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On the cover: New England Studios (Photo: Guy Holt)



From the President

Greetings Planners!

It has been quite a busy year already! In addition to action-packed monthly Board meetings, APA-MA has been:

- Sponsoring and hosting events, including the Creating Inclusive Local Economies Workshop on April 4th and the South Station Tour and Networking Event on May 10.
- Representing Massachusetts at the APA National Conference in New Orleans. We had over 150 planners descend on New Orleans, many of us speaking in workshops, attending Leadership Meetings, and helping to craft an Equity in Planning Policy at the Delegates Assembly.
- Being recognized for achievements! Massachusetts planners and communities were recognized in several ways this year at the National Conference, including an Achievement Award for Urban Design for [Chelsea's Rock Chapel Marine/P.O.R.T. Project](#), an AICP Student Project Award to MIT for the [Connecting Bowdoin Geneva Project](#), and a Divisions Council Award to the Sustainable Communities Division members in Massachusetts for the Green Streets Lawrence Health Impact Assessment Project. We were also lucky to have another planner join the AICP College of Fellows: Larissa Brown, FAICP. Congratulations everyone!

Exciting stuff, huh? Want to get in on the excitement? Here are some fun ways you can get involved with the APA-MA Chapter:

- **Join the Communications Committee** – this new Committee will help elevate the outreach techniques the Chapter uses to educate and communicate with new and existing members. Do you have marketing skills? Get excited about crafting messages? Join us! Contact me at aclevelandaicp@gmail.com to jump on board.
- **Start thinking about Annual Awards!** Do you know of projects, like those mentioned above, that are worth recognizing? It's never too early to start thinking about awards! Check out the [APA-MA Award categories](#) to get your juices flowing.
- **October is National Community Planning Month** – I know, I know, it's not even summer yet and I'm talking about the Fall. Yes! We would love to know how you celebrate, plan to celebrate, or if you are interested in jump-starting your plans to celebrate. Check out [this link](#) and be in touch if you'd like to talk about how to plan to join the festivities this year.

Thanks for all you do for the planning profession and please let me know how we can support you in your work!

Have a wonderful summer! – Angela Cleveland, AICP



Scenes from the National Planning Conference



Above: Student team from the Massachusetts Institute of Technology receiving an AICP Student Project Award in April at the National Planning Conference in New Orleans. Their project was titled “Connecting Bowdoin Geneva: A Plan for Community and Commerce.” Located in the heart of Dorchester, Boston’s largest and most diverse neighborhood, the Bowdoin Geneva commercial district serves about 13,000 people, including residents from Cape Verde, the Dominican Republic, Vietnam, and Haiti. The plan incorporates a wide range of community priorities, provides practical urban design recommendations, and lays out economic development proposals to support local businesses in the face of gentrification businesses in the face of gentrification. [Learn more.](#)

Right: Chapter and Sustainable Communities Division volunteers receive an award from the APA Divisions Council for the City of Lawrence Green Streets health impact assessment.



Blame it on mimosas. (The reader is free to determine which photo this applies to.)

Right: As one of the Fast, Funny, and Passionate clips, Angela Cleveland played Baba Wawa in “A Wesilient Interview with Baba Wawa.” Cleveland interviewed Mary Katherine Gallagher (played by Kim Lundgren) who had just endured a hurricane and the two educated planners on the top three resilience strategies to adapt to climate change.



Larissa Brown made an AICP Fellow: Throughout her planning career, Larissa Brown has been committed to advancing smarter growth, urban revitalization, equitable community development, sustainability, and resilience through integrated planning for land use, transportation, infrastructure, economic development, housing, and the environment. Combining policy and design, her projects range from post-Katrina New

Orleans to communities in Massachusetts, Texas, and California, and are based on meaningful public engagement with diverse communities and complex political environments. As an advocate, she was one of the founders of the Massachusetts Smart Growth Alliance, and as a citizen volunteer, she has served as Planning Board chair in her home city.



Jackson Square, New Orleans.

Peter Lowitt



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The **Southern New England APA conference** is a two-day event hosted by the CT, RI, and MA chapters of the American Planning Association. The conference draws nearly 700 participants and features two days of interactive training sessions, mobile workshops, planning law and ethics presentations, member networking, an extensive exhibitor floor, plus a few surprises. For AICP members, this is a valuable experience to gain those much-needed credits for Certification Maintenance. For product and service suppliers, it's a valuable space to make contact with (and an impression on) the region's planning professionals. There are several **sponsorship levels** available, but...they sell out fast. Make plans to join us in Hartford on October 18-19!



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Cultural Districts for Small Municipalities — Lessons Learned

by Bill Nemser, AICP, Town of Maynard, MA



Dave Griffin

In 2015, Maynard, Massachusetts — population 10,106 and located 22 miles west of Boston — decided to pursue a “cultural district” designation for its downtown area. A post-industrial town with a boom and bust local economy tied to its historic mill, Maynard found itself in the early 21st century with plenty of potential. It had a number of high-tech employers located in town. The small downtown remained very walkable. The population was highly educated, there were a number thriving small businesses, and there was a dynamic, largely organic, arts and cultural community. While the downtown was admittedly “in need of a coat of paint,” it lacked any type of formalized plan or vision on how to bring it all together to capitalize on these assets and jump-start the local economy. After a 2015 feasibility study by Fine Point Associates, the Town decided that creating a cultural district for Maynard might just do the trick.

