



OCTOBER
2 0 0 5

IN THIS ISSUE

- Comments / 2
- Resources / 2
- Planning in the News/ 4-5
- Legal Affairs/ 6
- Employment / 10-11
- Calendar / 11
- Consultant Directory / 11

Reminder - Register by October 14 for New England Planning Conference, November 9 & 10, Newport, RI - Save \$25! Check www.massapa.org or www.riapa.org

Published by the Massachusetts and Rhode Island Chapters of the American Planning Association

New England PLANNING

Massachusetts Chapter & Rhode Island Chapter

APA Legislative Update

Congress Gears Up Katrina Response: Blumenauer & Weldon introduce Safe Communities Act

The House and Senate have both passed, and continue to introduce, legislation aimed at relief for coastal states affected by Hurricane Katrina. Congress has already provided \$62.3 billion in emergency relief through two supplemental spending bills, while last week Reps. Jim McCrery (R-LA) and William Jefferson (D-LA) helped to secure an additional \$6.1 billion package of tax breaks for hurricane victims.

Now lawmakers are struggling to balance the budget, and several fiscally conservative Republicans are upsetting other members of their party as they look to offset some of these costs by freezing discretionary spending for several years. The discretionary spending in question would be taken out of the recently approved earmarks in the new highway law. Senator Trent Lott (R-MS) noted, "Some ... probably could be taken out, but a lot of it is needed. But we're not going to reopen the bill. We were three years getting it done."

Senators Landrieu and Vitter of Louisiana, meanwhile, have introduced their own Katrina disaster relief package called 'Project Pelican' (S. 1765 and S. 1766) that would grant the state \$250 billion in federal funds for clean up, restoration of critical infrastructure and rebuilding in devastated areas. Senator Landrieu conceded, "This is a big number. But this is a big tragedy. And this is a big region."

At a time when lawmakers and citizens alike are now looking beyond recovery efforts and toward long-term solutions in the form of preventative disaster measures, it was particularly appropriate that Representatives Earl Blumenauer (D-OR) and Curt Weldon (R-PA) recently introduced the 'Safe Communities Act of 2005' (H.R. 3524). The bill provides grants from the Dept. of Homeland Security to communities to incorporate disaster mitigation and emergency preparedness into comprehensive land use planning and urban development.

APA helped organize a congressional briefing entitled 'Safe Growth: Planning, Development & Design Strategies to Enhance Community Safety' in July, and congressional hearings on this subject are expected soon. APA has strongly endorsed the legislation and encouraged its inclusion in any Katrina-related legislative package.

Congress Considers Eminent Domain Changes

Last week the House and Senate Judiciary Committees held hearings on eminent domain, which examined both the implications of the recent U.S. Supreme Court decision in *Kelo v. City of New London* and proposed federal legislation aimed at dramatically limiting the use of eminent domain for economic development.

Previously, the House Agriculture Committee held a hearing on eminent domain but it is expected that the legislation introduced by Judiciary Committee Chairman James Sensenbrenner (R-WI) is the most likely vehicle for action in the House. The Sensenbrenner bill is H.R. 3135, the Private Property Rights Protection Act. In the Senate, Texas Republican and member of the Judiciary Committee John Cornyn introduced S. 1313, the Protection of Homes, Small Businesses, and Private Property Act. Both measures are aimed at cutting off

Continued on page 5

Massachusetts Chapter

*President's Message, by
Peter Lowitt, AICP,
Chapter President*



I just returned from the APA Fall Leadership meetings in Buffalo, NY. Buffalo reminds me of Providence, RI, about 25 years ago. A city with no life after dark, that empties on the weekend. We couldn't find a place to eat lunch in the heart of downtown at noon on a Saturday. Yet it has incredible infrastructure assets, public

transit, architectural gems and the framework for a renaissance. They are missing housing and people in the downtown. Providence did it and I believe Buffalo can also shake off its Rust Belt image and reemerge as a great 21st Century city.

APA has new leadership in the persons of David Siegel, AICP and Sue Schwartz, FAICP who need our support. While most of attention has been focused on our organizations response to the "Katrina" crisis, our new leaders are quietly charting a new course for our association. Could mandatory continuing professional education be in our future? Katrina and Rita have had a devastating result on the Gulf. Many of our colleagues and their families have been adversely impacted. I have been asked by many of you, just what is APA doing? APA's response is taking place right before our eyes. Go to www.planning.org and see the space dedicated to national's response to Katrina. Our colleagues from Louisiana and Mississippi have nothing but praise for APA's response to these natural disasters, from their assistance in organizing a disaster recovery workshop with national experts as part of the Louisiana Chapter conference in early October to pulling together planning support teams. For those of you who wish to volunteer, keep an eye on the web site as it will soon be summoning the willing to assist in bringing a participatory citizen engagement process to the impacted Gulf communities to assist them in their efforts to recreate themselves as great communities. We will be passing the hat at the Newport Conference to raise funds to assist displaced Gulf planners and to meet the needs of planners in the area. National has pledged that the funds you provide and that we collect will go directly our colleagues in need.

(Mark your tax deductible checks to the APA Foundation "Disaster response" or "Katrina.")

APA's new communications plan is being rolled out and will soon be accessible to members only through the planning.org web site. Learn why the words you use can make or break your public presentations and community planning initiatives. Can planners utilize the sophisticated marketing techniques of the right to advance a planning agenda? Stay tuned.

Our chapter elections should be finalized in mid October, you can still vote by downloading the ballot from our chapter web site, www.massapa.org and returning it to Mr. Broderick (don't forget to sign the back of the envelope where it seals so your vote counts). Please join with your colleagues in honoring the best of planning in the Commonwealth when we meet in December at Parris, upstairs at Faneuil Hall in Boston for our joint Holiday Awards Luncheon with our colleagues from the Massachusetts Association of Planning Directors.

I would like to welcome Ms. Geanine Matellian as the chapter's new shared staff person (shared with CPTC and MAPD). Geanine lives in Upton and struck the hiring committee as an incredibly well organized young woman. We look forward to better serving the needs of the Massachusetts planning community with Geanine supporting our day to day activities.

The Massachusetts Land Use Reform Act will be actively monitored by the chapter and we may need to call on individual planners to contact their representatives and senators as the legislation progresses through the state-house. This is another item to stay tuned to for more information.

