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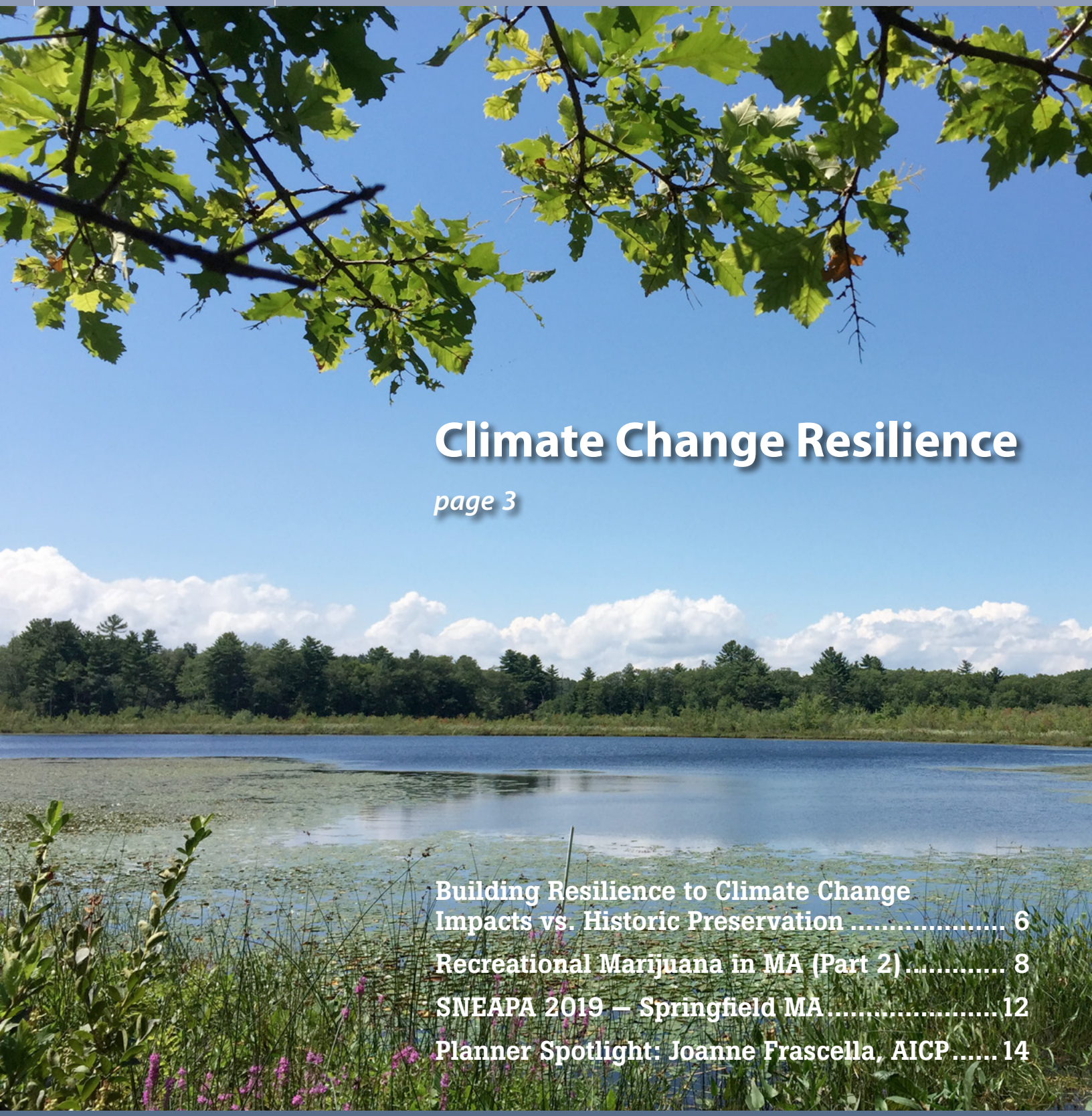

Climate Change Resilience

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On the cover: **Steven's Pond in Boxford, MA** *(Credit: Angela Cleveland)*

From the President

Hello APA-MA Members!

Happy Summer! I hope you have been enjoying the wonderful weather and getting some rest and relaxation. APA-MA has had a busy summer with a full Board retreat in July, coordination meetings with partners, launch of a new website, and new planners' networking sessions. Here are some of the highlights:

Monthly Planner's Therapy — Our monthly Planner's Therapy sessions are a hit! The first one was June 13th at the Night Shift Brewery at Lovejoy Wharf in Boston. We had a small but merry group join us for networking and libations. But the good times spread! Our July 22nd at the Cambridge Brewing Company was an overwhelming success. We had nearly 30 people take over the brewery. The group was having so much fun that they continued the good times over dinner. We will continue to post the dates for monthly "Therapy sessions" on the website, through the bi-weekly emails, and on LinkedIn. We hope you can join us!