The Massachusetts Cultural Council (MCC) visited Maynard in 2015 and made a presentation on cultural districts to the Board of Selectmen, which ultimately passed a resolution making the required town commitment to establish a state-designated cultural district. At the time, although the Local Cultural Council (LCC) had initiated this effort, it was not clear who would spearhead it through the application

process. As the Town Planner and *de facto* economic development department, I was busy administering the Town’s Planning Board, Zoning Board of Appeals, and serving on the brand new Economic Development Committee. I jumped in and offered to help the all-volunteer LCC pursue a cultural district designation from the MCC.

The MCC can award a cultural district designation to a specific geographical area in a city or town that has a concentration of cultural facilities, activities, and assets. The district should be a walkable, compact area that is easily identifiable to visitors and residents and serves as a center of cultural, artistic, and economic activity. According to the MCC, cultural districts have specific goals:

1. To attract artists and cultural enterprises
2. To encourage business and job development
3. To establish the district as a tourist destination
4. To preserve and reuse historic buildings
5. To enhance property values
6. To foster local cultural development

Why do you want to establish a Cultural District?

One of the first dilemmas I encountered was communicating what are we trying to achieve with

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the cultural district. It is something of a nebulous concept. So, the initial hurdles centered on answering two questions:

1. What is a cultural district?
2. What is the value of a cultural district?

Communicating the Value of a Cultural District

Acknowledging that a small percentage of people simply will not see the value or societal role of the arts is a good first step to help make the case for a cultural district. This influenced how I chose my initial efforts to communicate why a cultural district was a good for the town. The goal was to demonstrate the value of culture and the arts *to the town at large* by emphasizing how it directly promotes economic development. Rather than focusing on the “cultural” designation, we began with the “district,” which allowed us to first define the area by geography. By doing so, we were able to both highlight physical places within the proposed district and document strengths and weaknesses of the particular locations. This established a case that targeted economic development was desirable for specific spaces,

The goal was to demonstrate the value of culture and the arts to the town at large by emphasizing how it directly promotes economic development.



places, and things for the betterment of the town. Takeaway? Cultural district equals economic development.

In my opinion, it is essential that *everybody*, no matter how remotely involved with the district, should be able to explain why a cultural district is desirable for the town.

In Maynard we distilled this down to two basics:

1. **What is a Cultural District?** *It is simply a boundary with a number of arts, cultural and entertainment venues and activities. It provides an identity.*
2. **What is the value of a Cultural District?** *By coordinating our arts, cultural and entertainment efforts, it provides an economic development tool that will make Maynard a regional destination.*

Synthesize your message into a memorable and coherent soundbite. Succeeding in simplifying messaging provides an advantage by both spreading information and minimizing any negative voices that might prove distracting or counter-productive.

The Application Process

The Massachusetts Cultural Council awards the cultural district designation and has a clear and easily understandable application process on their website.

Board of Directors

A cultural district must have a Board of Directors identified in the application. In Maynard's case, it made sense to use the LCC as a Board of Directors. The Town's LCC consists of individuals with a wide range of skill sets and they were perfectly suited and willing to assume this role.

Partners/Stakeholders

The application also requires identification of “partners/stakeholders.” Frankly, we were confused on the actual distinction between the two, so we combined the two terms. Enlisting “partners/stakeholders” was something we thought might be difficult but ended up being relatively simple. The first challenge was deciding whom to approach to be a “partner/stakeholder.” We opted for beginning with:

1. Individuals already active in the arts and cultural community
2. Local businesses
3. Town boards and committees
4. Local leadership (electeds, town staff or key community members)

Maynard had two distinct advantages that aided in recruiting partner/stakeholders:

1. The existing arts community already had a multitude of art programs/events underway so this was low-hanging fruit to begin recruiting. Virtually all of the groups and individuals were happy to sign on, provided they would not lose control of their particular programs.

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2. Despite all its successes and continuity, Maynard's vibrant arts community suffered greatly from an absence of strategy. How would they be able to leverage the plethora of events and activities to provide an economic benefit to the town, in particular to the non-arts oriented businesses? Past failure to clearly communicate the benefits to local businesses from cultural activity had resulted in a disconnect between the arts and business communities. This disconnect got to the point that a small number of local businesses viewed downtown cultural/arts events as an undesirable irritant. I learned that some businesses regularly complained to town leadership about the economic damage some cultural events caused to the local economy (which added an additional complication to all cultural efforts). The irony was that in a town with one of the most active arts, cultural, and entertainment communities, things like temporary road closings, festivals, and other activities that attracted outside visitors were viewed as undesirable. Everyone understood that better communications through establishing a cultural district could address this dilemma.

The idea of additional coordination under the cultural district umbrella was appealing to virtually all approached. The vast majority of businesses were more than happy to participate.

Actively engaging local leadership (Town boards and committees) kept the still-somewhat nebulous "cultural district" initiative at the forefront of conversation. Additionally, by increased coordination with the application team, leadership could easily conclude that there was actually broad support for the cultural district efforts.

