The Commonwealth of Massachusetts

INTERIM REPORT OF
THE SPECIAL COMMISSION
RELATIVE TO THE EFFECT OF
PRESENT GROWTH PATTERNS ON
THE QUALITY OF LIFE
IN THE COMMONWEALTH

(under Chapter 98 of
the Resolves of 1973)

July 21, 1975
The Commonwealth of Massachusetts

INTERIM REPORT

OF THE

SPECIAL COMMISSION ESTABLISHED

TO

MAKE AN INVESTIGATION AND STUDY

OF THE

EFFECTS OF GROWTH PATTERNS ON THE QUALITY

OF LIFE IN THE COMMONWEALTH

(authorized under the provisions
of Chapter 98 of Resolves of 1973 — Soc.
and Chapter 66 of Resolves of 1974 — N.R.A.)
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In the Year One Thousand Nine Hundred and Seventy-Three.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE EFFECT OF PRESENT GROWTH PATTERNS ON THE QUALITY OF LIFE IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, seven members of the house of representatives, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the effect of present growth patterns on the quality of life in the commonwealth. Said commission shall specifically, but without limiting the generality of the foregoing, consider methods to align resource use patterns with the limited supply of natural resources in the commonwealth, including a broad transformation of current values which lead to unrelieved consumerism; establishing a state demographic information center with the duty of collecting, interpreting, and distributing population information to aid cities and towns in planning for the future; establishing a settlement policy for the commonwealth based on its economic and natural resources and safeguarding the rights and needs of traditionally disenfranchised groups in the commonwealth including the urban poor of all races and nationalities, the elderly, and the young; the desirability of specific methods of community, regional, and state planning, including specific growth limitation, shared land-use responsibility, relocation possibilities, tax incentives, use of rural communities to absorb population growth or preservation of rural areas and open spaces; and the possibilities for cooperation with adjacent states with the intent of achieving the best growth patterns for the New England region.

Said commission may travel without the commonwealth, and shall report to the general court not later than September first, nineteen hundred and seventy-five.
RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EFFECT OF PRESENT GROWTH PATTERNS ON THE QUALITY OF LIFE IN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter ninety-eight of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 1156, establishing an open land reservation program for Massachusetts; and 1157, relative to the management, use, protection and development of coastal zone resources; and current house documents numbered 1047, relative to protecting water and land in certain areas of the commonwealth; 1621, providing for comprehensive land planning; 3149, providing protection from environmental damage from land development; 3374, directing the secretary of environmental affairs to prepare a comprehensive land use plan for the commonwealth; 4736, relative to regulating developments of regional impact; 5337, establishing the division of development investigation in the department of community affairs; and 5338, establishing a state land use agency and office of development assistance, and related matters.
The Commonwealth of Massachusetts

MEMBERS OF THE COMMISSION

Sen. Allan R. McKinnon, *Senate Chairman*
Sen. Michael LoPresti, Jr.
Sen. William L. Saltonstall
Rep. Robert D. Wetmore, *House Chairman*
Rep. James G. Collins
Rep. Richard H. Demers
Rep. Mary E. Fantasia
Rep. Robert W. Gillette
Laurence Branch
Adriana Gianturco
Chester Gibbs
Gerard McNeil
Josiah A. Spaulding
To the Honorable Senate and House of Representatives:

We, the undersigned, hereby submit an interim report on the results of the investigation and study authorized under the provisions of Chapter 98 of Resolves of 1973 of the effects of growth patterns on the quality of life in the Commonwealth and other related matters.

Respectfully submitted,

ALLAN R. McKINNON, Senate Chairman
WILLIAM L. SALTONSTALL
ROBERT D. WETMORE, House Chairman
ROYAL L. BOLLING, Jr.
JAMES G. COLLINS
RICHARD H. DEMERS
MARY E. FANTASIA
ROBERT W. GILLETTE
LAURENCE BRANCH
GERARD McNEIL
JOSIAH A. SPAULDING
The Legislative Commission on the Effects of Growth Patterns on the Quality of Life in the Commonwealth met and organized in June of 1974. Sen. Allan R. McKinnon of Weymouth and Rep. Robert D. Wetmore of Barre were selected Co-Chairmen of the Commission. In recognition of the broad mandate of the order creating the Commission, the Commission members decided to divide their work into three main areas of investigation: Growth Policy, Land Use and Demographic Information. A fourth area of work was also identified — an area which could commence when significant progress had been made in the other three — public education. The Commission members adopted a bylaw which established the subcommittees on Growth Policy, Land Use, Demographic Information and Public Education. Sen. William Saltonstall, Rep. Richard Demers, Prof. Laurence Branch and Rep. James Collins, respectively, were named Chairmen of the Subcommittees. The Subcommittees were directed to meet as often as necessary and to prepare reports, recommendations and proposed legislation for the full Commission. Members were appointed to the Subcommittees from a wide range of interest groups and official capacities. The Commission members felt that such significant subjects as growth policy and land use and their related data and educational concerns dare not be captive of particular interest groups — either pro-development or pro-conservation.

This Interim Report and its Recommendations are mainly the result of work by the Land Use Subcommittee, chaired by Sen. William Saltonstall. From September 1974 through March of 1975 the Land Use Subcommittee met on a bi-weekly basis to consider the strengths and weaknesses of the present land use planning and regulation system in the Commonwealth and to recommend a process to improve that system as deficiencies become apparent. The Commission Members and the Members of the Land Use Subcommittee wish especially to thank Prof. Lawrence Susskind of the Massachusetts Institute of Technology and Charles Perry, MIT, Joel Brenner, Harvard University Law School, Kate Gardner, Boston University
Law School and Ellen Wade, Suffolk Law School, for their assistance in providing background papers for Land Use Subcommittee Meetings, for drafting the substantive analysis and recommendations of this report and for providing working drafts of the Subcommittee’s legislative recommendations.

The Commission members also wish to express their thanks to the Mass. Forests and Parks Association and its Executive Director, Michael Ventresca, for staff support to the Land Use Subcommittee and for special assistance in drafting the legislation recommended by the Commission in this report.

In February of this year Gov. Michael S. Dukakis organized a new Office of State Planning within the Executive Office for Administration and Finance. This Office, according to the Governor’s testimony before the Commission, is “the state’s chief land use planning agency”. It is responsible for recommending comprehensive planning policies to the Governor and the Cabinet and for suggesting the ways in which the state’s physical development programs in such fields as housing, transportation, wastewater management and solid waste management might reflect those policies. Since the recommendations authorized by the Land Use Subcommittee address many of the administrative responsibilities of this Office, the Commission members were anxious to discuss their recommendations with Frank T. Keefe, the Director of the Office of State Planning. The Commission members wish to thank Mr. Keefe and his staff for their suggestions and for their participation in drafting the Commission’s legislative recommendations to the end that they would complement the stated policies of Governor Dukakis and the program of the Office of State Planning.

The Commission looks forward to the continued participation of the educational institutions in Massachusetts and the Office of State Planning in its work. The Commission is confident that the recommendations in this report are consistent with the comprehensive state planning process being developed by the Office of State Planning and that the Commission’s recommendations, if enacted, will encourage increased positive local participation and participation by members of the General Court in the state planning process. It is toward those increased participatory goals that the Commission presents its recommendations in this report.
SUMMARY OF THE COMMISSION’S FINDINGS AND RECOMMENDATIONS

“God keeps on making children but he has quit making land.”
Oregon philosopher

The development of a state-wide growth management and land use policy is a matter of urgent public concern. It is imperative that such a policy reflect the problems of managing growth at local and regional levels in Massachusetts and it is essential that public and private development and conservation preferences be reflected in such a state growth policy.

Any action by state or regional agencies in the land use planning area should be designed to build land use planning and growth management capabilities at the local level and to aid municipalities in working together more effectively and not to pre-empt them from acting. Land use policy in Massachusetts must be aimed at achieving a clearly defined set of economic development objectives and not just at preserving and enhancing environmental resources. There are many useful land use control mechanisms yet to be tried. It might be possible, for example, to consolidate the permit and licensing systems required of developers while at the same time strengthening local control over the scope and quality of development.

Land use planning is not just a rural or a suburban concern. Inner city land assembly and re-use problems must be addressed if our metropolitan areas are to grow and redevelop effectively. Middle level government, particularly regional planning agencies, must be given a more effective role to play in resolving land use conflicts among cities and towns and in monitoring land use decisions of more than local concern.

