with the American Planning Association's office in Chicago, Ill. She has written several reports for APA's Planning Advisory Service including “Subdivision Design in Flood Hazard Areas,” “Creating Transit-Supportive Land-Use Regulations,” and “Planners' Salaries and Employment Trends (1996).”*

## **Fall Conference Call for Proposals**

MAPA will be hosting the fall regional conference October 4-5 in Lowell. The Conference Committee is soliciting conference session proposals. These proposals should be one paragraph and include your contact information. They should be emailed to [peterlowitt@devensec.com](mailto:peterlowitt@devensec.com), MAPA conference chair. With your help we hope to have a great fall conference.

## WASHINGTON UPDATE (cont'd)

The OMB Director has great influence on not only the budget process but also the development of key policy initiatives. President-Elect Bush has selected Mitchell Daniels, Jr. to lead OMB. Daniels is something of a surprise choice and has a limited background in the nuances of the federal budget, however he does bring a long background in government and public policy. He began his career working for then-Mayor of Indianapolis Richard Lugar. Lugar brought Daniels to Washington when he was elected to the Senate. Daniels served on Lugar's staff and as executive director of the Republican Senatorial Campaign Committee. After working on the Hill, Daniels joined the Reagan White House in 1985. After leaving the White House in 1987, Daniels ran a conservative think tank in Indiana and eventually landed at pharmaceutical giant Eli Lilly & Co. Daniels joins appointees Paul O'Neil (Treasury Secretary) and Donald Evans (Commerce Department) as representatives from corporate America in the Bush inner circle.

## Supreme Court Wetlands Case Watched for Broader Implications

A closely divided U.S. Supreme Court issued a decision that significantly curbs federal authority under the Clean Water Act. By a vote of 5 to 4, the court found that the Clean Water Act does not allow federal agencies (in this instance, the Army Corps of Engineers) to regulate isolated wetlands. The justices held that the statute only applies to wetlands adjacent to open water. In *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, the court ruled that the Army Corps of Engineers could not stop a suburban Chicago waste agency from building a landfill on the site of a former gravel mine that now forms a habitat for migratory birds and waterfowl. According to the majority, the isolated wetland area was not closely enough connected to a navigable body of water.

Despite the setback for federal environmental authority under the Clean Water Act, the Court declined to address the broader issue of whether federal protection or regulation of intrastate wetlands would exceed Congress's power. Environmentalists had feared a broader ruling that would have had major implications. Environmental advocates were, however, still disappointed with the ruling, which creates a new, and potentially significant, loophole in the nation's clean water regulations. Writing for the minority, Justice John Paul Stevens said, "there is no principled reason for limiting the statute's protection." Joining Stevens in his dissent were Justices Breyer, Ginsburg and Souter.

## SO RETIRES (cont'd)

of the conference. He also developed the original series of national planning conference workshops for lay commissioners.

So helped develop programs for AICP's Planners Training Service and created the annual Zoning Institute for administrators and planners who do not have planning degrees. He also created the APA Planners Press in order to publish books for planning practitioners, university- and college-level planning students, and citizens. As acquisitions editor, he was responsible for selecting more than 100 book titles on such topics as comprehensive plans, model ordinances, impact fees, growth management and planning agency effectiveness.

So also was senior editor for the first two editions and co-editor for the third edition of the most widely used text in graduate school planning programs, *The Practice of Local Government Planning*, which sold more than 50,000 copies. He also was one of three senior editors to produce the first comprehensive textbook on state and regional planning — *The Practice of State and Regional Planning* published by APA in 1988.

During his career, he wrote and published more than 20 reports covering such topics as capital improvements programming, citizen groups in city planning, planned unit development, deep lot development, industry subdivision regulations, suburban apartments and condominiums.

So graduated from Youngstown University with a bachelor's degree cum laude and from Ohio State University with a Master of City & Regional Planning. He was a planning consultant to the Village of Flossmoor, Ill., from 1980 to 1996 and was director of planning and community development in Harvey, Ill., between 1964 and 1967. In 1999, he was named an American Institute of Certified Planners Fellow for outstanding achievement in urban and rural planning.

