LOOKING AT THE VINEYARD
WITH AN EYE TO THE FUTURE

# SMART GROWTH: Where Should We Put Coming Development?

## FORUM PROCEEDINGS

**Held on Wednesday, May 19, 2004**
**Mansion House, Vineyard Haven**

In celebration of its 30th anniversary, the Martha's Vineyard Commission produced "Looking At The Vineyard With An Eye To The Future" with the cooperation of the All-Island Selectmen and funding from the Edey Foundation. The Commission also thanks the Vineyard Open Land Foundation for permission to use "Looking at the Vineyard", the title of its landmark 1973 planning document. The Organizing Committee included Judy Crawford (Moderator), Linda Dewitt (Commissioner), Mark London (MVC Executive Director; co-producer of this forum), Katherine Newman (Commissioner), Megan Ottens-Sargent (Commissioner), and Linda Sibley (Commissioner); co-producer of this forum). These proceedings were prepared by Judy Crawford and edited by Jo-Ann Taylor. Thanks to Christine Rose and MVTV for videotaping and broadcast of this production.

"Smart Growth: Where Should We Put Coming Development", was the first forum of the highly successful series. Approximately 70 interested Islanders gathered at the Mansion House in Vineyard Haven on Wednesday, May 19, 2004, to hear about issues surrounding planning for growth on the Vineyard.

*Panelists Matthew J. Kiefer, Tom Chase, moderator Mark London, John Abrams, and Michael Dutton*

The forum, moderated by Mark London, was made up of the following elements:

- Keynote speaker Matt Kiefer, Partner in the Boston law firm of Goulston and Storrs, specializing in real estate development and land use law
- Panel discussion with:
  - Tom Chase, Eastern Massachusetts Director of The Nature Conservancy
  - John Abrams, President of South Mountain Company
  - Michael Dutton, Lawyer and Oak Bluffs Selectman
- A question and answer period.

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DVDs of all forums and written summaries of the proceedings are available in all Vineyard libraries or from the Martha's Vineyard Commission; proceedings are available on the Commission's website at www.mvcommission.org.

# 1. Achieving Smart Growth on Martha's Vineyard – Matt Kiefer

*The keynote speaker was Matthew J. Kiefer, who practices real estate development and land use law in Boston, MA. He teaches in the Urban Planning Program at the Harvard Graduate School of Design, is the author of numerous articles on real estate and land use law and policy, and has spoken widely at and participated in seminars, conferences and charettes on land use topics. He is active in historic preservation, public open space, land use planning, design and policy. Mr. Kiefer is a Board President of Historic Boston and Treasurer of the Emerald Necklace Conservancy. He was also involved in planning the co-housing project in West Tisbury.*

Matt Kiefer began his presentation by explaining that Smart Growth is viewed as a more intelligent way to manage development than traditional forms of managing growth. It favors concentrating development in compact, mixed-use, pedestrian-friendly neighborhoods rather than allowing sprawl to occur across rural and other environmentally sensitive land.

The debate over sprawl vs. Smart Growth has now broken out of land use circles into a much broader community dialogue.

Sprawl began with the beginning of suburbanization in the early part of the 20th century.

Characteristics of Sprawl

- Dispersed development, scattered at the fringe of existing development, thereby requiring new infrastructure.
- Segregated land use, e.g. single-family residential subdivisions, commercial strips, and office areas.
- Generally low density
- Automobile-oriented
- Often aesthetically unpleasing

Consequences of Sprawl

- Land consumption
- Loss of farm land
- Loss of wildlife habitat
- Loss of sensitive ecosystems

- Loss of scenic vistas and open space, which gets used at a rate which exceeds that needed to satisfy requirements

Once sprawl has occurred, more autos are needed to get around to the expanded area. There are often public health and environmental effects, such as increased energy consumption, dangerous air and water emissions, obesity and other negative health effects, and even climate change.

Social effects are harder to quantify. Sprawl has been accused of contributing to the erosion of community, with sprawl seen as eroding social capital.

Many of the effects of sprawl are hard to quantify and even harder to address. Solving the problem involves a lot of diffuse, small, incremental effects. We all contribute to the problem of sprawl, not just industry, so solving the problem presents unique challenges for all of us.