The Commission finds almost unanimous support for the proposition that land use decision-making ought to remain primarily a local prerogative. But substantial efforts need to be taken to build local planning and growth management capabilities. Local planning is, at present, not sufficiently linked to day-to-day decision-making. In most cities and towns the planning process is awkward and too often sealed off from effective public scrutiny.

The Commission feels that a “bottom-up” approach involving all cities and towns as well as regional agencies is the only appropriate
means of formulating an acceptable state land use and growth management policy that takes account of local needs and interests.

At the present time, the state government is engaged in numerous activities that effect land use patterns throughout the Commonwealth (i.e. wetlands, protection, zoning appeals, environmental impact review, A-95 review, air and water quality management, coastal zone management, transportation decisions, farmland assessments, tax legislation, historic district and conservation restriction approvals, health codes, etc.). All too often these activities are administered by competing agencies with little or no central policy guidance.

The Commission recommends enactment of legislation that will initiate a step-by-step process allowing cities, towns, and regional planning agencies to participate in a short-term effort to formulate a state growth management and land use policy. Each municipality should be asked to establish a Local Growth Management Committee with responsibility for preparing a Statement of Growth Management Problems and Priorities. These statements should identify local development trends and projects with regional impact as well as local areas of critical planning concern. Localities should also be asked to react to specific intergovernmental models for land management. Cities and towns should be encouraged to comment on the ways in which land use related activities of various state agencies can be coordinated more effectively. Finally, communities should be asked to describe ways of minimizing the time and cost involved in obtaining permits needed to proceed with development in areas where new growth is deemed desirable.

The Commission also recommends that regional planning commissions be asked to review these local statements and to prepare composite Regional Reports Describing Regional Growth Management Problems and Priorities. These reports should identify developments of regional impact and areas of critical planning concern from a regional point of view.

Based on these local and regional statements and reports, the Office of State Planning should be able to prepare growth policies reflecting local and regional preferences as well as state-wide concerns. Our recommendations are designed to ensure that localities and regional planning agencies are fully involved in the formulation
of state-wide growth management and land use policies. They are also meant to guarantee that the criteria used to define developments of more than local impact and areas of critical planning concern reflect local and regional preferences.

The Commission hopes, in this manner, to encourage extensive public participation in the setting of state development and conservation priorities. The preparation of local statements and regional reports should help to eliminate some of the obstacles and delays that presently hinder development activities in areas where residents desire additional growth.

The Commission's aim is to ensure that a statewide growth management and land use policy is formulated from the "bottom up", and that strong legislation protecting critical environmental resources, encouraging economic development where it is most desirable, and pulling together fragmented state and local planning activities is forthcoming as quickly as possible.
I. INTRODUCTION AND HISTORY OF
THE LEGISLATIVE COMMISSION ON THE EFFECTS
OF GROWTH PATTERNS ON THE QUALITY
OF LIFE IN THE COMMONWEALTH

How shall we organize, control, and coordinate the process
of urban development so as to protect what we most value in
the environmental, cultural and aesthetic characteristics of
the land while meeting the essential needs of the changing... population for new housing, roads, power plants, shopping
centers, parks, businesses, and industrial facilities?

On the one hand, unrestrained, piecemeal urbanization —
supported by a value system that has traditionally equated
growth with the good life — has produced too many dreary,
environmentally destructive suburbs of a single lifestyle; too
many bland, indistinct city centers; extensive mismanagement
of the earth's resources; and rising popular discontent.

On the other hand, the needs of the American population,
existing and projected, can be met only through continuing
development. (The Use of Land, Edited by William K. Reilly,
New York, pp. 13 & 14)

This searching question from the report of the National Task Force
on Land Use and Urban Growth brings into quick focus the work of
the Legislative Commission on the Effects of Growth Patterns on the
Quality of Life in the Commonwealth. Massachusetts is one of the
most densely populated states in the nation — almost seven hundred
persons per square mile — and yet it is still known across the nation
for the beauties of its natural surroundings as well as it is for its
historical settings. The main question which the members of the
Commission wished to address is: Can the delicate balance of
economic health and environmental protection continue in
Massachusetts? Many strong forces seemed to the Commission
members to be pushing the Commonwealth out of its unique and
hard-won past and into a dismal future of either terrible economic
decline or choking pollution and crowding and constant resource
shortages. A number of forces have combined to place the
Massachusetts economy in its worst condition in decades. An aging
industrial base cries out for modernization and yet a whole array of
disadvantages of location — the end of the pipeline for fuels, the end of the road for shipment of materials, the recipient of punitive rates for rail and truck — all make economic growth difficult and keep Massachusetts unemployment rate one of the highest in the nation.

Meanwhile, that development which does take place is increasingly wasteful of Massachusetts' scarcest resources: land and energy. Between 1960 and 1970 land in Eastern Massachusetts was developed at the rate of one-half acre for every new person added to the population as compared with the historical rate of only one-eighth of an acre per person. Such spread-out development means higher costs for the transportation of energy, water and wastes and higher costs for new residents as they shop and go to work. Prime agricultural land in Massachusetts — that land which could serve a variety of purposes for future residents including food production, recreation and open space — is being devoured at an extremely rapid rate. Of the two million acres available before 1945, only seven hundred thousand remain today. The availability of energy, according to one report, "... has become the Achilles heel of Southeastern New England. The region's deepening energy shortages depress the economy and threaten to eclipse environmental concerns." The Federal Power Commission predicts that the annual rate of growth in power consumption will decrease from 7.6 percent in 1971 to 4.0 percent in 2020. Yet even under those conditions, the production of power will have to increase fourfold by 1990 to meet the demand.

Confronted by this storm of disappointing circumstances, the Commission members have sought to determine if there isn't a more hopeful middle ground for the Commonwealth — a way in which private citizens and public agencies at all levels of government can cooperate to provide economic development appropriate for Massachusetts and beneficial for all its citizens in balance with a continuing respect for the Commonwealth's fragile environment. The prime focus for this effort, and thus the focus for this Interim Report of the Commission, is land.

A. The Subcommittee on Land Use

The recommendations of the Subcommittee on Land Use, chaired by Sen. William Saltonstall, suggest a procedure to arrive at the middle ground for the Commonwealth. The Subcommittee, as the majority of this report indicates, examined carefully the existing land
use planning and regulatory system in the Commonwealth and the battle for economic development and environmental preservation fought at every level of that system. As an initial step to provide a more sensible pattern of land use in the Commonwealth, the Subcommittee has proposed a process whereby Growth Committees in each municipality, regional planning agencies and the Office of State Planning can through a series of carefully worded questions identify desirable development and conservation goals at the local, regional and state levels and the interaction of those goals from various levels with one another.

B. The Growth Policy Subcommittee

Future development and conservation patterns in the Commonwealth are not solely determined by land use, however. They are rather an intricate intermix of public investment policy, regional, national and international resource supply, and local, domestic and international economies, which all find a primary means of expression through available land use tools. The Growth Policy Subcommittee, chaired by Rep. Richard Demers, has been seeking to investigate in depth the statewide, national and international policies which have caused the Commonwealth to develop in the way that it has. Once these basic policies are established, the Subcommittee has set two major tasks for itself in the future:

(1) to work with the newly established Office of State Planning to develop new statewide policies for public actions and thus for guiding both public and private development in the Commonwealth;

(2) to develop the capability, in cooperation with the Harvard Center for Population Studies and the Harvard Graduate School of Design, to analyze significant pieces of legislation for their impacts on development and conservation in the Commonwealth. This Subcommittee and the full Commission will examine the possibility of instituting a regular procedure for examining the growth impacts of major pieces of legislation much as fiscal impacts of pieces of legislation are examined by the committees on ways and means in both houses of the General Court. (This project is explained in greater detail in Section III of this report.)

