

Creating an Anti-Growth Regulatory Regime: A Case from Greater Boston

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Introduction

The building permit system in Arlington, Massachusetts, was quick and casual in 1958 when Leon Lombard started a construction company that would build up to twenty houses a year over the next decade and a half in his hometown. After obtaining a stock house-design, Lombard would go to Arlington Town Hall, where the town engineer would draw him a plot plan, often on his own time after his town work was done. Lombard would take the plan and permit application to the building inspector, pay a fee, and start building the house. Business arrangements during construction and beyond “were based on a handshake,” with personal relationships playing a heavy role. When the building inspector came to check on various stages of construction, Lombard recalls, “He would ask, ‘Is it OK?’ I would tell him ‘sure,’ and he would say ‘Go ahead with it. You can get the paper later when you come by Town Hall.’”¹

In the following decades, Arlington—like countless other American communities—abandoned its informal, pro-development system of approving residential development projects and constructed a complex – and increasingly controversial – obstacle course of regulations. While some see such regulations as a laudatory example of local environmentalism, others charge that they constrict supply and thereby raise the costs of available homes.² Residential building regulations, critics further contend, impede the development of housing, particularly densely built multifamily housing, that is affordable to low- and middle-income Americans, thus contributing to economic and racial segregation. In addition, regulatory barriers to development close to transportation nodes and employment centers has provoked accusations that regulations encourage metropolitan sprawl by forcing homebuyers and developers to seek new homes in ever more remote places.³ Scholars have hypothesized different causes for the adoption of stringent local building regulations, and many agree with William Fischel that a primary reason is the political influence of homeowners who believe that growth controls will protect their property values. Nonetheless, few, if any, have studied why and under what circumstances particular communities adopt stringent building regulations.⁴

In this regard, Arlington, Massachusetts serves as a useful case study. The town is located in a region, metropolitan Boston, where nearly all municipalities have implemented strict procedures regulating residential development. Regional housing prices have appreciated sharply, which researchers have associated with the regulatory environment.⁵ Meanwhile, the region’s population grew relatively modestly but shifted increasingly to outlying, low-density areas.⁶ Furthermore, the course of events in Arlington—which thoroughly reversed its land use planning and regulatory policies in a short period of time—illuminate the forces that shape regulatory change.

The case study shows that in the 1970s the Town of Arlington completely abandoned its policy of encouraging development of apartment buildings—and high-rise buildings at that—and adopted requirements that severely constricted the possibilities for developing multifamily dwellings. Although members of the elite introduced the new approach, they were backed by rank-and-file citizens, who took up the cause to protect their neighborhoods from perceived threats.

Many other localities in greater Boston implemented similar policies to those chosen in Arlington, in many cases with the support and even the encouragement of state and federal government. Moreover, although planners initiated many of these changes, in many respects, the resulting public policy is at odds with the traditional goals of

planning, which seeks to coordinate and improve the physical, economic and social components of an entire community. In fact, were it not for the strict local regulatory regimes, Greater Boston arguably could have generated more efficient land uses, circulation patterns and distribution of population. Freer reins on production would likely have increased the supply of housing, lowering the high prices that have hurt not only individuals, but also the economy of the Commonwealth.⁷ Yet reforming the current policy of tight, locally controlled building regulation will be politically difficult since it entails removing legal tools that have become entrenched as local prerogatives over three decades.

Figure 1: Storefronts on Massachusetts Avenue



Photograph courtesy of Glenna Lang

Section I: Historical Context

Managing Social Change and Real Estate Markets

During the nineteenth century, custom and economic opportunity regulated most urban real estate development. The few land use laws that existed generally concerned matters such as the use of non-flammable building materials and limits on blocking public ways. Obtaining approval to build usually meant submitting a one-page application. Social mores and practical economics—rather than codified rules and regulations—governed urban real estate development.⁸ As a result, suburban development could produce a factory, the large home of its owner and the small houses of its workers within a few minutes walk of each other.

Covenants, such as deed restrictions specifying a minimum value or a minimum distance between buildings and the street or property line, were the primary legal method of controlling future land uses development in most metropolitan areas well into the twentieth century. But as the century turned, citizens began to turn to government for more effective ways to control the future uses of land and the buildings on them. In 1912, the Massachusetts Legislature passed a zoning act that enabled local authorities to adopt building codes to ensure safety from fires and disease, impose height restrictions on buildings in certain locales, and to regulate the use of billboards. The affluent suburb of Lexington immediately used this new power to try to prohibit all manufacturing in the town.⁹ Such new regulations helped spread the idea that changes in the physical character of urban places were not predestined.¹⁰

Many of Boston's real estate brokers and neighborhood improvement associations supported zoning laws as a way to preserve areas of single- and two-family houses.¹¹ In fact, since around 1900, there had been attempts to stifle the development of three-decker apartment buildings in outer city neighborhoods. Opponents argued that the three-deckers were fire hazards and expressed fears that their immigrant and working-class occupants would cause respectable neighborhoods to decline.

In 1924, the Massachusetts Supreme Judicial Court upheld the practice of restricting a district to single-family houses. Two years later, in the landmark *Euclid v. Ambler* decision that authorized zoning in the United States, the U.S. Supreme Court established the local prerogative to prohibit apartment buildings, which it referred to as “parasites” and virtual nuisances in single-family districts. By 1930, zoning and other regulations had virtually halted the construction of three-deckers in Boston, demonstrating how planning and building regulations could shape future urban development, particularly by excluding multifamily buildings.¹²

During the latter twentieth century, Massachusetts continued to pass legislation that encouraged localities to establish planning agencies, zoning laws and procedures for administering them. In addition, national and state legislation that grew out of the environmental regulation and historic preservation movements of the 1960s and 1970s influenced local governments to further incorporate such goals into their regulatory process. By the millennium, residents and governments of Greater Boston had learned a variety of ways to restrict development projects in the hopes of preventing the kind of changes in urban land use once regarded as unavoidable.

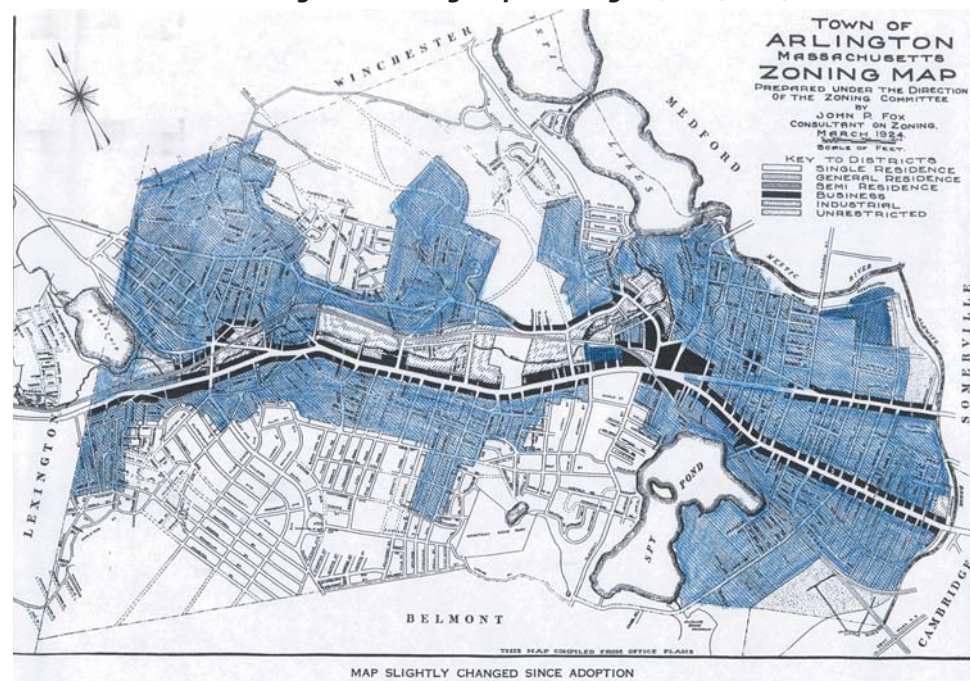
Section II: Arlington, Massachusetts

Arlington is a town of 5.5 square miles located six miles northwest of Boston. First established as a section of Cambridge known as Menotomy, Arlington became an independent town in 1807 and was renamed in honor of Civil War soldiers buried at Arlington National Cemetery. Like many communities around Boston, its history dates to the first English settlement. The town's early economy was based on farming and milling. Massachusetts Avenue, which runs parallel to the Mill Brook throughout the town's entire length, once served as a highway for farmers, teamsters, and travelers to Cambridge and Boston. During the twentieth century, automobiles crowded the town's streets, and a growing number of suburban homes encroached on farmlands. Route 2, a state highway originally constructed in the 1930s on Arlington's southern border and subsequently widened, provided convenient automobile access to the neighboring Cambridge, the western suburbs, and the metropolitan area highway system, which further encouraged Arlington's development as a home to commuters. By 1970, Arlington had become a comfortable, predominantly middle-class suburb, whose population of 53,500 was overwhelmingly white, with strong components of French Canadian, Irish, and Italian stock.¹³

The town developed into three main areas. The first is East Arlington, the section closest to and resembling urban Cambridge, which developed relatively early and densely. Arlington Center is the site of the town hall and other historic buildings. The third, Arlington Heights, which is located near the prosperous towns of Lexington and Winchester, developed more recently and therefore contains most of the town's post-war single-family subdivisions.