Establishing your District's Boundaries

I recommend you begin by asking yourself, "Do the proposed boundaries make sense?" After



Brent Mathison

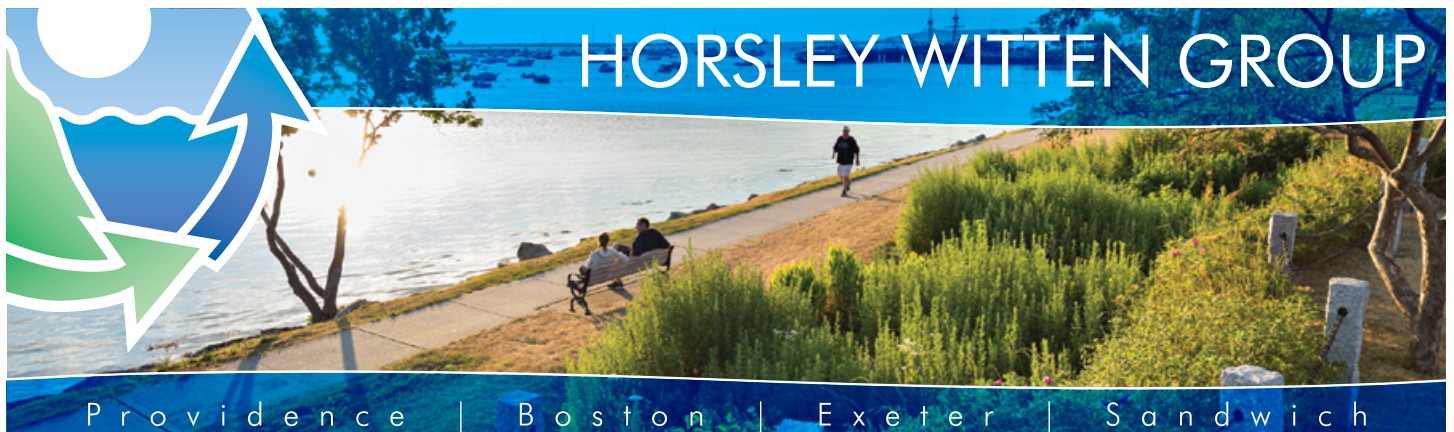
establishing key destinations, ideally they will.

Determining your boundaries can be straightforward. In Maynard's case, because of "ArtSpace" — a key cultural asset located roughly a quarter mile from an otherwise well-defined center — our proposed boundaries did not look connected. It was crucial to have "ArtSpace" within the district boundaries, not only because of the relevance of a 55,000-square-foot art collective of artist studios, galleries, and a theater would bring to the cultural district, but also because the facility was in close proximity to one of Maynard's economically disadvantaged communities. It was the town's view that communities would both directly and indirectly benefit from a close bond to the district (we also viewed this as complimenting the MCC goal of fostering local cultural development). In an odd bit of luck, sidewalks leading to ArtSpace from the core district were in poor condition and due for replacement. This allowed the town to propose the creation of an "Art Trail." While still in the planning stages, the approach allows for the replacement of sidewalks enhanced with outdoor art exhibits, streetscape improvements, and other "connecting" features (this will begin in late 2018).

Our map was accepted by MCC and in addition to the entire (small) downtown included not

The "ArtSpace" building, a key cultural asset, is located roughly a quarter mile from "downtown" Maynard.

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The Cultural District map showing the location of arts and theater amenities alongside, retail, restaurants, fitness and health facilities, parks, and other government locations. In addition to the entire (small) downtown the district includes not only ArtSpace (top center) but also the 1.1-million-square-foot former mill complex, Mill and Main (bottom center), a vast labyrinth with an endless supply of opportunities for the arts.

only ArtSpace but also the 1.1-million-square-foot Mill and Main complex. This former mill is a vast labyrinth with an endless supply of opportunities for the arts. With its potential for continued hosting of outdoor events, display spaces, and public/private meeting space, Mill and Main made perfect sense to include in the cultural district.

Site Visit

After the application is completed and submitted, the next step is the MCC visit.

The site visit was relatively easy to organize, once we had identified key stops and designed the route.

We saw the visit as an opportunity to generate community enthusiasm for the cultural district. Well in advance of the scheduled visit, we began a massive publicity campaign beginning with the stakeholders and all groups, state and local elected officials, committees, business associations, local press, etc. This also demonstrated the need for quick development of a mass communication list for the district and we collected all the email addresses that we could (finding that everyone wanted to be kept abreast of cultural district goings-on).

Selecting the destinations for the visit was a straightforward process. A key part of the inspection is establishing the walkability of the district. We highlighted all the entertainment and local businesses that contributed to the

atmosphere of a cultural district within the time constraints imposed by the visit. We settled on coordinating basic times for the route so each venue could have a representative out front of the particular venue to briefly greet the inspection team. This required a little bit of coordination but kept everything moving nicely on the walk. We began with a greeting by the Board of Selectmen for the inspection team.

After arranging a meeting at Town Hall, the inspection team was greeted on the street by businesses ranging from ethnic restaurants to art galleries to metaphysical retailers to the local refurbished movie theater. The key destination where we entered a facility was limited to ArtSpace.

For the post-walk debriefing, we cashed in all our chips with the stakeholders and all the interested parties that we had been communicating with in the build-up to the site visit. We arranged for the debriefing in a local coffee shop with a large capacity. The town did not disappoint, and showed up in droves. Additionally, our local representative and state senator attended, which really added another boost to the session. The MCC inspection team made presentations and took two hours of questions. The attendees showed great interest in establishing the Cultural District and demonstrated enthusiasm for the project.

Proper planning and proper destinations are essential to hosting a successful Cultural District

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Cultural Districts *cont'd*

visit. However, there is no doubt in Maynard's case that our people made the difference.

One Year In

Maynard was awarded cultural district designation in April 2017. The LCC Chair and I were concerned with how best to use our volunteers and avoid volunteer burnout.

Getting Going

The budget to get the cultural district started was meager and certainly not enough to launch a spectacular entry into the Cultural District family (as we had all seen some larger towns and cities do). It was clear that while everyone understood fundraising was going to be the norm going forward, getting a jumpstart was going to be a challenge.