Causes of Sprawl

- Technological changes in transportation and communications, which have reduced the importance of physical proximity.
- Voter preferences and American values of mobility, land ownership, privacy, and freedom of choice
- "Light handed" governmental policy with respect to land use

In hindsight, we have learned that sprawl is the natural consequence of unregulated land use, aided by benign governmental neglect, advancing technology and almost excessive societal prosperity.

We are now clear that we must act to reverse the trend toward the unrestrained growth we know as sprawl.

One can understand Smart Growth best by understanding how it differs from sprawl. Unlike sprawl, which is an after-the-fact description of a phenomenon, Smart Growth is a movement, a <u>set of strategies that can be designed and enacted</u>. It is difficult for us to define, although not hard to describe. Its characteristics are the reverse of those associated with sprawl.

Characteristics of Smart Growth

- Preservation of open space, agricultural land and natural landscapes
- More compact, pedestrian-friendly development
- Mixed use of land to avoid excessive driving
- Investment in alternative modes of transportation not dependent on the automobile
- Resource-efficient use of energy, materials and land
- Affordable housing

The Smart Growth movement has proven very effective. The name itself acknowledges that growth is inevitable. Smart Growth is not so much a paradigm shift as a different way of thinking about growth options along a development continuum that begins with land/resource inefficiencies and eroding community life at one end, and public health, the quality of community life and the efficient use of land/resources at the other end.

The objective of Smart Growth is to move along the continuum in a way that minimizes the negative impacts and maximizes the benefits.

With this background behind him, Matt Kiefer then described the need for communities to move ahead on the Smart Growth continuum. National government can have some effect. State government has more. However, it is at the local level that the most can be done to regulate sprawl and change behavior patterns.

Yet many Americans are not willing to make the sacrifices needed for real change to occur. While there is some role that market forces and consumer preferences can play in changing behavior patterns, the effort has to be led by government.

The most effective impacts in the Smart Growth movement are made at the lowest levels of government. The role of the Federal government is mostly limited to setting standards and providing funds to local and state entities so they can implement programs. However, in an environment where voters support the notion that government can address the problem of sprawl, state and local governments have several important tools with which to do so. The government has three basic tools: regulation, taxation, and the appropriation of money. It is these tools that can promote Smart Growth, both at the state and local level. Taxation can shape private behavior through Smart Growth-oriented tax incentives Appropriations can fund roads, utilities, schools, water lines and sewer lines, as well as provide loans in support of Smart Growth development projects. Regulation can create a favorable climate for Smart Growth projects.

While most land use regulation is established at the local level, much can be done at the state level to promote Smart Growth.

Several states have led the way by taking action that promotes Smart Growth projects at the local level. Three states offering excellent models for Smart Growth are Oregon, Minnesota and Maryland.

Oregon has taken a far-reaching approach to Smart Growth by adopting urban growth boundaries beyond which services cannot be extended, and by adopting zoning which prohibits anything other than low-density development.

In Minnesota, the Minneapolis/St. Paul area has adopted a program of revenue sharing where 40% of tax revenue goes to regional government, which, in turn, runs the transit system, sewer system, trash collection, and other services.

Maryland has adopted positive incentive-based programs, in lieu of regulating growth. Their programs involve priority-funding areas for spending and loans, a Rural Legacy Program for land conservation and tax credits for those willing to live near their place of work.

Massachusetts has adopted some incentive-based measures, but so far they have been limited to changes in public policy. Little has been drafted in the form of new laws or regulations.

Massachusetts' incentives to encourage Smart Growth include:

- The creation of the Office of Commonwealth Development, headed by Doug Foy
- The development of ten "Smart Growth Principles"
- The creation of the Historic Rehab Tax Credit, where 20 % of state income tax can be used for rehabilitation of historic properties
- The introduction of a Housing Bill in the legislature that would reward cities and towns for adopting higher density zoning districts in which towns would get $4,000 for every single-family housing unit built and $2,000 for every multi-family housing unit. Once passed, any town in the Commonwealth could apply for and adopt such a district.

Despite these initiatives, there has not been much concerted effort at the state level to pursue Smart Growth. As a result, it must fall upon local government to take the lead.

Factors That Make Adopting Smart Growth Difficult And Controversial

- Effects personal behavior
- Creates a different set of winners and losers
- Creates inequality in property values, and
- For all of these reasons, can create voter resistance.