The monthly meetings of the Growth Policy Subcommittee have taken Subcommittee Members through a wide array of resource and policy issues affecting development and conservation in Massachusetts. The first two meetings were used to enable
subcommittee members from various interest groups across the Commonwealth to describe what they felt were the most significant growth policy issues facing the Commonwealth in the decade ahead. As might be expected, little consensus was reached on which policies ought to have priority in the future development patterns of the Commonwealth. The third meeting of the Subcommittee considered the availability of resources on a world-wide scale (depending heavily on analysis by the Massachusetts Institute of Technology's *Limits to Growth* methodology). After the lengthy consideration of the worldwide resource constraints, group seminars were held to relate these resource considerations to policies for the Commonwealth. In subsequent meetings critical air quality, water quality and transportation decisions facing the Commonwealth were presented by the Director of the Resource Management Policy Council. A calendar of key decisions was presented and the impact of these decisions on private development was discussed.

The Growth Policy Subcommittee is seeking to continue its policy work in cooperation with the newly established Office of State Planning. By agreement between Rep. Demers and State Planning Director Frank Keefe, proposed state policies, developed by the Office of State Planning for consideration by the Governor and the Cabinet, will be presented to the members of the Growth Policy Subcommittee for their consideration and recommended changes. A regular procedure for review of OSP products by the members of the Subcommittee is being arranged.

The Subcommittee on Demographic Services, chaired by Professor Laurence Branch of the University of Massachusetts, investigated the need for demographic and other information by the various groups engaged in planning for the Commonwealth. In their report of January, 1975, to the Commission, the Subcommittee addresses three issues:

1. As of that time there was no agency or group within the Commonwealth which coordinated either information collection or dissemination. Each individual office or group operationally managed to supply their own data needs in a decentralized fashion.

2. The potential for redundant and therefore needlessly expensive data collection efforts is considerable in such a decentralized system, but the overlap was apparently minimal. The informal mechanisms which evolved in lieu of a coordinated system operated effectively,
though not efficiently.

(3) The Office of State Census as staffed and directed through December of 1974 could collect reasonably accurate information concerning total numbers of local inhabitants and legal voters to satisfy statutory requirements for reapportionment and revenue sharing, but the Office of State Census could not collect demographic information of the quality required for demographers.

The second report of the Subcommittee to the Commission outlined the need for valid and reliable data for planning purposes. This report emphasized the need to use data and systematic analysis to assess the impacts of past programs and to estimate the possible consequences of current and proposed policies.
II. RECOMMENDATIONS BY THE COMMISSION 
FOR A MASSACHUSETTS GROWTH POLICY AND 
DEVELOPMENT ACT

A. Background Information on the Work of the Land Use Sub-
Committee

On August 12, 1974, at the request of the Commission, a land use 
Subcommittee, headed by Senator William Saltonstall, was establish-
ed. This Subcommittee brought together more than fifty representa-
tives of various state agencies, regional planning bodies, local 
governments; business, industry, and labor groups, the academic 
community, environmental organizations, and interested private 
citizens. A number of legislators with deep concern about land use 
issues, including Representatives Barbara Gray, David Lane, Richard 
Dwinnell, Robert Gillette, John Ames, Mel King and Senator 
Chester Atkins attended Subcommittee meetings.

With staff support from an M.I.T. team headed by Professor 
Lawrence Susskind, the Subcommittee held fourteen meetings and 
produced a two volume set of proceedings (which includes working 
papers prepared by the staff, minutes of all meetings, and policy 
statements submitted by various organizations represented on the 
Subcommittee). The first phase of the Subcommittee's work focused 
on an analysis of the nature and causes of the key land use problems 
facing the Commonwealth. In February, 1975, the Subcommittee 
shifted its attention to potential solutions to these problems, devoting 
substantial amounts of time to legislative analysis and drafting. As a 
result of the Subcommittee's efforts a bill relating to “Local and 
Regional Participation in the formulation of a Growth Management 
and Land Use Policy for the Commonwealth” was prepared and 
discussed at length with a range of groups including both 
environmental and economic development interests.

After the first organizational meeting on August 12th, the 
Subcommittee devoted two full meetings (September 24, 1975 and 
October 7, 1974) to a general discussion of state land use problems. 
“Local land use controls” were the subject of a meeting on October 
21, 1974 while “existing statewide development controls and land use 
policies” were reviewed on November 4, 1974. The final two meetings 
in 1974 dealt with the “role of regional planning agencies and middle
level governments in land use decision-making" (November 18th) and “private economic interests and state land use policy” (December 2nd).

On February 13, 1975 the Subcommittee met to discuss “innovative land use planning and regulatory activities in other states”. A special meeting was held on February 27, 1975 at which Governor Michael Dukakis announced the creation of a new office of State Planning and outlined his idea of an appropriate state role in land use planning and growth management.

The Subcommittee met on March 13, 1975 to consider land use planning from the standpoint of those “who use the land in the production of natural resources — agriculture, forestry, and open spaces.” On March 27, 1975 the Subcommittee spent a lengthy meeting analyzing the major land use-related bills submitted to the 1975 session of the General Court.

The question of “inner city land re-use and revitalization” was the subject of a symposium hosted by the Subcommittee on April 10, 1975. Two weeks later, the Subcommittee held a working session devoted to mark-up of proposed land use legislation prepared by the staff. And on June 19th, after a presentation of the findings of the South East New England (SENE) Study on Growth Management, the Subcommittee endorsed the “Local and Regional Participation Bill.”

Meanwhile on April 29th, 1975, a steering committee representing the full commission including Representative Wetmore, Senator McKinnon, Representative Demers (Chairman, Growth Policy Subcommittee), Larry Branch (Chairman, Demographic Information Subcommittee), Senator Saltonstall (Chairman, Land Use Subcommittee), and Adriana Gianturco, acting Director of the Office of State Planning (OSP), met to consider a working draft of the Land Use Subcommittee’s bill. The steering committee expressed interest in the legislation and asked Frank Keefe (newly appointed Director of OSP) to review it, particularly in terms of its consistency with the goals of OSP and the Governor’s growth management objectives.

On May 22nd, the steering committee met with Mr. Keefe who indicated support for a joint legislative-administrative approach to the formulation of a state growth and development policy for the Commonwealth. He requested several weeks to review the bill in more detail and to make recommendations to the Governor.
On June 18, 1975, Mr. Keefe, Representative Wetmore, Senator McKinnon and Senator Saltonstall, met with Governor Dukakis to discuss the legislation and OSP's proposed revisions.

On June 25th, 1975, at the final meeting of the Land Use Subcommittee a modified draft of the bill (reflecting a number of changes suggested by the Office of State Planning) was presented to representatives of the regional planning agencies in Massachusetts. At that meeting, Mr. Keefe announced the Governor's endorsement of the basic concept underlying the bill — namely, a "bottom-up approach to local and regional participation in a state growth management and land use policy."

B. The Investigative Meetings of the Land Use Subcommittee

Seven of the Subcommittee's fourteen meetings scheduled throughout the Fall of 1974 and the Winter and Spring of 1975 were designed to surface and test the views held by various special interest groups with abiding concerns about land use and growth management issues in Massachusetts.

October 21, 1974 —

Local Land Use Controls:
Strengths and Weaknesses

A staff paper entitled, "Local Land Use Controls — Strengths and Weaknesses" was distributed to all subcommittee members prior to the meeting.

Mr. Rudolf DiLuzio presented a summary of the problems confronting local officials working on land use planning problems. He highlighted the difficulties of passing zoning changes, the lack of internal communication, the lack of communication with abutting communities, and the inadequacies of local planning boards.

Mr. Don Connors summarized the issues involved in relying on the state to mandate local planning activities. The idea of requiring the preparation of an annual planning statement from each municipality was debated.

Ms. Katherine Gardner, a member of the Subcommittee staff, reviewed the implications to the Home Rule Amendment and its impact on local planning and land use control.
The economic imperatives of central city redevelopment and rural concerns for preserving prime agricultural lands were discussed at great length and agreed to as key elements in any land use planning strategies that the Subcommittee might devise to strengthen local land use controls.

November 4, 1974 —
Existing State-Wide Development Controls and Land Use Policies

A staff paper entitled “Current Statewide Land Use Controls” was distributed to all Subcommittee members prior to the meeting.

The meeting opened with a number of presentations. Mr. Norton Nickerson described the Wetlands Protection Act (Mass. G.L. Chap. 131, Sec. 40). Mr. Frank Lee spoke about the Public Utility Siting Law. Mr. George Thompson presented a brief summary of the impact of state transportation programs on land use. Mr. Yin Ciampa of the Governor’s Resource Management Policy Council described the impact of air and water quality regulations on land use while Mr. George Brown gave an overview of RMPC’s role as coordinator for state policy. Commissioner Lewis Crampton summarized DCA’s programs and activities affecting land use policy throughout the state.