In choice of government, Arlington honors its New England's past by adopting a highly modified version of the colonial town meeting. Its citizens elect 252 representatives (currently elected from 21 precincts) to Town Meeting, which operates as the legislature. Arlington's executive branch consists of a five-member Board of Selectmen, elected at large, which hires the town manager, the town's chief administrator.

Figure 2: Zoning Map of Arlington, MA (1924)



Source: Town of Arlington, Department of Planning and Community Development

Section III: An Informal Pro-Growth Regime

For much of its history, Arlington, like most Greater Boston communities, maintained an informal pro-development regime that encouraged the development of new homes, generally by local builders, to accommodate Bostonians and others who were attracted to Arlington. Under this system, small-scale local builders, such as Leon Lombard, formed personal relationships with town officials, who in turn generally supported development projects as long as they did not threaten to reduce real estate values or injure the community in any obvious way. Residents generally accepted land developers as community members who were entitled to a profit or “to make a living,” as they expressed it. Like other communities, Arlington had a set of formal regulations to govern land development, but these regulations imposed few burdens on builders. Passed in 1924, Arlington’s early zoning scheme – like those in other communities – was rudimentary and descriptive, composed of a few districts that by and large allowed more development of what was already there. Nearly 90 percent of Arlington’s land was placed in two residential zones of approximately the same size. Business districts specifically allowed apartment buildings, such as the large courtyard blocks that were built in the early twentieth century along Massachusetts Avenue.¹⁴

In post-war metropolitan Boston, great numbers of young couples and the elderly sought relatively small and inexpensive shelter. Arlington responded by gradually allowing development of apartments in areas previously off-limits to flats. In 1945, the town created a residential district that permitted apartment houses up to four stories or 60 feet high, with modest setback requirements. At first, the new apartment house zone was limited to only two small areas, each about a block long, but over the next 30 years, the town added about ten more of these districts, all less than two blocks in size and mostly in the northeast corner of town. In 1950, the town added another apartment district that ran for seven blocks along Pleasant Street out of the town center.¹⁵

Demographic and economic trends encouraged continued demand for apartments, especially in the 1960s. Boston area colleges and universities attracted many young people who remained after graduation. The region’s shift from an industrial to a white-collar economy made Greater Boston a magnet for young people, many of whom sought relatively inexpensive but conveniently located dwellings.

For most of the twentieth century, developers in Arlington needed only to submit a simple permit application to gain approval to proceed. Virtually all transactions pertaining to local home building—from obtaining permits to sales agreements—relied on trust and informal understandings. Dick Keshian, an Arlington lawyer who has represented local builders since the 1960s, expressed the attitude as, “I’m a good guy, you’re a good guy. So what’s the problem?”¹⁶ These relaxed arrangements toward the regulation and execution of real estate development reflected the fact that much of the Arlington citizenry supported or accepted growth and the changes it brought. In general, Lombard recalls, people backed the construction of new dwellings because they were convinced it meant new property tax revenues and thus helped keep down their own property taxes. Arlington residents saw real estate development as, in Keshian’s words, “the natural order of things.”¹⁷

Since the 1950s, Arlington’s government saw apartment buildings as a source of property tax revenues to pay for town services. Edward Monahan, the town manager, declared in 1953, “If Arlington is to increase its assessed valuation, apartment houses will have to paper Arlington.” When applications for building permits for apartment

houses rose dramatically in 1962, Monahan happily forecast that the town would experience “the greatest increase in total value assets in history.”¹⁸

During the 1960s, town officials expanded the areas for development of apartment houses and embraced a future of high-rise buildings. Town leaders envisioned a future in which Arlington’s major centers and the spine of the Mill Brook valley, including the Massachusetts Avenue corridor, would be built up, like the central parts of great cities, with high-rise structures. By 1968, the town contained 112 apartment buildings of various sizes and six of the town’s seven largest property taxpayers, and, excepting utility companies, were apartment house owners.¹⁹

The town itself contributed to the reshaping of its physical image by building a seven-story elderly public housing structure called the “first state-assisted, all-electric high-rise housing in Massachusetts,” as well as a 12-story addition to it completed in 1970. Given Arlington’s pro-property tax revenue policies and growing demand in the Boston housing market, a reporter for a Boston newspaper thought it entirely likely that high-rise apartments would one day dominate the town center’s skyline. Arlington’s destiny, it appeared, was to be densely settled and urban.²⁰

Section IV: Rumbles of Opposition

Even as Arlington’s leaders pushed for growth and apartments, signs of discontent appeared. Residents who lived near the sites where new apartments were being built often opposed them and in the early 1960s led a town-wide movement against constructing apartment buildings in neighborhoods of single- and two-family homes. The town’s landscaping and setback regulations, which were aimed at maintaining open space and avoiding congestion, had encouraged the spread of square- or rectangular-shaped, brick-clad small apartment blocks that were generally three to five stories in height and contained 12 to 18 units each. Built during the heyday of postwar modernism, these apartment blocks typically included modern amenities such as air conditioning and laundry facilities but were devoid of ornament. Like the three-deckers, these apartment blocks were inexpensive to build and maintain and thus offered relatively reasonable rents. And just as the three-decker had once been condemned as “Boston’s weed,” the building was derided as a pillbox, with anti-growth forces in neighboring towns conjuring up the specter of the “Arlington pillbox.”²¹

Figure 3: Example of an Arlington “Pillbox”



Photograph courtesy of Glenna Lang

Anti-apartment sentiment burst into open conflict in April 1961, when a builder persuaded the Town Meeting to adopt a zoning change enabling construction of three, five-story apartment buildings on a large, unoccupied tract on Lakehill Avenue between the Boston & Maine railroad tracks and Spy Pond. The builder prevailed because local residents had neglected to turn out at the Town Meeting to oppose the zoning resolution. Two physicians who lived near the site, led their neighbors in a yearlong but ultimately unsuccessful campaign to reverse the zoning change.

Although the effort failed, it ignited a short-lived but potent movement against petitions to rezone one- and two-family districts for apartment buildings. The anti-apartment group founded the Spy Pond Community Association, whose leaders sought allies across town in neighborhoods where builders sought spot zoning to build pillbox-style apartment blocks. By February 1962, a coalition of neighborhood associations and local residents formed the town-wide Save Arlington Association. As the annual Town Meeting approached, the association turned out crowds at planning board hearings, submitted petitions, and pressured other town organizations to reject the numerous rezoning requests under consideration that year.²²

The case made by these apartment rezoning opponents presaged the kinds of arguments used against residential development around Boston and across the nation ever since. On legal grounds, apartment opponents objected to spot zoning, which violated the zoning principle that land uses in urban districts should be predominately homogeneous. Opponents also worried about overpopulation and its attendant ills, such as traffic jams. They countered the rationale that apartment buildings reduced property tax rates by arguing that the added cost of services, such as road maintenance, water and sewers, and trash removal, offset any reduction in taxes. And like today's enemies of growth, Arlington's rezoning opponents in the early 1960s charged that the construction of flats would increase school costs by adding to the school-aged population. They also presented an early version of today's environmental-open space arguments, arguing that buildings next to Spy Pond would ruin the view and recreational space.²³

From the perspective of urban history, the anti-apartment sentiments expressed relatively new ideas. The builders' development of the infill lots in Arlington was almost the same as the process that led to the construction of three-deckers and small apartment blocks in and around Boston during the late nineteenth and early twentieth centuries. The major difference between the situation in the 1960s and the past was that the onset of zoning often forced the builders to seek changes to or waivers from zoning bylaws, which created an opportunities for residents to voice their opinion on what in the past had been accepted as the natural, if sometimes regrettable, order of things.