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## MIT Offers AICP Exam Prep Course

This course is being offered for the fifth year by faculty of the MIT Department of Urban Studies and Planning, with the participation of several practicing planners and urban specialists from the Eastern Massachusetts region. It will include six 2 1/2-hour evening lecture and discussion sessions starting at 7:00 P.M. on Wednesdays, beginning on April 4, 2001 and concluding on May 9, 2001. The course is timed to lead up to the AICP Exam to be held on May 12, 2001.

The course is fully comprehensive, very practice-focused treatment of urban planning. There are readings for each session, mostly from the ICMA's *Practice of Local Government Planning*, The APA Chapter Presidents Guide, and some special manuals now prepared specifically for the exam. Planners who take the MIT course pass the AICP Exam consistently at a rate of over 90%.

Tuition for the course is \$200, or for full-time students tuition is \$50. The first course is introductory and free to everyone. For further information contact Holly Kosisky at MIT (617-253-7736; holly@media.mit.edu).

## CALENDAR

### February 13: MAPA EDC Lunch Meeting

Free lunch with Kit Perkins, Vice President of New Ecology, Inc. 12PM - 1PM. Thomas P. O'Neill Federal Building, Boston, 10 Causeway Street, 9th Floor, Room 900, Conference Room A.

### February 10: Civic Initiative Forum, Lawrence, MA

"Can Older Cities and Affluent Suburbs Have a Shared Destiny?" Sponsored by the BSA, EPA, MAPA, Lincoln Institute, Urban Land Institute, Boston Bar Assoc., and others. \$25. Info: [www.architects.org](http://www.architects.org) or 617-951-1433 x225.

### February 10: Statewide Community Preservation Act Conference

Sponsored by EOE and the Community Preservation Act Coalition. 8:15 am-12:30 pm, Mechanics Hall, Worcester. Free. RSVP by 2/1/01 to 617-626-1166.

### February 24: Civic Initiative Forum, Somerville

"Can the Core Grow?" Sponsored by the BSA, EPA, MAPA, Lincoln Institute, Urban Land Institute, Boston Bar Assoc., and others. \$25. Info: [www.architects.org](http://www.architects.org) or 617-951-1433 x225.

### March 10: Civic Initiative Forum, Framingham

"Do Suburbs Have Sprawl?" Sponsored by the BSA, EPA, MAPA, Lincoln Institute, Urban Land Institute, Boston Bar Assoc., and others. \$25. Info: [www.architects.org](http://www.architects.org) or 617-951-1433 x225.

### March 5: AICP Exam registrations due.

Visit [www.planning.org](http://www.planning.org) for more info, or contact your chapter VP for Professional Development.

### April 27-29: Civic Initiative Regional Charrette, Boston

Sponsored by the BSA, EPA, MAPA, Lincoln Institute, Urban Land Institute, Boston Bar Assoc., and others. \$25. Info: [www.architects.org](http://www.architects.org) or 617-951-1433 x225.

### May 12: AICP Exam

Visit [www.planning.org](http://www.planning.org) for more info, or contact your chapter VP for Professional Development.

### June 8-10: Civic Initiative Future Search

Sponsored by the BSA, EPA, MAPA, Lincoln Institute, Urban Land Institute, Boston Bar Assoc., and others. \$25. Info: [www.architects.org](http://www.architects.org) or 617-951-1433 x225.

## REQUESTS FOR PROPOSALS

### Pioneer Valley Planning Commission

The Pioneer Valley Planning Commission is looking for firms, agencies, organizations, or individuals to serve as "planning associates" to assist in the implementation of various planning related services depending on grants, projects, technical assistance requests, and overall agency work load.

A more detailed Request for Qualifications is available at the Pioneer Valley Planning Commission, 26 Central Street, West Springfield, MA 0189, (413) 781-6045. Completed proposals are to be submitted by the desired target date of Wednesday, January 31, 2001. The PVPC reserved the right to reject any and all proposals if it is deemed in the best interests of the PVPC to do so. An AA/EOE.

## Poll Finds 7 of 10 Massachusetts Residents, Other New Englanders Support Urban Growth Measures

New Englanders want better communities and 74% of voters in the six-state region favor laws that put limits on land use and urban growth, according to a nationwide poll of voters by the American Planning Association (APA) and the American Institute of Certified Planners (AICP). Massachusetts ranks 6th among states that are threatened by sprawl, according to an analysis of changes in the amount of developed land per person between 1982-1997. The Bay State is one of nine states that has updated, but not reformed, its planning enabling statutes to allow for smarter growth.