The chapter continues to co-sponsor various professional development opportunities for our membership, such as a series of Low Impact Development workshops with CEI, a series of Economic Development conferences with MEDA and NEDA supported by the Economic Development Committee of APA-MA under the able leadership of Shaun Suhoski, the 6th Annual New England Sustainable Development Forum October 21, at MIT, and a planning in the post-Kelo age December 1, 6-8 PM with a reception prior to the event at Tufts University, Asean Auditorium, Cabot Hall, at the Fletcher School, Medford Campus of Tufts, co-sponsored by Tufts, Harvard and MIT Planning Departments. Additionally we will be co-sponsoring three regional workshops on inclusionary housing. Stay tuned to the web site and newsletter for more information.

Most importantly, let's see if we can get a large contingent of Massachusetts planners to attend the Southern New England Regional Fall Conference November 9 and 10 in Newport, RI. I hope to see you there.

Rhode Island Chapter

The RI Chapter is proud to announce a 100 percent pass rate for the recent AICP exam! John Hansen, Assistant Planner with the Town of Narragansett, Jim Riordan, Project Manager for Fuss & O'Neill, Inc. in Providence, and David Block, Project Manager for The Community Builders, Inc. in Providence passed the May exam and have become members of the American Institute of Certified Planners.

The latest edition of the Chapter Presidents' Study Guide is now available for those qualified for the November AICP exam. Please email Pam Sherrill, PDO, at psherrill@parecorp.com for more information.

SAVE THE DATE!

The MAPA and MAPD Joint Holiday Luncheon will be held on December 9, 2005 at noon at Parris, located above Ned Devine's in Faneuil Hall Marketplace, Boston, MA. The Massachusetts APA Awards Ceremony will be a part of this event. Registration information will be available in the next newsletter.

Resources

AICP Exam Resources

by Lynn Goonin Duncan

There are two new references now available to help you prepare for the AICP exam. AICP National has a new CD-ROM available as a study guide, and the long awaited 7th Edition of the CPC's Study Manual for the AICP Exam is now ready for purchase. The CPC Study Manual is currently only available in CD-ROM format; however, there will be a choice of either CD-ROM or hard copy for May's examination in 2006. If you are interested in purchasing the CD-ROM now, please send a check in the amount of \$10.00 payable to APA - Massachusetts Chapter and send to MA Administrative Office, c/o Geanine Matellian, P.O. Box 1205, Upton, MA 01568. I have not yet received them, but have ordered them and should receive them shortly. I used the Study Manual when I prepared for the exam in 2000 and found it very helpful. The information on the AICP CD-ROM below is from the APA/AICP web site. The web site address for ordering is also below. I have not yet reviewed the entire package. The cost is \$105 plus shipping, which is a great improvement over the original proposed price of \$195. I like to think that my comments at the National Conference at the PDO session played a part in the cost decrease. What types of questions will be on the AICP exam? What do I need to know about the AICP Code of Ethics and Professional Conduct? Which emerging planning issues should I study? This CD-ROM will help you answer those questions and more as you prepare for the AICP certification exam. Used in combination with other reference materials, it will help you organize your studies. The CD-ROM contains three sets of study questions. This interactive feature provides good practice for the exam; you answer a set of questions and receive a score. While these questions do not constitute a sample exam, they will familiarize you with the different types of questions you're likely to encounter in the actual exam. APA policy guides, ethical scenarios and discussions, and practical information about taking the exam are also on the CD-ROM. Additional resources include the top 25 planning stories in the U.S., the top 25 most significant planning laws, and the top 25 cases in planning and environmental law.

Devens Enterprise Commission Awarded Commonwealth of Massachusetts Environmental Purchasing and Sustainability Award

October 5, 2005

The Devens Enterprise Commission (DEC), the regulatory and permitting arm of the former Fort Devens redevelopment efforts in North Central Massachusetts, has been presented a State Agency Commonwealth of Massachusetts Environmental Purchasing and Sustainability Award for Fiscal Year 2005 in recognition of its work in advancing a broad range of sustainable development practices at Devens. The Award is part of a public service program sponsored by the Commonwealth of Massachusetts' Operational Services Division in cooperation with the Executive Office of Environmental Affairs and the Department of Environmental Protection for outstanding performance in the areas of recycling and sustainable purchasing programs.

The DEC, in collaboration with its sister agency, Mass Development works to integrate sustainable development, the balancing of environmental, economic and social equity issues, into the redevelopment of the former Fort Devens. DEC chairman and North Middlesex Bank President, William P. Marshall said, "It's gratifying to have our sustainable development efforts recognized. Illustrating that environmental protection and economic development are compatible goals, as we have at Devens, will benefit the entire Commonwealth." From sustainable development indicators to eco-industrial development the Devens Enterprise Commission has been a leader in assuring that the wishes of the citizens of the three host communities (Ayer, Harvard, and Shirely) and of the Commonwealth, that Sustainable Development remain the organizing concept for the reuse of this former army base, be kept in the forefront of the redevelopment efforts. A broad public private partnership supports these efforts, typified by the EcoStar environmental branding and achievement program sponsored by the Nashoba Valley Chamber of Commerce and the DEC. A steering committee of environmental and business groups established twentyfive (25) environmental standards. Once ten core requirements and five voluntary requirements are secured, the firm may utilize the EcoStar brand on its products and services. A 104 page workbook and series of educational workshops support the efforts of members to become EcoStar achievers. Seventeen firms are enrolled in the EcoStar program to date. The program kicked off in February 2005. Nashoba Valley Chamber of Commerce Executive Director, Bonnie Bionnici stated, "EcoStar and the efforts of the DEC are helping to create a green development market niche for the Nashoba Valley Region. We

support the efforts of the DEC and of Mass Development in this area and will continue to do so."

Mass Development and EcoStar will be holding a workshop on the morning of October 18, 2005 8:30-10AM) at Mount Wachusett Community College, 100 Jackson Road, Devens, MA to announce the rollout of their new recycling program for businesses and residents of Devens. "Saving money and benefiting the environment. That's what our efforts are all about," said Peter C. Lowitt, the DEC's Director and Land Use Administrator.