Although the anti-apartment movement was led by upper-middle class professionals, it generated support across a broad swath of working- and middle-class Arlingtonians. Great numbers of residents attended planning board meetings. At one hearing, rezoning opponents submitted petitions with almost 600 names; the hearing room was so crowded that the session was moved to the auditorium where town meetings were held. Some opponents were white ethnic residents, who expressed anxieties about social elements at either end of the economic spectrum. John Macaris, a local builder who lived near one of the apartment sites, wondered if a "big business syndicate" was lurking in the background in order to make "handsome profits in the form of high rent apartment houses."²⁴ The working people of Arlington also feared that the new apartment buildings would lower the values of neighboring properties and, as

one resident wrote in a letter to the editor, that they even would create overcrowded “slums” like those in neighboring Somerville and Cambridge. Such sentiments echoed an old cry that new buildings should improve, not downgrade an area. But they also they resounded with xenophobic fears about an influx of lower-income and black people. Since the controversy over school integration began in the 1960s, working- and middle-class citizens in towns throughout greater Boston have objected to a variety of programs and projects for similar reasons.²⁵

Facing such neighborhood opposition, some builders chose not to proceed with development. By early March 1962, as the protests swelled, builders withdrew nine petitions for rezoning, a response that reflected a breakdown in the old arrangements that depended upon mutual relationships in development. Their withdrawal of petitions also represented a shift in the authority over approving development projects from town hall to the neighborhoods.²⁶

The old guard, however, hardly went along with the protest movement. So angry was the publisher of the local weekly newspaper, the *Arlington Advocate*, that he printed a front-page editorial condemning the blanket opposition to zoning changes and personally attacking the opponents, calling them “un-American” and guilty of “collectivism,” words that in those days of the Cold War meant “communist.”²⁷

Figure 4: The Changing Face of Arlington

	1940	1960	1970	1980	1990	2000
Total Population	40,013	49,953	53,524	48,219	44,630	42,389
Households	n/a	14,754	17,626	18,583	18,848	19,000
Demographics						
White	99.9%	99.7%	98.9%	97.1%	94.4%	89.9%
Younger than 18	n/a	n/a	29%	21%	17%	18%
Older than 65	n/a	n/a	14%	17%	18%	17%
Foreign Born	18%	n/a	11%	11%	12%	14%
Income						
Households (2000 \$s)	n/a	n/a	n/a	\$43,406	\$57,061	\$64,344
Adults' Education						
No High School	n/a	n/a	28%	18%	12%	8%
High School Graduate	21%	n/a	41%	36%	26%	19%
Some College	4%	n/a	13%	16%	20%	20%
BA or More	5%	12%	18%	29%	42%	53%
Household Characteristics						
Housing Units	10,789	15,080	17,921	18,552	18,819	19,011
Owner Occupied	47%	n/a	58%	56%	57%	59%
Median Value of Single-Family Homes (2000 \$s)	n/a	\$102,389	\$114,504	\$133,748	\$277,338	\$284,900
Median Rent (2000 \$s)	\$577	\$622	\$635	\$725	\$993	\$934

Source: U. S. Census

Section V: A Policy About-Face

Despite the failure to develop some vacant lots in residential areas, the town continued to encourage apartment construction. In the ten years following the protests of 1962, Arlington issued permits for an average of 226 dwelling units per year in multifamily structures. Developers were able to find plenty of opportunities to build apartments without provoking neighborhood opposition, and anti-apartment activity receded.²⁸ Yet the political landscape was quietly shifting in ways that would lead to a more stringent attitude toward development, particularly towards development of multifamily structures. Impulses to preserve what were considered desirable elements of the Arlington environment led the Town Meeting to establish the Arlington Conservation Commission in 1966 and the Arlington Historical Commission in 1970. Enabled by a state law to protect and develop the town's natural resources including wetlands, the conservation commission was authorized to conduct research, coordinate local citizens' environmental groups, draw plans, and recommend actions, such as acquisition, to conserve the town's natural resources. Similarly, the historic commission's purpose the Arlington Historical Commission was to preserve and protect historic buildings, primarily in this case by discouraging demolition of historic properties through suasion and advising the town's building inspector.²⁹

Then in the early 1970s, Arlington unexpectedly reversed its pro-growth and pro-apartment construction policies. In an attempt to revitalize the town's run-down commercial strips and improve the planning department, the Town Meeting established the Arlington Redevelopment Board, a volunteer body made up of five Arlington residents, four appointed by the town manager and one by the state's secretary of housing and community development. The Redevelopment Board, moreover, replaced the Planning Board, which as part of the old pro-growth regime had allowed real estate development and apartment construction to proceed relatively unhampered. The new entity was given the powers of a redevelopment agency, although the town reserved for Town Meeting the right to approve any urban renewal projects and eminent domain takings. The town's leaders, including Donald Marquis, who had become town manager in 1967, hoped the redevelopment board would broaden the tax base by reviving the town's businesses.³⁰

Notwithstanding the urban revitalization impulse that spurred its creation, the Arlington Redevelopment Board soon signaled it would reverse the town's pro-development policy. In a column he wrote for the town's newspapers in April 1972, the leader of the new Redevelopment Board, George Remmert, emphasized preservation of the suburban appearance and way of life above development. The new board, he declared, would not support any development project unless convinced that it would not adversely affect the town's "quality of life style" or character as a residential community. He felt townspeople should not encourage more apartment development until they could determine whether the population could increase "without incurring substantial expenses for expanded facilities."³¹

The board acknowledged that apartment buildings were potentially a great asset but called the location of many buildings "unfortunate" and said it would slow building by small developers until policies for specified areas could be delineated.³² "Residents should be the ultimate decision makers about how the area they live in should be developed," the board said.³³

Section VI: The Moratorium

Reflecting the changed philosophy, the Redevelopment Board's first major act was to propose a two-year moratorium on the development of multifamily structures to allow it time to draft a new comprehensive zoning plan. Similar actions by other towns inspired and guided the drafters of Arlington's moratorium, reflecting the regional and contagious nature of the anti-growth movement of the 1970s. In arguing for the moratorium, Redevelopment Board Chairman Remmert conveyed hostility toward apartment house developers that contrasted sharply with the tolerant attitude of the earlier pro-growth regime. Accusing developers of having reneged on their promises to the planning board, he declared that builders would no longer control the town's development.³⁴

In April 1973, the Arlington town meeting approved the moratorium by an overwhelming margin of 154-17. Support for the moratorium came from town leaders and the representatives of residents opposed to a large apartment building proposed for a site bordering a residential area in East Arlington. Although the proposal complied with existing zoning codes, East Arlington residents saw the building as an intrusion into their residential district that would bring more traffic congestion and noise. Only the director of the Arlington Housing Authority objected to the moratorium because she feared it would prevent developers from producing low-income housing.³⁵ The town meeting vote undoubtedly reflected the anti-growth sentiments of most townspeople, some of whom would have gone even further to stop new development.³⁶

Like the earlier anti-apartment movement, support for the moratorium on apartment construction came from both the professional elite and the moderate-income rank-and-file. Members of the upper-middle-class professional group that supported the anti-apartment measure reflected a reform point of view. Remmert, for instance, was the general attorney for H.P. Hood and Sons, one of the region's largest dairy companies, and a member of Arlington's Finance Committee for ten years, serving as chair for the previous five years. Other early members of the Arlington Redevelopment Board were upper-middle class professionals and managers. At the same time, middle- and working-class residents of East Arlington neighborhoods where relatively modest two-family houses predominated -- probably including some active in the 1960s anti-rezoning campaign -- also strongly supported the moratorium to stop incursions of new development. Zoning reform in Arlington thus appealed to a coalition of those who believed in progressive planning and those who felt threatened by outside influences.³⁷

The election of 1973 highlighted the shift in Arlington's center of political gravity from the town's traditional leaders to the reform coalition. The "old guard" in town government had maneuvered to prevent two reform candidates, Margaret Spengler and George Rugg, from being on the ballot for selectman. This act enraged and energized the supporters of the candidates, who waged a successful sticker write-in campaign, defeating an incumbent and the candidate who had challenged their right to run. Spengler, the first woman selectman in Arlington, had a base of support in the League of Women Voters, generally an upper-middle-class reform type of organization, in which she had long been active. In contrast, Rugg had the support of middle-class leaders, such as Elsie Fiore, an East Arlington resident and Town Meeting member since 1963 known as a determined opponent of anything that might harm her neighborhood. During the campaign, both Spengler and Rugg supported the Redevelopment Board and increasing open space, with Spengler seeking

enhanced “aesthetics and convenience” and Rugg calling for planned redevelopment, conservation, and transportation improvements.³⁸

To be sure, the two wings of Arlington’s planning reform coalition did not always see eye-to-eye. In 1976, for example, the groups split in a bitter debate over a proposed extension of the metropolitan subway system into and through Arlington. Progressive-minded leaders, including members of the Arlington Redevelopment Board and the Board of Selectmen led by Spengler, envisioned the proposed extension of the Red Line rail transit line as a way to help revitalize Arlington’s moribund commercial strips. But many blue-collar and white-collar middle-class residents fought the extension because they feared it would bring traffic congestion, crime, and lower-income African Americans and others from inner-city Boston.³⁹ Although both wanted to control development, planning issues sometimes divided the professional managers of the town and parochially minded citizens.