New Board Member — We have another new member! As Jessica Allan transitioned into the Treasurer position, we welcomed Ted Harvey from Pioneer Valley Planning Commission as our new Western Representative. Welcome to the Board, Ted!

New Website — Our new website is LIVE! Check out the new look and feel, including the return of a calendar of events so you can keep track of all the professional and social opportunities throughout the Commonwealth. Visit us at www.apa-ma.org and keep following our progress as we continue to launch new pages to serve our members.

Bueller…Bueller…? Are you getting our emails and other member-related communications? No? Well, check out My APA and update your profile! If you have had a change of jobs or even a new email address through your town or city, go to My APA and update your information so you can get all the juicy news from APA-MA and APA.

Looking ahead:

- APA-MA will be represented at the APA Policy and Advocacy Conference in Washington, D.C. again this year, September 23-25! This is a great way to stay on top of important planning policy issues. If you are interested in attending, go to the APA Policy and Advocacy Conference website and register today!
- The Southern New England APA Conference (SNEAPA) is right around the corner! This year we are headed to Springfield, MA on October 17th and 18th. Please stay tuned for registration, an announcement about the APA-MA Annual Meeting, and more information about the Conference. I look forward to seeing you there!

Enjoy the rest of the rest of the Summer!

Angie

Angela Cleveland, AICP
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Cities and Towns Build Climate Change Resilience Using Local Regulations

by Nathaniel Stevens, Esq.

Coastal as well as inland communities in Massachusetts increasingly are looking to their local wetland permitting regulations as one place to help build climate change resilience.

Coastal Wetlands at Parker River National Wildlife Refuge in Newburyport, MA

Kelly Fike/USFWS

About half of the 351 municipalities in the Commonwealth currently have a local wetlands protection bylaw, which is administered by the community's conservation commission in conjunction with the state Wetlands Protection Act (the WPA).

Some of these communities have provisions that address climate change. Others are contemplating amending their existing bylaws and regulations to do so. Still others, like the City of Boston, are considering adopting for the first time a local wetland permitting program.

Wetland resource areas, already regulated to protect their ability to mitigate flooding and storm damage as well as to protect surface and groundwater quality, are naturally poised to help mitigate the effects of climate change on a community. To preserve these functions, municipalities are placing a greater emphasis on regulating work in or near wetland resource areas, such as marshes, vegetated wetlands, floodplains, beaches, banks, dunes, rivers, streams, lakes, and ponds.

A municipality can adopt a wetland bylaw under its Home Rule authority as long as the provisions are more stringent than the WPA. This could include:

- Protecting additional interests, or functions, beyond the eight protected by the WPA, such as protection of wildlife, natural scenic beauty, or recreation;
- Regulating a greater geographic area than the WPA, such as isolated vegetated wetlands, areas within 100 feet of water bodies, or vernal pools;
- Stricter requirements (or "performance standards") such as a mitigation ratio of greater than the 1:1 generally required in the WPA and MassDEP's implementing Wetland Regulations (310 CMR 10.00).

With sea level rise being one of the most commonly discussed impacts of climate change, it is not surprising

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that several coastal towns have provisions in their wetlands bylaws to consider this during project review. For example, Duxbury requires the design and construction of projects in the FEMA- designated "A-zone" portion of the 100-year floodplain to take into account sea level rise at a rate of 2.8 feet per 100 years. Hingham has a similar requirement, but also applies it to projects proposed in the velocity zone ("V-zone"). Hingham specifies that a rate of 1 foot per 100 years "or other credible evidence" such as from the Intergovernmental Panel on Climate Change be used. Falmouth has one rate ("at least" 1 foot per 100 years) for work in A-zones and a higher rate ("at least" 2 feet per 100 years) for work in the V-zone.

As sea levels rise, coastal wetland resource areas are predicted to shift landward. Scituate requires landward migration of resource areas in response to sea level rise be incorporated into the design and construction of structures proposed in the coastal floodplain. The lowest floor of a structure in a FEMA-mapped A-zone must be at least 1 foot above the base elevation, and in the V-zone, the lowest horizontal structural element must be at least 2 feet above the base flood elevation—unless a higher elevation is determined by the Commission. Falmouth says that any activity within the 10-year floodplain cannot have an adverse effect by impeding the landward migration of other resource areas within this sub-area of the floodplain.

As sea levels rise, coastal wetland resource areas are predicted to shift landward. Scituate requires landward migration of resource areas in response to sea level rise be incorporated into the design and construction of structures proposed in the coastal floodplain.

Recognizing that FEMA's 100-year floodplain mapping can be inaccurate or outdated, many coastal communities allow the coastal floodplain, usually called Land Subject to Coastal Storm Flowage (LSCSF), to be defined by the FEMA maps, surge of record, or flood

Angela Cleveland

Wetlands in Essex, MA.

Stephen Cleveland

Turtles along Salmon Brook.

of record, whichever is greater. Similarly, recognizing that coastal bank function as a barrier to coastal storm flooding, some communities define the top of coastal bank at a higher point than MassDEP would under the WPA.

