

Citizen Planner Training Collaborative



Advanced Tools and Techniques for Planning and Zoning

Seventh Annual Conference

Saturday, March 15, 2008

**Hogan Conference Center
Holy Cross College, Worcester, MA**

2008 Conference Schedule

8:00–9:00	Registration and continental breakfast					
9:00–9:45	Keynote Speaker: The Honorable Pamela P. Resor, Massachusetts State Senator					
	Effective and Efficient Boards		Zoning & Subdivision	Sustainability	Housing	Current Topics of Interest
10:00–11:15	1. Zoning Exemptions <i>Michael O'Neil</i>	2. Roles & Responsibilities of Planning & Zoning Boards <i>Robert Ritchie</i>	3. Special Permits & Variances <i>Glenn Garber</i>	4. Planning Boards & Water Resources <i>Deirdre Cabral Catherine Skiba</i>	5. Chapter 40R—Smart Growth Zoning <i>Angus Jennings Wayne Feiden</i>	6. Planning and Zoning Toolkits <i>Kurt Gaertner Jessica Allan</i>
11:30–12:30	Lunch					
12:40–1:50	7. Paper Streets, and Public Ways <i>Alexandra Dawson</i>	8. Chapter 30B—Public Procurement <i>Barbara Saint Andres Judi Barrett</i>	9. Zoning Reform <i>Greg Bialecki Timothy Brennan</i>	10. Planning For Agriculture and Working Landscapes <i>Bob O'Connor</i>	11. Addressing Fair Housing at the Local Level <i>Ginny Hamilton</i>	12. Land Use & Community Development <i>Pamela Bathen David Ames</i>
1:50–2:10	Break					
2:15–3:30	13. How to Hold A Perfect Public Hearing <i>Pam Brown</i>	14. Writing Reasonable & Defensible Decisions <i>Judith Cutler</i>	15. Introduction to Subdivision Control Law Including ANR <i>Alan Seewald</i>	16. Cohasset Rain Garden—LID <i>Mark S. Bartlett John McNabb</i>	17. Chapter 40B changes & new regulations <i>Phil DeMartino Miryam Bobadilla</i>	18. Best Practices for Streamlining Permitting <i>Buz Constable Jocelyn Ayer</i>

The conference will take place unless the State or city of Worcester is declared CLOSED as part of an official snow emergency: WCVB Channel 5, Worcester TV Channel 3, or WSRS Radio 96.1 or call for a taped message at (413) 545-2188. Also refer to the CPTC Web site for cancellation information:

www.umass.edu/masscptc

Conference Program!

MA Department of Housing
and Community Development
100 Cambridge Street
Suite 300
Boston, MA 02114



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Citizens' Housing and
Planning Association, Inc.



Interlocal Insurance Association

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Association of Planning Directors
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Regional Planning Agencies (MARPA);
Massachusetts Chapter of the National
Association of Industrial and Office
Properties (NAIOP); Massachusetts
Interlocal Insurance Association (MIIA);
McGregor and Associates; Vanasse
Hangen Brustlin, Inc.

Get Credit for Taking CPTC Courses

You can get credit for taking many of the CPTC courses offered throughout the year, including the Spring Conference. Credit applies as follows:

CPTC Certificate Program

CPTC offers a Level One Certificate for completing 3 of the following courses:

1. The Roles and Responsibilities of Planning and Boards of Appeals
2. Introduction to the Subdivision Control Act
3. Introduction to the Zoning Act
4. How to Write Reasonable and Defensible Decisions

CPTC offers a Level Two Certificate for completing Level One requirements and 3 of the following courses:

1. Planning with Community Support (applies to planning board members only)
2. Non-conforming Structures, Lots, and Uses, and Vested Rights
3. Zoning Exemptions
4. Special Permits and Variances

AICP Continuing Education Credit

Workshops designated "AICP" entitle the participant to one hour of credit under the AICP Certification Maintenance (CM) program.

Workshops designated with an asterisk (*) have been submitted to AICP for CM credit. If approved, these sessions will also entitle the participant to credit. Additional information will be provided in February on our website, and at the conference.

Massachusetts Interlocal Insurance Association (MIIA) Rewards Program

Sessions designated "MIIA" entitle your town to credit under the MIIA Rewards Program towards public officials liability insurance.

Commonwealth Capital Program

Attendance at CPTC training sessions by city and town Board members is an eligible activity under the state's Commonwealth Capital program. Communities can receive additional points in their Commonwealth Capital application by sending Board members to CPTC sessions.

Registration Form

Absolute Deadline for receiving registrations is: FRIDAY, MARCH 7, 2008!

We cannot accept last-minute registrations. You can fax your form until the deadline. Town checks may be sent by separate mail and arrive later than the deadline if necessary.