Key issues taken up in discussion revolved around the Wetlands Protection Act (as a model of state-local regulatory cooperation); the problems of coordinating the various state programs with land use impacts; an analysis of various ways of describing issues of greater than local concern; and the dilemmas of providing opportunities for citizen participation at the state level.

November 18, 1974 —
The Role of Regional Planning Agencies and Middle Level Governments in Land Use Decision-Making

A staff paper entitled, “The Role of Regional Planning Agencies and Middle Level Governments in Land Use Decision-Making” was distributed to all Subcommittee members prior to the meeting.
The meeting opened with a presentation by Mr. David Carter on the land use powers of special districts. Mr. Fred Muehl described Franklin County's attempt to create a regional land use planning body. Mr. John Henry discussed the role and activities of MAPC. Mr. Joseph Hannon presented a summary of H.5101 — 1974 Bill to Revise and Update Chapter 40B of the Massachusetts General Laws. And Mr. Alex Zeleski presented a summary of key issues surrounding the question, "should regional decision-making bodies represent an amalgamation of local interests or be an arm of the state government?"

The discussion which followed focused on three main issues: existing and proposed activities of regional planning agencies; the need for and alternative characteristics of a new regional decision-making institution; and project review versus state planning.

December 2, 1974 —
Private Economic Interests
and State Land Use Policy

The views of private economic interest groups toward the existing system of land use controls in Massachusetts were sought. Presentations were made by Mr. William McCarthy (Associated Industries of Massachusetts); Mr. Garren Bresnick (Massachusetts Home Builders Association); Mr. Robert Ruddock (Greater Boston Chamber of Commerce); and Mr. Larry Sullivan (Greater Boston Labor Council).

The discussion concentrated on the issues that ought to be addressed by a state land use policy, the impact of the State Environmental Policy Act of 1972, the impact of the existing land use control system on the home building industry and the need for a simplified permit-granting system.

There was general support for a state growth management and land use policy that would facilitate development, promote the creation of new jobs and simplify the steps in the development process. The Greater Boston Chamber of Commerce urged the creation of a new regional governmental body in the Boston area.
February 13, 1975 —
Innovative Land Use Planning
and Regulatory Activities
in other States

A staff paper entitled "State Land Use Control in Selected States" was distributed to all Subcommittee members prior to the meeting.

Mr. Dan O'Connell, former counsel to Florida Land Use Commission, described the major components of Florida's land use legislation and the conditions which led to their enactment. He emphasized that rapid in-migration with the attendant stress on the ability of localities to provide adequate public services and a severe water shortage created a crisis situation in the early 1970's. This crisis eventually led to a legislative package consisting of four inter-related acts: (1) The Florida Land and Waters Act of 1972, (2) The State Comprehensive Planning Act of 1972; (3) The Florida Water Resources Act of 1972 and (4) The Land Conservation Act of 1972.

Key issues taken up in the discussion were state vs. local or regional identification of areas of critical planning concern and developments of regional impact; criteria for the definition of such areas; centralization of the state's planning functions, and economic development as a primary component of a Massachusetts Land Use or Growth Management Policy.

March 13, 1975 —
Land Use Planning from
the Standpoint of Those Who Use Land
in the Production of Natural Resources
— Agriculture, Forestry and Mining

The meeting opened with five presentations. Mr. John Barrus of the Massachusetts Farm Bureau Federation discussed the "crisis" conditions in the agricultural industry, the irreversible effects of certain land use decisions, and the findings of the Governor's Commission on Food and the Reorganization Task Force on Agriculture and Land Use Resources. Dr. Eugene Engel, Professor of Agricultural Economics at the University of Massachusetts discussed
the economic significance of Massachusetts agriculture, the problems resulting from the loss of agricultural land, select programs in other states and the findings of the Report from the National Committee on Agricultural Land. Dr. John Noyes (Prof. of Forestry and Wildlife Management — Univ. of Mass.) discussed the economic significance of Forest Products in Massachusetts, the benefits from multiple use of forest and other productive open space land, and the European practice on multiple use and forest management. Mr. George Sinnott, State Geologist, discussed the economic significance of sand, gravel, stone and other minerals, planning needs for mineral extraction, prevention of mining abuses, and the use of state and federal mapping systems in comprehensive land use planning.

The discussion focused on the transfer of development rights as a land use control mechanism which would compensate land owners (farmers) for the loss of equity in land regulated to preserve open space and promote agriculture.

April 10, 1975 —
The Re-Use and Revitalization of Central City Land

A staff paper entitled “The Re-Use and Revitalization of Central City Land” was distributed to all Subcommittee members prior to the meeting.

The meeting opened with six presentations. George Morrison, Executive Director of the Roxbury Action Program, discussed land use and growth management policy as a series of trade-offs between diverse interest groups. He emphasized the role of the central city in the state’s economic and social structure, relating urban land use decisions to pressures on other lands throughout the Commonwealth. Elbert Bishop, Executive Director of the Southwest Corridor Land Development Coalition, discussed the impact of transportation on land use in urban areas, particularly in the Southwest Corridor. Marvin Gilmore, Executive Director of CDC Inc., discussed the development of an industrial park in the Southwest Corridor, emphasizing physical development and job creation in declining neighborhoods of the central city. Chester Gibbs discussed housing needs for black and other minority groups and the relationship between land use policy and housing needs. Beldon Deniels, Harvard
Graduate School of Design, discussed S.1604, a bill which creates the Mass. Community Development Finance Corporation, which is a mechanism to provide $10 million of equity financing to community based development and revitalization efforts. Mr. Charles Turner, Executive Director, Circle Inc., discussed the need to allow neighborhoods in the central city to decide how their land is to be used. He emphasized the need for meaningful citizen participation in land use decision-making.

The discussion focused on various mechanisms for financing central city revitalization efforts; the need for decentralized land use decision-making; and citizen participation in the development of state growth policy.

C. Findings and Recommendations of the Land Use Subcommittee

The Subcommittee, based on its investigative meetings held throughout 1974 and 1975, has concluded that “the development of a statewide growth policy is a matter of urgent public concern.” The Subcommittee feels “it is imperative that such a policy reflect the problems of managing growth at local and regional levels of government and that it is essential for public and private development and conservation preferences to be reflected in an overall state growth policy.”

An on-going process is needed to identify critical problems attributable to the pace and scope of development; to identify developments which, because of their character, magnitude, or location have a substantial effect on the health, safety, or welfare of citizens outside the jurisdiction of a single municipality; to identify areas of critical planning concern; to devise ways of minimizing the time and cost of obtaining permits and licenses and of completing all review procedures required to initiate development, to prevent waste and inefficiency by encouraging more effective coordination of the activities of state agencies involved in the allocation of state and federal funds for capital improvements, open space development; and other activities related to land use; and, finally, to establish statewide economic development and land use goals, objectives, and policies in accordance with the priorities of the people of the Commonwealth.

The Subcommittee found almost unanimous support for the proposition that land use control ought to remain primarily a local
prerogative. Any actions by state or regional level governments in the
realm of growth management or land use policy should encourage
and enable local governments to act and not pre-empt local decision-
making powers. The Subcommittee also found general dissatisfaction
with existing local planning processes. Master plans were viewed as
relatively ineffective. More effective planning processes are needed
which define community objectives and link local actions aimed at
meeting these objectives more effectively. There appears to be general
dissatisfaction throughout the Commonwealth with the level of
communication and coordination among selectmen (or city councils),
planning boards, boards of appeal, and other municipal departments
with regard to local land use decisions. Decisions often conflict with
previously stated policy (master plans) or with other decisions.

A finding of general dissatisfaction with the level of communica-
tion and coordination among abutting communities with regard to
land use decisions which have overlapping impacts, led to clear
agreement among members of the Subcommittee on a specific policy
statement. "State legislation should mandate that developments of a
certain magnitude require communication and coordinated decision-
making between abutting counties, with some sort of veto mechanism
or appeals process through the state." A "one-stop" permit-granting
mechanism is also needed so that developers know quickly whether to
proceed, what the specific criteria are that must be met, and what the
rationale is behind such criteria. The concept of "contract develop-
ment" should be explored as a potential means of expediting the
permit-granting process and of promoting the achievement of
community objectives. The most important thing is to let developers
know where they stand as quickly as possible.