Inland communities are also using their wetland permitting programs to build climate change resiliency. The Arlington Conservation Commission recently added to its wetland regulations a new "Climate Change Resilience" section which requires an applicant, "to the extent practicable and applicable as determined solely by the Commission, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future."

An applicant in Arlington must address in a narrative: 1) Design considerations to limit storm and flood damage from extreme weather events; 2) Stormwater surface runoff mitigation and reduction of impervious surfaces; 3) Vegetation planting plans to improve climate change resiliency; and 4) Protection of proposed structures to minimize damage from potential climate change impacts. With the introduction of new terms, the Commission added definitions to its regulations, such as "adaptation," "extreme weather event," "impacts of climate change," and "resilience," in part because climate change resiliency vocabulary is new to many.

Many eyes are now on the City of Boston as it considers enacting its first wetland protection ordinance. Entitled, "Ordinance Protecting Local Wetlands and Promoting Climate Change Adaptation in the City of Boston," the proposed draft explicitly and comprehensively integrates climate change resiliency measures into a local

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Climate Change Resiliance *cont'd*

wetland permitting program. The current draft draws on approaches and definitions of other communities and expands on them. For instance, LSCSF is defined not as the more common FEMA 100-year floodplain, but the FEMA 500-year floodplain. "Special Transition Areas" landward of salt marsh, barrier beaches and coastal dunes are created to allow transition of those areas landward, so must be kept in a natural state as much as possible. Stormwater calculations must be based on "best available measures of precipitation" frequency. Also, the Conservation Commission is directed to consider eight factors when considering a project's adaptation to potential climate change impacts.

In conclusion, Massachusetts cities and towns are not waiting for the state or federal governments to begin enacting laws to help build climate change resilience in their communities but are turning to their own wetland regulations.

—Nathaniel Stevens is a Senior Associate at McGregor & Legere, P.C. in Boston where his practice focuses on land use and environmental law and related litigation. He is also the Chair of the Town of Arlington Conservation Commission.

See page 12 for more information.

Building Resilience to Climate Change Impacts vs. Historic Preservation: A Coming Storm?

by Arnold N. Robinson, AICP

Climate change is impacting Massachusetts communities in the form of increased temperatures, more intense precipitation events, riverine flooding, sea level rise and other measurable ways. These impacts are motivating citizens, elected officials and planners to physically adapt their buildings, infrastructure and whole communities in order to make them more resilient. Most of the cities and towns in the Commonwealth have historic resources which are integral to their physical character, economy and sense of psychological self-worth. These historic assets are protected by a range of regulations adopted over time to prevent inappropriate change which, in their current form, are in often conflict with the coming demand for increased resiliency in the face of climate change impacts.

For most citizens, elected officials and planners, climate change was an abstract prediction but over the past decade more and more Massachusetts citizens have had direct experiences with these impacts and are aware that scientifically-credible forecasts tell us that these events will continue to occur with more frequency and more intensity. These experiences and forecasts are motivating Massachusetts property owners (private residential, corporate, not-for-profit, and governmental) to make their assets more durable. The demand for physical change (and applications for regulatory approvals) will increase over the coming years.

Many of these properties are designated as historic; listed on the National Register of Historic Places and/or part of designated Local (40C) Historic Districts. To mitigate climate change itself and to make historic resources (individual buildings, historic districts, whole communities) more resilient, they will have to be physically and visually altered. There will be increased demand for:

- increasing energy efficiency with requests for tighter windows and doors
- increasing alternative energy production such as solar panels, wind energy turbines and geothermal systems
- mitigating the impacts of increased flooding with flow-through foundations, elevation of structures on higher foundations, and elevation of whole streets and neighborhoods

Typically, members of the historic preservation (HP) community have three distinct roles in discussions about the appropriateness of physical changes to historic resources:

1) as owners
2) as regulators such as local historic district, state historic preservation office (SHPO) and the National Park Service (NPS), and
3) as advocates such as nonprofit organizations on the local, state, regional and national levels

As currently configured, how well is the HP community prepared to respond to the increasing demand by property owners to physically alter historic resources in order to make them more resilient to climate change impacts? From the cases seen so far, it appears that the HP community is not ready for the coming "tidal wave" of applications for approval in any way. Preservation decision-making is determined by underlying philosophies and HP has been divided since the mid-19th century between strict conservationists who permit as few alterations as possible and progressives who actively welcome "appropriate" changes over time.

In the U.S. the first HDCs were created in Charleston, New Orleans, Beacon Hill and Nantucket, and they set their own design guidelines. Following the passage of the National Historic Preservation Act in 1966, preservationists sought more consistent rules and regulations. The Secretary of Interior's Standards for Rehabilitation (the Standards) were established in 1975 to guide review and decision-making on the appropriateness of physical change by federal/state agencies, and have since become broadly accepted across the field.