Name: _____ Board affiliation (planning, zoning, etc.): _____

Street address: _____

City: _____ State: _____ Zip: _____

Daytime phone number: _____ E-mail: _____

City/town served (you must fill this in to get course credit): _____

I want to attend the following sessions:

Mark one conference session per time slot (✓). Please keep a copy of this page for your records—we do not confirm registrations.

10:00 a.m.–11:15 a.m.

- 1. Zoning Exemptions
- 2. Roles and Responsibilities
- 3. Special Permits
- 4. Public Drinking Water
- 5. Chapter 40R
- 6. Toolkits

12:40 p.m.–1:50 p.m.

- 7. Paper Streets
- 8. Chapter 30B
- 9. Zoning Reform
- 10. Planning for Agriculture
- 11. Addressing Fair Housing
- 12. Land Use & Comm. Develop.

2:15 p.m.–3:30 p.m.

- 13. Perfect Public Hearing
- 14. Defensible Decisions
- 15. Subdivision Control Law
- 16. Cohasset/L.I.D.
- 17. M.G.L. Chapter 40B
- 18. Streamlining Permitting

Registration fee: \$50/per person. (Receipts will be provided at registration. We do not confirm registrations.)

Please make check payable to CPTC and mail or fax this form by Friday, March 7, 2008 to:

CPTC, P.O. Box 912, Greenfield, MA 01302 or Fax to (413) 625-2099.

You may also register by E-mail—please include ALL of the above information and E-mail to cptc-registration@comcast.net

QUESTIONS? Please contact Michael DiPasquale (413) 545-2188, www.umass.edu/masscptc

Directions to Holy Cross College: From Route 290 in Worcester, take Exit 11 (College Square). Immediately cross over to the far right lane and take the first right before the traffic light onto College Street. Go up the hill and turn left into the last gate (number 7). The Hogan Center is the second building on the left.

Program

8:00–9:00 a.m.

Registration & Continental Breakfast

9:00–9:45 a.m.

Keynote Speaker

The Honorable Pamela P. Resor, Massachusetts State Senator

10:00–11:15 a.m. Morning Sessions:

1. Zoning Exemptions (MIIA)

Section 3 of the Zoning Act provides certain exemptions for agricultural, educational, childcare and religious uses, as well as state and federal lands and uses, from local zoning regulations. This session explains these exemptions, how they relate to the Fair Housing Act and identifies under which circumstances municipalities can enact and impose zoning regulations.

Speaker: Michael O'Neil, McGregor Associates

Moderator: Alan Pease, Town of Ashby Planning Board

2. Roles and Responsibilities of Planning and Zoning Boards (MIIA)

This session is the most introductory (and one of the most useful) sessions for new Board members. It introduces new Board members to the functions of the Boards and the main tools and terminology of planning and zoning, including information on public hearings, meetings and ethics.

Speaker: Robert Ritchie, Massachusetts Assistant Attorney General, Director Municipal Law Unit

Moderator: Robert P. Mitchell, Special Assistant for Planning Initiatives, Executive Office of Housing & Economic Development

3. Special Permits and Variances

Are you clear about the difference in purpose and process between special permits and variances? Learn about key issues and the complex criteria for making decisions on variances and special permits, as well as important procedural requirements to avoid automatic approval. This session describes the difference between special permits and variances; the issues and criteria for decision-making; timelines and procedural requirements.

Speaker: Glenn Garber, UMass Extension Educator

Moderator: Linda Finan, Executive Director, Massachusetts Federation of Planning and Appeals Boards

4. Our Public Drinking Water: Site Plan & Special Permit Considerations and Source Protection Options*

Suburban and rural development now includes cluster housing, condominiums, restaurants, community centers and multiuse facilities. In many cases these are "public water systems" as defined by Federal and Massachusetts regulations (implemented by MassDEP). The session covers (1) what is a public water system (including privately owned systems), (2) the value of public water source protection and the model bylaws/regs, Source Water Assessment Protection maps and reports that are available and (3) MassDEP staff technical assistance available to towns.

Speakers: Dierdre Cabral, Drinking Water & Municipal Services Section Chief, Western Region-MassDEP; Catherine Skiba, lead Source Protection staff, Western Region-MassDEP

Moderator: Michael DiPasquale, Director, Citizen Planner Training Collaborative

5. Chapter 40R: Smart Growth Zoning in Massachusetts (AICP)

The Massachusetts Legislature adopted Ch. 40R and 40S "smart growth zoning" to create incentives for high-density and mixed-use development zoning in "smart growth locations." Using various case studies (such as downtown revitalization, transit-oriented development and small-scale infill), learn about zoning, design standards, infrastructure certification, public process, and see plans for the Village Hill development in Northampton.