While the issues of growth and sprawl have received some attention from elected officials in Massachusetts and other states, nationally 7 of 10 voters (71%) do not believe that things will improve in their communities in the next five years, and 4 of 10 voters (41%) predict things will get worse.

A majority of voters (53%) favor new laws to manage growth at the local level. Legislation to contain land use or urban growth is supported by 55%. The highest level of voter support for such legislation comes from the mountain states (80%) and from New England (74%), including Massachusetts. Moreover, 57% of all voters believe communities can strike a balance between the protection of private property rights and the management of growth.

Massachusetts ranks high in several key indicators of sprawl. With 31.9% of its available land developed as of 1997, Massachusetts is 2nd among all states in the percentage of acres developed. The Bay State is 6th among states in the percentage change in developed acres per capita. There was a 41% increase, from 0.1792 to 0.2533 developed acre per person, between 1982-1997. While development in Massachusetts is denser than that found in 42 other states, the high percentage increase in developed acres per capita raises concern about the pattern of growth within the state.

In searching for ways to better manage the social, economic and physical changes within our communities, 81% of voters believe it is important that their communities have city and regional planners. Most voters (54%) say planners should act as strong advocates for restricting and controlling urban sprawl. Two-thirds of New Englanders want planners to be anti-sprawl advocates. "If planners in Massachusetts are to be more effective in improving conditions within our communities, substantial modifications to the state's planning enabling statute will be needed," says Broadrick.

When it comes to issues planners can effectively address, the highest-ranking concern of U.S. voters (76%) is having adequate schools and educational facilities. Ensuring an ample availability of healthcare facilities, family support services and police ranked second (74%). Creating and protecting parks and recreation areas was a priority for 69% of respondents.

Americans also want planners to preserve farmland and open space (67%); protect wetlands and other natural areas (65%); and create affordable housing options for low- and moderate-income families (64%).

Results of the APA/AICP poll show broad public support for a federal Smart Growth agenda in Congress. Three-quarters of voters (78%) want the upcoming 107th Congress to provide tools and resources to help communities solve problems associated with urban growth and issues involving land use; 42% believe it is very important for Congress to take action.

## EMPLOYMENT

### **Part-Time Assistant Community Development Coordinator Town of Bridgewater**

The Town of Bridgewater is seeking a qualified individual to fill a part-time position available in the Bridgewater Community Development Office. Interested candidates must be familiar with land use development and possess a comprehensive knowledge of Zoning, Subdivision Control and Wetland Protection Act. Computer experience required. The successful candidate will be responsible for assisting in the development of the Town's Geographic Information System (GIS) and must have proficiency in the use of Arc View and Mapitude applications. Minimum qualifications required: a B.S. in Planning with five years work experience or a Master's degree in planning and/or other related advanced degree with a minimum of three years experience in municipal and/or state government. Salary range: \$26,000 - \$32,500 (\$20.00 to \$25.00 per hour) commensurate with experience. Position is available for maximum of 25 hours per week. Applications and job description available at the Community Development Office, Town of Bridgewater, 64 Central Square - Town Hall, Bridgewater, MA 02324.

Return application with resume to the Community Development Office by Monday January 29, 2001, by 1:00 p.m. The Town of Bridgewater is an Affirmative Action/Equal Opportunity Employer.

### **Assistant Town Planner, Town of Mashpee**

Rapidly growing Cape Cod town seeks highly energetic, flexible, results-oriented professional to provide plan review and support services to Planning Board, manage Planning Department GIS operations, assist in implementation and update of Comprehensive Plan and perform other functions in the areas of site plan review, economic development, environmental protection, transportation planning, affordable housing, municipal facilities planning and public outreach.

Requires Masters Degree in planning with at least one year of municipal planning or related experience. Training and experience in use of ArcInfo and ArcView a very strong plus. Thorough knowledge of principles and practices of zoning and subdivision law and practices and of graphic presentation as applied to planning will be expected, along with strong computer skills and ability to communicate effectively in oral and written form. Seaside small town working environment with full benefits. Current annual salary range of \$35,131 - \$41,725. Valid driver's license required.