We targeted the low-hanging fruit for the LCC's first tasks, identifying existing events that involved little more than communication to make a success. By visually constructing an organization

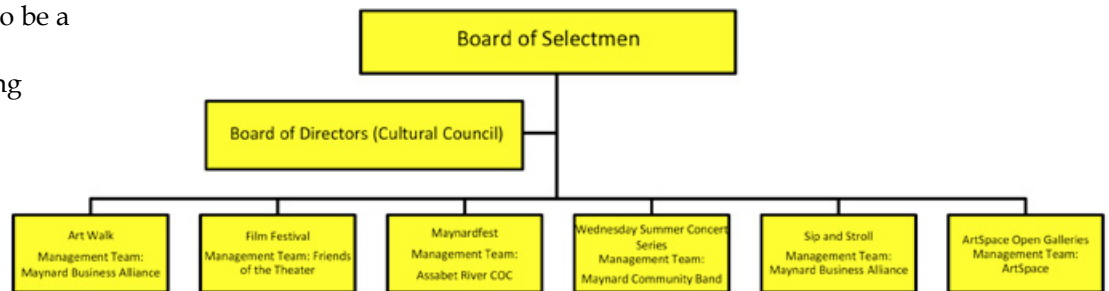
chart (right) clearly indicating the roles of the various players, we seemed to create a plan and a place to start. It reduced anxieties all around to know that cultural events were going on independently of the LCC and that they could provide a start under the district umbrella if they chose to.

We needed to convince existing groups with festivals and events that it was in their interest to enlist under the Cultural District umbrella.

Our local business groups like the Maynard Business Alliance, the Maynard Economic Development Committee, the Chamber of Commerce, and others were already well familiar with the Cultural District from our previous communication blitz! Once they understood there would be

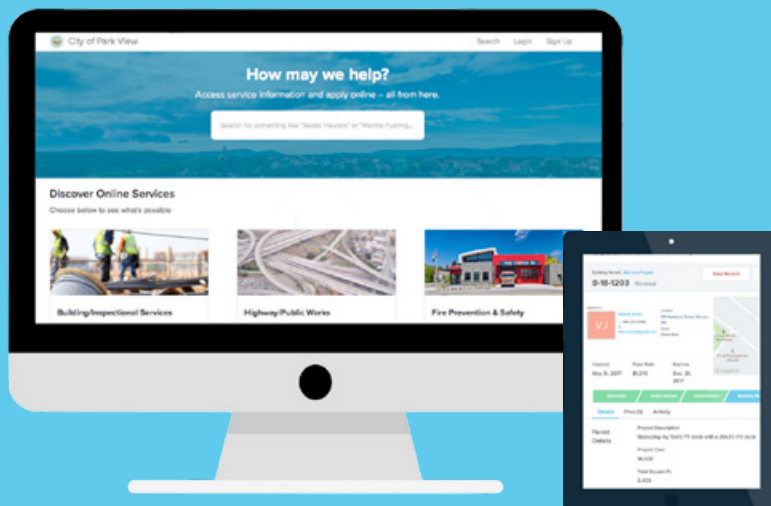
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Assabet Village Cultural District 2017/18



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Dave Griffin

no interference from the district on how they ran their events, they jumped on board.

Branding

How to “brand” the district? For those not familiar, “Maynard” has its own identity for better or worse. The actual name of Maynard’s Cultural District was “Assabet Village Cultural District” (Maynard’s pre-incorporation name). On the one hand, this muddled the waters of branding clarity (wayfinding signage, printed material, etc.). On the other hand, it was crucial to separate the district.

After a healthy discourse, everyone realized the branding question boiled down to following questions:

1. A cultural district logo would be necessary. Should it be entirely independent of the town? Should it be a subset of the town logo?
2. Are we creating a problem for a small town by having our Cultural District branding entirely unrelated to our town branding?

Many members of the LCC believed that Maynard’s graphic identity was entirely limited to its iconic clock tower. In the end, the committee (as well as myself) felt the district would benefit from something new.

One of the members produced a logo (right) that was distinctive yet complementary of the existing Maynard brand. While it’s possible there may be another logo in the future, this certainly got Maynard off the ground and contributed to the momentum.

Marketing

While the LCC is actively engaged in a number of fundraising projects, the reality is a quick start out of the gate was necessary to post some early victories. The LCC was fortunate to receive funding from the town for a part-time staff member. Job number one was to engage in promotions to both advertise the launch event and get word out about the Cultural District literally, everywhere possible. This is where our email database came in very handy: the LCC was able to set up an “Assabet Village Cultural District” mailing list in the blink of an eye by using Mail Chimp. We also use Eventbrite for each event.

It was crucial for this effort to continually build the Cultural district mailing list and maximize awareness. By designing a standard sign-up sheet for events authorizing notification of other Cultural District Events, the mailing list has swelled and provided the LCC with the capability to reach hundreds of people with an interest in the cultural district.



Marketing remains an ongoing component of any effective Local Cultural District. There is little doubt a more sophisticated communications program is in Maynard’s future, but this allowed the LCC to get up to speed quickly.

Going Forward

The first major town event that was held in collaboration with the cultural district was Maynard’s “Sip and Stroll” presented by the Maynard Business Alliance, an outdoor evening festival involving local businesses, art exhibits, activities, and, as you may have surmised, some sipping. To be absolutely clear, this event has always been a major success, but this year the attendance was a record. A coincidence? Maybe, but it certainly provided something to feel good about. Next up is Maynard’s first ever “Art Week,” held in conjunction with the MCC in a weeklong series of events celebrating culture and the arts throughout Massachusetts’ cultural districts.