While the Standards have provided consistency to preservation decision-making, they are necessarily broad which has frequently allowed agencies and HP advocates to interpret them in different ways. In some quarters the Standards are used to allow new materials in rehabilitation, while others interpret them more strictly,

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even going so far as to mandating a pre-determined palette of exterior paint colors. Given this inconsistency in the HP field, how will preservationists apply the Standards when faced with the necessarily drastic requests for alterations in order to make historic resources more resilient in the face of climate change impacts?

Consider the following example: Property owners in an historic waterfront neighborhood are applying to their local HDC to demolish existing low brick foundations and to elevate their homes on new foundations that are five feet higher than the original in order to comply with insurance requirements. In some communities this is approved by the HDC and applauded as increasing long-term resilience. In other communities, the HDC rejects the application because it will destroy the uniform scale of the existing streetscape. Which community is right?

By its very nature, preservation is conservative and seeks to avoid change. As currently configured, most HP regulations, advocacy organization positions, and underlying philosophies are not prepared to meet massive demands for changes to historic resources by owners who fear climate change impacts. The HP community must rethink its philosophy in the face of climate impact-driven alterations to historic resources.

I believe that the solution may be in our hands already: the broad nature of the Standards can provide the philosophical room for preservationists to re-examine how they (and their agencies and organizations) reinterpret the Standards in the context of climate change through a simple question: "Are we now preserving historic resources for a 10-year horizon or 100-year horizon?" Convening HP leaders to hold this critical discussion, make decisions and create new regulations and guidelines cannot be delayed: the increased demands for changes by property owners are coming. We can either make our decisions now to alter our historic resources to become more resilient or nature will alter them for us with its own immense powers.

– Arnold Robinson, AICP is Regional Director of Planning for Fuss & O'Neill. He holds his MA in Historic Preservation from BU and has been leading projects in rehabilitation, redevelopment, urban design and community planning for 30 years. He can be reached at arobinson@fando.com.

Planner's Therapy Session

Planners unite at the Cambridge Brewing Company on July 24th for some therapy, networking and socializing.

Photos by Angela Cleveland

Recreational Marijuana in Massachusetts (Part 2): Interview with Lisa Mead of Mead, Talerman & Costa, LLC

Interview by James S. Kupfer, MPA, AICP

Permitting

Have you developed land use decision standards and/or conditions that could assist planners in managing impacts stemming from recreational marijuana facilities such as traffic, noise, and odor?

Yes. As noted previously, special permit criteria addressing each of these issues is an important part of any bylaw. Each decision should separately set forth each criterion and state in detail how the applicant will meet each criterion. Similarly, specific conditions should be included, the failure of which will result in no occupancy permit being issued, or after opening, a cease and desist being issued. For example, a decision for a retail operation may require the imposition of a condition that customers arrive by appointment only or require additional off-site parking. Conversely, a manufacturing facility may be required to enhance their odor control or have closed loop HVAC systems.

Have you seen ways to develop mitigation actions to address the impacts this use may create?

Special Permit decisions may include a condition requiring the applicant to pay for necessary police details to deal with traffic impacts. Additionally, the decision could require that a fund be established, which is funded up-front, to pay for these costs. Similarly, for manufacturing facilities, a mitigation fund can be established to undertake odor testing once the operation is up and running and at various intervals. The fund could be used for both testing and potential mitigation.

What are some ways Boards can become more knowledgeable on the realities of recreational marijuana?

Planners may want to regularly update boards on the activities of the Cannabis Control Commission or any {precedent setting} cases on the subject. It might be helpful to have any license holder provide regular updates to the Town as well. For example, the license holder could report the number of customers, the revenue received by the Town from the Host Community Agreement, production output or number of vendors.

Anything else you would like to share with practicing planners and communities about permitting recreational marijuana?

This is not yet an exact science. A community should not be reticent to change a bylaw that is not working. Further, from an enforcement point of view, a license in addition to a special permit will provide a community with several avenues to monitor license holder(s).

Post-Occupancy

From a land use perspective, traffic and safety concerns have been the most prominent issues focused around the retail aspect of marijuana to date. What have you seen from the industry as well as the communities to address these issues?

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– James Kupfer, MPA, AICP is the Town Planner for the Town of Bellingham, and can be reached at jkupfer@bellinghamma.org.

Implementing conditions which can control traffic, such as visit by appointment, only imposed traffic control systems and alternative parking requirements, work the best. The applicant can be required to provide public announcements about the hours of operation and how best to visit the facility. Again, including a condition that can be revisited should the conditions not work as proposed, is very important.

Odor and noise from HVAC systems have been the most prominent issues concerning cultivation facilities. Yet, most towns don't have the necessary equipment or expertise to routinely handle odor and noise complaints. If continued complaints persist how would you recommend towns address these concerns?