Turning to the Vineyard, Matt Kiefer explained that we have not experienced as much sprawl as areas on the mainland. Our economy is based on the Vineyard's being a "special place". As a result, Smart Growth is more compatible with our quality of life and the behavior patterns of our residents. Also, since we are an island, we can quickly see the negative impacts of inappropriate growth and act quickly to correct them. Our inaccessibility has saved the Vineyard, at least somewhat, from many of the effects of sprawl that have been seen on the mainland.

That said, sprawl is a regional problem. This is where the Martha's Vineyard Commission can be particularly effective.

Ways the MVC Can Advance Smart Growth Plans On The Vineyard

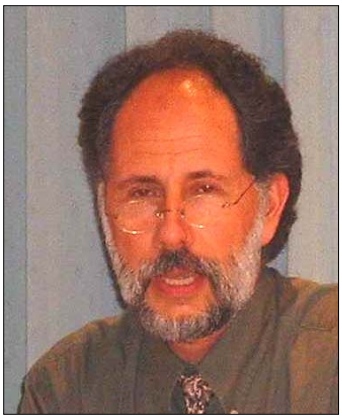
- Develop and follow a common set of Smart Growth guidelines
- Encourage and assist each town to develop and coordinate Smart Growth plans

- Assure that subdivision plans reflect these plans
- Promulgate model codes for road construction, building setbacks, etc.
- Support adoption of the Community Preservation Act, the State Rehab Tax Credit, and other Smart Growth-friendly measures
- Encourage the Land Bank to support affordable housing projects that are compatible with its mission to preserve open space.

Towns can also make decisions that encourage Smart Growth goals. Towns need to reinforce town centers through the clustering of town facilities and the careful design of their underlying infrastructure.

Matt Kiefer concluded by saying that there are no easy solutions to these complex problems. Commitment is needed to make Smart Growth happen. It is good to have bold aspirations, but patience is also needed as towns look for incremental opportunities to accomplish change.

## 2. Panel Discussion



**Tom Chase**, Eastern Massachusetts Program Director of The Nature Conservancy, spoke about the "green" infrastructure of Smart Growth. Just as development requires good planning, conservation must be equally well planned. Development is not necessarily incompatible with conservation. However, poorly planned development is always incompatible with conservation.

Two Fundamental Ecological Values Impacted By Poorly Placed Development

- Services essential to human welfare, such as clean drinking water
- Biological diversity

The single greatest threat to both these values is fragmentation of habitat into smaller and smaller parcels; otherwise know as sprawl. If we conserve biological diversity, then we are likely to preserve the human benefits we need as well.

Example: The oyster, one of our most commercially viable shellfish, grows in the Edgartown Great Pond. The Northern Harrier, a rare bird of pray whose population is predominantly restricted to Martha's Vineyard and Nantucket, lives in the upland heath land. By protecting enough land for the Harrier, we would go a long way toward protecting a viable shellfish population in the Edgartown Great Pond. This is because excessive nitrogen is the greatest threat to the oyster population. By protecting enough heath land habitat for the Harrier, we would thereby allow adequate absorption of excessive nitrogen in the watershed before it reaches the Great Pond and ultimately destroying the shellfish population. Therefore, by preserving wildlife habitat in one setting, we are actually impacting others and ultimately preserving our own.

Tom Chase concluded by saying that we need larger contiguous areas conserved on Martha's Vineyard to reach a better balance between development and conservation. We are on the verge of understanding how to identify the land that needs to be preserved. A map of the Vineyard is being developed to answer the questions, "Where are the critical preservation areas?" and "How much is enough?"

**Michael Dutton**, lawyer and Oak Bluffs Selectman, spoke about the political side of Smart Growth.

Overriding Principals That Constrain Smart Growth On The Vineyard

- The "Great American Way": our prevailing attitude that bigger is better
- People's innate resistance to change, particularly to thinking "smaller"
- Town differences regarding issues such as school funding, housing density levels

Michael Dutton concluded that, no matter what, the Vineyard is going to experience change. If we do a successful job of managing that change, if we adopt some of the Smart Growth principals that we think will work on the Island, then we will be successful. By trying to stop development altogether, we will fail.