As Maynard goes forward I have no doubt that its local economy will remain firmly tied to culture, the arts, and entertainment. Establishment of a cultural district helps ensure that this valuable economic engine keeps running and that it will help Maynard remain a great community for a lifetime. ■

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Hollywood East Redux?

by Peter Lowitt, FAICP

Have you noticed the number of films being shot in Massachusetts lately? Have you ever wondered why that is? In this article I will discuss the starring role of film tax credits, take an in-depth look at New England Studios in Devens, MA, and finish with some lessons for planners regarding the film industry. I first visited this topic in preparation for a presentation at the APA National Conference in Atlanta in 2014. A lot has changed in three years, especially at New England Studios, but some things remain constant.

Film tax credits abound across North America. Depending on the movie production incentives deployed and international exchange rates, film, cable, and television series shift from one state and/or national border to the other in search of the most profitable locations in which to shoot. Among the most popular types of movie production incentives are tax credits and sales tax and lodging exemptions. First some definitions, courtesy of Wikipedia:

Movie Production Incentives (MPIs): an umbrella term—any incentive that states offer filmmakers to encourage film production in-state.

Tax Credits: removing a portion of income tax owed to a state.

- Production companies must meet minimum spending requirements to be eligible for credit.
- Most states that offer tax credits make them either transferable or refundable.

Sales Tax and Lodging Tax Exemptions:

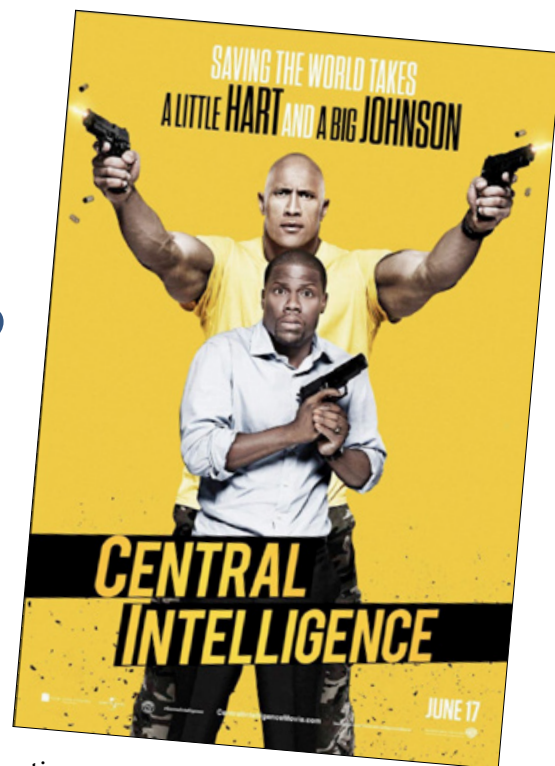
Exemption from state sales taxes are also offered as an incentive. Many states offer exemption from lodging taxes to all guests staying over 30 days, but these incentives are highlighted for production companies.

Source: Wikipedia, Film Tax Credits

In 2010, 40 states had one type of film tax incentive or another, down from 44 the prior year. This number changes on a regular basis as legislatures fall in and out of love with movie production incentives. In 2014, the Virginia House voted to boost that state's film tax credit cap from \$5M to \$25M every two years (by 400%). Meanwhile in Hollywood, LA's mayor successfully lobbied the legislature in 2014 to double the California Film Tax Credit in what many interpreted as an effort to retain market share and jobs.

As you can tell from these statistics and headlines, the market for attracting film industry jobs and productions is highly competitive. One way to capture a larger share of that market is to have movie and film production studios or sound stages in your state. So far, eight states (plus or minus...the numbers keep changing) have movie production or sound stages, including: California, New Mexico, Louisiana, Florida, Georgia, North Carolina, New York, and Massachusetts (New England Studios, in Devens, MA).

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New England Studios, in Devens, MA.





Hollywood East *cont'd*

It's all about the JOBS! Take a look at the numbers from Georgia and Massachusetts for 2011 (before New England Studios was built).* 2016 numbers tell a similar story.

Economic Impact of Industry 2014 / 2016 numbers are *italicized*

| | Georgia 2014 | 2016 | Massachusetts 2014 | 2016 |
|-------------------------|---------------|-----------------------|--------------------|-------------------------|
| Direct Jobs | 22,843 | 28,656 | 10,260 | <i>10,228</i> |
| Wages | \$1.3 Billion | <i>\$1.94 Billion</i> | \$495 Million | <i>\$587.11 Million</i> |
| Production-related Jobs | 6,500 | <i>12,518</i> | 3,300 | <i>3421</i> |

* From Motion Picture Association of America: State by State Statistics, www.mpa.org/policy/state-by-state accessed February 11, 2014 and November 14, 2017.

Production Spotlight 2016 – GEORGIA

- 51 movies filmed in state, including *Guardians of the Galaxy Vol. 2*, *Hidden Figures*, *The Fate of the Furious*, *Diary of a Wimpy Kid: The Long Haul*, *Spider-Man: Homecoming*, *The Little Mermaid*, and *Baby Driver*.
- 67 TV series filmed in state: TV series include *Stranger Things*, *The Walking Dead*, *Atlanta*, *Archer*, *Halt and Catch Fire*, *Rectify*, and *Family Feud*.

Production Incentive:

2008 Georgia Entertainment Industry Investment Act: tax credit of 20% of all in-state costs of \$500,000 or more. Additional 10% to projects that embed Georgia Entertainment Promo logo.

Production Spotlight 2016 – MASSACHUSETTS

- 16 movies filmed in state: *Patriots Day*, *Super Troopers 2*, *Cadaver*, *Thoroughbred*, and *Flatliners*.
- 7 TV series filmed in state: *Wicked Tuna*, *Wahlburgers*, and *American Gothic*.