The Subcommittee concluded that "the pressures on rural and
suburban land are integrally linked with the problems of the central
cities." Consequently, any land use policy seeking to have an impact
in one area must consider the repercussions in other areas.

The Subcommittee's review of land use planning policies and
practices in other states was quite instructive. The overriding
motivation in other parts of the country for stepped-up state
involvement in land use decision-making seems to be a deeply-rooted
belief that local governments are either unwilling or unable to take
account of regional and statewide concerns in making land use
decisions. The siting of unwelcome facilities, the provision of housing for families with low and moderate incomes, and the protection of unique environmental resources at the expense of additional tax revenues are often cited as land use planning issues with which most municipalities seem unable or unwilling to cope.

It may well be that statewide intervention is appropriate with respect to issues of more than local concern. But a "top-down" approach is not the answer, at least not for Massachusetts. First, we need to strengthen local and regional planning capabilities. Second, we must find ways of enabling development to occur in areas when growth is desired. A land use policy in Massachusetts must give as much attention to promoting new development as to preserving environmental resources. Third, the state must seek direction from localities in deciding upon the best approach to meeting statewide needs and dealing with development issues of more than local concern.

After many hours of discussion and a careful review of numerous statements prepared by agencies and organizations such as the International Assn. of Shopping Centers, The League of Women Voters, The Mass. Farm Bureau Federation, Department of Agriculture, Department of Community Affairs, Boston Edison Co., Metropolitan Area Planning Council, and the Greater Boston Chamber of Commerce, the Subcommittee has concluded that a two-step approach is needed to formulate specific growth management and land use policies and administrative procedures at the state level.

The first step is to initiate a bottom-up process aimed at stimulating substantial local input into the definition of critical areas and areas of more than local concern. Municipal input should be based on an open and extensive public review of local growth management problems and priorities. Local planning boards should take primary responsibility for initiating such a review, but efforts must be made to guarantee the involvement of a broad range of citizens, special interests and all appropriate local departments. Local input should then be translated into statements of regional concern. Again, emphasis should be placed on offering each region an opportunity to spell out its growth management problems and priorities and to participate in the definition of areas of critical
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concern, developments of more than local impact, and administrative strategies for coordinating land use decision-making at the various levels of government.

Based on these local statements and regional reports it will be possible to formulate state growth management and land use policies that truly reflect local concerns.

The Subcommittee has concluded that Statements of Local Growth Management Problems and Priorities should highlight:

1. significant changes, both recent and anticipated, in population, density, economic base, and the intensity and direction of development;

2. conflicts involving land needed and suitable for: recreation, parks and open space; scientific and educational purposes; industry and commerce; the generation and transmission of energy; solid waste management and resource recovery, transportation; urban development, including the revitalization of existing communities and their economic bases; health, education, and other state and local government services; and multiple-use siting of facilities and activities;

3. multiple demands on prime forest and agricultural lands and areas of significant mineral deposits, as well as anticipated demands for scarce natural products, and threats to agricultural and forest production, mining, and forestry — including (a) changing land values, (b) the tax structure, and (c) ecological factors;

4. conflicts of significant changes regarding water supply and sewerage;

5. significant changes, both recent and anticipated, in environmental, geographical and physical conditions which might influence the desirability of various uses of land;

6. changes in the housing needs and in the housing opportunities for all income groups and changes in the amount, type and location of land available for housing construction.

Regional planning agencies can best help in the formulation of a state growth management and land use policy by assessing inter-municipal conflicts within their regions; by identifying and seeking ways of reconciling local-regional conflicts; and in general by serving a mediating role.

Ultimately, it is the responsibility of the Office of State Planning, after taking into account local and regional growth management
problems and priorities, to designate areas of critical planning concern and define developments of regional impact and to design the inter-governmental administration arrangements needed to implement statewide development and conservation priorities.

The Commission views its work as a major undertaking that may significantly affect the future of the Commonwealth for many years to come. For this reason, it is hoped that the Subcommittee's activities and its initial legislative proposals will stimulate greater public and legislative interest in land use planning and growth management issues.

D. Section-by-Section Summary of the Act

The short title of this act is the "Massachusetts Growth Policy Development Act".

Section 1.

Section one consists of two parts: (1) A summary of the most serious consequences of poorly planned and uncoordinated growth and development patterns in the Commonwealth, (2) the purposes of the act.

The summary of consequences is based upon the findings of the commission from its twelve-month study of the effects of growth patterns on the quality of life in the Commonwealth. The major findings show that unplanned and uncoordinated growth patterns have detracted from the state's economy by allowing new development to compete with, rather than complement existing economic and population centers. The deterioration of our older central cities with their loss of jobs and population and the increasing suburbanization of Massachusetts' population and industry are manifestations of this problem. Suburbanization, in turn, has resulted in the waste of land and energy resources through low-density sprawl. Sprawl has increased economic fragmentation and the dependence upon expensive automotive transportation. These development patterns have resulted in revenue and service cost disparities between many abutting communities, particularly with regard to large-scale developments near municipal boundaries. A common example is the development whose tax revenues all accrue to the host community while significant costs and secondary impacts must be borne by neighboring communities. Finally, unplanned growth patterns have
resulted in increased public investment for infrastructure in new low-density areas while infrastructure in previously developed areas has remained underutilized.

Given the above findings, the act has the following purposes:

1. The initiation of a locally-oriented participatory planning process to evaluate the effects of unplanned and uncoordinated growth patterns, identify local growth management goals and priorities, coordinate local goals with those of neighboring communities and regional needs, and contribute to the formulation of a state growth policy.

2. Involvement of municipal residents, regional planning agencies, the Office of State Planning, other state agencies, and the General Court in the formulation of recommendations to alleviate the problems of unplanned and uncoordinated growth and development.

3. Development of policies and implementation strategies to encourage and expedite economic development and to balance such development with the preservation of the Commonwealth's unique environmental resources.

Section 2.

Section two defines the terms used in the act.

Section 3.

Section three calls for the creation and defines the composition of local growth policy committees. These committees shall be composed of the chief elected official or city manager, the chairmen of the planning board and conservation commission, the directors of the housing and redevelopment authorities and the department of public health, the city or town planner, and five residents representative of disparate interests, to be appointed by the town moderator or the chief elective officer. The planning board is designated the lead group in administering the activities of the committee.

Section 4.

Section four states that the Office of State Planning will send to every city and town a request for a standardized statement of local growth management problems and priorities. The statement will focus upon the formulation and enumeration of local growth management and development policies. It essentially asks for a
description of the community's goals for growth and/or conservation and an assessment as to whether existing laws are adequate for achieving these goals. The statement will include information relating to significant changes in population and economic base; and conflicts and policies involving lands needed for various uses (i.e., economic and job development, housing, recreation, open space, farming, mining, forest, preservation of environmentally sensitive areas, energy generation and transmission, public facilities and infrastructure, etc.). The statement will also discuss the municipality's recent significant zoning changes and variances and special permits, both granted and refused; and the requirements for building and other permits that have impeded desirable development. Localities are also asked to relate the above policies to the formulation of state growth policy by identifying developments of regional impact, areas of critical planning concern, proposed criteria for the identification thereof; and by commenting upon alternative administrative models for implementing state land use and growth management policies and methods of coordinating state and federal activities which affect land use and growth patterns.

Section 5.

Section five describes the process for the preparation of the local statement of growth management problems and priorities. Cities and towns are given four months to prepare the final statements. Municipalities are asked to prepare a tentative statement relying as much as possible on existing information. Within three months, the committee will hold a public hearing to afford interested persons and groups the opportunity to present data, views or arguments in regard to the tentative statement. The committee shall revise its tentative statement on the basis of testimony from the public hearing(s) and within four months of the receipt of the request for the statement submit it in final form to the appropriate regional planning agency, all special districts of which the municipality is a part, all contiguous municipalities, the county and OSP. Any special district, private citizen, organized group, or local board may comment on the statement and send their comments to the municipality, the regional planning agency and OSP.
Section 6.

