

# SHAPING THE FUTURE OF YOUR COMMUNITY

## CHAPTER I

### *How to be an Effective Advocate*

**The fate of the Massachusetts landscape is being decided now. The only way to have an effect upon the *result* is to become involved with the *process* of land use management. You can have a powerful influence. There are many opportunities for you to take action and make a difference in Shaping the Future of Your Community. Start by doing some homework and connecting with other local citizens.**

#### **Get to Know the Issues**

Whether you want to influence the design of a single proposed development or are concerned with long-range planning for your community, you are most effective when you are well informed about the issues and the laws and regulations that govern them. Your local newspaper is likely an excellent source of information, as are local interest groups, not-for-profit organizations, and the officers, employees, and files of municipal boards. Your community's website may also have important information of interest.



#### **Get to Know the Laws and Regulations**

Our legal framework is made of federal and state laws, and city ordinances or town bylaws. Our implementation framework is made of regulations. Land use and environmental protection laws and regulations are powerful planning and management tools. They help establish a balance among private property rights; public health, safety, and welfare; and ecological protection.

Sections 3-6 of this guide describe the most pertinent land use laws and regulations in Massachusetts; and the chart of Federal, State and Local Environmental and Land Use Laws and Regulations describes and provides links to many other environmental laws and regulations. If you have specific questions about land use laws or regulations, you can call state or local officials, or you can obtain copies of the laws and regulations from state agencies, city or town clerks, or appropriate community boards. Many laws and regulations are also available online.

## Get to Know the Decision-Making Processes

It is important to understand how laws are established and implemented in your community. This information helps you know when and how to become most effectively involved. Call community officials for descriptions of local procedures (such as project reviews or planning procedures). Local ordinances, bylaws, and regulations provide more detailed information. The town or city clerk can provide all this information and is a good place to start.



### The Massachusetts Open Meeting Law

<http://www.cbsys.ago.state.ma.us/pubs/oml.htm> allows for public observation of and participation in government decisions and prevents secretive decision-making. It requires all government bodies, including local boards, to conduct their meetings, deliberations, and votes in sessions open to the public. Exceptions are made in a very limited number of circumstances for emergencies and executive sessions.

A *public meeting* is an informal but advertised gathering designed for exchanging information.

A *public hearing* is a formal forum in which citizens are given legal rights to participate in the decision making of municipal government through written and oral testimony.

Public hearings are required by many state and local laws and must be advertised. Citizens may attend in person, send a designee, or submit written comments. For more information on the Open Meeting Law (Ch. 39 sec. 23A-24), see <http://www.cbsys.ago.state.ma.us/pubs/oml.htm> or <http://www.elobbying-mass.com/online2005/meetingLaw.php>.

### The Massachusetts Public Records Law

<http://www.sec.state.ma.us/pre/prepdf/pubreclaw.pdf> allows for public access to government documents and records as long as the desired data is not exempted from disclosure by other statutes (i.e., Hospital records, C. 111 S. 70, Hazardous substances reports, C. 111F S. 21, etc.). Administered by the Supervisor of Public Records (SPR) in the Secretary of State office and enforced by the state Attorney General, the law also states that the requested material must be disclosed as soon as possible but not later than 10 days following the request. If the request is rejected, a written statement detailing legal justification for the denial must be received within the same time period.

## Get to Know the Players and their Interests

Local, regional, and state officials, interested citizens, conservation groups, developers, realtors, engineers, and landowners are some of the most critical players in land use decisions. Understanding their roles and interests will help make all aspects of gathering information, achieving consensus, and implementing action plans easier. Public meetings and hearings provide many of the best opportunities for meeting people, communicating, and taking action.

Most land use planning and decisions are made at the local level in Massachusetts. With 351 cities and towns and much variation among communities, it is difficult to outline a “typical” process. If you are unsure where to begin, the town or city clerk’s office is an excellent resource. The clerk is the legal repository of records, and will have all local bylaws/ordinances and regulations, with copies available for a reasonable fee. Many applications for permits or other actions must be filed with the clerk as well. The clerk is familiar with how the local government operates and can also refer you to the appropriate officials relevant to your interests. Many communities also have information on local boards and permitting rules posted on their municipal website.

## Participate in Project Reviews—Bring Suggestions to the Table

If you want to influence a single and specific development project, participate in the permitting reviews of the project. When a development project is proposed, the plans are made public. Then public hearings are held by all applicable permit-granting boards (e.g., planning board, zoning board, conservation commission, and board of health). These hearings allow citizens to learn about the proposal and submit comments.

If you are concerned about a project under review, you should attend meetings and hearings held by the relevant boards and familiarize yourself with the project plans, then offer your input and suggestions. Target your comments to the appropriate board, based on its jurisdiction. For example, discuss wetland issues with the conservation commission, but reserve comments about traffic congestion and zoning issues for the planning board. Tailoring your comments to the appropriate boards will get the best results and ensure efficient use of everyone’s time.