Speaker: Angus Jennings, Principal Planner, Concord Square Development; Wayne Feiden, Director of Planning, City of Northampton

Moderator: Elaine Wijnja, Principal Land Use Planner, Massachusetts DHCD

6. Toolkits: Planning and Zoning Resources for Massachusetts Communities (AICP)

This session presents the recent 2nd edition of the Massachusetts Smart Growth/Smart Energy Toolkit and debuts the Pioneer Valley Planning Commission's Valley Vision Smart Growth Toolkit. Introduces the nine new modules, a summary of enhancements to the original 12 smart growth techniques, and a "live" demonstration featuring the new Form Based Codes module—all in the Mass. Toolkit. Developed in coordination with the Valley Vision Regional Land Use Plan, the Pioneer Valley Planning Commission's new Smart Growth Toolkit will show how a regionally focused toolkit can provide local smart growth assessment and guidance on implementation of Smart Growth strategies at the municipal level.

Speakers: Kurt Gaertner, Director of Land Use Policy, Massachusetts Executive Office of Energy and Environmental Affairs; Jessica Allan, Senior Environmental and Land Use Planner Pioneer Valley Planning Commission

Moderator: Phil DeMartino, Technical Assistance Program Coordinator, Massachusetts DHCD

Program

12:40–1:50 p.m. Early Afternoon Sessions:

7. Paper Streets, Public Ways and Other Bad Habits*

Massachusetts road laws are woefully outdated. They are based on a legal decision dating all the way back to 1864! Consequently, any road that is not considered a “public way” is fraught with legal complexities. Come and learn about the issues, and what cities and towns can do to steer clear of trouble.

Speaker: *Alexandra Dawson, Attorney, Hadley*

Moderator: *Douglas Albertson, Town Planner, Belchertown*

8. Chapter 30B Public Procurement

This session covers the requirements of M.G.L. c.30B, the Uniform Procurement Act, with a focus on the procurement procedures that apply to hiring planning or peer review consultants and other service providers. Since communities often acquire and dispose of real property in the process of implementing a master plan or other planning studies, this session also provides an overview of the real property acquisition and disposition procedures under Chapter 30B and the Community Preservation Act and the use of disposition planning techniques such as Requests for Information/Requests for Interest (RFI).

Speakers: *Barbara Saint Andre, Attorney, Petrini & Associates, P.C.; Judi Barrett, Planner, Community Opportunities Group*

Moderator: *Bruce Hughes, Economic Development Specialist, Old Colony Planning Council*

9. Zoning Reform in Massachusetts— Where Does it Stand? (AICP)

The Patrick Administration has commissioned a Zoning Reform Task Force to examine the current zoning and planning system in the State and to work with the Legislature in crafting revisions in order to improve that system. Come hear from the Chair of the Task Force as well as other officials on the status of this effort.

Speakers: *Greg Bialecki, Undersecretary for Business Development, Executive Office of Housing & Economic Development, & Chair, Zoning Reform Task Force; Timothy Brennan, Executive Director, Pioneer Valley Planning Commission*

Moderator: *Robert Mitchell, Special Assistant for Planning Initiatives, Executive Office of Housing & Economic Development*

10. Planning for Agriculture and Working Landscapes (AICP)

This session will present the benefits to communities of keeping land in traditional open and productive working uses, and the role of Planning Boards in achieving this (e.g. through favorable zoning provisions, encouraging the use of Chapter 61 tax abatement program, and other incentives).

Speaker: *Robert O’Connor, Director of Land and Forest Conservation, Executive Office of Energy and Environmental Affairs*

Moderator: *Heidi Ricci, Senior Policy Analyst, Mass Audubon*

11. Addressing Fair Housing at the Local Level (MIIA)*

This session will discuss the Fair Housing responsibilities of Planning Boards and Zoning Boards of Appeals. Learn how to help your city or town fulfill its responsibility to protect and affirmatively promote equal opportunity and diversity. Understand the fair housing implications of how your municipality creates and implements plans to manage growth and the opportunities to promote an open and welcoming community for all.

Speaker: *Ginny Hamilton, Executive Director, Fair Housing Center of Greater Boston*

Moderator: *David Haynes, Regional Service Representative, Massachusetts DHCD*

12. Land Use and Community Development*

Planning and Zoning Board members must make land use decisions in an environment characterized by increasing complexity and fiscal constraints. Boards face competing concerns and priorities in their deliberations and recognize the difficulty of adequately addressing the consequences of their decisions. Hear from local officials who have been successful in promoting sound growth strategies by adopting planning principles in harmony with their town’s goals, building local consensus and support, and assuring that appropriate tools are in place for implementation.

