CHAPTER 3

Local Land Use Planning and Conservation Strategies

Imagine your community "fully built-out" with a house on every zoned house lot and a business on every zoned commercial and industrial lot. What else would there be? Would there be any parks? Any woods or fields? Would the community have an ample, protected, clean water supply? Planning can protect against sprawling development, reduced property values, overall degradation of the natural environment, pollution, habitat fragmentation, traffic congestion, and overburdened municipal budgets and infrastructure. Planning promotes efficient use of public funds and effective management of public resources.

To be effective, land use management must begin with clear goals and a good land use plan. Planning can help a community define goals for its character, economy, and natural environment; anticipate and prioritize its needs; and describe the means and mechanisms for achieving its goals. An implementation strategy can be effective only if it is tailored to meet local land use goals.

According to MGL Chapter 41, a master plan must include eight elements:

- Land use
- Transportation
- Housing
- Open Space and Recreation
- Implementation
- Public facilities
- Economic development.
- Natural and cultural resources

Planning

While most planning occurs at the local level, some planning occurs at the federal, state, and regional levels. State and federal planning tend to address state and federally funded projects (such as the construction of government buildings, highways, water supplies, and other infrastructure) and the purchase of land. Regional planning agencies address shared resources and needs of

whole regions. All such plans should also get careful review at the local level. In planning, your community should coordinate with neighboring communities to establish open space links, protect regional resources such as water supplies, and engage in cooperative land protection initiatives.

Three main planning products—master plans, open space plans, and zoning maps and regulations—should be designed and implemented in coordination with one another to protect natural habitats. The direct and indirect economic and quality-of-life effects of community plans should be carefully considered.

Local Master Plans: Long-Range Planning for the Community

Master plans (also known as comprehensive plans) are required under state law and are essential to community health. When implemented, they are the most effective means of guiding growth. They help a community develop a common vision of land use and a plan of action for achieving that vision. They encourage the kinds of development that are most needed, discourage those that are not wanted, and channel development projects to the most appropriate locations. Without the guidance offered by a master plan, development will occur in a haphazard manner.

According to MGL Chapter 41 Section 81D https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81D, a master plan must include the following eight elements.

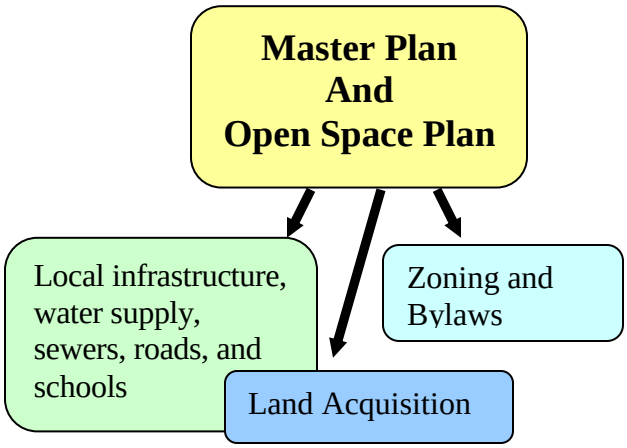
- Land use
- Housing
- Open space and recreation
- Economic development
- Transportation
- Implementation
- Public facilities
- Natural and cultural resources

The plan must include a goal, policies, and proposed actions for each category. Additional issues should also be addressed, such as protection of intact wildlife habitat, protection of water resources, and provision for desirable "build-outs." Planning boards bear the primary responsibility for leading the process to create master plans.

Each community should develop and periodically update its master plan. If you have concerns about how your community addresses development issues or protects natural resources, call your local planning board to see if your community has an up-to-date master plan. If it does not or if the current plan is in need of additions or revisions, consider working with local officials to create or update the master plan.

Planning for Zoning and Subdivision Control

Zoning and subdivision control are powerful *regulatory* tools for guiding growth and development, but to put in place appropriate zoning maps and laws and subdivision regulations, communities must first plan carefully. Ideally, your zoning and development regulations will be consistent with your community's master plan–or your



community will be working to achieve that end. In a master planning process, communities must determine land use goals, then zone and regulate in such a way as to guide development to support those goals.

Planning for changes in local zoning ordinances and subdivision regulations is generally orchestrated by local planning boards.

Remember, you're going to get what you zone for! Cities and towns need to consider what the complete build-out will look like under the local zoning regulations. If every developable parcel of land is built out (in accordance with local zoning laws), will your community retain its character and quality of life?

The state's Executive Office of Energy and Environmental Affairs http://www.mass.gov/eea and Department of Housing and Community Development http://www.mass.gov/dhcd provide many tools and support for community planning and land use regulation.