Massachusetts Forest Viability Grant Program

Technical Assistance and Grants for Forest Landowners with Forest-Based Businesses

Eligible landowners may receive up to \$5,000 in technical assistance for the preparation of a Forest Viability Business Plan for their property in return for a 5-year covenant protecting the land from development. Landowners with a Forest Viability Plan may also be eligible to receive grants worth \$250 per acre, up to \$20,000, for implementation of the plan in return for a 20-year covenant. The program will be administered by the Forest and Wood Products Institute at Mount Wachusett Community College, in partnership with The Nature Conservancy. The program is open to any private, non-industrial forest landowner with at least 20 acres of forestland who currently operates a forest-based business. Applications will be available at www.comm-pass.com. The application deadline is November 18, 2005. For more information please contact:

Joseph Smith
The Forest and Wood Products Institute
Mount Wachusett Community College
978-630-9360
jsmith@mwcc.mass.edu

Bill Toomey,
Westfield River Highlands Project
The Nature Conservancy
btoomey@tnc.org
413-623-0275.

McMansion size leveling off

reprinted from UPI, Oct. 2

After increasing steadily over the past 30 years, the size of the typical U.S. house — dubbed the McMansion — may be leveling off.

The U.S. Census Bureau says the size of the average U.S. house went from 1,500 square feet in 1970 to more than 2,300 square feet in 2001, reported the New York Times Sunday.

However, after 2001, the trend toward larger houses halted, suggesting the size of the average house is stabilizing, said Gopal Ahluwalia, a statistician with the National Association of Home Builders.

For the second quarter of 2005, the average new detached U.S. house was 2,400 square feet, the Census Bureau reported.

Surveys show homebuyers are trading off more space for more amenities like professional-style appliances and exotic woods.

“The Generation X-ers who are becoming home buyers right now want more amenities — and they are willing to trade away space to get them,” said Jerry Howard, vice president and chief executive of the National Association of Home Builders.

MA Chapter Seeks Candidates for Boston Landmarks Commission

Please contact Peter Lowitt, AICP if you are interested in serving as the chapter on the Boston Landmarks Commission. The Landmarks ordinance requires that four candidates be nominated for the two positions. Cyrus Field is our current alternate and is being nominated by the Chapter, therefore three slots are open if you are interested. Boston residency is required. Individuals who do not serve on other city of Boston boards and commissions are preferred. Candidates shall possess expertise in their professional field and historic preservation. They must be able to represent the Boston Landmarks Commission, the City of Boston and the APA professionally in a public capacity. Knowledge in related fields is useful in carrying out the mandates of the commission.

Commissioner duties typically involve two evening meetings each month on the second and fourth Tuesdays. Additional participation is required from time to time for site visits, committee meetings, and workshops and training as required to fulfill the functions of the Boston Landmarks Commission.

Contact Peter Lowitt, 978-772-8831 xt 3313 or peterlowitt@devensec.com

Legislative Update, continued from page 1

federal community development funding for communities that use eminent domain for economic development projects.

Several committee members expressed concern about the implications of federal eminent domain legislation on post-Katrina rebuilding and recovery efforts, as well as the impact of vague definitions in the bills. In a surprise, the director the NAACP’s Washington bureau testified that the civil rights organizations did not support prohibiting the use of eminent domain for economic development but rather sought additional protections for lower-income and minority citizens in the process of redevelopment planning and the use of eminent domain.

Columbia law professor and author of APA’s amicus brief in the *Kelo* case, Tom Merrill testified before the Senate Committee. He outlined APA’s arguments that eminent domain is a necessary tool and the recent decision does not expand its use. Merrill also noted the necessity of a robust planning process as a safeguard against abuse.

Although Republican leaders in both chambers have indicated a desire to pass eminent domain legislation, there is no clear calendar as of yet for action on either the Sensenbrenner or Cornyn bills. However, a key vote on eminent domain may come as early as next week when the Senate takes up the FY 2006 appropriations bill for Transportation, Treasury and HUD. Sen. Christopher Bond (R-MO) is planning to offer an amendment prohibiting federal funds to support projects involving the use of eminent domain for economic development. The amendment is likely to exempt projects related to blight removal, transportation, and “economic recovery.”

APA and others have urged Congress to carefully study the issue before taking action that may lead to unintended consequences. Many states concerned about eminent domain abuse have opted to establish study commissions before passing legislation. APA has also argued that eminent domain changes are rightly a state responsibility and should

House Committee Approves Sweeping ESA Bill

Last week Rep. Richard Pombo (R-CA), Chairman of the House Resources Committee, and Rep. Dennis Cardoza (D-CA) introduced legislation to reform the Endangered Species Act (ESA).

H.R. 3824 makes significant changes to the ESA; it would eliminate the existing federal protections for “critical habitat” and instead urge agencies to handle habitat protection through “recovery plans.” Rep. Edward Markey (D-MA) for one has taken issue with removing the federal government’s regulatory authority to protect critical habitat and replacing it with non-binding recovery plans that cannot be enforced under law. As the bill reads now, lawyers and the courts will make the final decision as to whether recovery plans are enforceable, says Andrew Wetzler, endangered

Continued on page 8

By Robert D. Smith, Barnstable Legal Dept.

The regular reader will recall that, through the winter, spring and early summer of this year, there was a dearth of land use regulatory cases to report on in this space. That changed abruptly in midsummer, with the decision of the Supreme Judicial Court in a matter of Gove v. the Chatham ZBA decided on July 26. Chatham had adopted a conservancy district which “bars without exception the construction of new residential dwellings.” On the basis of that bylaw, the plaintiff was denied permission to construct a single family residence on a lot facing the ocean through the new breach in the barrier beach protecting the Chatham shoreline. The rough rule of thumb since the decision by the United States Supreme Court in *Lucas* South Carolina coastal Council, 505 US 1003 (1992) was that, to be safe from a successful challenge, a land use regulation that deprived a landowner of “any beneficial use” of their property should leave them with the ability to build a single family residence.

In making the determination that even the denial of the full single family residence use would not be a taking, per se, Chief Justice Marshall wrote:

In *Palazzolo v. Rhode Island*, 533 U.S. 606, 630-631, 121 S.Ct. 2448, 150 L.Ed.2d 592 (2001) (*Palazzolo*), the Supreme Court further explained that, to prove a total regulatory taking, a plaintiff must demonstrate that the challenged regulation leaves “the property ‘economically idle’ “ and that she retains no more than “a token interest.” ... The plaintiff in *Palazzolo* was unable to prove a total taking by showing that an eighteen-acre property appraised for \$3,150,000 had been limited, by regulation, to use as a single residence with “\$200,000 in development value.”