With widespread anti-growth feelings throughout the town, the Redevelopment Board was able to seize control of Arlington’s zoning and development regulations. In 1973, it assumed the powers formerly held by the planning board to conduct studies, create master plans, and draw zoning maps. Extending their influence, board members met with selectmen to keep them informed and ensure their support of their regulatory acts. Just as significantly, the Redevelopment Board appropriated the authority of the Zoning Board of Appeals, which had operated independently and shown sympathy for builders in deciding whether to grant special permits and variances. The Redevelopment Board obtained the power to grant special permits, formerly the exclusive right of the Zoning Board of Appeals. Redevelopment Board members also participated in Zoning Board of Appeals meetings, recommending for and against each petition for the issuance of a special permit or variance.⁴⁰

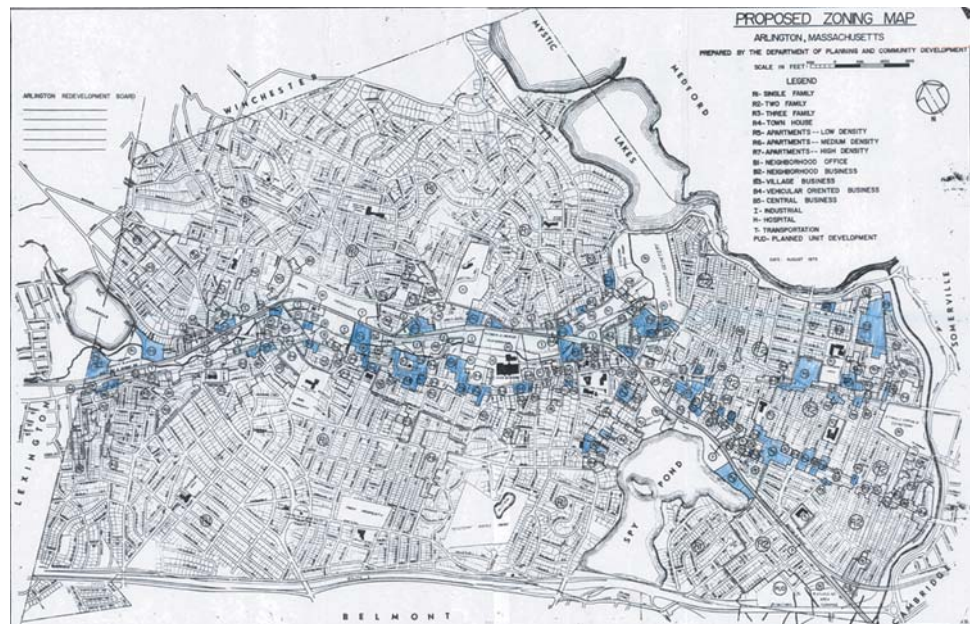
In a key ruling in June 1975, Massachusetts’ highest court – the Supreme Judicial Court – upheld the town’s moratorium on apartment construction and, more broadly, the principle that municipalities could issue such temporary bans.⁴¹ Joseph Collura, the developer whose proposed project had provoked vigorous opposition in East Arlington, had sued on the grounds that since he had applied for building approval prior to the moratorium, his application should be approved under the old regulations. Collura also contended that the moratorium was an invalid means of regulating development. Although a Superior Court judge ruled in favor of Collura, the Supreme Judicial Court used the case to resolve the legality of moratoria in general. The court’s decision, one of a series in which it expanded local prerogatives in regulating development, firmly sustained the town’s position: the moratorium, the court ruled, was an interim provision consistent with the purpose of zoning and it was proper for towns to review regulations with a mind to the course of future development. In its opinion, the SJC revealed a commitment to tight local growth controls above property rights, the operation of markets, or the natural evolution of urban areas.⁴²

Section VII: A Stringent Rulebook for Developers

During the moratorium, the task of drawing up a new master plan and zoning bylaw – passed in 1975 – was largely supervised by Arlington Town Planner Alan McClennen, a trained and highly capable professional planner hired by the town in 1974.⁴³ Because his thinking was in tune with the Redevelopment Board and the anti-growth coalition, McClennen was shocked to discover that 1960s zoning allowed developers to create large lots along the Massachusetts Avenue commercial strip by acquiring land occupied by two-family houses. McClennen easily generated support for tight restrictions on new urban development by informing residents of how this

zoning created the potential for high-rise buildings or even small apartment houses. At the same time, town officials and residents concerned about growth had begun to undercut the main argument in favor of apartment buildings when they contended that the buildings had not generated as much property tax revenue as expected. To limit multi-family construction, the Redevelopment Board and McClennen devised a strategy of confining apartment development to particular sites along Arlington's commercial and industrial corridors, which were occupied by establishments, such as the car dealerships, that planners and town leaders considered unappealing and wished to replace.⁴⁴

Figure 5: Proposed Zoning Map of Arlington, MA (1975)



Source: Town of Arlington, Department of Planning and Community Development

In crafting the zoning by-law of 1975, McClennen and the Redevelopment Board members wanted to allow only development they considered appropriate for a built-up suburban town. Thus, they created a multitude of zoning districts and set stringent requirements, such as larger minimum lot sizes, lower height limits and parking spaces, for any new multifamily development within them. Under the new bylaw, the number of zoning districts swelled from 10 to 17. The long business and apartment house zone that ran along Massachusetts Avenue was chopped into tiny districts categorized as business, low-, medium-, or high-density apartment house areas, requiring larger minimum lot sizes, lower height limits and more parking spaces. (In 1978 residents pushed the town to lower height limits in the high-density apartment zone again to five stories.) Ranging from about a quarter of a block to four blocks in area, these little districts -- the only ones where the bylaws allowed the erection of multifamily structures -- resembled spots on the zoning map.⁴⁵

Even as the town increased the obstacles to developing apartment buildings, its planners did not significantly change the regulations for the single- and two-family districts, which covered most of the town north and south of the Mill Valley. Most of Arlington's zoning, therefore, aspired to a suburban landscape of large yards, curvilinear roads, plentiful greenery, and attached garages.

Even if a developer of anything other than single- and two-family houses was willing to meet the new requirements of Arlington's 1975 zoning bylaw, he still had to run a gauntlet of new procedures. A special permit was now required to construct any

three-family houses, town houses, and apartment buildings. The special permit, a new type of authorization that Massachusetts' localities were adopting, could only be issued by the Zoning Board of Appeals. In accordance with state guidelines, the zoning bylaw also created two new overlay districts in which construction would also require a special permit: the floodplain district, comprised of lowlands subject to seasonal or periodic flooding; and wetlands, defined as all land within 25 feet of any water body (including streams) or designated as having poor drainage. Before the Zoning Board of Appeals could grant such a special permit, the Conservation Commission, the Massachusetts Department of Environmental Quality Engineering (now the Department of Environmental Protection) and the Massachusetts Department of Public Works (now the Massachusetts Highway Department) had to approve the application and the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and Redevelopment Board had to submit recommendation.

Furthermore, the new law obliged the developers of apartment projects with eight or more dwellings in one or more buildings and of any projects on the town's main street to apply to the Redevelopment Board for yet another new procedure, "environmental design review."⁴⁶ Disseminated by the U.S. Department of Housing and Urban Development, national organizations with an interest in local planning, and state governments, this procedure became popular during the 1970s in Massachusetts and across the United States. Its advocates quickly expanded the intent of environmental design review from ensuring appropriate architectural style to fulfilling other goals, such as historic preservation and maintaining community character.⁴⁷

While laudable, the goals imposed upon would-be developers by Arlington's environmental design review seemed impossibly large. The standards included preserving landscape, linking the new building to both built and natural environments, maximizing open space, locating pedestrian and vehicular traffic, personal safety, draining surface water, placing all utility services underground, respecting heritage, and curtailing any effects on local "microclimate."⁴⁸

The regulations defining each standard were broad, vague, and subjective. Developments were to "be related harmoniously to the terrain and to the use, scale, and architecture" of nearby buildings "that have functional or visual relationship to the proposed buildings." Any open space should "add to the visual amenities" of the area and also "encourage social interaction" of the space. Any removal or disruption "of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties." Ensuring safety meant not only creating egresses and access for fire trucks, but also somehow minimizing the fear and probability of accidents and criminal acts by means of neighbors and passersby conducting surveillance. Indeed, the thrust of many of the descriptions was that new developments must affect their surrounding areas in just the right way -- presumably to the satisfaction of neighboring property owners. Apparently conscious of the daunting nature of the standards -- or displaying a tongue-in-cheek facetiousness -- the authors of Arlington's environmental design review assured applicants that the standards were "not intended to discourage creativity, invention, and innovation."⁴⁹

Nor was that all. The applicant had to submit a drawing of existing conditions, a set of drawings of the proposed structure showing its front, rear, and sides and of the surrounding landscape (showing "type and size of planting materials, color and type of surface materials, methods to be employed for screening, and

proposed topography”), photographs of the site and vicinity, a site plan, a model of the proposed structure, and an impact statement explaining “how each of the environmental design review standards is incorporated into the design of the proposed development.”⁵⁰

As originally written, the Zoning Board of Appeals supervised environmental design reviews, but within a few years, the Redevelopment Board further expanded its power by persuading the Town Meeting to give it control of this process as well. In 1980 and again in 1998, the town added more thoroughfares to fall under environmental design review. The Redevelopment Board was thus now able to exert tight control over the areas most likely to attract development and almost all projects besides single- and two-family homes.⁵¹

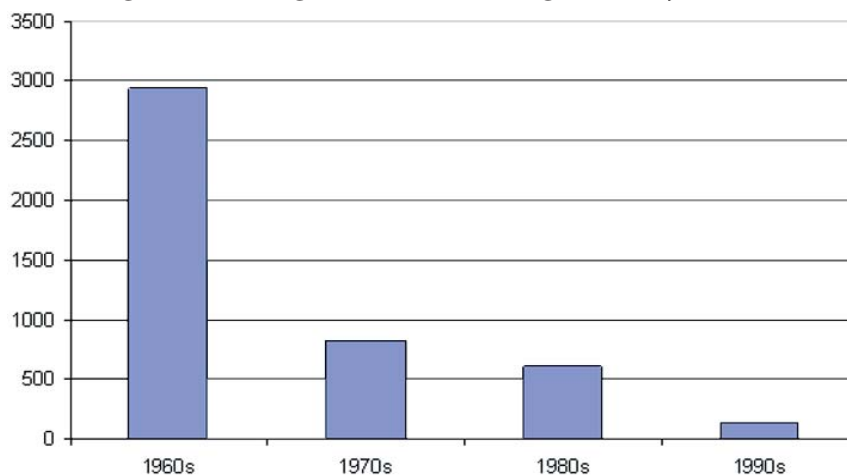
Section VIII: A Regime of Procedures and Pitfalls

In stark contrast to the informal pro-development regime that preceded it, this revamped zoning and development approval procedures adopted by Arlington in the mid-1970s ushered in a new regulatory regime that depended heavily upon procedures, professional expertise, and citizen participation.