Send resume with address and phone of three professional references to Mashpee Personnel Department, 16 Great Neck Road North, Mashpee, MA 02649. Deadline for application is February 16, 2001

### **Town Planner, Town of Walpole**

The Town of Walpole (pop 24,000) seeks qualified individual for the position of Town Planner. Works under the general policy direction of the Planning Board. Highly technical, administrative work in planning, organizing and coordinating the programs and decisions that shape both the short range and long range land use and community development needs of the Town. Responsible for updating the Town's Master Plan, including land use planning, wetlands protection and land acquisition. Assists in the research, preparation and administrations of proposals and grants for applicable Federal, state, County or private funding sources. Bachelor's degree in land-use planning, urban planning or closely related field with two years experience in municipal planning required. Master's Degree in urban planning or related field preferred. Thorough knowledge of urban or regional planning principles and practices, zoning laws and comprehensive plans including their formation, process of adoption and enforcement. Considerable knowledge of civil engineering, architecture, graphic presentation as applied to planning, economic, sociological and environmental aspects of planning. Working knowledge of GIS. Annual salary range is \$43,329 - \$59,296. Cover letter along with resume must be received. Send to Town of Walpole, Personnel, 135 School Street, Walpole, MA 02081 by 4:00 pm, 2/14/01 AA/EOE

### **Town Planner, Town of Bellingham**

The Town of Bellingham seeks an experienced Town Planner to work 24 hours per week including attendance at two evening Planning Board meetings per month. The Planner will review applications for development to ensure compliance with Zoning Bylaws and Subdivision Rules and Regulations and submit recommendations to the Planning Board. In addition, the Planner will act as liaison between the Planning Board and other town departments as well as applicants and residents. Duties include preparation of decisions rendered by the Board and other planning related correspondence. Work with the Planning Board to develop and review Zoning Bylaws, enhance Subdivision Regulations, update the Master Plan and assist in the development of a growth management plan. Bachelors degree in planning or related field required, Masters preferred,

plus three years planning experience. Flexible hours, limited benefits, salary up to \$36,000 annually. Firms specializing in planning are invited to apply. Submit a letter of interest, along with a resume or summary of job experience and salary requirements, no later than February 1, 2001 and forward to: Bellingham Planning Board, 6 Mechanic Street, Bellingham, MA 02019. Bellingham is an EEO/AA employer.

### **Planner, City of Providence, RI Department of Planning & Community Development**

Responsible position to assist the Associate Director of Planning in the planning and coordination of special projects, including, but not limited to historic preservation, downcity review, new cities, and federally funded projects. Conduct background research, prepare written reports, review proposals, site plans and building plans for exterior restoration or renovation. Review and comment upon drafts of reports and graphics submitted by consultants. Minimum qualifications: Bachelor's degree in urban planning, urban affairs or related field with minimum of two years experience in a municipal planning or policy department. Ability to write, speak effectively, organize complex tasks and coordinate diverse interests are essential qualities.

Successful candidates must establish City residency within six (6) months of hire. Please forward resume by Monday, January 29, 2001 to: Kathleen A. Moretti, Director of Personnel, 25 Dorrance Street, Providence, RI 02903. EQUAL OPPORTUNITY EMPLOYER.

### **Preservation Planner, City of Providence, RI Department of Planning & Community Development**

Coordinates and assists in the implementation of the City's Historic District Overlay Zone, which affects approximately 1,800 properties. Works closely with the Historic District Commission, processes applications to the HDC for Certificates of Appropriateness and Design Approval; acts as liaison between the public and the HDC. Works under the direction of the Associate Director for Planning. Must have a thorough knowledge of the principles, practices and methods of historic preservation and architectural history. Working knowledge of building, landscape design and construction. Ability to read and analyze architectural drawings. Minimum qualifications: Graduation from a recognized college or university with a Master's Degree in preservation planning, architecture, or related field; at least three years' experience in preservation planning and design review at the municipal level; experience in assessing the impact of new construction and rehabilitation on historic areas and buildings. Must work in the evening at least once a month, to attend public meetings of the HDC.

Successful candidates must establish City residency within six (6) months of hire. Please forward resume by Monday, January 29, 2001 to: Kathleen A. Moretti, Director of Personnel, 25 Dorrance Street, Providence, RI 02903. EQUAL OPPORTUNITY EMPLOYER.