There are several ways to address this issue. First, the municipality should consider having the Board of Health adopt regulations and standards around noise and odor. If the municipality does not have those regulations in place, the Board of Health can rely on the Department of Environmental Protection ("DEP") standards for noise and enlist the assistance of the DEP in enforcing the noise standard. Odor is a more difficult issue to enforce. In addition to the regulations noted above, any permits issued can include a condition that odors emanating from the facility may not exceed a "reasonable person standard" from a certain distance from the property line. If the municipality were to adopt an odor or nuisance regulation, the regulation could be enforced against existing facilities, provided the regulation fell under the authority of the Board of Health.

Planners often look to engineers for insight regarding stormwater impacts or to lawyers for case law. Is there an industry that can assist planners in understanding common concerns and assist in the review of applications for this use?

As with most emerging areas of the law or land use development, planners are going to need to gain experience. Similar to both wind turbines and solar facilities, the longer they exist, the more we learn. Municipalities should not be averse to adopting amendments to zoning bylaws, general bylaws or regulations in order to address emerging concerns and to capitalize on after-acquired experience.

Anything else you would like to share with practicing planners and communities about post occupancy recreational marijuana?

As with any new area of land use planning, the more extensive the work at that outset, the better the result. Open lines of communication between the planning staff, Board of Selectmen or Mayor's office and the Board of Health will be sure to result in a better and consistent regulatory scheme for your municipality. Finally, be sure to communicate with fellow planners and municipal officials, a combined effort will likely result in a more comprehensive and effective governing system.

Resources

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"Odor Control Plan Template – Marijuana Cultivation." City and County of Denver Department of Environmental Health, Accessed April 2, 2019, https://tinyurl.com/y6xyx9tc

"Summary of Equity Provisions. "Cannabis Control Commission, Commonwealth of Massachusetts, Accessed March 29, 2019, https://tinyurl.com/y45qbpa8

Wallack, Todd. "More Testing of Limits on Pot Shop Ownership." *Boston Globe*. April 3, 2019.

Knick v. Township of Scott: The Supreme Court Opens the Courthouse Door

by Dwight Merriam, Esq.

On June 21st, the U.S Supreme Court in *Knick v. Township of Scott* overruled the 34-year-old precedent of *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, eliminating the second prong of the "ripeness test," the requirement that those claiming a taking must first pursue compensation in the state courts before their claim is ripe for consideration by the federal court. This is a significant procedural change that will likely result in more claims of inverse condemnation covering a wider field of regulation.

However, the tests for a taking remain unchanged, and the first prong of Williamson County, requiring a final determination by the government before a property owner can claim a taking, remains intact. That means in most cases a developer will still have to reapply for something less or seek variances or even a zoning amendment to be able to demonstrate that the government has reached a final decision. Without that, no court can determine if there was a taking in the first instance (the planning board denied 20 lots, but later approved a profitable 10 lots) and what the damages are, if there was a taking (the number of lots approved rendered the property valueless).

> "Governments need not fear that our holding will lead federal courts to invalidate their regulations as unconstitutional. As long as just compensation remedies are available—as they have been for nearly 150 years—injunctive relief will be foreclosed."
>
> *— Chief Justice Roberts, writing for the majority*

Distilled to its essence, *Knick* decided that the point in time at which a taking occurs is when the government's action takes effect, not some later time when state courts have acted on a claim for compensation as *Williamson* County had held. It was as simple and remarkably impactful as that. It puts takings cases in the same position as all the other constitutional claims, like free speech sign cases, that have always been able to go directly into federal court with no requirement to seek relief in the state courts first.

Rose Mary Knick lives in her single-family home in Scott Township, Pennsylvania on a 90-acre farm, where she keeps horses and other farm animals. There is a small graveyard on her farm where it is believed that the ancestors of some of Knick's neighbors may be buried. Such family cemeteries are fairly common in Pennsylvania, where "backyard burials" have long been permitted.

Scott Township enacted a local law in December 2012, directing that "[a]ll cemeteries…be kept open and accessible to the general public during daylight hours." The ordinance defined a "cemetery" as "[a] place or area of ground, whether contained on private or public property, which has been set apart for or otherwise utilized as a burial place for deceased human beings." The Township's "code enforcement" officers were authorized under the law to go on private properties to determine if they had cemeteries.

A code enforcement officer identified graves on Knick's property and told her she was violating the ordinance by not having her property open to the pubic during the day. Knick sued in state court for a taking and lost and then the federal courts wouldn't hear her case because she hadn't fully pursued her claim for compensation in the state courts. The U.S. Supreme Court agreed to hear her appeal.

The decision was 5-4, with Chief Justice Roberts writing for the majority, which included Thomas, Alito, Gorsuch, and Kavanaugh.

The Court held that a takings claim is "ripe" at the very moment government takes it by overregulation or physical invasion:

> We now conclude that the state-litigation requirement imposes an unjustifiable burden on takings plaintiffs, conflicts with the rest of our takings jurisprudence, and must be overruled. A property owner has an actionable Fifth Amendment takings claim when the government takes his property without paying for it.