Here, the facts are no more indicative of a total taking than those considered by the Supreme Court in *Palazzolo*. ... Gove has failed to prove that the challenged regulation left her property “economically idle.” Her own expert testified that the property was worth \$23,000, a value that itself suggests more than a “token interest” in the property. See *Rith Energy, Inc. v. United States*, 270 F.3d 1347, 1349 (Fed.Cir.2001), cert. denied, 536 U.S. 958, 122 S.Ct. 2660, 153 L.Ed.2d 835 (2002) (discussing “token interest”). Moreover, the expert’s \$23,000 valuation did not take into account uses allowed in the conservancy district, either as of right or by special permit, which she admitted could make the property “an income producing proposition.” See note 7, *supra*. The judge’s finding that [the] lot ... retained significant value despite the challenged regulation invalidates Gove’s theory: she cannot prove a total taking by proving only that one potential use of her property—i.e., as the site of a house—is prohibited.

Lucas, supra at 1019, 112 S.Ct. 2886, requires that the challenged regulation “denies *all* economically beneficial use” of land. See *Lingle, supra* at 2082 in *Lucas* context “the complete elimination of a property’s value is the determinative factor”).

At this writing, it is unknown whether the Gove will attempt an appeal to the Supreme Court of the United States, but until that occurs and this decision is overturned, the Gove case represents the law of this Commonwealth on the subject of regulatory takings.

More recently, on August 12th, the Supreme Judicial Court issued a rescript opinion in *Bransford v. Zoning Board of Appeals of Edgartown* (444 Mass. 852). This case finally gets down to the very quick of the notorious “second except clause” of the first paragraph of section 6 of chapter 40A of the General Laws, and the answer is — nobody really knows! One of the judges did not participate in the case and the remaining six split evenly, three and three. This leaves the decision appealed from the land court standing. Although a rescript is not properly cited as authority, both sides wrote truly lucid opinions, which together leave the the practitioner with two things: a sense of relief (“If they can’t figure out what Section 6 of chapter 40A means, how can anyone expect us to?”) and a better understanding of what the law is...or at least the ability to make an informed choice between two views. In essence, the Land Court decision, supported by Judge Greaney’s opinion, upheld a denial by the Zoning Board of Appeals of Edgartown of the applicant’s request to “reconstruct” within all current setbacks and height limitations, a single family residence on a lot whose sole deficiency was that it was short on to area. Greaney surveyed the decisions of the Appeals Court on the topic (the Bransford case being the first time the SJC has dealt with it directly) and came down on the side of municipal discretion to improve land use within the community:

While the issue here is novel, the Appeals Court has had considerable occasion to interpret the statute’s “difficult and infelicitous” language. *Fitzsimonds v. Board of Appeals of Chatham*, 21 Mass.App.Ct. 53, 55, 484 N.E.2d 113 (1985). In the *Fitzsimonds* case, the Appeals Court concluded that a “reconstruction” of a nonconforming single-family residential structure “is legitimated under the second ‘except’ clause of the first sentence if it ‘does not increase the nonconforming nature of said structure’; otherwise (as occurs in certain events in regard to changes of other structures referred to in the language preceding the ‘except’ clause), it must be submitted to the special permit procedure of the second sentence for a determination by the board of the question whether it is ‘substantially more detrimental than the existing nonconforming use to the neighborhood.’ “ ... By itself, this interpretation seems unremarkable because that is what the second “except” clause seems to say. But, the interpretation is necessarily helpful for pulling out of

the convoluted language of the statute some meaning permitting analysis of when landowners may go ahead as of right to reconstruct a dwelling and when they must seek prior approval from the permit granting authority. Left, however, was the measure by which a zoning authority or court could determine whether the reconstruction did or did not increase “the nonconforming nature of [the] structure.”

In [*Willard v. Board of Appeals of Orleans*, 25 Mass.App.Ct. 15, (1987)] the Appeals Court more closely examined the second “except” clause and undertook to solve the latter problem. The court first noted that the clause had “no identifiable ancestor in G.L. c. 40A, as in effect prior to St.1975, c. 808, s. 3,” and “made its first appearance, without accompanying explanation ... in 1974 House Doc. No. 5864.” The Appeals Court then went on to state an operational measure for resolution of cases like this one by providing the following:

“[T]he second ‘except’ clause of the first paragraph of c. 40A, s. 6, requires ... an initial determination whether a proposed alteration of or addition to [or reconstruction of] a nonconforming structure would ‘increase the nonconforming nature of said structure’ This part of the statute is not concerned with the use of the structure or of the land on which it is located. We think the quoted language should be read as requiring a board of appeals to identify the particular respect or respects in which the existing structure does not conform to the requirements of the present bylaw and then determine whether the proposed alteration or addition would intensify the existing nonconformities or result in additional ones. If the answer to that question is negative, the applicant will be entitled to the issuance of a special permit under the second ‘except’ clause of G.L. c. 40A, s. 6, and any implementing bylaw. Only if the answer to that question is affirmative will there be any occasion for consideration of the additional question illuminated in the *Fitzsimonds* case [of detriment to the neighborhood].”

Subsequent Appeals Court decisions have followed the *Fitzsimonds-Willard* framework. Other decisions of the Appeals Court have (on different facts) also indicated that consideration of a structure’s footprint is a factor to consider in determining intensification. See *Goldhirsh v. McNear*, *supra* at 461, 590 N.E.2d 709; *Willard v. Board of Appeals of Orleans*, *supra* at 22, 514 N.E.2d 369; *Fitzsimonds v. Board of Appeals of Chatham*, *supra* at 57, 484 N.E.2d 113. In *Goldhirsh v. McNear*, *supra*, the Appeals Court rejected the notion that “there will never be an increase in a structure’s nonconforming nature where the proposed alterations are confined to the existing footprint.” Several Land Court decisions brought to our attention in the briefs (which in keeping with usual practice we do not cite) have applied the framework, and have concluded that reconstruction is not permissible of right where an otherwise conforming structure lies on a nonconforming (under-

sized) lot. The rule to date, therefore, is simple: where an undersized lot exists, the proposed reconstruction may be allowed without special permit only if the proposed new residence does not intensify existing nonconformities.