The increasing participation of members of the public in the process of approving new developments -- which emerged across the United States in the 1960s as a reaction to the urban renewal and highway construction programs -- put an additional onus on developers in Arlington. After the adoption of the 1975 zoning bylaw, the possible number of public hearings, which were traditionally the avenue of citizen involvement, increased significantly. In 1983, for example, the town meeting added a public hearing to the environmental design review process, inviting abutters of proposed development site and any interested parties to express opinions about the project.⁵² The loosely defined goals of the environmental design review regulation further encouraged a public role by creating the potential for legal challenges on the grounds that developers had not met the standards for development approval. The result of such increased citizen participation in the regulatory process has been rampant parochialism on the part of individuals, institutions, or groups for whom their perceived interests are paramount.⁵³

Further complicating the regulatory process was the involvement of non-planning agencies. The Town Meeting in 1970 created the Arlington Historical Commission to review applications for building permits that involved exterior changes to structures

Figure 6: Dwelling Unit Permits in Arlington, MA By Decade



Source: U.S. Census

deemed historically or architecturally significant, later granting it the power to delay demolition permits. In addition, the Town Meeting since 1977 has created seven historic districts, each with its own commission authorized to approve or reject proposals to remove, construct, or alter the exterior of any building or structure within the district. Meanwhile, the 1975 bylaw gave the Arlington Conservation Commission the right to review, and in some cases, approve, land use decisions in wetland and floodplain areas.⁵⁴

Federal and state policies further regulated residential development. The National Historic Preservation Act of 1966 strongly influenced local planning by introducing the concept of historic districts as worthy of preservation. By popularizing environmental goals, standards, and guidelines, federal laws such as the National Environmental Policy Act of 1969 and the Water Pollution Control Act of 1972, as well as the Massachusetts Wetlands Protection Act adopted in 1967, encouraged localities to regulate wetlands and floodplains. The U.S. Occupational Safety and Health Administration, established in 1970, imposed new work site rules on builders and the state imposed its own building code standards on municipalities of Massachusetts. In 1975, the Commonwealth published a uniform state building code. The authors of Arlington's regulatory procedural regime had achieved their goal: developers were discouraged from building homes, particularly apartment buildings. By the early 1970s, builders such as Leon Lombard, who in the previous era had regularly produced houses, now confronted steep regulatory obstacles. He was rejected, for example, in his bid to extend an apartment house lot by tearing down two adjacent houses. When he developed a large condominium complex, engineers were required to submit reports establishing that he met the new standards, including the ability to withstand an earthquake. Even Lombard's banks hired engineers. Faced with such obstacles, Lombard retreated to managing the properties he owned.⁵⁵

In the following years, this combination of tight zoning, a thicket of procedures, and high standards effectively squelched most development, particularly of the kind that would create high population densities near transportation routes and employment centers. The number of permits issued fell from almost 3,000 units in the 1960s to about 600 in the 1980s and to a mere 132 in the 1990s. The annual average number of permits for units in multifamily structures in the ten years before the moratorium in 1973 was 226; in the decade after the new 1975 zoning bylaw, the annual average of multifamily permitted units was just 21. Hence, the total number of dwellings in Arlington rose in the 1970s by almost 1000, rose again in the 1980s by a little more than half that number, and fell by 10 in the 1990s.⁵⁶

Section IX: The Long Road to Development: The Case of "Old Bile"

Nothing better illustrates the unpredictable, inefficient, and burdensome process of Arlington's procedural regime than the attempts over two decades to develop a piece of land located at the busy intersection of Massachusetts Avenue and Mill Street. The parcel is situated next to St. Athanasius Greek Orthodox Church. Across Massachusetts Avenue, the town's wide commercial boulevard, are located on the diagonally opposite corner the historic Jason Russell house and a short block away Arlington Town Hall.

In 1912, plain-looking colonial-era wood frame houses on the site were demolished in favor of an early automobile garage that eventually became Colonial Motors. By 1971, the business had been taken over by the Time Oldsmobile car dealership, which contained a showroom and service area.⁵⁷

Figure 7: Time Oldsmobile Storefront on Massachusetts Avenue



Source: Town of Arlington, Department of Planning and Community Development

In 1984, dealership owner Dave Friedland sought to modernize and improve the appearance of the one-story facility. Because of its location on Massachusetts Avenue, such new construction required a special permit from the Arlington Redevelopment Board, which held up the application up for a year after leaders of St. Athanasius sued to prevent a new roof from blocking the view of the church (only from down the street, however). In 1986, an attempt to cover and raise the parking area to three levels was rejected after a round of public hearings. Friedland then reduced his proposal to two stories. Even though such a meeting was not required, the Redevelopment Board encouraged him to meet with the local historic commission to reduce “unnecessary flack.”⁵⁸ Despite this effort, local residents protested vehemently and the Board again denied a permit to build a garage.

In June 1987, Friedland revised his plan yet again, adding a brick façade and landscaping on the side streets. His new application for a special permit triggered more public hearings in the fall. Not until April 1988 did the Redevelopment Board approve the application to remodel the Time Oldsmobile building. According to one Board member, no other proposal had been placed before the board more often than the Times Oldsmobile project.⁵⁹

After the car dealership went out of business in 1997, American Stores Company, the owner of the Osco Drug chain, purchased the site and in 1998 requested a special permit under the environmental design review to raze the existing structure and build a drug store, an allowable commercial use in its business zone that specified “large retail.” After five public hearings, the Redevelopment Board in January 1999 rejected this proposal. Two years of wrangling, hearings, and adverse decisions followed. American Stores and the town first argued over whether the site was subject to the historic district rules. Town planner McClennen agreed the site was not within a historic district, but argued that since it was adjacent to three such districts, the historic district rules applied. Then a group called the Arlington Citizens for Responsible Development attacked the proposal on the grounds that it would increase traffic and thus could harm pedestrians. A report by a traffic engineering firm found that the impact of a commercial business on Arlington’s busiest commercial street would be negligible, but opponents insisted the study was unsound because the company paid for it (which was the only way such a study would be financed).

The Redevelopment Board found that additional traffic to the drug store would increase congestion at the intersection, a ruling that was upheld on appeal by the Massachusetts Land Court in 2000. Hence, local authority -- with the approval of the state judiciary -- was able to disallow a “large retail” store on Massachusetts Avenue, Arlington’s main commercial boulevard and most heavily trafficked street.⁶⁰

The evidence suggests that neighbors had hijacked the planning process. As developer attorney Richard Keshian saw it, the traffic issue was only a tool to stop the project. “Each time Osco would come back, it found the town required another level of compliance,” he said. According to Keshian, the actual sources of opposition were the Greek Church, which wanted the land, and neighbors who did not want a drug store overlooking the historic Jason Russell house (actually, the historic house overlooked the site, which is located down hill from it).⁶¹

While the procedural war dragged on, the Time Oldsmobile building fell into disrepair. Several letters fell off the company sign so that it spelled, “Old Bile,” which bemused Arlington residents began calling the site. In August 2001, the Old Bile building was demolished for safety reasons, after which tall weeds and a “For Sale” sign sprouted on this conspicuous parcel. After purchasing Osco Drugs in 2002, Brooks Pharmacies concluded that a drug store would never be allowed on the site. After failing to find a buyer for the site, Brooks hired local developer Michael Collins to develop the land so that it might be sold.⁶²

Collins proceeded carefully. In May 2003, he reviewed the zoning requirements and listened to the desires of town planners who hoped for residential development. He also met with residents, abutters, and Historical Commission members who had opposed previous plans for the site. In June Collins retained an international real estate advisory firm to produce a financial analysis of the viability of residential development at the site, discussed building types and numbers of units with the Redevelopment Board, and met again with the Historical Commission and representatives of the Greek Church. At one meeting, Collins’s architect presented a mock-up of a “fourteenth iteration” of a residential scheme that several attendees felt resembled the Harvard University’s Georgian Revival dormitories. Although the presentation was preliminary, commissioners and members of the public expressed concerns over the model’s lack of doorways onto Massachusetts Avenue and how it would affect “the pedestrian environment.” Nonetheless, because of the tight zoning—similar to that found all along the Massachusetts Avenue corridor-- a project of any scale on this site would require a special permit, which required going through environmental design review.⁶³