### **Transportation/Transit Planner, Earth Tech, Inc.**

Earth Tech, Inc., one of the largest and most diversified engineering and environmental consulting firms in the country with 100 offices in 30 states, has further expanded its presence in Greater Boston and New England through its recent acquisition of Kaiser Engineers. Earth Tech, Inc. is seeking a highly motivated transportation/transit planner to join its growing Concord, MA office. This position provides technical analysis and documentation support as well as individual task management opportunities on multi-disciplinary transportation planning projects throughout New England, including large-scale, high-profile transit planning assignments in Greater Boston.

Assignments include feasibility studies, MISs, alternatives analysis, master planning, and site development projects. Relevant tasks include data collection, travel market analysis, alternatives development and evaluation, technical writing, and sub-consultant and agency coordination.

Excellent technical writing, communication, and research skills required. Must be proficient in MS Word and Excel. Familiarity with other MS Office applications plus. B.S. or B.A. in Transportation, Planning, or related discipline plus three years of relevant experience, or a Masters Degree plus one year experience required. Professional registration or certification highly desirable.

Earth Tech, Inc. is a Tyco International Ltd. company that offers competitive salary and benefits in a collaborative work environment with excellent opportunities for professional growth. Please contact Terry Pizzicone at E-mail tpizzicone@earthtech.com or Fax 978-371-4288.

### **Community Planner, Greater Elmwood Neighborhood Services**

Greater Elmwood Neighborhood Services (GENS) seeks a community planner to provide neighborhood planning services, including the administration of a consultant-lead Neighborhood Revitalization Plan.

GENS is a 22-year old multi-service community development non-profit promoting development of all aspect of the south Providence neighborhood of

Elmwood, including housing, commercial and economic development, and social services.

Candidates should have a relevant planning education and demonstrated planning skills with ability to address community issues within a dynamic and ethnically diverse neighborhood. The Neighborhood Revitalization Plan is designed to encourage maximum resident participation to define a unified vision for the neighborhood and to set delegated action steps to achieve the vision. The planner will develop partnerships with other community-based organizations in south Providence, facilitate development of the plan, and coordinate implementation of the plan. Spanish language skills are a plus. Salary \$38,000 - \$42,000, depending on qualifications.

Respond with letter of interest and resume by January 31 to GENS, 839 Broad St., Providence, RI 02907.

#### **Planner I, MAPC**

Regional Planning Agency seeks planner to work with staff specialists and public officials to develop and carry out regional and local planning projects. Job entails a significant amount of work with local communities. Candidates accepted from a broad range of experiences in areas including: transportation, land use, housing, and economic development. Excellent oral and written skills required. Experience with Microsoft Office/Access desirable. B.A./B.S. or Masters degree with no or limited professional experience required. Starting salary commensurate with experience. Send resume and cover letter to: Ingrid Johansson, Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111. MAPC is an AA/EOE/ADA Employer.

#### **Planner II, MAPC**

Regional Planning Agency seeks planner to work with staff specialists and public officials to develop and carry out regional and local planning projects. Job entails a significant amount of work with local communities. Candidates accepted from a broad range of experiences in areas including: transportation, land use, housing, and economic development. Excellent oral and written skills required. Experience with Microsoft Office/Access desirable. B.A./B.S. with 4 years professional experience or Masters degree with 1 to 2 years professional experience required. Starting salary commensurate with experience. Send resume and cover letter to: Ingrid Johansson, Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111. MAPC is an AA/EOE/ADA Employer.

#### **Transportation Planner I, MAPC**

Regional Planning Agency seeks an individual to assist with state, regional, and local officials in developing the region's annual transportation improvement program and provide transportation database and planning functions for a wide range of projects and studies. This individual will work with other members of the transportation planning team to provide staff support to the Boston Metropolitan Planning Organization Local Subcommittee, review development projects, assist sub-regional community groups with transportation projects and undertake other projects as required. Strong oral and written skills required. Experience with Microsoft Office/Access, and Arc/Info or ArcView desirable. Candidate should have a degree in planning or related field. B.A./B.S. or Masters with no or limited professional experience required. Starting salary commensurate with experience. Send resume and cover letter to: Ingrid Johansson, Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111. MAPC is an AA/EOE/ADA Employer.