Production Incentive:

Massachusetts Film Tax Credit: 25¢/\$1.00. Must shoot at least ½ of movie in MA or spend ½ of production budget in MA, minimum expense of \$50,000. Can take credit as direct rebate (90% of face value) or sell at market rate.

All these movie production incentives are somewhat ephemeral and a new election could bring in a crowd willing to eliminate them. These incentives must be balanced with jobs and glamour. What the statistics show is the potential to double

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the production jobs and increase spending in Massachusetts with the creation of a production facility such as New England Studios. We expect the 2017 numbers, which will capture the increased activity at New England Studios — with their four movie production studios leased and *Castle Rock*, the new Steven King Hulu series being produced here — to show just that.

New England Studios

New England Studios (NES) came to Devens with full private equity financing and has spent well over \$40 million on the project so far. They hedged their bet on continued film tax credits by optioning additional land which they could purchase from MassDevelopment (the land owner at Devens) and sell to offset their risk.

One thing Daniel Burnham and Hollywood producers have in common is the former's credo to "Make No Small Plans." Mike Meyers of NES told me that they came to Devens to address three issues: 1) The need for an expandable site (Phase 1 is on 13 acres and they have 47 acres under option); 2) Infrastructure, which he stated "surpassed all of our competitors"; and 3) Accessibility — Devens sits in a triangle between Lowell, Worcester, and Boston, allowing access to most types of filming locations except beaches. As Mike said, "you can't have everything."



AERIAL VIEW OF PHASE ONE



Kate Clisham and Dona Neely take a tour of the catwalk at New England Studios where microphones and lighting are often located for production.

NES Master Plan of Development

Phase 1 of the NES project is at the rear of the site, with the balance of the site remaining under option by the developer. The development shown on Lot 13 (Phase 1) consists of two 20,000 sq. ft. mill buildings, four 18,000 sq. ft. movie production or sound stages, and 30,000 sq. ft. of space for wardrobe, make-up, dressing rooms, and office space, completed in early 2014. The need for more storage and parking led NES to acquire land for parking and expansion.

Watching NES under construction we saw a unique and interesting construction site. We learned all sorts of exciting facts about the project. For example: the amount of timber in the grille located 47 feet above the ground and used to hang lights, microphones, etc. to facilitate filming is huge. The wood grille is state of the art and, as NES facilities developer Mike Meyers said, "it seems really safe until you look over the edge..." The Studio uses 28 timber trusses, 7 per sound studio, and they are 120' in length, 16' high, and weigh 34,000 pounds. Each truss consists of ~15,000 board feet of timber. These timbers would stretch from Boston to Springfield if stacked end to end!

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Mike has a ton of fascinating facts and trivia about the construction. For example, there are three 42' x 24' interior Elephant Doors (large acoustical sliding doors) and six 18' x 20' exterior Elephant Doors, sound insulation galore, and what every Hollywood sound stage desires: nailable floors.

Devens redevelopment efforts are organized around being a model of sustainable development. As such, we work with our firms to incorporate green building elements into their projects. The developer of NES would joke that

at least his roof was green in color. In reality the project included some interesting green design elements such as low-impact development drainage design, reducing need for conventional catch basins and pipe systems. They deployed bio-retention swales/rain gardens, which use engineered soil and vegetation to treat storm-water runoff and provide

local ground water recharge. The developer also chose to make use of on-site recycled asphalt and concrete in the project. Roof rainwater harvesting system is used for on-site irrigation, thus reducing dependence on municipal water. Electric vehicle charging stations are included on site with prime locations near the entrance as an incentive to encourage their use. The parking lot lighting design minimizes light levels and shields against light pollution. More importantly, NES is working with the Devens Eco-Efficiency Center to provide zero waste film production assistance to their clients.

When Hollywood Comes to (Your) Town

One of the cardinal rules of Hollywood films, as related by the late Bob Hoskins in Alan Alda's classic film *Sweet Liberty*, is "to defy authority, show a little skin, and blow things up." With that type of attitude, regulators need to keep in close communication with producers who wish to film in their communities. One piece of advice we took to heart from our colleagues in Plymouth was the need to develop model film guidelines to assist smaller communities so they could be prepared when Hollywood comes to town.

As we researched movie studios we learned that one of the most important members of our review team was the fire chief. Think special

effects, things that go boom with lots of smoke and mirrors. We required NES to develop a Standard Operating Procedures Manual for Filming at Devens, which lays out all the fire codes pertinent to filming. We strongly encourage other Massachusetts communities to include the Fire Department in discussions about filming in your community.

The Devens Model Film Guidelines we developed also include information on recycling, net zero waste production resources, catering, tent and other permits likely to be needed by whoever rents the studios from NES to create a production.

Crucial to this effort was sending our fire chief off to California for training on fire and filming issues. I would recommend this only if you have a movie studio. For those who have a film shooting in your community (not in a studio) we developed a [Model Film Guidelines pdf](#) which is available from our website. A tip of the hat goes out to both Plymouth, MA and to Wilmington, NC and their Film Office, whose work we borrowed from heavily.

The model filming guidelines are for the most part common sense, but it's nice to have them as a checklist to use when working with a production company.

In May, 2014 we filmed our first production at Devens, and the producers also filmed in our neighboring communities. *Tumbledown* is a small independent film and the first to use NES. It stars Jason Sudekis, Rebecca Hall, and Blythe Danner — as well as the state of Massachusetts starring as Maine and Mt. Wachusett Ski Resort starring as Sugarloaf. Since then a number of commercials and another film, *Central Intelligence*, have been shot at Devens.