Collins hired an architectural firm, Donham and Sweeney, whose principals aimed to produce high-quality architecture that was sensitive to the community context. Collins originally hoped to build a multi-building complex with 46 condominium dwellings and underground parking. This would have fulfilled the planning ideal, now dubbed “smart growth,” of creating relatively dense housing close to central city and on a main transit route. The plan would also have met the affordable housing goal endorsed by the town in 2001, when it passed a law that required that 15 percent of new units be priced for moderate-income households. Collins’ proposal would have produced seven such affordable units.⁶⁴

The Redevelopment Board asked that the plan be modified to enable fire trucks to enter the site, and in late August, Collins presented a scaled-down proposal that reduced the number of total units to 32 and the number of affordable dwellings to five. The architects fit the dwellings onto the site by setting them back nine feet

from the sidewalk, although zoning required an 18-foot setback, and placed a low wall enclosing a small area of greenery around the houses to give privacy to first-floor residents. At the corner of the intersection, the plan featured a courtyard and gazebo, a landscape showpiece clearly visible from the street. The chairman of the Redevelopment Board praised the design for reducing the number of units and for being more attractive, although members could not resist making suggestions to add gables and reconfigure the layout of one building. Based on the reactions, Collins and his architects revised the plan yet again, and in October 2003 officially launched the environmental design review by filing for a special permit to build 35 condominium dwellings in three buildings.⁶⁵

Despite Collins's efforts, the proposal sparked numerous objections. In November, members of the Redevelopment Board, which had just years earlier blocked a drug store at the same site, asked if Collins could include retail space on the street, even though a financial analysis showed that would be uneconomic. Several neighbors objected that the project was not sympathetic to the historic Jason Russell House, site of the bloodiest battle of the first day of the American Revolution. John Worden, a lawyer in downtown Boston and long-time moderator of the Arlington Town Meeting who lived near the historic building, said the site where "our forefathers... died in defense of the liberty that allows us to debate this here tonight" deserved more respectful treatment. The proposed buildings stood too near the sidewalk, he said, and he called the wall a "tank barricade ... We don't do walls in Arlington," he said, even though a stone wall more than three feet high has long surrounded the revered Jason Russell House.⁶⁶

Collins could hope to negotiate with the Redevelopment Board, but the opposition of neighbors was more ominous. He required several special permits, and because the site was adjacent to the Mill Brook, he also required Conservation Commission approval.⁶⁷ The neighbors' opposition jeopardized Collins's project because citizens could appeal Redevelopment Board and Conservation Commission decisions in court, which would further tie up the project and still not bring the developer relief.

Collins continued to meet with opponents and consider his alternatives. For all its fussiness about design, the Redevelopment Board enthusiastically supported the proposal.⁶⁸ Collins had neutralized the church's opposition by agreeing to sell it a part of the site. Some residents no doubt agreed with a letter writer to the local newspaper who said Collins's proposal would fit in with the mixture of nearby uses that included not only the Jason Russell House but also an entire block of businesses across the street (including a pizza parlor) and a supermarket a block away. "Is a lot full of weeds and a chain link fence," she asked, "sympathetic to the surroundings?"⁶⁹ Yet critics continued to express their discontent with the scale and design and threatened legal action. "The problem here is not so much can we get by the board," Keshian told the local paper, "but can we get by the potential litigation?"⁷⁰

Finally, in March 2004, Collins decided that the risk of appeals to either Redevelopment Board or Conservation Commission was too great. (The Brooks Company had sold the property to Collins's own company, so he now had more at stake than before.) In a four-page letter to the board, Collins said the possibility of legal delays and changes in Arlington's zoning constituted a "dual pinch on his project," forcing him to drop the multifamily approach and to instead build nine, two-family houses and one single-family house. Collins was allowed to pursue this new course "by right." That is, as long as he met the requirements, a simple building permit -- rather than a special permit obtained through the environmental design

review process -- would suffice to gain approval to build. And since each building was a two-family house, Collins would not now be subject to the affordable housing requirement.⁷¹

Officials in the town's planning department and members of the Redevelopment Board were bitterly disappointed in the result, with one member calling the outcome "terrible."⁷² Despite planning staff and Redevelopment Board approval, determined citizens were able to effectively veto the project using powers that were both formal and informal, explicit and tacit. Reflecting on the obstacle course to building in Arlington, Keshian, the long-time Arlington real estate lawyer noted, "Many only develop in Arlington once."⁷³

Not all development approvals in Arlington are as difficult and contentious as that of the former Time Oldsmobile site. Occasionally, a residential development project obtains a special permit quickly. But a project that is large either in the number of dwellings or overall size or is located in or near a historic district or has particularly wary neighbors will encounter prolonged and arduous opposition from government departments or citizens or both. While some developers will persist and produce a project (which may differ significantly from their original proposal), others simply give up and sell their holdings. The ability and mechanisms to slow, change, or block projects is readily available whenever members of Redevelopment Board, other government bodies, or individual citizens choose to use them.⁷⁴

Section X: Conclusion

Arlington, Greater Boston, & the Anti-Growth Regulatory Regime

This shift from a casual pro-growth regime to a procedural and effectively anti-growth system was hardly unique to Arlington. Starting in the 1960s, municipalities throughout greater Boston turned against development and adopted similar mechanisms -- building moratoria, special permits, environmental design reviews, and highly restrictive zoning laws -- to control it. A 1975 survey of growth policies in Massachusetts communities revealed widespread dislike of new development, especially of multifamily residences.⁷⁵ Reacting to their own apartment booms in the 1960s, other suburban towns also eliminated or severely restricted apartment buildings and multi-family developments. In addition, commissions for land conservation and historical preservation like those in Arlington were established throughout the Boston metropolitan area. And paralleling the cross-class anti-growth coalition in Arlington, both moderate- and high-income municipalities in Greater Boston placed tight restrictions on new development, especially multifamily construction.⁷⁶

The procedural system of residential building regulation with its obstacle course for acquiring project approval has become public policy in greater Boston. Government agencies helped spread knowledge of specific mechanisms, such as the special permit and environmental design review, for controlling development, to restrict development. Encouraged by federal and state policies, local planning agencies or governments localities imposed a complex set of regulatory rules regarding not only the type and dimension of structures, but also goals for preserving open space, wetlands, and historic buildings.

In the hopes of achieving broad planning goals, planners and government officials also invited local citizens to participate in regulatory procedures—only to find that the citizenry often seized control of the process for their own parochial concerns. Neighborhood residents came to oppose most new developments (unless they replaced

eyesores and nuisances) as a threat to the quality of their immediate surroundings. With the possible exception of large single-family houses on large lots, they viewed new housing as a degradation of the environment that would create additional fiscal burdens and greater traffic congestion. Local citizenry quickly became adept in using the regulations, whether directly through the formal process of regulation or indirectly through threats of appeals and lawsuits, to stop new projects. Citizen participation has become one more, sometimes insurmountable, hurdle in the attempt to obtain approval to construct homes.

The decision to implement a stringent anti-development policy in Arlington and other greater Boston municipalities has had a profound impact upon the region. Although most agree that respecting the character of communities, protecting the local environment, and saving historically significant buildings is admirable, pursuit of these goals has generated a torturous process for the approval of new housing development. Furthermore, the local regulatory procedures have become a vehicle for rampant parochialism, which is the opposite of the planning ideal of organizing metropolitan areas for the good of all. Indeed, the effect of constricting supply, recent research shows, has been high housing costs, which many, including young people starting their careers, cannot afford.⁷⁷ The region's population has ceased to grow, and its economy may soon be threatened.

Given how far the planning and regulatory pendulum has swung, it seems a reasonable goal to craft and execute a public policy that restores the balance of regulatory powers not only between communal controls and individual property rights, but between local and metropolitan interests. To do so will not be easy. After all, it requires reducing the local regulatory powers that public policy has systematically built up over more than three decades.

Endnotes

¹ Leon Lombard, interview by author, Arlington, Massachusetts, May 28, 2005.

² For the former viewpoint, see Stephen M. Meyer and David Komisky, “The Origins of Community-Based Environmental Protection: Evidence from the Massachusetts Wetlands Protection Act,” a paper presented at the Annual Meeting of the American Political Science Association, September 1-4, 2005, http://web.mit.edu/polisci/research/meyer/Outcomes_April05.pdf. For the latter see, Edward L. Glaeser, Jenny Schuetz, and Bryce Ward, “Regulation and the Rise of Housing Prices in Greater Boston,” a working paper published by the Rappaport Institute for Greater Boston, Harvard University and the Pioneer Institute for Public Policy Research, 2006.