Justice Kagan in her dissenting opinion, joined in by Ginsburg, Breyer, and Sotomayor, argues against the majority's decision, saying it should not overrule precedent and that the federal courts will now be flooded with local zoning problems.

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Beyond an increase in the number of takings claims brought, the range of governmental activities claimed to effect a taking, and the difficulty federal courts may have as to pendant jurisdiction and abstention with regard to resolving state and local issues, the practical effect of *Knick* is hard to figure at this early date. Because the tests for a taking remain unchanged, the somewhat glib, but perhaps accurate, guess is that all *Knick* will prove to be is an opportunity for property owners to lose their takings cases more quickly in federal court. And, of course, *Knick* does not require going to federal court. Indeed, many plaintiffs may choose the state court forum regardless, with the hope that they will get better treatment there.

A plus for government is the *Knick* Court's view that the availability of compensation preludes an injunction to invalidate a regulation: "Governments need not fear that our holding will lead federal courts to invalidate their regulations as unconstitutional. As long as just compensation remedies are available—as they have been for nearly 150 years—injunctive relief will be foreclosed."

Knick will encourage the greater use of 42 U.S.C. §1983 and the threat of successful plaintiffs recovering their attorney's fees under §1988. This threat may have a chilling effect on local government initiatives at the cutting edge where the defensibility of public regulation has been untested.

When sued for a taking, local governments will want to consider moving quickly to mediation to settle the claims to avoid the running up of legal expenses by the plaintiffs who will later claim them if they win.

When sued for a taking, local governments will want to consider moving quickly to mediation to settle the claims to avoid the running up of legal expenses by the plaintiffs who will later claim them if they win.

A simple solution in the *Knick* case would have been for the town to buy the easement or take it by eminent domain. The cost would have been miniscule compared to the litigation.

Another alternative is to incentivize the voluntary dedication, in this case, of an access easement, by providing some type of relief from development restrictions, such as a density bonus, or by providing tax relief.

— Dwight Merriam, FAICP, is Past President of AICP and a lawyer in Simsbury, Connecticut, also admitted in Massachusetts. See www.dwightmerriam.com.

SNEAPA 2019 — Springfield, MA

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Dr. Suess Museum & Lyman Wood Museum in Springfield. Photo credits: City of Springfield, Office of Planning & Economic Development

SNEAPA 2019 in beautiful Springfield is fast approaching! Join the APA-MA, CCAPA, and RIAPA for our annual two-day conference at the MassMutual Center on October 17-18! Stay tuned for the program and online registration! Both will be available at the end of August.

Book your hotel room now! SNEAPA has partnered with the Tower Square Hotel to offer a discounted $135 nightly rate for conference attendees staying in Springfield Wednesday and/or Thursday night. www.sneapa.org/plan-your-visit/hotel-information.

This year's reception will be at the Springfield Museums. We'll be hosted by the Museum of Springfield History with Gee Bee historic airplanes above and Springfield-made automobiles on display. We'll have access to the museum's exhibits, including the largest collection of Indian motorcycles and memorabilia in the world! The museum's collections also include a 1899 Knox, a 1901 Crestmobile, and both a 1925 and 1928 Rolls-Royce Roadster.

Other notable exhibits are the Downtown Retail Gallery and Made in the Valley Exhibit, which boasts products from Milton Bradley, Merriam-Webster, W.F. Young Company, Breck Shampoo, and other local companies whose products were nationally-known. In addition to housing the City's archives, the museum has an exhibit on John Brown, Abraham Lincoln, and the Civil War.

SNEAPA 2019 will have the first Fast and Funny SNEAPA session! Modeled after the widely-popular NPC track, the SNEAPA Committee is excited to offer a variety of five- to ten-minute presentations designed to entertain and inform attendees. These presentations are focused on a specific project, planning passion, short story, or visual essay.

Want to help support SNEAPA? Sign up to be a sponsor or exhibitor today! See www.sneapa.org/sponsor/sponsorship-advertising-and-exhibitor-guide.

The Public Education & Outreach Responsibility of the MS4 Permit

by Erin Wortman, Director of Planning & Community Development, Town of Stoneham

Planning should be people-focused. It is our responsibility as planners to take highly technical, often complex topics and translate it into approachable subjects that all are able to understand. One such topic is the importance in our part to reduce polluted runoff and keep our lakes, rivers, and streams healthy and clean. Jointly issued by the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) under the Federal Clean Water Act, the Municipal Separate Storm Sewer System (MS4) General Permit is a requirement for most cities and towns in Massachusetts to operate municipal stormwater systems. With more than two hundred Massachusetts municipalities discharging stormwater under the MS4 permit, this five-year permit requires towns and cities to meet six minimum control measures in order to be within compliance.