Section six asks each regional planning agency to prepare a Regional Report and describes the character of that report. The Regional Reports will be based both upon the reports received from member localities and the regional planning agency's perception of regional growth management problems and priorities. The Regional Report will contain all of the information required in the local reports (described in Section 4) and its purpose is to answer, based upon consideration of the local statements received pursuant to Section five of this statute, the same set of questions set forth in the local statements, from a regional perspective. In addition, the Regional Report is to assess inter-municipal and local-regional conflicts within the region. It is also to describe any steps taken to resolve such conflicts, including bilateral meetings between parties in conflict, mediation by the regional planning agency, etc. The Regional Report will also evaluate the importance of prospective property tax revenues as a factor in local decision-making regarding proposed development and assess the role the property tax plays in attempting to view development from a regional perspective. The Regional Report shall be submitted to OSP and all member municipalities within seven months of the effective date of this act.

Section 7.

Section seven creates a temporary Massachusetts Growth Policy Commission consisting of three members of the house of representatives, three members of the senate, and ex-officio, the secretaries of communities and development, environmental affairs, transportation and construction, administration and finance, and manpower affairs.

Within nine months of the effective date of this act, the Office of State Planning will submit to this Commission a report which:

a. Summarizes significant local and regional growth management problems, priorities and conflicts (based on the local Statements and Regional Reports).

b. Summarizes the locally and regionally proposed criteria for designation of developments of regional impact and areas of critical planning concern.

c. Summarizes local and regional reactions to alternative administrative models for implementing land use and growth management policy.
d. Describes strategies for coordinating the activities of state agencies which affect land use and growth patterns.
e. Describes the role local and state taxes play in the pattern of growth and development.
f. Describes approaches to minimizing the time and cost of obtaining permits and licenses and completing review procedures to expedite the private development process for projects consistent with sound growth policies and objectives.
g. Recommends a growth policy for the Commonwealth which shall reflect local and regional preferences and capabilities as manifested in the Statements and Regional Reports.

Within eleven months of the effective date of this act the Commission will prepare and submit to the General Court and the Governor a report which includes:
a. Standards and process to guide growth and development into the most desirable areas which will facilitate community revitalization, generate economic vitality, minimize adverse environmental effects, and conserve open land and natural resources.
b. Criteria for identifying areas of critical planning concern and developments of regional impact.
c. Approaches to minimizing time and costs of obtaining development permits.
d. Strategies for coordinating state and federal activities affecting land use and growth patterns.

Each element shall incorporate locally and regionally proposed standards insofar as they are internally consistent.

Section 8.
Section eight authorizes the Office of State Planning and regional planning agencies to provide technical assistance for the completion of local Statements and Regional Reports.

Section 9
Section nine is a standard severability clause and defines this act as a temporary statute, all of its provisions expiring not later than July 1, 1977.
III. ON-GOING WORK OF THE COMMISSION:
NEED FOR A CONTINUING RESOLUTION

While the recommendations in this report would allow an initial step to be taken in developing comprehensive development and conservation policies for the Commonwealth, there is much work yet to be done. Although the eventual outcome of the locally oriented information generating process will be extremely helpful in using state tools to guide development, there are annually a host of bills filed with the General Court that have significant effects upon growth patterns in the Commonwealth. In cooperation with the Harvard Center for Population studies, the Commission during the coming year proposes to establish a methodology for evaluating the growth generating effects of major pieces of legislation filed for particular sessions of the General Court.

Such evaluation of the growth inducing effects of legislation under consideration is specifically a service that should be performed by and for the General Court. It is complementary to and supportive of the work of the Office of State Planning and municipalities and regional planning agencies in preparing comprehensive state development and conservation policies, according to the major recommendations of this report. In order to carry out the task of evaluating legislation, the Commission has filed with this report Appendix B a continuing resolution for the Commission. This resolution would allow the Commission to function for an additional year to prepare and recommend to the General Court a procedure for evaluating the growth impacts of legislation under consideration.
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Summaries of Land Use Legislation Referred to the Commission by Chapter 66 of the Resolves of 1974.

H-1047-An Act to Protect Land and Water in Certain Areas of this Commonwealth
   Sponsored by Messrs. Hatch and Ames

H-1047-provides for the creation of 12 Regional Resource Committees in the state with boundaries coterminous with those of the regional planning agencies. The committees, composed of 6 members appointed by the regional planning agency and 5 appointed by the Governor, are charged with the designation of areas of critical planning concern and the regulation of development of regional impact. These categories will be more fully described by regulations issued by a State Land Planning Agency consisting of 5 cabinet secretaries. The designation of critical planning areas and the regulation of developments of regional impact are subject to public notice and hearing provisions, and local governments may substitute acceptable local by-laws for those imposed by the regional committee. Appeals from decisions of the RRC's may be taken to the Massachusetts Land and Water Adjudicatory Board, composed of the Attorney General and four professionals appointed by the Governor and who have particular skills in land use.

H-1156-An Act Establishing an Open Land Reservation Program for Massachusetts
   Sponsored by Mr. Saltonstall

H-1156-is an amendment to the basic legislation of the Department of Natural Resources. It creates within the department a commission composed of four department chiefs and three governmental appointees, to act on the reservation of open land and water through a program of tax exemption and assessment. With due consideration for local and regional plans, the commission may designate certain lands as open lands for the purpose of conservation, agriculture, recreation, forestry, water supply or to facilitate state, regional or local planning. Each designation must be accepted by the local legislative body by a 2/3 vote. Provisions are made in the bill for the ceding of development rights from the owner to the municipality.
S-1157 - An Act Relative to the Management, Use, Protection and Development of Coastal Zone Resources
Sponsored by Mr. Saltonstall.

S-1157 defines the coastal zone as encompassing the area from dry upland areas integrally linked to the coast to the ocean territorial limit. The bill provides for a Coastal Resources Council composed of the Governor, five cabinet officials, representatives of five of the Massachusetts coastal counties, and four other gubernatorial appointees. The council will employ an executive secretary who shall prepare a plan for the balanced use of the state's coastal resources, said plan to be based on plans submitted by coastal municipalities and other involved agencies. The council can fund (at a 2/3 level) the development of local coastal management plans if it is approved by the executive secretary according to standards enumerated in the bill. All state agencies conducting activities in a town with an approved coastal management plan must adhere to the plan or appeal to the executive secretary. The secretary of environmental affairs shall issue regulations for the implementation of this act and shall inform coastal towns of the requirement for the filing of environmental impact statements before they issue permits for major developments.

H-1621 - An Act Providing for Comprehensive Land Use Planning
Sponsored by Mr. Landry

H-1621 provides for the creation of a Massachusetts Land Use and Planning Agency and similar regional agencies in order to achieve more coordinated planning and management of land resources in the state. The state and regional agencies are directed to conduct a number of studies, and the state agency may, upon its own initiative or at the request of a regional agency, designate areas of special need. These are areas where there exists a situation which makes coordinated planning mandatory for the efficient use of the area. After public hearing and notice, a town may adopt regulations for designated areas of special need; failure to do so will result in the adoption of regulations by the state agency. The total area of all areas of special need may not exceed 5% of the total land area in Massachusetts. This bill also contains an inclusive "grandfather" clause, and it defines a taking interest compensation as any action of
H-3149-An Act Providing Protection from Environmental Damage from Land Development.
Sponsored by Mr. O'Neill

H-3149-provides for the posting of a bond by a developer to cover the costs of any anticipated environmental damage from land development. The bill allows for the joint concurrence of all affected municipalities in the determination of the bond's value, and provides that the posting of a bond does not limit court or criminal liability for environmental damage.

H-3374-An Act Directing the Secretary of Environmental Affairs to Prepare a Comprehensive Land Use Plan for the Commonwealth
Sponsored by Mr. Wetmore.

H-3374-directs the secretary to prepare a state land use plan and to present it, and any necessary regulations, to the Legislature by June 30, 1974.

H-4736-An Act to Regulate Developments of Regional Impact
Sponsored by Mr. Wetmore.