³ David E. Dowall, *The Suburban Squeeze: Land Conversion and Regulation in the San Francisco Bay Area* (Berkeley: University of California Press: 1984); Advisory Commission on Regulatory Barriers to Affordable Housing, *Not in My Backyard: Removing Barriers to Affordable Housing* (Washington, D.C.: U.S. Government Printing Office, 1991); Anthony Downs, “The Advisory Commission on Regulatory Barriers to Affordable Housing: Its Behavior and Accomplishments,” *Housing Policy Debate* 2:4 (1991), 1095-1137; John D. Landis, “Do Growth Controls Work? A New Assessment,” *Journal of the American Planning Association* 58:4 (Autumn 1992), 489-508; John D. Landis, Lan Deng, and Michael Reilly, “Growth Management Revisited: A Reassessment of its Efficacy, Price Effects, and Impacts on Metropolitan Growth Patterns,” Institute of Urban and Regional Development Working Paper, University of California, Berkeley, 2002; Edward L. Glaeser and Joseph Gyourko,

“The Impact of Building Restrictions on Housing Affordability” *Federal Reserve Bank of New York Economic Policy Review* 9:2 (June 2003), 21-39; Benjamin Krass, “Combating Urban Sprawl in Massachusetts: Reforming the Zoning Act through Legal Challenges,” *Boston College Environmental Affairs Law Review* 30 (2003), 605-639; John Quigley and Larry Rosenthal, “The Effects of Land-Use Regulations on the Price of Housing: What Do We Know? What Can We Learn?” *Cityscape* 8:1 (2005), 69-110. See also sources cited in note 2.

⁴ Hypothetical causes include the reaction to of politicians’ manipulation of land use systems, declining political corruption, judicial decisions, and increasing citizen activism. Glaeser, Gyourko, and Saks note that even if true, most of the hypotheses do not explain why regulatory change occurred. Arthur T. Denzau and Barry R. Weingast, “Recent Developments in Zoning and Property Rights,” *Urban Law Annual* 23 (1982), 385-405; William A. Fischel, *The Homevoter Hypothesis: How Home Values Influence Local Government Taxation, School Finance, and Land-Use Policies* (Cambridge, Mass.: Harvard University Press, 2001); William A. Fischel, “An Economic History of Zoning and a Cure for Its Exclusionary Effects,” *Urban Studies* 41:2 (February 2004), 317-340; Edward L. Glaeser, Joseph Gyourko, and Raven E. Saks, “Why Have Housing Prices Gone Up?,” Harvard Institute of Economic Research, Discussion Paper, 2004.

⁵ For high degree of regulations in the Boston metropolitan area, see Edward L. Glaeser, Jenny Schuetz, and Bryce Ward, “Regulation and the Rise of Housing Prices in Greater Boston,” (Boston: Pioneer Institute for Public Policy Research and Rappaport Institute for Greater Boston, 2006); Charles C. Euchner with Elizabeth G. Frieze,

“Getting Home: Overcoming Barriers to Housing in Greater Boston,” (Boston: Pioneer Institute for Public Policy Research and the Rappaport Institute for Greater Boston, 2003); Pioneer Institute for Public Policy Research and the Rappaport Institute for Greater Boston, *Initiative on Local Housing Regulation*, database, 2005; and for restrictions on multifamily dwellings, Jenny Schuetz, “Guarding the Town Walls: Mechanisms and Motives for Restricting Multifamily Housing in Massachusetts,” unpublished Ph.D. dissertation paper, Kennedy School of Government, 2005.

Both Glaeser, et al. and Euchner implicate regulations in the high housing costs in the Boston region. Using Freddie Mac data, Downs found that among 36 large metropolitan areas, Boston ranked highest in housing price escalation from 1980-2000. Anthony Downs, “Have Housing Prices Risen Faster in Portland Than Elsewhere?” *Housing Policy Debate*, 13:1 (2002). Glaeser and Gyourko placed the Boston metropolitan area among those regions with the greatest discrepancy between construction cost and housing price in the suburbs. Glaeser and Joseph Gyourko, “The Impact of Building Restrictions on Housing Affordability,” 26.

⁶ Alexander von Hoffman, “The Emergence of the Galactic City: Population and Employment Growth in American Metropolitan Areas, 1970-2000,” Working Paper, W05-3, Joint Center for Housing Studies, 2005, 9-10, 14, Tables 1 and 2.

⁷ Glaeser, Schuetz, and Ward, “Regulation and the Rise of Housing Prices in Greater Boston.”

⁸ Alexander von Hoffman, “Weaving the Urban Fabric: Nineteenth-century Patterns of Residential Real Estate Development in Outer Boston,” *Journal of Urban History*,

22:2 (January 1996), 191-230.

⁹ The Massachusetts Supreme Judicial Court, however, disallowed Lexington's attempt at such a sweeping restriction of private property rights. Michael Holleran, *Boston's "Changeful Times" - Origins of Preservation and Planning in America* (Baltimore: John Hopkins University Press, 1998), 258-9.

¹⁰ Christine Cousineau, *Tenement Reform in Boston, 1870-1920: Philanthropy, Regulation, and Government Assisted Housing* (Society for American City and Regional Planning History, The Working Paper Series, 1990, Holleran, *Boston's "Changeful Times."*)

¹¹ Boston City Planning Board, *Zoning for Boston, a Survey and a Comprehensive Plan* (Boston, 1924), 36-38. Similar motives to restrict future development or channel it to approved forms inspired adoption of zoning in Los Angeles and other urban communities in the United States. Marc A. Weiss, *The Rise of Community Builders, The American Real Estate Industry and Urban Land Planning* (New York: Columbia University Press, 1987), 68-72-106.

¹² Arthur J. Krim, *Three-Deckers of Dorchester: An Architectural Historical Survey* (Boston: Boston Landmarks Commission/Boston Redevelopment Authority, 1977), 46; Douglas Shand-Tucci, *Built in Boston: City and Suburb, 1800-1950* 2nd ed., (Amherst: University of Massachusetts, 1999), 125-126; Kenneth Barr, "The National Movement to Halt the Spread of Multifamily Housing, 1890-1926," *Journal of the American Planning Association* 58:1 (Winter 1992), 39-48.

¹³ Michael Terrence Lavin, "Land-Use Planning in Massachusetts: Models of Programmatic Effectiveness," Ph.D. dissertation, Tufts University, 1980, 87-91.

¹⁴ Zoning By-law of the Town of Arlington, enacted June 3, 1924.

¹⁵ Zoning By-law of the Town of Arlington, amended March 1945; Zoning By-law of the Town of Arlington, amended December 1, 1950. The redrawn zoning map of 1945 distinguished between single-family house districts (classified Residence A), which were expanded at the expense of the former General Residence district, and two-family house districts (Residence B), composed of most of the remainder of the former General Residence district.

¹⁶ Richard Keshian, interview by author, Arlington, Massachusetts, June 2, 2005. Keshian generally confirms Lombard's description of the town's building policies and practices.

¹⁷ Lombard, interview; Keshian, interview.

¹⁸ "Big Jump in Building Caused by Apartments," *Arlington Advocate*, May 3, 1962.

¹⁹ Tim Taylor, "Arlington: Homeowner is in the Middle," *Boston Herald Traveler*, May 6, 1968.

²⁰ Taylor, Arlington: Homeowner is in the Middle" (quotation and high-rise sky line prediction); "100 Unit Chestnut Manor To Open November 7," *Arlington Herald*, October 29, 1965; "Winslow Towers: Largest Building of Its Kind" *Arlington Advocate*, September 24, 1970.

²¹ For example, the City of Cambridge enacted a Townhouse Ordinance to allow flexibility in housing design and density but avoid the "Arlington Pillbox" type of apartment building description. See City of Cambridge Department of Community Development, "Towards a Sustainable Future: Cambridge Growth Policy," 20, 85, Appendix, C5 (City of Cambridge, 1993), accessible at <http://www.ci.cambridge.ma.us/CDD/cp/zng/growthpol/>.

²² "Town-Wide Zone Changes Arouses Many Residents --Save-Town" *Arlington Advocate*, February 15, 1962; "Protesting

Residents Overflow Hearing," *Arlington Advocate*, February 22, 1962.

²³ *Ibid.*, "Aroused Residents To Seek Injunction vs. Zone Change," *Arlington Advocate*, April 20, 1961. Mrs. Thomas M. Lodahl, Letter to the Editor, *Arlington Advocate*, February 22, 1962.

²⁴ John Macaris, *Arlington Advocate*, February 15, 1962, Letters to the Editor. See also Ceasure J. Fiorenza, *ibid.*, Letters to the Editor.

²⁵ "Protest Vs. Apartments Gains Growing Support," Lodahl, Letters to the Editor; (slums) Macaris, *ibid.*, "Protesting Residents Overflow Hearing," *Arlington Advocate*. During the 1970s, a time of high crime rates and tensions over the program of school integration through the bussing of school children, white working- and middle-class residents of greater Boston often expressed such fears. In Arlington in particular, the opponents of an extension of the Red Line subway in 1976 expressed a similar mix of anti-elite sentiments (directed at local leaders and state officials) and fears of poor African Americans. See discussion below.

²⁶ "Fight Zoning" *Arlington Advocate*, March 8, 1962.

²⁷ "Collectivism or Individualism," *Arlington Advocate*, March 22, 1962.

²⁸ Arlington Planning Board, "Comprehensive Town Plan Report: A Summary Report to the Town of Arlington, Massachusetts," December 1962. Prepared for the Arlington Planning Board with participation by the Massachusetts Department of Commerce by Planning and Renewal Associates, a division of the Planning Services Group, 5-15, 39, 43.