I agree with this body of decisional law and would adopt the rule because it leads to a sensible result and advances legislative purposes with respect to zoning. See *Adamowicz v. Ipswich*, 395 Mass. 757, 760, 481 N.E.2d 1368 (1985). I have in mind here that (1) pursuant to a “unanimity of [authoritative] opinion,” “the ultimate objectives of zoning would be furthered by the eventual elimination of nonconformities in most cases,” and (2) the nonconformities contemplated in G.L. c. 40A, s. 6 include situations like this one where a conforming structure exists on a nonconforming lot. Report of the Department of Community Affairs Relative to Proposed Changes and Additions to the Zoning Enabling Act, 1972 House Doc. No. 5009 at 32, 39. See *Strazzulla v. Building Inspector of Wellesley*, 357 Mass. 694, 697, 260 N.E.2d 163 (1970), cert. denied, 400 U.S. 1004, 91 S.Ct. 568, 27 L.Ed.2d 618 (1971) (considering “eventual elimination of nonconforming uses as an objective underlying zoning regulations”); A.N. Williams, Jr., *American Land Planning Law* 283-289 (1986) (noting that term “nonconforming use” is sometimes used generically to cover all nonconformities).

Reduced to its basics, the decision means then, unless a municipality has adopted its own, more generous grandfathering provision in its zoning, even a modest addition to a single family residence on an undersized lot cannot confidently be undertaken in this commonwealth without getting a special permit, which can be withheld unless the local permit granting authority determines that there is no substantial incremental detriment to the neighborhood from the resulting structure as compared with the existing one. And, of course, deference is due to the decision of the local board in making that determination.

See below for additional recent MA cases:

1. *Standerwick v. Zoning Board of Appeals of Andover* decided by the Appeals Court, August 26th; 40B challengers with “abutters” status who claim harm must be shown by successful comprehensive permit awardee to have no real economic stake by actual evidence (e.g. experts affidavit of no diminution of value) for awardee to obtain summary judgment.

2. *Barlow v. Plannig Board of Wayland* decided by the Appeals Court August 22nd. What constitutes substantial change from special permit plans requiring a new hearing and decision.

3. *Adams v. Planning Board of Westwood* decided by the Appeals Court August 31st. Exposition of issues of title to a way giving rights under subdivision control law.

4. *D.H.L. Associates, Inc. v. Board of Selectmen of Tyngsborough* decided by the Appeals Court August 15th. Ultimate, final vindication for the long-suffering town of Tyngsborough and proof of the wisdom of having a designated adult entertainment district.

5. *Cumberland Farms, Inc. v. Planning Board of West Bridgewater* summarily decided by the Appeals Court August 16, 2005. Even if all a plan filed as a subdivision does is obliterate lot lines within an admitted “perimeter” and the only purpose of the plan is to take advantage of protection against zoning changes, that’s O.K.

Legislative Update, continued from page 5

species expert at the Natural Resources Defense Council. The bill would also require federal compensation to private landowners who would be adversely affected by an endangered species designation.

Rep. Pombo put H.R. 3824 on a fast track for final passage by the full House after the bill was approved and passed through his committee 26-12 late last week. Several House Republicans reacted in a letter to Majority Leader Tom DeLay (R-TX), stating "To rush the bill to the floor the week after its introduction would improperly deprive members of this House of their right to consider its significant implications." Senator Lincoln Chafee (R-RI), Rep. Pombo's counterpart as Chair of the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife and Water, has also expressed concern over the bill. Critics of the bill hold out hope that even if the bill passes the House,

Feds Issue Guidance on New SAFETEA-LU Provisions

The Federal Highway Administration and Federal Transit Administration are providing early information on how new programs will be implemented. FHWA and FTA have issued interim guidance for new planning, environmental and air quality provisions in SAFETEA-LU.

The guidance memorandum was drafted for the use of FHWA and FTA field offices in working with their State/local planning agencies. Short summaries of key changes to the statutory requirements for planning and environmental reviews are detailed in the guidance along with information on how FHWA Division and FTA Region Offices should administer and oversee programs during the transition from TEA-21 to SAFETEA-LU.

The new guidance is among the first steps in what is expected to be a major regulatory process required due to changes in federal transportation programs under SAFETEA-LU. Though guidance does not carry the same binding weight as formal regulations, it does outline how federal agencies are interpreting new provisions in the law. The guidance notes that FHWA and FTA intend to "initiate a comprehensive rulemaking to update the metropolitan and statewide planning regulations in the near future."

SAFETEA-LU mandates that all plans adopted after July 1, 2007, must comply with the new planning provisions. Although states and MPOs are not required to immediately implement new provisions, the interim guidance encourages them to do so and outlines how the process will work under the new law. States and MPOs are not, however, allowed to pick and choose among TEA-21 and SAFETEA-LU provisions. If a State or MPO opts to implement the SAFETEA-LU planning provisions prior to July 1, 2007, they must meet all planning requirements in the new law.

The interim guidance is available at <http://www.fhwa.dot.gov/hep/igs1pja.htm>.

A Hurricane Katrina Message from the President of APA

An open letter to those impacted by Hurricane Katrina and to the members and friends of the American Planning Association:

Shock, sorrow and determination are the three words that best describe the feelings that our members have expressed to me and to each other since the devastation of our Gulf Coast communities and regional infrastructure by Hurricane Katrina. This was the largest natural disaster to face our nation in our lifetime. Most of us cannot begin to imagine the mixture and depth of feelings ... rage, despair, panic, and hope ... that only those who are going through the loss and personal and professional displacement of this disaster can truly comprehend.

There has been a wide range of opinion regarding what America should do in the aftermath of this disaster, much of it swayed by emotion and punditry. As a professional planner and human being, I believe I speak for the organization when I say:

- We do not give up on our cities.
- We do not give up on our rural communities.
- We do not give up on our people.
- We do not give up on our culture(s).
- We do not discriminate in our efforts to help plan and rebuild.

To those of you who have been touched by this disaster, or whose family and friends have been affected, we want to express our sorrow at your losses, and our determination to help you rebuild your communities. We know that the first priorities are life, safety and health, and that once significant progress at meeting these immediate needs is achieved, the work of the professional and citizen planner can truly begin. The American Planning Association pledges our assistance in helping you meet these immediate and subsequent needs.

To the members and friends of the American Planning Association, many of you have been communicating with me and with each other with ideas on what to do to help, and I encourage you to keep those ideas coming.

Most immediately, we can *give*. We can donate cash through legitimate charitable organizations and the APA Foundation. Through APA we can purchase for donation tools such as computers and peripheral equipment to help our professional and citizen planner peers in their efforts to reorganize, plan and redevelop. We can volunteer our personal time and professional capabilities through pro bono efforts in our capacity as "change agents." Here on APA's website, you can locate information on a wide variety of ways to become involved in a manner that is truly relevant to what we as planners do ... empower and assist people in making great communities happen.