H-4736-establishes a Commission on Developments of Regional Impact, composed of representatives of the state's regional planning agencies and six gubernatorial appointees. The commission will adopt standards and guidelines defining such developments. If a developer determines, in accordance with the standards, that his proposed development is a development of regional impact, he must apply for a special permit and go through a public hearing conducted by the municipality involved. Upon petition by ten persons or a developer, the commission shall determine whether or not a proposed development is one of regional impact. The regional planning agencies may recommend to the commission specific developments or classes of developments for designation as developments of regional impact.
H-5337—An Act Establishing the Division of Development Investigation in the Department of Community Affairs
Sponsored by Mr. Lane

H-5337-directs the Department of Community Affairs to establish offices of development assistance in each regional planning district for the purpose of collecting information on development and for assisting regional planning agencies and local boards. Each office shall prepare an environmental and economic impact report on each development proposed in the region, said report to be financed by the developers. After public hearing, the local officials involved may refuse to grant permits for a development if the reports prepared by the DCA offices indicate that the development would be contrary to the expressed environmental policy of the municipality; or if the tax yield to the town, when compared to public services required would result in a deficit after two years.

H-5338—An Act Establishing a State Land Use Agency and Office of Development Assistance, and Related Matters
Sponsored by Mr. Lane

H-5338-establishes a state land planning agency composed of five cabinet secretaries and five gubernatorial appointees. The agency has broad planning and regulatory functions in land use, including the authority to issue bonds and notes in order to finance local and regional land use planning. All of the provisions of H5337 are incorporated in this bill with the provision that the state agency study the appropriations of the current regional planning agency boundaries for land use planning. H-5338 directs that any report produced by DCA's offices of development assistance which predicts regional impacts from a development must be referred to the regional agency for review. The bill puts an emphasis on the maintenance of comprehensive local and regional master plans, and authorizes state funding for such activities.
AN ACT PROVIDING FOR THE FORMULATION OF A MASSACHUSETTS GROWTH AND DEVELOPMENT POLICY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The provisions of this bill are such that any delay in their implementation would cause immediate hardship and waste of financial resources. The provisions of this bill, therefore, take effect upon passage. This act may be referred to as the “Massachusetts Growth Policy Development Act”.

Whereas uncoordinated growth and development patterns in the commonwealth in the past have often:

- detracted from a healthy statewide economy by allowing new development to compete with and to undermine rather than to complement existing economic centers in existing population and employment centers;

- squandered scarce land and energy resources through location choices and construction designs that encouraged low density sprawl at great distances from existing residential, commercial and industrial development;

- increased social and economic fragmentation by separating urban workers from convenient, productive and rewarding job opportunities and by increasing the necessity for expensive automotive transportation to distant job centers;

- permitted some cities and towns to take unfair advantage of other municipalities by placing development near municipal boundaries such that all revenues accrue to the host community while significant impacts must be borne by neighboring communities; and

- resulted in ever increasing amounts of public investment for roadways, schools, sewer and water facilities, etc. to accommodate a sprawl development pattern, which manifested itself in
more burdensome local, state, and federal taxes, while prior
expenditures on public improvements in existing employment
and population centers have been underutilized in many
communities;
this act has the following purposes:
(1) the initiation of a locally-oriented, participatory planning
process to enable representatives from various interest groups in
each municipality in the commonwealth to evaluate the effects of
unplanned and uncoordinated growth and development patterns;
formulate future growth and development goals which meet the
needs of the diversity of residents in each municipality;
coordinate local growth and development goals with the goals of
neighboring municipalities and with regional needs; and to
contribute substantially to the formulation of state growth and
development policies and objectives.
(2) the involvement of citizens and officials, regional planning
agencies, the office of state planning and various additional state
agencies and members of the general court in the development of
recommendations to alleviate past problems caused by unplanned
and uncoordinated growth and development.
(3) the development of policies and objectives and possible
appropriate tools for implementation to encourage, to facilitate,
and to expedite economic and industrial development and to
balance such development with the preservation of the com-
monwealth’s unique environmental resources.

SECTION 2. As used in this act the following terms shall have
the following definitions: —
“Agency” — the office of state planning in the executive office
for administration and finance;
“Statement” — statement of growth problems and priorities
prepared by a city or town;
“regional planning agency” — one of the thirteen commissions
or councils created pursuant to chapter forty B of the General
Laws or by special act;
“Regional Report” — a report on growth management
problems and priorities prepared by a regional planning agency.
“areas of critical planning concern” —


13 (a) areas suitable for commercial and industrial development, or
14 (b) an area where uncontrollable development could result in irreversible damage to important historical, environmental, natural or archeological resources, or
15 (c) an area possessing inland or coastal wetlands, marshes or tidal lands, or
16 (d) beaches and dunes, or
17 (e) significant estuaries, shorelands, and flood plains of rivers, lakes, and streams, or
18 (f) significant agricultural, grazing, and watershed lands, or
19 (g) forests and related lands which require long stability for continuing renewal, or
20 (h) areas with unstable soil or high seismicity, or
21 (i) an area significantly affected by or having a significant effect upon an existing or proposed major public facility, or other area of major public investment;
22 "development of regional impact" — any proposed development which, because of its character, magnitude, or location would have a substantial effect upon the health, safety, welfare of citizens outside the jurisdiction of a single municipality;
23 "Committee" — a Local Growth Policy Committee.

SECTION 3. Within one month of the effective date of this act there shall be created in every municipality of the commonwealth a Local Growth Policy Committee composed of
(a) the chief elected official of the municipality, except in the case of a city with a Plan E form of government, in which case it shall be the city manager; the chairmen of the planning board and conservation commission, if one exists; the directors of the housing authority, if one exists, redevelopment authority, if one exists, and the department of public health; the city or town planner, if one exists; and
(b) five residents of the municipality, representative of disparate social, economic and environmental interests, to be appointed by the moderator, in the case of a town, or the chief executive officer, in the case of a city.

The planning board of each municipality shall be the lead group in administering the activities of the Local Growth Policy
Committee. The chairman of the planning board will call the first
meeting of the Committee, at which meeting a chairman of the
Committee shall be selected, who in turn will have the
responsibility to see that the Committee fulfills all of its functions
as described in section five and submits its completed statement
to the designated agencies. Upon submission of the Statement to
the regional planning agency the committee shall be dissolved.

SECTION 4. Within one month of the effective date of this act
the Agency shall send to the moderator of every town and to the
chief executive officer of every city a request for a Statement of
Growth Management Problems and Priorities, which shall be in a
standardized format. The format for the Statement will be
prepared by the Agency and should include questions and
requests for proposed policies relating to the following:—

(a) a description of local growth management problems of
highest priority, with particular reference to—

(1) the most significant changes, both recent and anticipated,
in population density, economic base, and intensity and direction
of development;

(2) conflicts involving land needed and suitable for industry
and commerce; urban development, including the revitalization
of existing communities with limited economic bases; recreation,
parks and open space; scientific and educational purposes; the
generation and transmission of energy; solid waste management
and resource recovery; transportation; health, education, and
other state and local governmental services; and multiple-use
siting of facilities.

(3) identification of prime forest and agricultural lands and
areas of significant mineral deposits, and steps taken to conserve
them; anticipated demands for scarce natural products; and
threats to agricultural and forest production, mining and forestry
—including changing land values, the tax structure and
ecological factors;

(4) conflicts or significant changes regarding water supply and
sewerage;

(5) the most significant changes, both recent and anticipated,
in environmental, geological and physical conditions which
influence the desirability of various uses of land;
(6) the most significant zoning variances and special permits granted or refused, and all zoning bylaw changes made, during the three years prior to the effective date of this act; or in the case of cities with a population greater than one hundred thousand, during the one year prior to the effective date of this act;

(7) changes in the housing needs and in the housing opportunities for all income groups in the city or town, and reasons therefor; and changes in the amount, type and location of land available for housing construction in the city or town;

(8) requirements for building and other permits that have impeded desirable growth and development;

(9) needs for new job development and kinds of commercial and industrial development that will best satisfy those needs.

(b) identification of specific developments of regional impact and of areas of critical planning concern in or near the responding municipality, and proposed criteria for the identification thereof;

(c) reactions to brief descriptions of alternative administrative models for implementing land use and growth management policy within the commonwealth, which descriptions shall be prepared by the Agency;

(d) comments on the ways in which the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation, and other activities related to land use can be coordinated to prevent waste and inefficiency;

(e) a description of the community's goals for growth and/or conservation and an assessment as to whether existing laws are adequate for achieving these goals;

(f) an assessment of the type and costs of public improvements — sewers, water lines, trash disposal facilities, roadways, etc. — now needed to accommodate the existing population and employment of the community and likely to be needed if population continues to increase and if economic growth is to be made possible.