The updated MS4 Permit for Massachusetts builds on the requirements of the 2003 permit. It has the same six "minimum control measures" as the previous update but with more detailed and thorough requirements. One of the controls is Public Education and Outreach and this is where there is an opportunity to intersect community engagement and the topic of stormwater management. The expectation of this control measure is that the four audiences—residents, business/commercial, industry, and developers—receive two messages over five years with the goal of increasing knowledge and ultimately changing behavior of the public. It's critical that communities craft their content in a way that explain the why this is so important while reducing pollutants in our stormwater. Although EPA and MassDEP adopted the Permit in 2003, some municipalities still have not yet adopted legally enforceable mechanisms nor addressed those six minimum control measures. All municipalities should review their existing ordinances, bylaws, and regulations to determine if additional actions or updates are necessary to comply with the MS4 Permit.

There is technical assistance for those communities in need. The Clean Water State Revolving Fund (CWSRF) program as well as MassDEP have resources available to help each community with compliance. Additionally, Think Blue Massachusetts, run by the Massachusetts Statewide Municipal Stormwater Coalition, is a statewide educational campaign to help communities meet MS4 requirement. Visit www.thinkbluemassachusetts.org for more information.

Planner Spotlight: Joanne Frascella, AICP

Interview by Allan Hodges

CURRENT TITLE: Retired—Formerly Senior Supervising Planner at WSP (formerly Parsons Brinckerhoff), Boston

BACKGROUND: I grew up in New Haven, CT and graduated from Wheaton College in Norton, MA with a BA in Urban Studies and Hunter College (City University of New York) in NYC with a Masters in Urban Planning.

Prior to Hunter, I worked for the Southwest Corridor Project, which replanned the use of land previously taken for the extension of I-95 into downtown Boston. This was an exciting opportunity to work with planning professionals and experience intensive neighborhood planning. Then I decided to pursue a career in planning.

After graduating from Hunter, I returned to the Boston area and worked for PACE, a woman-owned planning and economic development firm in Cambridge, MA. and The Architects Collaborative (TAC) in Cambridge, MA. where I had opportunities to work on national and international planning projects,

After TAC, I worked at Sverdrup, which merged with Jacobs, and then Parsons Brinckerhoff, (PB) which became WSP in 2016.

We worked together for 14 years at PB. What was your most satisfying project and why?

I have great memories of working on the Honolulu High Capacity Transit Project with you! Parsons Brinckerhoff was the Program Manager and we were involved in the early stages of planning for a new urban rail transit system for the island of O'ahu. When completed, the 20-mile project will link downtown Honolulu with the new community of Kapolei in West O'ahu helping to reduce growing traffic congestion. We helped prepare the land use analysis for the Federal Transit Administration New Starts application and the Environmental Impact Statement. We also assessed alternative locations for more than 20 stations and the potential for transit oriented development. I loved Hawaii and the Hawaiian culture and have traveled back to Hawaii several times with my husband, Bob.

What important skills did you learn in planning school that you used on the job? Or, did you have to learn new skills on the job (especially in an engineering environment)? Did the planning education help you adapt to new real world challenges like making a profit as a consultant?

I learned many planning skills in graduate school, but really learned how to apply them on the job. On the job I learned to work as part of a team with clients, build relationships, market planning services, and manage projects. I learned new skills on every project, building on past experience, integrating new technologies, and refining approaches.

What was your major accomplishment that you are most proud?

I was very pleased to have had a role in the Route 34 Downtown Crossing Project in New Haven, CT, especially since I grew up in the city. The Project planned the reuse of the Route 34 highway stub reconnecting neighborhoods divided by the highway and creating new development parcels downtown. In addition to serving as proposal manager, I helped launch the project as Deputy Project Manager and Public Involvement Lead. I also served as the consultant lead for the City's TIGER Grant application, which secured federal funding for the project.

You worked extensively in public engagement for major infrastructure projects. What methods worked the best?

The teams I led worked closely with our clients to understand their needs and the needs of their constituents and to develop new and innovative approaches. Many of the programs we helped create incorporated websites, social media, online surveys, and email communications. When needed, we added branding, graphics, and visualization tools to enhance our public engagement services.

How was your experience being a woman planner in a traditionally male-dominated engineering world, even though there are now more women engineers than ever?

Early in my career, I was often the only woman on a project team or in attendance at a meeting, as well as the youngest, which was always a bit intimidating. As I gained more experience and more confidence, I took on increasing levels of responsibility and moved into leadership roles. Over the years, more and more women joined the field and our participation at all levels has become common and expected. I can look back to the beginning of my career and remember how few women were in leadership roles. Now with more women in the field there are more opportunities for women than ever before.