APA is coordinating with our friends in the design professions, and with others involved in building quality

communities to ensure effectiveness in providing the right assistance, to the right locations, at the right time.

Individually, we can offer love, respect, hope, determination and assistance in the weeks, months, and years to come. I hope you will join me in offering the above, whether personally, through your place of worship or community, or through the coordinated efforts of the American Planning Association.

With sincere hope and commitment,
David M. Siegel, AICP
President
American Planning Association
September 11, 2005

Conference on Historic Cities — Call for Abstracts (deadline 31 October 2005)

**9th Annual US/ICOMOS International Symposium
April 19 - 23, 2006 in Newport, Rhode Island
“From World Heritage to Your Heritage”**

**The World Heritage List as a rich source of models
for the protection and management of heritage sites
with a particular focus on World Heritage cities
(the symposium will feature an international roster
of renowned speakers)**

U.S. Committee of the
International Council on Monuments and Sites
401 F Street, NW, Suite 331, Washington, DC 20001

For more information, go to
<http://www.icomos.org/usicomos>
or contact

Donald G. Jones, PhD
US/ICOMOS Director of Programs
Ph 202-842-1866 Fax 202-842-1861
don.jones@usicomos.org

The Law and Politics of Eminent Domain:

Planners Confront the Kelo v. New London Decision

**December 1, 2005
The Fletcher School, Asean Auditorium
Tufts University**

**Reception: 5:00-6:00 p.m.
Symposium: 6:00-8:00 p.m.**

**Hosted by:
Tufts University, Department of Urban and Environmental
Policy and Planning
MIT, Department of Urban Studies and Planning
Harvard, Department of Urban Planning and Design**

Massachusetts Chapter of the American Planning Association

**For directions and more information about speakers
and the program, please go to: [http://ase.tufts.edu/
uep](http://ase.tufts.edu/uep)**

Energy in the Northeast - Resource Adequacy & Reliability Conference, October 20-21

FERC Commissioner Nora Mead Brownell joins a distinguished faculty of energy lawyers, regulators and executives at the “Energy in the Northeast” Conference, Oct. 20 & 21, in Boston, MA. The conference will focus on the impact of the new energy bill; LICAP; ISO-New England’s Resource Adequacy and System Reliability Initiative; transmission challenges; natural gas supplies; energy financing; and renewable portfolio standards. Speakers include Massachusetts Department of Telecommunications and Energy Chair Paul G. Alfonso; Maine PUC Commissioner Sharon Reishus and representatives of the Passamaquoddy Tribe, NSTAR Electric & Gas Corporation, ISO New England, National Grid, Duke Energy, Weaver’s Cove Energy, Edison Electric Institute, KeySpan, Northeast Gas Association, Foley Hoag LLP, Keegan & Werlin, LLP, Analysis Group, RockPort Capital Partners, and Day, Berry & Howard LLP.

Where: Boston, MA (Hilton Boston Back Bay)

Details: www.lawseminars.com or call us at (800) 854-8009

Program Co-chairs: Mary Beth Gentleman, Esq., Foley

Employment

Town Planner Town of Sturbridge, MA

The Town of Sturbridge (pop. 9,000) is accepting applications for the position of Town Planner. The Town Planner coordinates the Town's planning efforts working with the Planning Board, Zoning Board and other town departments. Provides professional, technical and administrative review of plans and makes recommendations to the Planning Board. Coordinates the Town's GIS efforts. Requires strong communication and presentation skills. Masters degree in planning or related field and 7-10 years experience, or equivalent combination of education and experience. Salary range is \$48,050 - \$62,929. Please submit resumes to no later than October 14, 2005 to Town Administrator, 308 Main Street, Sturbridge, MA 01566 or by email at jmalloy@town.sturbridge.ma.us

Land Use Planner, Town of East Greenwich, RI

The Town of East Greenwich is seeking qualified applicants for the position of Land Use Planner. The successful candidate shall have graduated from an accredited college or university and possess a Masters degree in Community or Regional planning, or minimally shall have an undergraduate degree in a planning related field and will have completed course requirements for a Masters degree in Community or Regional Planning, and shall have work experience such as gained through experience in municipal planning. The position requires working with elected officials, boards and commissions, and the public, and will require attendance at night meetings. A working knowledge of Geographic Information Systems, particularly RIGIS, and Microsoft software including office and access applications, and use of the internet is required. Excellent verbal and writing skills are a must. The preparation of written analyses of plans and applications, and grant applications will be required. Knowledge of Community Development Block Grant planning, zoning, development review, and comprehensive community plan development is essential. The Land Use Planner will work at the direction of the Planning Director and the Town Manager. The successful candidate will demonstrate flexibility and adaptability and will be a strong problem solver. The salary range is \$35,563 to \$41,150, including a benefits package. The position is covered by the provisions of an NEA union contract. The opening for the position is immediate. Send a resume with a cover letter and three references to Mr. William Sequino, Jr., Town Manager, P.O. Box 111, East Greenwich, RI 02818. Application period open until position is filled.

Urban Design/Planner, Boston, MA

Crosby | Schlessinger | Smallridge, a growing Boston planning, urban design and landscape architecture firm, is looking for an Urban Designer/Urban Planner with 1-5 years of physical planning experience to work on transportation and urban revitalization projects. CSS focuses on urban projects—including transit oriented development; transit station siting, planning and conceptual design; urban revitalization and district master plans; and parks, streetscapes and open space. Responsibilities include planning, design, and production work for reports and presentations. Candidates must have strong design and graphic capabilities; written communication skills are also important. AutoCad experience required. Experience with graphics packages such as Freehand, Pagemaker, Photoshop, Sketchup desired. GIS experience using ArcView 9.x is a plus. Ability to draw by hand is a plus. Interested parties should send resume and cover letter to: Kate Hunchar Crosby | Schlessinger | Smallridge 270 Congress Street Boston, MA 02210 khunchar@cssboston.com CSS is an Equal Opportunity Employer

Senior Transportation Planner, Harvard Planning and the Allston Initiative

The Senior Transportation Planner (STP) will be part of a team of planners and analysts who are guiding the future physical development of Harvard University in Cambridge, Allston and Boston. The STP will play a key role in the development of short and long term transportation plans for the University with a particular focus on the Allston Initiative. The work includes planning, analysis, research, modeling and policy development for a broad array of issues related to pedestrian, bike and vehicle traffic; public and private passenger transit; rail; and river crossings. Much of the work will involve the management of consultants and the review and coordination of consultant's work. Responsibilities may also include physical planning and analysis for other university, campus and urban planning issues relating to infrastructure for the campus. The STP will work with and support internal and external committees on complex and sensitive planning issues and projects, including committees of senior university faculty and administrators. She/he will develop project plans, lead project teams, accomplish project steps within set time frames, and work with external constituencies. She/he will identify information sources; collect, organize and maintain relevant and reliable databases; design and conduct analyses; interpret data and synthesize conclusions into recommendations. The STP will produce clear and concise oral and written reports and graphic presentation materials, and present information to stakeholders.