Remember the tax credits? NES requests that all productions' auditors share information on the number of local firms and approximate amount spent on them to support their case to maintain tax credits. "Tumbledown" was a small \$5 million film, but according to the film's auditors, they had over 300 contracts with Massachusetts firms.

It's all about the tax credits. The uncertainty surrounding their future has led to a slower than hoped for roll-out of New England Studios. Fortunately 2017 saw the momentum for filming in the Commonwealth pick up. *Castle Rock* is the first major TV show filmed in Massachusetts since the 1970s.

Oh, and about Devens becoming Hollywood East? We don't want that — we're the proud home of New England Studios. ■

As we researched movie studios we learned that one of the most important members of our review team was the fire chief. Think special effects, things that go boom with lots of smoke and mirrors.

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Peter Lowitt, FAICP
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Share Madness — Viewpoint Sharing by Board Members Under the Open Meeting Law

by Bob Ritchie, Esq.

Wouldn't it be great (or maybe not) if your planning board or zoning board could know and reflect upon each other's perspectives on evidence and testimony between the closing of a hearing and the board's open session at which they are scheduled to deliberate and vote on an application? Well, up until now, doing so by any means would surely have been found to be a violation of the Open Meeting Law (OML) (G.L. c. 30A, §§ 18-25). That's because:

1. G.L. c. 30A, § 20 (a) mandates that, except for executive sessions, "all meetings of a public body shall be open to the public."
2. G.L. c. 30A, § 18 defines "meeting" as "a deliberation" by a public body.
3. G.L. c. 30A, § 18 defines "deliberation" as "an oral or written communication through any medium...between or among a quorum of a public body...".

Not hard, then, to connect these three dots to make out a slam-dunk violation of the OML where—prior to the open session scheduled to deliberate and vote on the application—a quorum number of board members are provided with documents in which their opinions about the evidence and testimony are expressed. And by "opinions" we must understand that term as broadly defined to include any "view, judgment, or appraisal."

But wait, there's more!

4. G.L. 30A, § 18 excludes from the definition of "deliberation" the distribution to board mem-

bers "reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed."

So, no help here; because it is precisely the opinions (views, judgments, assessments) of the other members of the board that any member might like to know before the scheduled deliberative session; and that would seem to be out of reach under any circumstances. Right? Maybe not.

On April 5th our Supreme Judicial Court ("SJC") issued its decision in *Mary Alice Boelter vs. Board of Selectmen of Wayland*, in which—and for the first time—it finely parsed these related provisions of the OML and concluded that there just may be circumstances in which the Wayland Selectmen—and our boards—might actually be able to do this. Unfortunately for the selectmen, those circumstances were not found on the facts of Boelter. There, the chair of the Board of Selectmen had circulated to all board members, in advance of the public meeting at which the town administrator's evaluation was to be discussed and voted upon, individual written evaluations of the administrator's performance, as well as a composite written evaluation compiled by the chair. The board made public these individual and composite evaluations, but only after the scheduled meeting and vote.

The SJC, on these facts, had no difficulty in concluding that the board had violated the OML; but it went on to say this:

In making this determination, we consider, for the first time, the meaning of the open meet-

ing law's exemption to the definition of "[d]eliberation"... that permits members of public bodies to distribute to each other reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed."

The Court noted that this exemption was enacted "to foster administrative efficiency, but not at the expense of the OML's overarching purpose, transparency in government decision-making."

The Court had no trouble in concluding that the Wayland selectmen's procedures did not fall within this exemption:

The circulated individual and composite evaluations expressed the opinions of the board members to a quorum in advance of the public meeting...thus, the circulation, in effect, constituted a deliberation, or a meeting, to which the public did not have access. (Emphasis added)

The Court noted that the OML "was intended to ensure that the public is able to see for themselves how... decisions are made."

In what appears to be a nuanced shift in the heretofore prevailing interpretation of the OML, the Court's penultimate comments began with this remarkable sentence:

The result here would have been different if the board had made the individual and composite evaluations publicly available before the open meeting.

The Court punctuated this overture by suggesting perhaps posting on the board's website

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Share Madness *cont'd*

and making paper copies available for inspection at or about the time that the evaluations were circulated among a quorum of board members.

The decision concludes with the following tantalizing hypothetical:

If board members wish to circulate documents containing board member opinions among a quorum in advance of an open meeting... prior and relatively contemporaneous public disclosure of those documents... is necessary in order to comply with the open meeting law and to advance the statute's over-all goal of promoting transparency in government decision-making. (Emphasis added)

Planning board and zoning board members might take this as an invitation to take impulsive giant steps, seemingly legitimated

by this decision, to familiarize themselves with their fellow board members' viewpoints and assessments, hoping that – potentially – it will accelerate their deliberative efforts, save time at the scheduled meeting, achieve a more comprehensive understanding of the evidence and testimony, clarify their doubts and concerns about what is being applied for, and facilitate a well-organized and better integrated written decision. The price that must be paid for these benefits is that what is circulated to them is then “open to the public” with all that this entails.

In guidelines issued on April 20th, the Attorney General's office interpreted prior and relatively contemporaneous public disclosure with the following caveat:

“The aggregated evaluation may only be distributed to a quorum of the members in one of two

ways: (i) at a properly noticed open meeting, or (ii) via public posting to a municipal website in a manner that is also available to members of the public, as long as paper copies are also made available in the city or town clerk's office.” (Emphasis added)

I leave to you to determine whether these (or other) opinion-sharing benefits exceed the costs, whether contemporaneous public disclosure of these reports and documents will actually lead to unforeseen outcomes or consequences of greater heft than the board's overly optimistic goals. ■

— Formerly Town Counsel for Amherst, Assistant Attorney General and Director of the AG's Municipal Law Unit, and General Counsel to the Mass Department of Agriculture, Bob Ritchie is currently a consultant to Massachusetts cities and towns.