We need regional discussions. We need to understand that small, incremental changes, such as flexible development bylaws, will accomplish a program of Smart Growth with the least amount of resistance.

*Panelists Michael Dutton and John Abrams*

**John Abrams**, President of South Mountain Company, began by asking two questions; "Why did the pattern of developing small villages come to an end?" and "How can we think about Smart Growth in a long term way?"

From early days on the Island, there had been a pattern of towns growing up in little villages. However, at some point there were no new villages added. Instead of new villages, we began to sprawl along State Road, around the Triangle and in North Tisbury. One culprit is a limited vision of zoning and what it can accomplish. We can change our zoning and encourage more small villages, looking at incremental steps to reverse the pattern.

John Abrams' second question about thinking long term, led him to urge us to set long-term goals to change our landscape, recognizing that only over a long period of time can we achieve the changes needed, taking successive, small steps along the way. We must be determined…we must be intentional if we are to prevail.

# APPENDICES

## A1 The Commonwealth's Sustainable Development Principles

**SUSTAINABLE DEVELOPMENT PRINCIPLES**

The mission of the Massachusetts Office for Commonwealth Development (OCD) is to care for the built and natural environment by promoting sustainable development through the integration of energy, environmental, housing, and transportation agencies' policies, programs and regulations.

OCD will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver living wage jobs, transit access, housing, open space, and community-serving enterprises, and be guided by a set of sustainable development principles.

**1. REDEVELOP FIRST**. Support the revitalization of community centers and neighborhoods. Encourage reuse and rehabilitation of existing infrastructure rather than the construction of new infrastructure in undeveloped areas. Give preference to redevelopment of brownfields, preservation and reuse of historic structures and rehabilitation of existing housing and schools.

**2. CONCENTRATE DEVELOPMENT**. Support development that is compact, conserves land, integrates uses, and fosters a sense of place. Create walkable districts mixing commercial, civic, cultural, educational and recreational activities with open space and housing for diverse communities.

**3. BE FAIR**. Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental justice. Make regulatory and permitting processes for development clear, transparent, cost-effective, and oriented to encourage smart growth and regional equity.

**4. RESTORE AND ENHANCE THE ENVIRONMENT**. Expand land and water conservation. Protect and restore environmentally sensitive lands, natural resources, wildlife habitats, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open space. Preserve critical habitat and biodiversity. Promote developments that respect and enhance the state's natural resources.

**5. CONSERVE NATURAL RESOURCES**. Increase our supply of renewable energy and reduce waste of water, energy and materials. Lead by example and support conservation strategies, clean power and innovative industries. Construct and promote buildings and infrastructure that use land, energy, water and materials efficiently.

**6. EXPAND HOUSING OPPORTUNITIES**. Support the construction and rehabilitation of housing to meet the needs of people of all abilities, income levels and household types. Coordinate the provision of housing with the location of jobs, transit and services. Foster the development of housing, particularly multifamily, that is compatible with a community's character and vision.

**7. PROVIDE TRANSPORTATION CHOICE**. Increase access to transportation options, in all communities, including land- and water-based public transit, bicycling, and walking. Invest strategically in transportation infrastructure to encourage smart growth. Locate new development where a variety of transportation modes can be made available.

**8. INCREASE JOB OPPORTUNITIES**. Attract businesses with good jobs to locations near housing, infrastructure, water, and transportation options. Expand access to educational and entrepreneurial opportunities. Support the growth of new and existing local businesses.

**9. FOSTER SUSTAINABLE BUSINESSES**. Strengthen sustainable natural resource-based businesses, including agriculture, forestry and fisheries. Strengthen sustainable businesses. Support economic development in industry clusters consistent with regional and local character. Maintain reliable and affordable energy sources and reduce dependence on imported fossil fuels.

**10. PLAN REGIONALLY**. Support the development and implementation of local and regional plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long-term costs and benefits to the larger Commonwealth.

For additional information, contact the Massachusetts Office for Commonwealth Development at (617) 573-1380.