Speakers: *Pamela Bathen, Chair, Ashland Redevelopment Authority; David Ames, Town Manager, Athol*

Moderator: *John Fitzgerald, Urban Development Coordinator, Massachusetts DHCD*

2:15–3:30 p.m. Late Afternoon Sessions:

13. How to Hold a Perfect Public Hearing (MIIA)

One of the most requested and entertaining sessions we offer. You will learn the legal and procedural requirements for conducting a public hearing. The session contains lively video clips to assist Boards in avoiding constructive approvals, easing tension between parties over controversial projects and calming chaotic hearings.

Speaker: *Pam Brown, Attorney, Brown and Brown, P.C.*

Moderator: *Sean Bender, Director, Center for Community & Learning Partnerships, Wentworth Institute of Technology*

14. Writing Reasonable and Defensible Decisions (MIIA)

This session covers key points to help Boards write clear and defensible decisions. Describes criteria that should be contained in local zoning regulations and how these regulations relate to the conditions a Board may impose when approving a special permit or variance application.

Speaker: *Judith Cutler, Attorney, Kopelman and Paige, P.C.*

Moderator: *Catherine Miller, Senior Planner, Pioneer Valley Planning Commission*

Program

15. Introduction to Subdivision Control Law including ANR

This session addresses the purposes of the Subdivision Control Law, important procedural requirements and Board responsibilities when reviewing subdivision and ANR plans; adoption of subdivision regulations; review of ANR plans; access issues; preliminary and definitive plans; Planning Board waivers; modifying, amending and rescinding plans; enforcement; vested rights and zoning freezes.

Speaker: *Alan Seewald, Attorney, Seewald, Jankowski & Spencer*

Moderator: *Dorr Fox, Chief Regulatory Officer, Cape Cod Commission*

16. The Cohasset Rain Garden Project—Championing innovative Stormwater Management Approaches in Your Community (AICP)

The town of Cohasset has instituted an innovative Low Impact Development (LID) technique to treat runoff from roads before it is discharged to the town's watershed. This relatively new approach to stormwater management uses "rain gardens" to retain water where it can be filtered through specially engineered soil. Rain gardens are proving to be a particularly useful tool for Cohasset as the Town "re-engineers" its watershed drainage system, and represents a low-cost, low-maintenance technique to improve the quality of stormwater that enters the water supply. Learn how to assess the need for stormwater management in your community and the benefits of Low Impact Development.

Speakers: *Mark S. Bartlett, P.E., Norfolk Ram Group; John McNabb, Clerk, Cohasset Board of Water Commissioners*

Moderator: *Bruce Hughes, Economic Development Specialist, Old Colony Planning Council*

17. M.G.L. Chapter 40B—Overview of the Comprehensive Permit Process (AICP)

This session will provide an overview of Chapter 40B, describing the main features of the recently issued regulation. The new regulation (760 CMR 56) revises and consolidates 760 CMR 30, 760 CMR 31 and 760 CMR 45. It also incorporates and codifies the court rulings, Housing Appeals Committee decisions, and DHCD guidelines.

The session will also highlight one local strategy to promote affordable housing: the Housing Production Plan (HPP). Replacing Planned Production, this regulation stipulates that municipalities may adopt a HPP based upon a comprehensive housing needs assessment and identification of strategies for low- and moderate-income housing production.

Speakers: *Phil DeMartino, Technical Assistance Program Coordinator, Massachusetts DHCD; Miryam Bobadilla, Technical Assistance Program Coordinator, Massachusetts DHCD*

Moderator: *Carol Wolfe, Manager, Community Assistance Programs, Massachusetts DHCD*

18. Tools and Best Practices for Streamlining Local Permitting*

The Massachusetts Association of Regional Planning Agencies (MARPA) has recently published a guide to best practices for streamlining local permitting. Come receive a copy of the guide and hear how the tools and practices covered in the guide can help make permitting more predictable, consistent, and efficient without compromising local jurisdiction, jeopardizing local resources or endangering the standard of review.

Speakers: *Buz Constable, Executive Vice President, A.W. Perry, Inc.; Jocelyn Ayer, Senior Planner, Pioneer Valley Planning Commission*

Moderator: *Marilyn Contreas, Senior Program and Policy Analyst, Massachusetts DHCD*

Who Should Attend?

- Planning, zoning, building, conservation officials
- Citizens interested in land-use and development issues in their communities
- Municipal staff members who serve Boards and planning departments
- Professional planners, and others who consult with municipal Boards

Cost: Conference attendance costs \$50 and includes buffet lunch. (Attendees will also receive valuable handout materials produced by CPTC). Payment is due with registration (see

form), except Town checks may be sent separately and may arrive after the deadline. Questions? www.umass.edu/masscptc or Michael DiPasquale, at (413) 545-2188.

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