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The PDO Corner

by Darlene Wynne, AICP
APA-MA Professional
Development Officer

Welcome to the “PDO Corner” where I’ll share information related to earning your AICP and meeting your Certification Maintenance requirements.

The grace period for the 2016-17 AICP CM reporting period closed on April 30, 2018. Be sure you took the steps to close out and certify your credits earned for the two-year reporting period.

2018 Planning Webcast Series Seeks Presentations
APA-MA is still seeking webcast ideas to submit to this series. Anyone interested in sharing their topic to a national audience from the comfort of your desk, please contact me. The webcasts take place on Fridays at 1:00 p.m. and are typically 90 minutes.

Please see the upcoming [schedule of webcasts](#) to earn your free AICP CM Credits!

— Darlene Wynne, AICP is Assistant Planning Director for the City of Beverly. Reach her at dwynne@beverlyma.gov.

South Station Historic Tour and Networking Event

by Alison Felix, APA-MA Transportation Committee

On May 11, 2018, the APA-Massachusetts Transportation Committee hosted a historic walking tour of South Station and the surrounding area. The tour was led by local educator and historian, Linda Perlman and her husband Richard Perlman.

Opened in 1898, the historic South Station train terminal is today's Boston's busiest transit hub. Designed by Shepley, Rutan and Coolidge, the Neoclassical Revival-style station was built by Norcross Brothers. In addition to serving commuter and regional rail passengers, South Station offers direct access to the MBTA subway system (Red and Silver Lines), local buses, the Blue Bike bicycle-sharing system, and connects to an adjacent regional bus terminal.

Key historic points of discussion included geography of the area, architecture, history of the railroad, and events that shaped the railroad and South Station terminal. The approximately forty attendees walked through the indoor and outdoor areas of South Station, including Amtrak's waiting room for first class passengers and the adjacent U.S. Post Office.

Throughout the tour, attendees learned that South Station was once the largest train station in the world when it first opened and the original building was one mile around. Originally there were 28 tracks compared to 13 operating today. A popular cinema was once located at the Station and later transformed into a Catholic church in the 1950s. At one point an underground area of South Station was used as an employee bowling alley. The clock underneath the station's iconic eagle statue is still wound by hand.

Following the tour, attendees walked over to Good Life for informal networking and to



Arnold Reinhold, Wikimedia Commons

hear from Project Manager Tim Czerwinski of the Boston Planning and Development Agency about the proposed South Station Air Rights Project. Tim Czerwinski's presentation addressed the history and current vision of the project, proposed above South Station. As currently proposed, the project will comprise over 1.2 million square feet of office space, 320,000 square feet of residential space, and a 360-room hotel to be constructed in three phases.

While South Station has changed in many ways over the years, this transit hub continues to play a significant role in Boston and the region's transportation network. It was a beautiful afternoon for spring tour, and those in attendance enjoyed a fun and interesting experience. Keep your eyes open for another event to expand your network and professional development!

If you are interested in getting involved with the APA-Massachusetts Transportation Committee, please contact Alison Felix at (617) 933-0742 or afelix@mapc.org.

South Station was once the largest train station in the world. The clock underneath its iconic eagle statue is still wound by hand.





NEWS FROM MAPD

Thanks to all who attended the 2018 **Massachusetts Association of Planning Directors (MAPD)** Conference in Quincy on May 24-25. It was so nice to recon-

nect with colleagues and friends that we don't get to see that often. In addition to a keynote address from Mayor Thomas P. Koch, we all enjoyed the conference sessions on housing, economic development, climate change, cultural planning, and tools and techniques for planners of all levels — and of course our all-time favorite workshop session, the land use case law update! Also, the 2018-2019 MAPD Board of Directors was elected by the membership at the annual meeting on May 25, and we are hitting the ground running already. One important recent development to note is that the former MAPD website is no longer in service, as our needs as an organization outgrew the site's utility. Stay tuned for something more snappy and user-friendly in the near future, and for information about where conference presentations will be located for viewing and downloading.

As always, please feel free to reach out to me with any questions.

Kristina Johnson, AICP
MAPD President
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NEWS FROM MACP

The **Massachusetts Association of Consulting Planners (MACP)** is honored to contribute to the MA-APA newsletter.

Some planners frequently remark that the planning profession is under attack, and they may be right. In the face of a fast-paced marketplace, extensive public funding cuts, information overload, and an often complex political environment, it seems that supporting short-term solutions is preferred rather than planning comprehensively for the future. Given this current paradigm, we need to more effectively explain to citizens and elected officials how planning enables all of us to make great communities happen. Planners play an important role in promoting public-private partnerships that take advantage not only of the different funding sources but also tap into technical resources and knowledge of the private sector to deliver services and plans that support the public good.

As a federation of planning consultants, MACP, founded in the early 1970s, promotes the private sector of the industry to improve planning services to both public and private clients, and participates cooperatively with planning groups around the Commonwealth. MACP is committed to communicating the inherent value of the planning profession to current and long-range planning efforts. Our ongoing contributions to the APA-MA newsletter will serve as a vehicle to foster communication and cooperation between private- and public-sector planners to better coordinate efforts that encourage a planning community that is adaptable to today's shifting environment.

Please consider [joining MACP](#) today to help us promote and strengthen the private sector of the planning profession.

John P. Gelcich, AICP
MACP Vice President
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