Remember, the project review process is not designed to stop an objectionable project, per se; rather, it is designed to ensure that the project meets all regulatory requirements and is conditioned properly. No amount of project review can replace the effectiveness of long-term planning for the protection of natural areas in the community.

For more information on Project Reviews and Permitting see Section 6 of this guide.

### **Building Effective Coalitions Green Neighborhoods Alliance as a Case Study**

Environmental protection is often perceived as irreconcilably conflicting with economic development interests. Yet this need not be the case. In fact, in order for a community to be truly healthy and sustainable, it needs consider and integrate a wide range of environmental, social, and economic interests and values. This can be achieved by building diverse coalitions and undertaking participatory processes that involve and respect the full range of interests.

One example of an effective coalition of this type is the Green Neighborhoods Alliance. In 1996, the Massachusetts Office of Coastal Zone Management: North Shore Regional Office (CZM) and Mass Audubon North Shore Conservation Advocacy (Mass Audubon:NS) undertook an analysis that showed sprawl to be one of the largest threats to coastal resources, including open space, wildlife habitat and water quality. One obvious source of the problem was conventional zoning that actually promotes suburban sprawl by assigning a “one-size fits all” blueprint to subdivision design.

CZM and Mass Audubon:NS recognized that, if a new subdivision design process were to be created and accepted and if people were going to be asked to rethink residential development, each stakeholder in the land use planning and development process had to be involved from the start. So, they invited representatives from development companies; town and city authorities, conservation organizations, state agencies, regional planning councils, and realty businesses to meet and discuss the problems with the current subdivision design and permitting processes and needed changes.

The first few meetings were contentious with everyone venting their anger at “the system” and pointing fingers as to which stakeholder was the troublemaker. It was an “us against them” mentality. Stereotypes flourished: The environmentalists want to halt all growth; the developers want to destroy all land; the towns want too much control and make the system cumbersome and expensive. Once the parties grew to know and trust each other, however, they realized that they all agreed that the regulatory system was unworkable. No stakeholder’s needs were met, whether economically, environmentally, or socially. This shared dissatisfaction with the status quo resulted in the first stage of consensus and paved the way for the coalition to solidify and work toward solutions.

The result was the [Green Neighborhoods Alliance](http://greenneighborhoods.org/site/Index.htm) <http://greenneighborhoods.org/site/Index.htm> that included representatives of all the interest groups. The Alliance developed the Open Space Residential Design (OSRD) model ordinance, a new regulatory tool based on work by nationally known land use planner and innovative subdivision designer Randall Arendt, providing cities and towns, developers, environmental protection advocates and realtors with an opportunity to reach their individual goals in a less contentious and more creative manner. The OSRD model has since been adopted (often with local modifications) by dozens of communities statewide.

The lesson of the Green Neighborhoods Alliance can be applied more broadly to other land use challenges throughout the commonwealth. By sitting down at the table with a wide range of interests, more can often be achieved than taking an adversarial approach.

Based on a summary by Kathryn Leahy and Andrea Cooper in:  
Hamin, E. M., L. Silka, P. Geigis, Eds. (2007). *Enhancing and preserving communities: A guide for citizens, planners and policymakers*. Amherst, Mass. University of Massachusetts Press.

## **Work with a Local Board—Contribute to the Future, Now**

The people serving on most local permitting boards in Massachusetts are volunteers—some positions are appointed by the selectmen, or city council while others are elected positions. One of the most effective ways you can influence local decisions is to get involved with local boards. Meet with the current members of the board to learn about their work and determine whether there are full or associate positions available. If you have time available, join a board. Even if your time is limited, you can often help a local board as a volunteer or associate member. Local boards depend on citizen assistance for

special projects and monitoring activities, and to help them in increasing support in the community at large.

## Strive for Open Communication and Consensus

Keep in mind that local board members are well-intentioned citizens just like you trying to do the best job that they can under what are often difficult (and contentious) conditions. And remember that developers are usually only trying to build projects according to the rules—they don't generally intend to destroy natural resources or community character.

Take your interests, concerns, and ideas to local officials. Be sure that they are working to promote environmental protection and the public good. Encourage them to sponsor public workshops and planning sessions on community growth and development, public infrastructure, land protection, ecological health, and community character. Help them organize such activities.

Try to be a constructive member of all discussions, working with local officials and interested parties toward mutually acceptable outcomes. Members of your community have a diversity of views that should be respected. Try to understand others' needs (and fears) and work to address them.

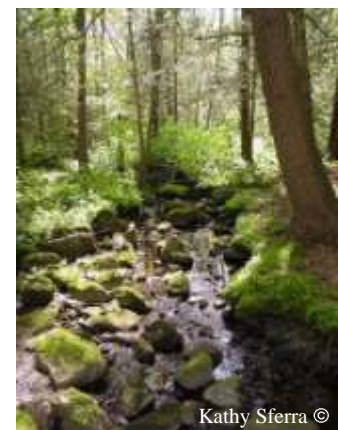
In project reviews, work to find “win-win” compromises that improve the design of the project and avoid, or mitigate its impact on the environment. It is usually not productive to take a hard-and-fast adversarial stand characterized by statements such as, “We want to stop all development on this parcel!” (unless you are prepared to build support for acquisition of the property and to help secure the funding). Remember that property owners have the legal right to use their properties and realize economic gain from them in a manner that is consistent with the community's zoning and other rules and regulations.