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#### **Environmental Planner, MAPC**

Regional Planning Agency seeks an environmental planner to conduct regional and local projects involving water quality, coastal resources, land use, and natural resource protection. Applicants must have strong oral and written skills and ability to develop and manage projects and produce deliverables in a

timely manner. Experience working with local governments preferred. Work assignments will include, among others, providing technical assistance to a group of coastal communities for management and protection of coastal watersheds and marine resources, and other environmental planning projects. B.A./B.S. with 1 to 3 years professional experience or Masters degree with no or limited experience required. Starting salary commensurate with experience. Send resume and cover letter to: Ingrid Johansson, Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111. MAPC is an AA/EOE/ADA Employer.

#### **Part-time Planning Position, Lisa Davis Associates, Lexington, MA**

A small planning and real estate consulting firm is seeking to hire a junior planner or planning student to work on a part time basis. Responsibilities would include preparing impact reports, preparing application packages for submittal to approving authorities and general office/administrative work. Public presentation skills and experience with New England land use laws and environmental regulations highly desirable. Masters degree candidate in planning or related environmental and land use fields preferred. Flexible work hours. Excellent opportunity to learn the ins and outs of running your own business! For more information, please visit our web site at <http://www.davisplanning.com>.

Please send resumes to Lisa Davis, Lisa Davis Associates 49 Waltham Street, Lexington, MA 02421 or email to [ldavis@davisplanning.com](mailto:ldavis@davisplanning.com)

#### **Transportation Planner, MASCO**

MASCO is a private, non-profit organization, which provides management and other support services to a 20-institution complex in the world-renowned Longwood Medical and Academic Area (LMA). We seek a Transportation Planner in our Area Planning and Development division. The Transportation Planner will provide assistance to hospitals and colleges to improve the accessibility of the LMA by developing and implementing innovative programs in the areas of transit, pedestrian and vehicular access and demand management. The successful candidate will have 5-7 years of progressively responsible transportation planning experience and at least a Bachelor's degree in planning or a related field. Additional qualities include superior teamwork, leadership, interpersonal, and communication skills.

Send resume and cover letter including salary history to: Human Resources, MASCO, 375 Longwood Avenue, Boston, MA 02215; fax (617) 632-2810. Equal Opportunity Employer

#### **Planner, Town of Johnston**

The Town of Johnston seeks a town planner with experience in comprehensive planning, zoning, subdivision reviews, and grant writing. The town planner will serve as the administrative officer, advise the planning board and attend all of their meetings, and be responsible for managing the day to day planning operations. Requires 3-5 years experience in municipal planning. Bachelor's degree in related field required. Master's degree, AICP preferred. Salary commensurate with education and experience, up to \$50K. Submit resume and letter to Town of Johnston, Personnel Department, 1385 Hartford Ave., Johnston, RI, 02919, Attn: Arlene Morris, no later than February 17, 2001. The Town of Johnston is an equal opportunity/affirmative action employer.

#### **Manager, Planning Consulting Group**

Would you like to apply your significant municipal and project planning experience to contemporary growth and environmental problems? Are you interested in a variety of projects that involve land use, transportation, urban spaces, and livable communities? Would you like to provide overall leadership to a consulting business unit that tackles these and other issues? If so, then the position of Manager of the Planning Group at Planners Collaborative may be just what you are looking for. We are seeking a creative leader, with excellent skills in consulting, supervision, and writing, with outstanding skills in public participation. A graduate degree in planning or the equivalent is required, along with at least 10 years experience in planning, of which 5 will be in municipal planning. We offer competitive compensation, including a full program of benefits, and an informal, supportive work environment. Please fax resumes to Joe Brevard at (617) 338-4228.

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Ezra Glenn, APA Newsletter Editor  
c/o McGregor & Associates  
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Glenn Garber, AICP <i>Central Region Representative</i>	(781) 862-0500 x246
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Lynn Duncan <i>MAPD Representative</i>	(978) 658-8238

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**Employment Ads:** Employment and jobs wanted ads are \$25.00 per listing, which includes the newsletter and posting on the MAPA website. Send copy to the newsletter editor (email preferred) with a name and billing address.

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**Submissions:** We welcome articles, letters to the editor, photos, calendar items, project profiles, etc. Please do not hesitate to send anything you think of interest, or query editor to discuss an idea. We may need to edit due to space limitations. If possible, please send electronic version in .txt format via email or disk.

**Calendar Listings:** Please send listings in calendar format (see inside this issue).

**Send Items to:** Ezra Glenn, APA Newsletter Editor, c/o McGregor & Associates, 60 Temple Place, Boston, MA 02111.

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