## A2. Growing Smarter on the Vineyard

Matthew J. Kiefer

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*Adapted from articles in The Boston Globe and Harvard Design Magazine, this article was published in the Martha's Vineyard Times on May 13, 2004 and in the Vineyard Gazette on May 14, 2004*

C. S. Lewis, in his 1945 novel, The Great Divorce, imagined hell as a city shading into oblivion as its quarrelsome residents moved farther and farther away from one another to escape the obligations of community. As 2000 census figures show, this mordant vision is an increasingly accurate depiction of American cities. Americans are consuming land at a rate that far exceeds population growth. This sprawl is both fueled by and further entrenches dependence on autos. Registered vehicles outnumber registered voters nationwide, and total vehicle miles traveled increase every year, offsetting gains in air quality produced by emissions controls. Equally important, sprawl consumes farmland and forests, producing places with a high standard of living but a low quality of life.

As awareness of threats to ecosystems, energy efficiency, food production, community character and quality of life from undirected growth increases, the sprawl debate is spreading across the landscape, just like the phenomenon it addresses. Once confined to land use planning circles, it seems to be everywhere now: at town meetings, in daily newspapers, and in coffee lines at Starbucks. Evidence suggests that voters want the sprawl problem to be solved. According to a recent Brookings Institution study, more than 2,000 planning bills were introduced in state legislatures between 1999 and 2001, and 27 governors – more Republicans than Democrats – made specific growth management proposals in 2001 alone. Newly elected governors in several states have declared similar intentions. Polling data from the McCormack Institute, among others, demonstrate that sprawl resonates with a broad spectrum of Massachusetts voters. Governor Romney, in creating the Office of Commonwealth Development and appointing a leading environmentalist, Doug Foy, to head it, has signaled his intent to address growth control, although his record since his inauguration has been uneven.

Some definitions might be helpful. The Massachusetts Executive Office of Environmental Affairs defines sprawl as "low density, single-use development on the urban fringe that is almost totally dependent on private automobiles for transportation". The National Trust for Historic Preservation defines it as "dispersed, low-density development that is generally located at the fringe of an existing settlement and over large areas of previously rural landscape…characterized by segregated land uses and dominated by the automobile." Sprawl's defining characteristics include scattered development at the urban fringe, often leaving vacant under utilized land in the urban core; segregation of land uses; auto-oriented commercial strip development; low-density single family residential development;

poor or nonexistent rapid transit, pedestrian and bicycle infrastructure; and poor quality public spaces.

"Smart Growth" has emerged as the consensus response to sprawl. If sprawl is simply an after the fact description of a phenomenon, smart growth is a movement, an alliance of environmentalists and planners advocating a set of land use and design strategies intended to direct new development toward existing settled areas and away from agricultural and natural landscapes. The name reflects both a sensible realization that growth will occur and a desire to shape it toward positive ends.

Microsoft Encarta World Dictionary defines smart growth as "economic growth that consciously seeks to avoid wastefulness and damage to the environment and communities." Former Maryland Governor Parris Glendening, who is widely credited with popularizing the term, defines smart growth as "sensible growth that balances our need for jobs and economic development with our desire to save our natural environment." Other often-articulated smart growth goals include regional growth management and transportation planning, compact walkable communities, a mixture of land uses, preservation of significant cultural and natural resources, and reduced auto dependency. Though smart growth is often touted as a paradigm-shifting approach to development, it seems more sensible to view growth options along a continuum, from those that consume more land and resources (and, in the process, tend to undermine public health and quality of life) to those that are more land and resource efficient, and tend to promote public health and quality of life.

So what can be done about sprawl? To begin with, we must recognize that sprawl is the natural consequence of effectively unregulated growth and it will change only if voters give government a mandate to change it. In fact, the United States Supreme Court has given the states wide latitude in choosing whether or how to adopt growth controls. As with any public policy problem, sprawl should be addressed at the level of government most capable of addressing it effectively. The region – not the city or town – has become the basic spatial settlement unit, and local government can't solve regional problems. Although redirecting federal subsidies toward transit, multi-family housing and the rebuilding of urban infrastructure would help, a comprehensive top-down federal solution is both unlikely and problematic. And, in times of state budget shortfalls and continuing pressure to reduce the tax burden, creating a new regional level of government to administer growth controls is generally unpopular.