For more information on zoning, regulatory land use controls, and incentives, see Section 4 of this guide.

Local Open Space Plans: Long-Range Planning for Conservation

Open space and recreation plans are developed by each community as an aid to land use planning and management. You should consider the open space and recreation plan as a very detailed component of the master plan. Ideally, the two will be consistent with as well as complement one another.

Conservation commissions, in coordination with other local boards and interested

The Massachusetts Division of Conservation Services (DCS) requires that open space plans address seven areas:

- Water resources
- Landscape character
- Scenic/unique resources
- Fisheries and wildlife
- Environmental problems
- Vegetation
- Geology, soils, and topography

individuals, oversee open space planning efforts. Open space and recreation plans focus on identifying and protecting the community's natural resources and their ecological functions, as well as providing recreational facilities to meet community needs. They describe the land- and water-based resources in the community and lay out a plan for their management. They address, therefore, development potential, land management interests, and open space protection priorities in the context of watershed management, greenways protection, wildlife habitat protection, and public open space preservation.

DEP aerial photo showing approximate locations of wetlands outlined in blue

Approval of the open space plan by the Division of Conservation Services (DCS) http://www.mass.gov/eea/state-parks-beaches/land-use-and-management/division-conservation-services/ makes the community eligible for state grants (e.g., the Massachusetts Self-Help Program) for land protection and recreational facility development. Many communities use the DCS open space plan guidelines as the open space and recreation element of their community's master plan.

The Costs and Benefits of Development and Open Space Protection: Economic Analyses

Economic analysis addresses the entire value of resources—i.e. how much things are worth. Sometimes value is measured in dollars (like the value of a tree for lumber); sometimes value is measured in our hearts (like the value of a habitat or a scenic view). Values play a central role in land use decisions but often remain implicit.

Until recently, it was assumed that if something didn't have a market price it had no value at all. Now it is clear that many things without a market price (e.g., wetland function) have real but unrealized dollar values (e.g., the value of the water filtration capacity of wetlands) *and* non-dollar values (e.g., aesthetic, ecological, and recreational values). These values can *and should* be accounted for in land use planning. Many people object to placing values on natural resources, yet we do it implicitly every day in the decisions we make. By making the valuation and the comparison of values explicit, we can elucidate problems, promote open discussion, and bring prompt resolution. Mass Audubon's study, *Losing Ground: At What*

Cost? http://www.massaudubon.org/content/download/8599/149714/file/LosingGround_All.pdf estimates an annual value of $6 billion in non-market ecosystem services from our state's undeveloped and recreational land. As a result of development, over $200 million in annual ecosystem service value was lost between 1985 and 1999.

Economic analysis is not required by any state law, but it is in the best interest of every community to undertake even rudimentary economic analyses in planning and project review. Economic analyses help communities understand near-, mid-, and long-term costs and benefits (dollar and nondollar) to citizens. To make the best land use decisions, we must address the value of the land.

Planning is the stage during which economic analysis is most relevant and helpful. Communities should undertake economic analyses when they review municipal budgets. Local boards should undertake economic analyses when they develop goals, operating plans, or new laws and regulations. Economic analyses help answer questions such as the following.

- **Should our community buy that parcel of open space?** Economic analysis can compare the purchase costs borne by current citizens with the benefits of protecting the municipality's water supply and providing public recreation opportunities.
- **How would proposed zoning regulations affect the community's finances and nonmarket values?** For example, economic analysis can compare the water quality benefits of the proposed large lots with the costs of the resulting consumption of open space and fragmentation of wildlife habitat caused by low-density development. Cost of community services studies http://www.farmlandinfo.org/cost-community-services-studies such as those conducted by the American Farmland Trust https://www.farmland.org compare the costs of providing services such as schools, fire, and police to different categories of land use.
- **What would be the effects of proposed new infrastructure (e.g., municipal roads, water lines, or sewers)?** Economic analysis can compare the capital costs and benefits borne by current citizens with the costs and benefits of new development promoted by infrastructure development.

Useful Links

Massachusetts General Laws (MGL) Ch. 41 Section 81D
https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81D

Massachusetts Executive Office of Energy and Environmental Affairs
http://www.mass.gov/eea

Massachusetts Department of Housing and Community Development
http://www.mass.gov/dhcd

Division of Conservation Services
http://www.mass.gov/eea/state-parks-beaches/land-use-and-management/division-conservation-services/

Mass Audubon's report, *Losing Ground: At What Cost?*
http://www.massaudubon.org/content/download/8599/149714/file/LosingGround_All.pdf

American Farmland Trust
https://www.farmland.org