Graduate degree in transportation planning, urban planning, architecture, engineering or related field. 5+ years of transportation planning and 10+ years of planning and analytical experience required. University experience and in-depth

knowledge of urban and campus planning preferred. Very strong analytical, research and problem solving skills required. Must be able to grasp and communicate complex ideas clearly and think creatively. Experience in the development of analytical and planning-related communication materials for internal and external audiences, including written reports, visual media and verbal presentations. Excellent written and oral communications skills. Excellent interpersonal skills, the ability to work effectively at all levels of an organization, the ability to work well in teams and also independently. Excellent organizational skills and the ability to meet deadlines while working concurrently on multiple projects. Must be able to take initiative, provide leadership and deal with ambiguity. Excellent MS Office skills, including very strong Excel skills. Skills with databases, GIS and graphics a plus. HP+AI requires pre-employment reference and background screening.

Finance Officer, Town of Greenfield, MA

Department of Planning and Development
PART-TIME, Benefited Position (25 hour week)

Responsible for maintaining financial budgets relating to grants administration and specifically Community Development Block Grant projects. Maintains financial records of the department and of Town Boards the department provides assistance to. Associates Degree in Business, Accounting or related field and/or equivalent experience. Familiarity with SCA/GMA grant software preferred and knowledge of Microsoft Windows environment required including Excel and Access. Position description and employment applications available from

Human Resources, Town Hall Annex, 253 Main Street, Greenfield, MA 01301, or email: humanresources@townofgreenfield.org. Applications will be accepted until position is filled. AA/EOE

Town Planner, Windsor, CT

The Town of Windsor, CT (pop. 28,000), a dynamic suburban community with a growing corporate sector and strong emphasis on redevelopment and neighborhood enhancement is seeking qualified, enthusiastic applicants for the position of Town Planner. The Town Planner is responsible for leading the town's land use planning efforts and to provide professional planning and land use advice to Town Manager, Town Council and Town Planning and Zoning Commission. Supervises an Assistant Town Planner, Environmental Planner and a Secretary. This position plans, organizes and supervises both long and short range planning activities as well as performs development and site plan reviews. The town seeks a leader in the field, with strong facilitation, communication, negotiation and consensus building skills. Urban design and architectural experience desired. Master's degree in Urban Planning, Land-Use planning or a closely related field w/ a minimum of 7 yrs exp in municipal planning, in!

including supervisory exp. AICP preferred. Must have thorough knowledge of zoning laws and comprehensive plans including their formation, process of adoption and enforcement as well as working knowledge of GIS applications. Starting salary range: \$80,000 - \$95,000, DOQ. An excellent benefits package including town contribution to 457 deferred compensation plan and relocation assistance available.

Windsor has a rich history and is the first established town in Connecticut. Located adjacent to the State's capitol city, Windsor is conveniently located to a range of performing art theatres, museums, professional sports, major hospitals and distinguished universities. In addition, Windsor is equal distance from New York and Boston and just short drive from the nearby ocean and mountains.

Please send cover letter and resume with salary requirements to: Human Resources Dept., Town Hall, 275 Broad Street, Windsor, CT 06095. You are encouraged to visit our website at www.townofwindsorct.com/jobs.htm for position description. Closing date is: 10/14/05 EOE/AA

Internship Position, DCA, Inc. Boston, MA

DCA, Inc. is offering an internship opportunity to skilled individuals who share our values and want to work with and learn from a highly interactive team of professionals who have devoted their careers to advancing social progress. Our interns provide essential day-to-day project support of client assignments and DCA's internal activities.

DCA is a small Boston-based consulting firm with the sole mission of assisting leaders, organizations and communities that want to accomplish large-scale, measurable impact on pressing social issues (e.g. literacy and education; health improvement; child welfare, etc.). Our clients are non-profit organizations, foundations, corporations, and government entities. We help them mobilize the strategies, partnerships, leadership and financial resources necessary to accomplish their objectives. Over the past 15 years, we have worked with organizations such as the Robert Wood Johnson Foundation, Rockefeller, Annie E. Casey, John S. and James L. Knight, W.K. Kellogg, Ewing Marion Kauffman foundations, National Center for Family Literacy, Early Childhood Initiative Foundation, National Center for Tobacco Free Kids, Harvard Medical School, American

Employment cont.

Public Health Association, U.S. Fund for UNICEF and many other organizations. You can learn more about DCA, our work, and the organizations we serve at www.dcaboston.com.

Interns' responsibilities include but are not limited to:

General project support; maintain client communications; read and synthesize client background information; help prepare presentations; schedule interviews; coordinate meeting preparation and execution; and help prepare meeting/interview notes and final reports.

Research and analysis. Conduct research on our clients, their cause, and various related constituencies and resources with which clients might connect to enhance their work.

Business/Market development. Provide support for overall outreach to prospective clients and target markets.

Other support activities. As needed.

A qualified candidate for this position should have the following combination of skills and experience:

A minimum of a bachelor's degree.

Excellent writing and speaking, information gathering and analytical skills.

Desire to work in a fast-paced environment with demonstrated ability to juggle multiple tasks.

Ability to function as a forward thinking, independent worker, as well as a team player.

Knowledge of a variety of computer software applications in word processing, spreadsheets, and presentation software (MSWord, Excel, PowerPoint).

