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INTRODUCTION

The 2019 Citizen Planner Training Collaborative is a collaboration of citizens, nonprofits and government agencies dedicated to providing essential and advanced training to citizens involved in municipal planning and land use.

CPTC is made up of Dept. Housing and Community Development, UMass Center for Agriculture, Mass Association of Regional Planning Agencies, Mass Chapter American Planning Association, Mass Audubon, Mass Association of Planning Directors, citizen and professional planners.

Its mission is to empower land use officials to make effective and judicious decisions in the areas of development, transportation, natural resources and the environment by providing educational opportunities, access to information and resources, and by enhancing cooperation among and integration of land use boards within local government.

1. Designing for Healthy Communities: Public Health and Planning

For a neighborhood to truly thrive, it needs healthy people, a healthy environment, and a healthy economy with opportunities for all. The Massachusetts Smart Growth Alliance and the Massachusetts Department of Health are working to strengthen local neighborhoods in ways that work better for everyone – especially seniors, families, and young people ensuring the places we call home are vibrant, welcoming, and healthy.

Healthy community design is planning and designing communities that make it easier for people to live healthy lives. Healthy community design offers important benefits:

- Decreases dependence on the automobile by building homes, businesses, schools, churches and parks closer to each other so that people can more easily walk or bike between them.
- Provides opportunities for people to be physically active and socially engaged as part of their daily routine, improving the physical and mental health of its citizens.
- Allows persons, if they choose, to age in place and remain all their lives in a community that reflects their changing lifestyles and changing physical capabilities.

Healthy community design can provide many advantages:

- Promote physical activity.
- Improve air quality.
- Lower risk of injuries.
- Increase social connection and sense of community.
- Reduce contributions to climate change.

Healthy community design includes a variety of principles:

- Encourage mixed land use and greater land density to shorten distances between homes, workplaces, schools and recreation so people can walk or bike more easily to them.
- Provide good mass transit to reduce the dependence upon automobiles.
- Build good pedestrian and bicycle infrastructure, including sidewalks and bike paths that are safely removed from automobile traffic as well as good right of way laws and clear, easy-to-follow signage.
- Ensure affordable housing is available for people of all income levels.
- Create community centers where people can gather and mingle as part of their daily activities.
- Offer access to green space and parks.

The health consequences of a sedentary life style can trigger obesity and the following:

- Coronary heart disease
- Stroke
- Type 2 diabetes
- Cancer
- Hypertension
- Dyslipidemia
- Liver and Gallbladder disease
- Sleep apnea and breathing problems
- Osteoarthritis(a degeneration of cartilage and bone breaking down within a joint)

When developers come before the Planning Board for 40 B or 40 R developments, we as planners and the developer must ask ourselves to consider seriously the following three questions:

- Are we considering the health impacts of our decisions?
- Do our decisions offer healthy community design benefits?
- Are we making the healthy choice, the easy choice for all community members?

Healthy Places Web site: www.cdc.gov/healthyplaces
http://www.plan4health.us/wp-content/uploads/2015/09/healthy_community_designppt.pdf

2. Risks, Liabilities, and Opportunities: Resources for Municipal Climate Resilience

Deanna Moran is the Conservation Law Foundation's (CLF's) Director of Environmental Planning, and in this position, she is responsible for identifying and implementing cutting-edge solutions to a variety of environmental problems that lie at the intersection of planning, development, and regulation. She oversees climate resiliency activities for Southern New England and leads CLF's climate preparedness and public access initiative for Boston Harbor.

Moran addressed the legal liability risks of decision makers if they fail to prepare for climate change impacts to infrastructure as related to climate adaptation and resilience of buildings, roads, and other critical infrastructure. Her report was produced from workshops that took place in Boston and had many references to specific laws and regulations in Massachusetts, and the concepts, and themes include much of the legal background that could be applicable to other parts of the country.

She described resilience as the “capacity of social, economic, and environmental systems to cope with a hazardous event or trend or disturbance, responding sense for building resilience to the specific impacts of climate change they face.” Climate change adaptation measures may overlap with mitigation measures, and often include developing district energy and alternative energy sources; green infrastructure; flood protection systems; regulatory changes; adaptive stormwater management; land use planning strategies; infrastructure and building retrofits; and new design standards.

Moran’s report included an introduction to existing case law, with relevant examples of the types of claims that could occur if a design professional or public official failed to adequately undertake climate adaptation measures. The theories of liability as related to climate change adaptation are based on existing laws and precedent and was divided into two parts.

Part I described the legal liability of design professionals for failure to adapt - considering liability for damages under the common law torts of negligence and nuisance, and contract law, among others. For example, a contract between a design professional and another party can serve as the basis of a claim for liability if a provision related to climate preparedness (e.g., roof able to withstand a certain amount of snowfall) was not satisfied.