SECTION 5. The Committee shall as soon as possible after its formation, but within four months of the effective date of this act, publicize its existence and activities by announcement at town or city council meetings and by other reasonable means; conduct
whatever inquiries required to prepare the Statement; make reasonable efforts to meet with and ascertain the views of all interested persons and groups regarding local growth management and land use policy; complete a tentative and final Statement in accordance with the terms of the request made pursuant to section four above. The Committee shall, insofar as possible, rely on existing information in preparing its Statements. Within three months of the effective date of this act, the Committee shall hold a public hearing at which interested persons and groups shall be afforded an opportunity to present data, views or arguments in regard to the tentative Statement orally or in writing. Elected municipal officials as well as state representatives and senators shall be especially invited to review and formally to comment upon the tentative Statement. However, no person or group shall be required to make presentations or arguments in writing.

At least fourteen days prior to the hearing required in this section, notice thereof shall be published in a newspaper of general circulation published in the city or town and shall be posted in at least five public places in the city or town. If there is no such newspaper in the city or town, then notice shall be published in a newspaper of general circulation in the area. The notice shall refer to this act; give the date, time and place of the hearing; state that the subject of the hearing shall be the tentative Statement in response to the request from the Agency; and that copies of same shall be available from the clerk of the city or town. A copy of said notice shall be sent upon publication to the appropriate regional planning agency and to the Agency. The cost of newspaper publication shall be borne by the municipality for which the Statement was prepared.

The Committee shall revise its tentative Statement on the basis of testimony from the public hearing and within four months of effective date of this act shall submit the Statement in final form through the offices of the municipal clerk to the appropriate regional planning agency; all special purpose governmental units of which the municipality may be a part; the Agency; and all contiguous municipalities and the county in which the municipality is located. Any county, special purpose governmental unit, private citizen, organized group, or local board
SECTION 6. Within seven months of the effective date of this act, each regional planning agency in the commonwealth shall prepare, revise in accord with citizen comments and concerns, endorse, and forward to the Agency and to its constituent municipalities a Regional Report. Each Regional Report shall

(a) make a preliminary determination that each city and town in the planning district is or is not in substantial compliance with sections three through five of this act;

(b) summarize the major findings and recommendations of the local Statements

(c) provide, based upon consideration of the Statements received pursuant to section five of this statute

(1) an assessment of inter-municipal conflicts within the region; local-regional conflicts, including but not necessarily limited to conflicts between municipalities and the regional planning agency and conflicts between municipalities and counties; conflicts between special purpose governmental units and any other units of government; and conflicts involving counties and regional planning commissions with one another;

(2) a statement of steps taken, if any, to resolve said conflicts, such as but not limited to bilateral meetings between parties in conflict, mediation by the regional planning agency or legal action; and obstacles, if any, which may prevent the resolution of such conflicts, such as but not limited to inadequate technology or information or funding, or the lack of an adequate forum for resolving disputes.

The Agency shall review all Statements prepared pursuant to sections four through six, inclusive, of this act, to determine whether they are in substantial compliance with the terms of those sections.

(d) define regional growth management problems of highest priority, with particular reference to
(1) the most significant changes, both recent and anticipated, in population, economic base, and intensity and direction of development;

(2) conflicts involving land needed and suitable for industry and commerce; urban development, including the revitalization of existing communities with limited economic bases; recreation, parks and open space; scientific and educational purposes; the generation and transmission of energy; solid waste management and resource recovery; transportation; health, education, and other state and local governmental services; and multiple-use siting of facilities;

(3) identification of prime forest and agricultural lands and areas of significant mineral deposits, and steps taken to conserve them; anticipated demands for scarce natural products; and threats to agricultural and forest production, mining and forestry — including changing land values, the tax structure, and ecological factors;

(4) conflicts or significant changes regarding water supply and sewerage;

(5) the most significant changes, both recent and anticipated, in environmental, geological, and physical conditions which influence the desirability of various uses of land;

(6) changes in the housing needs and in the housing opportunities for all income groups in the region and in adjacent communities; and changes in the amount, type and location of land available for housing construction in the region;

(7) requirements for building and other permits that have impeded desirable growth and development;

(8) descriptions of the character and location of major commercial and industrial development that should be encouraged and facilitated by local, regional, and state agencies.

(e) identify, taking into account the Statements received pursuant to section five of this statute, specific developments of regional impact and areas of critical planning concern in the region, and shall propose criteria for the future identification thereof;

(f) reactions to brief descriptions of alternative administrative models for implementing land use and growth management policy within the commonwealth, which descriptions shall be prepared by the Agency;
(g) comment on the ways in which governmental activities may be better coordinated to prevent delays and inefficiency in the implementation of vital development projects; and

(h) evaluate the importance of prospective property tax revenues as a factor in the local decision making process regarding proposed development and assess the role the property tax plays in attempting to view development from a regional perspective.

SECTION 7. Within eight months of the effective date of this act, there shall be created a Massachusetts Growth Policy Commission composed of three members of the house of representatives, to be appointed by the speaker of the house; three members of the senate, to be appointed by the president of the senate; and ex officio, the secretaries of communities and development, environmental affairs, transportation and construction, administration and finance and manpower affairs, or their designated representatives.

Within nine months of the effective date of this act, the Agency shall prepare and submit to the Commission a report containing but not necessarily limited to:

(a) a summary of significant local and regional growth management problems, priorities and conflicts;

(b) a summary of criteria proposed locally and regionally for the designation of areas of critical planning concern and developments of regional impact;

(c) a summary of local and regional reactions to alternative administrative models for implementing land use and growth management policy within the commonwealth;

(d) strategies for coordinating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation and other activities related to land use;

(e) a description of the roles local and state taxes play in the pattern of growth and development;

(f) approaches to minimizing the time and cost of obtaining all permits and licenses and of completing all review procedures in order to expedite the private development process for projects consistent with sound growth policies and objectives; and
(g) a recommended growth policy for the commonwealth, which shall reflect both local and regional preferences and capabilities, as manifested in the Statements and Regional Reports prepared pursuant to this act, and issues of statewide concern.

Within eleven months of the effective date of this act, the Commission shall prepare and shall with the concurrence of a majority of its members submit to the general court and to the governor a report which shall include but need not be limited to the following elements:

(a) standards and, where appropriate, new mechanisms, instrumentalities and processes to guide growth and development into those areas where they will be most desirable to facilitate community revitalization, to generate new economic vitality, to minimize adverse environmental effects and to conserve open land and natural resources;

(b) criteria for identifying areas of critical planning concern and developments of regional impact;

(c) approaches to minimizing the time and cost of obtaining all permits and licenses and of completing all review procedures required for development; and

(d) strategies for coordinating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space conservation and other activities related to land use.

Each element shall incorporate locally and regionally proposed standards insofar as they may be internally consistent. Upon submission of this report to the general court, the Commission shall be dissolved.

SECTION 8. The Agency is hereby authorized to provide technical assistance to any regional planning agency which may request such assistance for the purpose of compliance with this act. The Agency and regional planning agencies are hereby authorized to provide technical assistance to any municipality which may request such assistance for the purpose of compliance with this act.
SECTION 9. The provisions of this act shall be deemed
severable. If any of its provisions shall be held to be invalid or
unconstitutional by a court of competent jurisdiction, the
remaining provisions shall continue in full force and effect.
This is a temporary act and, as such, all of its provisions must
be carried out no later than July 1, 1977.
RESOLVE TO DIRECT THE SPECIAL COMMISSION ON THE EFFECTS OF GROWTH PATTERNS SPECIFICALLY TO INVESTIGATE THE MEANS TO EVALUATE THE GROWTH IMPACTS OF CERTAIN LEGISLATION UNDER CONSIDERATION BY THE GENERAL COURT.

Resolved, That the scope of study of the special commission, created according to chapter ninety-eight of the resolves of nineteen seventy-three, be specifically broadened to include the investigation of a procedure by which certain legislative petitions, filed with the general court, might be systematically evaluated for their impacts on the growth patterns of the commonwealth, and further, that said commission shall recommend to the general court means by which such evaluation of legislation might be established in behalf of the general court, including the establishment of a legislative committee.

Said commission may travel without the commonwealth, and shall report to the general court not later than December first, nineteen hundred and seventy-six.