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American Planning Association
Massachusetts Chapter

2019 APA-MA Annual Awards – Nominations Open!

It is time again to recognize and celebrate recent planning success stories and those who make a difference in the planning profession. The American Planning Association – Massachusetts Chapter (APA-MA) is pleased to announce its **2019 APA-MA Awards Program**. The APA-MA awards program is co-sponsored by the Massachusetts Association of Planning Directors (MAPD). Each year APA-MA and MAPD acknowledge planners and their work through its awards program. The program is designed to recognize an outstanding planning project, special person, or organization for a significant contribution to the field of planning. This year nominations are being solicited for the following awards:

OUTSTANDING PLANNING AWARDS
Comprehensive Planning
Planning Project
Transportation & Mobility Planning
Sustainability & Resiliency
Social Advocacy
Student Project
Journalism & Communications

DISTINGUISHED LEADERSHIP/SERVICE
Community of the Year
Professional Planner
Faye Siegfriedt
Elected official of the Year
Citizen Planner
Distinguished Service
Emerging/Rising Planer

The APA-MA awards program is open to any individual or planning project in the Commonwealth. Except for the Professional Planner Award, membership in APA and/or the Massachusetts Chapter is not required.

Nominations for the Elected Official of the Year Award are due by Sunday, September 29th; nominations for all other awards are due by Sunday, October 27th. Further information, including the awards categories and criteria, eligibility requirements, submission instructions, and a link to the nomination form, is available on the Chapter's website at APA-MA.org.

Awards will be presented at the **APA-MA/MAPD Holiday Luncheon on Friday, December 13, 2019** at Breed Memorial Hall, Tufts University in Medford — **save the date**!

Please contact Brian Currie, Chapter Manager, at communications@apa-ma.org with any questions regarding the awards program.

Planner Spotlight *cont'd*

Women have the opportunity now to support each others' professional interests and growth.

Now that you are retired, what would be your career-planning advice for young planners just starting out?

Young planners today have many opportunities in this great economy so I suggest looking to align personal strengths and interests in emerging fields, such as sustainability/climate change, and areas of ongoing concern, such as affordable housing and transportation. These fields will continue to be growth areas for planning and the experience you gain now will help position you for future opportunities. Engaging with other planners is a great way to stay current and develop relationships.

– Interviewer Allan Hodges retired in 2014 following a 50-year career in planning, the last 34 years of which were with Parsons Brinckerhoff (now WSP) as Director of Planning in urban planning and environmental impact analysis.

NEWS FROM MAPD

Happy almost-fall! Hope you all had a terrific summer with a little time away from the hustle and bustle of the office. MAPD is gearing up on many fronts for another productive year of programming, networking, and legislative advocacy.

Some late breaking news…MAPD's new website has launched into space—well, cyberspace anyway! So update those bookmarks in your browser, both on your desktop and your mobile device, with the following URL: www.massplanning.org. Kindly note that we are still in the process of populating the website with content. If you have any suggestions to make our site even snappier, by all means let us know.

Now for a quick housekeeping reminder: it is time to renew MAPD membership dues for 2019-2020. Why renew or join? A $90 membership fee covers all Lunch' n Learn workshops and gives you a discounted annual conference registration fee. Download the Dues Form for payment instructions at www.massplanning.org/membership, and if you are an existing member, keep your eyes peeled for an MAPD renewal postcard. For membership questions, please contact MAPD Treasurer ,Amanda Loomis, at almoomisMAPD@gmail.com.

And finally, on the legislative front, MAPD and APA-MA have filed three pieces of legislation relative to Zoning Reform: **H. 1802: An Act Regarding Mandatory Land Use Board Training; H. 1764: An Act Relative to Voting Thresholds; and H. 1289: An Act Facilitating Site Plan Review**. On the front page of the MAPD website you can find a summary of each of these pieces of legislation. Over the past six months, APA-MA and MAPD's legislative teams have provided in-person and written testimony, met with key legislators and their staff, and met with key stakeholders, and we look forward to continuing this momentum in year two of this legislative session.

As always, please feel free to reach out to me at kjohnson99@gmail.com with any questions.

Sincerely,

Kristina Johnson, AICP
MAPD President

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.

Wanted: Great Webinar Ideas!
Have you seen (or made) a great planning presentation recently? APA-MA is seeking ideas to submit to the 2019 Planning Webcast Series. Or, is there a topic you'd like to see a presentation on? Send your ideas to me! Presenters can participate from the comfort of your own desk. The webcasts take place on Fridays at 1:00 p.m. and are typically 90 minutes.

See the Webcast Series website for the schedule of webcasts to earn your free AICP CM Credits! Stay tuned for a webinar on the new APA Housing Policy Guide to be presented by APA-MA members later this fall.

Save Money on the AICP Exam Fee!
APA-MA may have access to 1 or 2 scholarships available for the AICP Exam Fee for eligible candidates taking the exam this November. Please contact me if you're eligible and interested in getting a break on the exam. Find information on the APA-MA website. Names are due to me by September 25, 2019.

Certify your earned AICP CM Credits
The grace period for the 2017-18 AICP CM reporting period closed in the spring, but have you closed out your CM log? To begin recording credits for the next logging period you must certify and sign-off on your 2017-18 CM credits in your CM Log at www.planning.org.

— Darlene Wynne, AICP can be reached at pdo@apa-ma.org.