## Participate in Planning—Contribute to the Future, Now

Planning allows a community to determine what its collective needs and desires are and how it can achieve its goals.

Master (or comprehensive) plans are guides for development and land use.

Open space plans define the natural lands and open space requirements necessary for ecological health, water supplies, and aesthetic and recreational features.



## Shaping the Future of Your Community — Effective Advocacy

Land use regulations apply to many aspects of human activity including, for example, construction, waste disposal, farming, and forestry.

Citizen participation in both community planning projects and implementation of these plans is vital to shaping a positive future for the community.

The following links will connect you with statewide organizations and agencies that provide training and support for current and potential members of conservation commissions, planning boards, zoning boards, and boards of health.

[Massachusetts Association of Conservation Commissions \(MACC\)](http://www.maccweb.org/)

<http://www.maccweb.org/>

[Massachusetts Citizen Planner Training Collaborative \(CPTC\)](http://www.umass.edu/masscptc/)

<http://www.umass.edu/masscptc/>

[Massachusetts Association of Health Boards \(MAHB\)](http://www.mahb.org/)

<http://www.mahb.org/>

[Massachusetts Department of Housing and Community Development \(DHCD\)](http://www.mass.gov/dhcd/)

<http://www.mass.gov/dhcd/>

[Massachusetts Department of Environmental Protection \(DEP\)](http://www.mass.gov/dep/)

<http://www.mass.gov/dep/>

## More Ways to Take Action

You can protect the nature of Massachusetts in other ways.

Vote in all local, state, and federal elections, both for governmental officials and on referenda. This is one of the most effective ways to become involved in land management. Ask questions about candidates' positions on conservation, planning, and development issues when they are running for office. Help ensure that environmentally conscious officials are elected and that conservation-oriented initiatives succeed. It is often said, "local government is run by those who show up." So show up and participate!

Learn what needs to be preserved in your community.

Share your knowledge with your neighbors and local officials before development plans are filed. Waiting to become involved in natural resource conservation in your community until a development is proposed often means that lack of time and financial constraints will make it very difficult to successfully protect the natural resources at risk.



*Educate* your friends, neighbors, and local officials about issues of concern, such as the costs associated with development and the importance of local natural areas. You can write letters to the editor of the local paper. You can attend public meetings.

*Support* groups and organizations that work for positive change and conservation in your neighborhood and community.

### 12 Tips for Collaborative Leadership

1. “Nothing great was ever accomplished without enthusiasm.” Ralph Waldo Emerson
2. Nothing beats “time spent.” Your efforts make a difference.
3. Focus on building solid, trusting relationships both with individuals and broader groups or coalitions.
4. Assume good intent—don’t jump to conclusions before knowing the facts.
5. Sarcasm is the weapon of the weak.
6. Look for the good and let the rest die of neglect.
7. People support what they help create.
8. A person’s greatest emotional need is to feel appreciated—a simple “thank you” goes a long way.
9. Always, always share credit.
10. You can save the world and still have fun doing it; you don’t have to be overly serious to be effective.
11. Don’t burn bridges—today’s opponent may be your most important ally tomorrow.
12. Don’t Quit!

*Adapted from a list by Deborah Carv*

## Persevere—Land Protection is an Ongoing Challenge



Land use management and open space protection are ongoing needs that require dedicated and long-term involvement. Many land use issues take years to address and resolve. Do not get discouraged if you do not see immediate results. Failure to protect a parcel of land from development does not mean that your efforts were wasted. Through involvement, you may limit the scale or improve the design of the development, educate

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others and initiate new partnerships, or become a more effective player in land protection.

Preserving our Commonwealth's rich natural heritage and quality of life is not something that is easily accomplished in one effort but rather depends on the ongoing commitment of thousands of citizens across the state. Your contributions to this effort are valuable investments in protecting the nature of Massachusetts.

## Useful Links

Massachusetts Open Meeting Law Guidelines-Attorney General  
<http://www.cbsys.ago.state.ma.us/pubs/oml.htm>

Massachusetts Political Almanac Guide to Open Meeting Public Record Law  
<http://www.elobbying-mass.com/online2005/meetingLaw.php>.

A Guide to the Massachusetts Public Records Law  
<http://www.sec.state.ma.us/pre/prepdf/pubreclaw.pdf>

Massachusetts Association of Conservation Commissions (MACC)  
<http://www.maccweb.org/>

Massachusetts Citizen Planner Training Collaborative (CPTC)  
<http://www.umass.edu/masseptc/>

Massachusetts Association of Health Boards (MAHB)  
<http://www.mahb.org/>

Massachusetts Department of Housing and Community Development (DHCD)  
<http://www.mass.gov/dhcd/>

Massachusetts Department of Environmental Protection (DEP)  
<http://www.mass.gov/dep/>