Part II: ‘Liability of Contractors, Developers, Realtors, And Insurance Agents’ described how contractors may be subject to liability for negligence claims and breach of contract claims. The primary vulnerability for liability can arise from either misrepresentation or failure to disclose known climate impacts to the property.

There is also the potential liability of state and local governments and government officials in that they could face claims for failing to integrate climate change adaptation into their actions. For example, local governments may be particularly vulnerable given the number of decisions they make that could influence impacts, such as flooding and erosion.

One of many examples Moran examined was the impacts of flooding from sea level rise and increased precipitation on the City of Boston’s built environment during several storms in March 2018. Along with discussing the governance challenges as related to these climate change impacts, she offered policy recommendations and governance strategies to improve resilience to increased flooding. Moran said her report was built upon the Climate Ready Boston (CRB) project that furthers flooding adaptation. For more information please go to:

<https://www.adaptationclearinghouse.org/resources/climate-adaptation-and-liability-a-legal-primer-and-workshop-summary-report.html>

Kurt Gaertner—director of Land Policy and Planning at MA Executive Office of Energy and Environmental Affairs—reported on The State Hazard Mitigation and Climate Adaptation Plan (SHMCAP) for the Commonwealth that was adopted on September 2018. This plan comprehensively integrates climate change impacts and adaptation strategies with hazard mitigation planning, also complies with current federal requirements for state hazard mitigation plans and maintains the Commonwealth’s eligibility for federal disaster recovery and hazard mitigation funding under the Stafford Act.

Gaertner talked about “Open Space Design” a process for the development of land that: (a) calculates the amount of development allowed up-front by formula; (b) requires a Conservation Analysis to identify the significant natural, cultural, and historic features of the land; (c) concentrates development, through design flexibility and reduced dimensional requirements, in order to preserve those features; and (d) permanently preserves at least [sixty] percent of the land in a natural, scenic or open condition or in agricultural, farming or forest use.

Gaertner talked about planning assistance grants: <https://www.mass.gov/service-details/planning-assistance-grants> or for more information contact Mr. Gaertner at his Email: Kurt.Gaertner@state.ma.us or Ph: 617-626-1154

3. Tools to Visualize Your Community’s Future and Make It a Reality

For over 25 years, Mass Audubon has analyzed the land use changes in Massachusetts and observed how the landscape has been transformed by new residential and commercial development in its *Losing Ground* report. This data is updated every few years and provides conservationists, town planners, and local agencies with information for planning while helping residents understand and influence changes in their communities.

While many communities across the Commonwealth have experienced challenges managing growth, eastern and southeastern Massachusetts along the Route 495 corridor have seen the fastest rates of development. The Mass Audubon’s award-winning ‘Shaping the Future of Your Community’ program is to help communities chart a more sustainable future.

Shaping the Future can help:

- Guide development in a sustainable manner;
- Update and implement community plans;
- Protect habitat, water supplies, forests, and farmland;
- Provide incentives for well-planned growth including housing and jobs;
- Preserve community character; and
- Reduce transportation, energy, and infrastructure costs.

Among the most visible and dramatic effects of climate change on the shores of Buzzards Bay is sea level rise and ocean acidification. According to the Union of Concerned Scientists, ocean waters are expected to rise between 10 inches and 2 feet by the end of the century. For access to the Tool Kits go to: <https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-state-policies-and-initiatives>

<https://www.mapc.org/learn/data/>

<https://www.mapc.org/aboutus/>

<https://datacommon.mapc.org/>

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving people who live and work in the 101 cities and towns of Metropolitan Boston. Their mission is to promote smart growth and regional collaboration. Their regional plan, Metro-Future, guides their work as they engage the public in responsible stewardship of the region's future. MAPC works toward sound municipal management, sustainable land use, protection of natural resources, efficient and affordable transportation, a diverse housing stock, public safety, economic development, clean energy, healthy communities, an informed public, and equity and opportunity among people of all backgrounds. The framework used is applicable to communities outside of greater Boston.

MAPC believes that achieving equity is paramount to the long-term economic and social well-being and sustainable future of the Metro Boston region, as well as the entire Commonwealth. In an equitable region, everyone has a chance to grow up healthy, receive a quality education, achieve economic security, and enjoy life. An equitable Metro Boston is free from discrimination that marginalizes people based on race, sex, religion, disability, national origin, immigration status, sexual orientation, gender identify, family or marital status, income military status, criminal history or age. It lifts up leaders from marginalized groups and focuses on the experiences of the disenfranchised. MAPC is committed to seeking to advance equity in the region through our organizational policies, planning projects and public policy positions.

<https://equityagenda.mapc.org/>