If you are interested and qualified, we would like to hear from you. Please direct a letter and resume to:

DCA, Inc., 27 School Street, Suite 404, Boston, MA 02108-4303

Fax: 617-367-2887 Email: dca@dcaboston.com

Economic Development Planner, Weymouth, MA

The Town of Weymouth has a challenging opportunity for the position of Economic Development Planner. In this position, the selected individual prepares, applies for, and administers any awards of economic development monies from State or federal agencies to implement town strategies. Acts as overall Program Manager for the town's economic development projects, including project approval, public bidding, budget administration, and consultant hiring and supervision. Reviews site specific commercial/industrial site plans for impact analysis under local zoning, subdivision control, and applicable state and federal regulations under MEPA and NEPA; Studies, updates, and recommends changes to the town's commercial/industrial zoning to reflect market conditions and advances in zoning techniques; Assists other town departments in the preparation of projects requiring economic development information. Administers the Massachusetts State Office of Business Development's Economic Target Area and Economic Opportunity Area program on behalf of the town. Serves as department liaison for town-wide Geographic Information System (GIS) and assists with policy and implementation issues. Assists Planning Director with the reuse of the South Weymouth Naval Air Station; serves as strategic staff to the Naval Air Station Planning Committee; staffs a variety of committees; serves as principal contact for all business inquiries. To be considered for this position, candidates must possess a Master's Degree in urban planning, regional planning, economic development or related field and four years of experience in economic development at the local, regional or State level; experience in public speaking and with media relations is highly desirable; or an equivalent combination of education and experience. The salary range for this position is \$52,812.36 - \$65,094.05 (plus the FY 06 cost of living adjustment which is to be determined). Interested candidates must respond to the Human Resources Department, 75 Middle Street, Weymouth, MA 02189, for fax (781) 682-3561, or e-mail jobs@weymouth.ma.us

IBI Group

Calendar

October 20-21 - Energy in the Northeast Conference, Hilton Back Bay:
See www.lawseminars.com for more information.

November 9-10 - APA Southern New England Planning Conference, Newport, RI:

Hyatt Regency, Goat Island, RI. Register by October 14th for an earlybird discount. See www.massapa.org or www.riapa.org for details.


December 9 - MAPA/MAPD joint Holiday Lunch, Boston, MA:

Look for details in the next newsletter and on www.massapa.org

**Top 10
Reasons to Give
APA Your
E-Mail Address**

Reason #1

**You'll
get
*interact.***


American Planning Association
Making Great Communities Happen

Land Use Inc.

MACP



Downtowns
Waterfronts
Brownfields
Greyfields
New Urbanism
Participation

DH
Dufresne-Henry

Offices throughout
the northeast
and southeast

978.692.1913
www.dufresne-henry.com

Sabine Prather
Alison Lamey
123 Sackett Road
Westfield, MA 01085

Address Changes: See Info Box Below



New England Planning is printed on recycled paper.

NATIONAL & CHAPTER OFFICERS

Frank Popper <i>Region I Director</i>	(732) 932-4009 x689
Don Krueckeberg, FAICP <i>AICP Region I Commissioner</i>	(732) 932- 2994 x735
RHODE ISLAND CHAPTER	
Daniel Baudouin <i>Chapter President</i>	(401) 521-3248
Jared Rhodes <i>Vice President</i>	(401) 780-3139
Marilyn Cohen <i>Immediate Past President</i>	(401) 294-3331 ext. 310
Pamela Sherrill, AICP <i>Prof. Development Officer</i>	(401)331-4100Ext.4141
Krista D. Moravec <i>Secretary</i>	(401) 272-6000 Ext. 255
Derwent Riding <i>Treasurer</i>	(401) 222-3949
Howard Foster, AICP <i>Chapter Historian</i>	(401) 792-2248
Deirdra Hayes <i>Membership Chair</i>	(401) 272-1969
MASSACHUSETTS CHAPTER	
Peter Lowitt, AICP <i>President</i>	(978) 772-8831 x313
Thomas A. Broadrick, AICP <i>Immediate Past President</i>	(508) 862-4703
(Vacant) <i>Vice President for Chapter Affairs</i>	
Lynn Goonin Duncan, AICP <i>Vice Pres. for Prof. Development</i>	(978) 745-9595 x311
Lyn Billman-Golemme, AICP <i>Vice Pres. for Legislation & Policy</i>	(508) 799-0500
Robert Mitchell, AICP <i>Sustainable Dev. Committee Chair</i>	(617) 573-1383
Peg McDonough <i>Treasurer</i>	(413) 533-8939
Heidi Samokar <i>Acting Secretary</i>	(617) 451-2770 x2050
Joseph Cosgrove <i>Boston Region Representative</i>	(617) 222-4400
(vacant) <i>Northeast Region Representative</i>	(978)
Thomas Bott, AICP <i>Southeast Region Representative</i>	(781) 585-0549
Kathryn A. Joubert <i>Central Region Representative</i>	(508)393-5019
Richard Werbiskis <i>Western Region Representative</i>	(413) 256-4040
Sabine Prather <i>Newsletter Co-Editor</i>	(413) 949-3914
Alison Lamey <i>Newsletter Co-Editor</i>	(978) 538-5780
Ezra Glenn, AICP <i>Chpt. Librarian/Planning Historian</i>	(617) 625-6600 x2500
Jarita Sadler/UMass & Benny Lee/Tufts <i>Planning Student Representatives</i>	(617)
Steve Sadwick <i>MAPD Representative</i>	(978) 640-4370
Richard Doege <i>APA CPTC Representative</i>	(617) 851-1650

NEW ENGLAND PLANNING NEWSLETTER INFORMATION

Changes of Address: *New England Planning* does not maintain address lists. All lists are maintained at the national office and mailed to local chapters each month. If you have moved, write: Membership Department, APA National Headquarters, 122 S. Michigan Ave., Suite 1600, Chicago, IL 60603-6107.

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.

Consultant Directory: Rates are \$35.00 per business card listing (one month) or \$350.00 for an annual listing (ten issues). Send business card or camera ready copy (2.33" x 1.4") to the editor.

Membership Information: APA National Headquarters, 122 S. Michigan Ave., Suite 1600, Chicago, IL 60603-6107; (312) 431-9100.

Questions: Please try to call the appropriate chapter officer (see panel on left for contact info).

Back Issues: For copies of back issues or other administrative issues, contact MA Administrative Office, c/o Geanine Matellian, P.O. Box 1205, Upton, MA 01568, 508-603-1011, gmatellian@charter.net; or RI Chapter Secretary Krista Moravec at 401-272-6000, ext. 255.

Internet: National, www.planning.org; MAPA, www.massapa.org; RIAPA, www.riapa.org.

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: Sabine Prather, APA Newsletter Co-Editor, 123 Sackett Road, Westfield, MA 01085, phone: 413-949-3914; Email: pioneervplanner1@yahoo.com.

**INFORMATION FOR THE NOVEMBER ISSUE
IS DUE NO LATER THAN
THURSDAY, OCTOBER 20, 2005**