Hence the problem, when it is being addressed at all, is mostly addressed at the state level. Beginning in the 1970's, some states chose heavy-handed but effective tools such as moratoria and urban growth boundaries. Portland's urban growth boundary, administered by a regional authority, generally limits new development to land within a metropolitan boundary, which has only been expanded modestly since its adoption. Former Maryland Governor Glendenings' smart growth program (only parts of which have been continued by his successor, Bob Ehrlich) takes a more incentive-based approach. It

directs state spending for roads, sewers and schools to existing urbanized areas and provides state funding for open space acquisition, farmland preservation and Brownfields redevelopment.

So far, the Romney administration has taken this incentive-based approach, trying to align state government spending for transportation and affordable housing, and local aid for sewers and schools, with the goal of strengthening existing communities and reducing the spread of development to new areas. The Governor's commitment to smart growth seems uneven, as evidenced by his support for the "fly-over" ramp at the Sagamore Rotary, which will only subject Cape Cod to more development pressure. Environmentalists have been encouraged, however, by his recently announced Climate Protection Plan to reduce greenhouse gas emissions, mostly through reporting requirements, tax breaks, and public sector initiatives rather than through regulating private activity.

State government could go further. As a condition of receiving local aid, cities and towns could be required to produce smart growth plans – perhaps with state planning grants – that target areas for higher density, mixed-use and transit-oriented development and to form regional coalitions to coordinate growth management across municipal boundaries, as well as to amend their zoning, subdivision and building codes to accomplish smart growth goals. The Commonwealth could also adopt expedited permit reviews and more flexible substantive standards in statewide regulatory programs for projects that further smart growth goals. And it could adopt a moratorium on expanding highway capacity, directly state spending instead toward more and better transit.

It is important, however, to recognize the challenges of implementing such smart growth measures. By its nature, smart growth involves limiting individual freedom of choice – about where to live, how to commute and how to exploit the economic value of private property – to serve greater public policy goals. We do this in many other public policy areas – we long ago lost our "freedom" to discriminate, to employ child labor or to pollute waterways – but so far serious smart growth measures have only gained wide support in areas with an economy based on tourists and visitors where the protection of scenic, natural and cultural resources is inextricably linked to quality of life and economic health. Smart growth also requires existing urbanized areas to accept additional density, which is often resisted, sometimes to the point of irrationality, by existing residents.

Martha's Vineyard has several advantages in addressing sprawl. First, the island's economy and quality of life are to an unusual degree based upon its special character, which is easily compromised by insensitive development. And, because it is relatively small and self-contained, residents perceive the effects of their actions more quickly, and are more willing to make individual short-term sacrifices to preserve the island's long-term viability. As a result, the Vineyard adopted the first regional planning commission in the Commonwealth with regulatory powers over developments whose impacts cross town boundaries.

There is certainly more that Martha's Vineyard can do to become a leader in smart growth without relying on state government. Each of the towns on the Vineyard could produce their own smart growth plans, with planning assistance from the Martha's Vineyard Commission, forecasting growth and identifying areas of the town most easily able to accommodate. They could amend their zoning and subdivision codes and direct town spending toward furthering these goals. Of course, this means that some areas will become more developable, and thus more valuable, than others. It also means that existing residents in these areas will have to accept additional density. Finally, as buildable areas become more scarce, the price of property will inevitably rise, thus threatening the island's affordability. Accordingly, smart growth should be accompanied by an increased commitment to affordable housing to make sure that solving one set of problems does not worsen another.

*Matthew J. Kiefer is a land use attorney at Goulston & Storrs in Boston and teaches in the urban planning program at the Harvard Design School.*

## A3. Useful Reference Links

The following websites may be perused for further information on the Martha's Vineyard Commission's planning program; on the Commonwealth's Smart Growth Principles; a clever illustration of land in its undeveloped state, developed in accordance with conventional principles, and developed creatively with smart growth principles; and for information on Matthew Kiefer. Much useful information resides there, including many downloadable reports, and links to related sites.

Martha's Vineyard Commission and its Planning program:
mvcommission.org/planning/comprehensive

Office of Commonwealth Development:
www.mass.gov/ocd/

Commonwealth's Sustainable Development Principles:
www.mass.gov/ocd/docs/SDPrinciples_color

Illustration of cluster development compared with conventional:
www-unix.oit.umass.edu/~ruralma/Parsons.un.html

Matthew Kiefer:
www.gsd.harvard.edu/cgi-bin/faculty/details.cgi?faculty_id=775


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