In addition, in 1964 Arlington created yet another apartment district, Residence E, which allowed no more than 40 foot high three-story buildings and relatively large setbacks of 20 feet in the front, 25 feet on the sides, and 40 feet in the rear, and

landscaping and parking requirements. Like the earlier Residence C, this zone classification was used for small sites, less than a block in area, in a few scattered locales around town and appears to have been an attempt to ensure that the scale and setting of new buildings be in proportion to surrounding two-family residential areas. Zoning By-law of the Town of Arlington, amended July 1964.

²⁹ Town of Arlington By-laws, http://www.town.arlington.ma.us/Public_Documents/ArlingtonMA_TownBylaws/toc/.

³⁰ Stenographic Records of an Annual Town Meeting, Arlington, Massachusetts, Volume VI/Sixth Session, March 31, 1971, 78-79, Richard Keshian, interview.

³¹ George J. Remmert, "Arlington--Some Problems, Some Thought, Some Comment," *Local Citizen's Column, Arlington Advocate*, April 6, 1972; Stephen Pekich, interview by author, Cambridge, Massachusetts, October 12, 2005.

³² Arlington Redevelopment Board, "Policy Memorandum - No. 1 Goals and Objectives," July 1972, 5-6.

³³ Arlington Redevelopment Board, "Policy Memorandum - No. 3 Massachusetts Avenue/Broadway Corridor Study," September 28, 1972, 3.

³⁴ Stenographic Records of Annual Town Meeting, Arlington, Massachusetts, Volume V/Fifth Session. April 2, 1973, 36-37; 168th Annual Report of the Town Officers of the Town of Arlington, Massachusetts and the Town Records for the Year Ending December 31, 1974, 74.

³⁵ Stenographic Records of Annual Town Meeting, Arlington, Massachusetts, Volume V/Fifth Session. April 2, 1973, 37-38; Volume VI/Sixth Session, April 4, 1973, 2-38; "Town Meeting OK's Moratorium," *Arlington Advocate*, April 5, 1973.

³⁶ In 1974, a group of citizens proposed

a second moratorium that would have barred new development of any kind, other than schools or public buildings, for a period of one year. The Redevelopment Board, however, unanimously opposed this measure because it would stop construction of single-family homes on small lots, commercial buildings, and office buildings, which were permitted under the new zoning law, and the Town Meeting defeated the proposal. Arlington Redevelopment Board, Memo to Town Meeting, Re: Article 66, March 18, 1974.

³⁷ Arlington Redevelopment Board members included Rev. Thomas M. Kershaw, an Episcopal priest, Joseph F. Tulumieri, a planning official for the City of Cambridge; Stephen Pekich, a manager at the Houghton-Mifflin publishing company. An early member, who still sits on the board, was Edward T. M. Tsoi, an architect. The board included both Democrats and Republicans. Pekich, interview by author. The kinds of people who supported the moratorium spoke up at the 1973 town meetings, Stenographic Records of Annual Town Meeting, April 2, 1973. The hearings before the town meeting attracted few attendees, indicating general acceptance of the measure.

³⁸ "Selectmen Candidates Discuss Local Issues," *Arlington Advocate*, February 15, 1973; "George K. Rugg Still Is a Candidate for Selectman," political advertisement, *Arlington Advocate*, February 15, 1973; "Join the Action - Vote for the Action Candidate," political advertisement, *Arlington Advocate*, March 1, 1973; "Spengler and Rugg Will Run on Stickers," *Arlington Advocate*, March 1, 1973; Rugg, Spengler Win On Write-ins," *Arlington Advocate*, March 8, 1973. Elsie Fiore, long active in town meeting and committees and moved from her native Quincy, Massachusetts, with her husband, an employee of the B.F. Goodrich rubber factory, to Arlington in 1949. Elsie

Fiore, interview by author, Arlington, Massachusetts, August 5, 2005; Robert Bowes, interview by author, Arlington, Massachusetts, May 26, 2005.

³⁹ For an account of this dispute, see Arnold M. Howitt, *Managing Federalism: Studies in Intergovernmental Relations* (Washington, D.C.: Congressional Quarterly, 1984), 267-300. Howitt does not discuss the racial dimension, probably because race was seldom raised in public. In private conversations, however, residents expressed racial fears. (The author heard such sentiments when he worked in Arlington in the 1970s.) Moreover, such racial fears have persisted. According to former selectman Stephen Pekich, some residents privately expressed fear of inner-city blacks as a reason to oppose the creation of the Minuteman Bikeway on an abandoned rail line in the 1990s. Stephen Pekich, interview by author, Cambridge, Massachusetts, October 12, 2005.

⁴⁰ Annual Report on Planning and Community Development, 168th Annual Report of the Town Officers of the Town of Arlington, Massachusetts and the Town Records for the Year Ending December 31, 1974, 75.

⁴¹ The opinion of the court has been cited frequently in legal arguments both in Massachusetts and elsewhere. *Collura v. Arlington*, 367 Mass. 881, 885 (1975).

⁴² "Arlington Apartments Ban Upheld," *Boston Herald Traveler*, June 4, 1975.

⁴³ The town manager, it is said, had come to question the abilities of the previous town planner. Town records indicate that he considered his office to be a research bureau and, moreover, that he gave audience to developers., Leo T. Young. Alan McClennen, Jr., telephone interview by author, Orleans, Massachusetts, May 23, 2005; Harry McCabe, telephone interview by author, Arlington,

Massachusetts, August 5, 2005; Annual Reports of the Arlington Department of Planning and Community Development, especially 167th Annual Report of the Town Officers of the Town of Arlington, Massachusetts and the Town Records for the Year Ending December 31, 1973, 54-55.

⁴⁴ Arlington Growth Policy Committee, Local Growth Policy Statement, Distributed by Massachusetts Office of State Planning, July 1976, 4, 21; McClennen, interview with author. The precise origins of the zoning and procedural restrictions - such as the adoption of the special permit and environmental design review - would require further research. It is worth noting, however, that the Redevelopment Board included a planner for the City of Cambridge, Joseph F. Tulimieri, and a practicing architect, Edward Tsoi, who would have known about and possibly suggested planning techniques for controlling development.

⁴⁵ This and the following analysis is based upon a Town of Arlington Zoning By-law (Arlington, 1975) in comparison to the town's earlier zoning laws.

Among the new requirements for apartment buildings were minimum lot size of 20,000 square feet, minimum street frontage of 100 feet, floor area ratios ranging from 0.8 to 1.5, minimum lot areas per dwelling unit ranging from 550 to 1,450 square feet, and setbacks 15 feet to 40 feet, depending on the building's height and length. Many of these requirements had been introduced for previous districts in 1971; the setback formula came from a district created in 1967 for the Mugar property. Height limits were lowered in 1978 and 1979, to range from 35 to 60 feet, much lower than the 1960s when they ranged from 40 to 110 feet.

⁴⁶ Arlington Zoning By-law, 1975,

2004, Section 11.06. As originally written, besides projects with eight or more dwelling units, environmental design review applied to any proposed building that faced two important streets, Massachusetts Avenue, the town's main drag, and Pleasant Street, a busy road that intersected Massachusetts Avenue at Arlington Center; structures such as gas stations; lodging houses, nonresidential uses and hotels in nonresidential areas of more than 10,000 square feet or with at least 20 parking spaces; and nonresidential uses in a residential district of more than 5,000 square feet or with 10 or more parking spaces, other outdoor uses of more than 10,000 square feet; and any use in a Planned Unit Development.

⁴⁷ Carl G. Lindbloom, *Environmental Design Review* (West Trenton, N.J.: Chandler-Davis Pub. Co., 1970); American Institute of Architects, Committee on Design, *Design Review Boards: A Handbook for Communities*, (Washington: The Committee on Design, 1974); Brian Mitchener, *Brookline, a Guide to Environmental Design Review*, (Brookline, Mass.: Brookline Planning Department, 1975); Alice Meriwether Bowsher, *Design Review in Historic Districts: A Handbook for Virginia Review Boards* (Washington, D.C.: National Trust for Historic Preservation, 1978); State of New Jersey, Department of Community Affairs, Division of Local Government Services, *A Guide for Residential Design Review* (Trenton, N.J.: Department of Community Affairs, Division of Local Government Services, 1976); Community Associations Institute, *Architectural Control* (Washington, D.C.: Community Associations Institute, 1978)

⁴⁸ Arlington Zoning By-law, 1975, 2004, Section 11.06, Section f., Environmental Design Review Standards.

⁴⁹ *Ibid.*.

⁵⁰ Arlington Zoning By-law, 1975, 2004,

Section 11.06, Section d., Required Submittals.

⁵¹ Arlington Zoning By-law, 1975, 2004, Section 11.06, Section b. Applications; Keshian, interview by author. The town imposed further burdens on prospective home builders in 2001 with a bylaw amendment that required affordable housing. Under these regulations, 15% of the units in residential developments of 6 or more units must be affordable to those earning less than 80% of the Boston metropolitan area median income. Arlington Zoning By-law, Section 11.08 - Affordable Housing Requirements.

⁵² Arlington Zoning By-law, Section 11.08, Permits and Procedures, para.7, adopted at Article 102, Arlington Town Meeting, March 1983.

⁵³ For early cases of citizen participation in urban planning in Boston, see Langley C. Keyes, *The Rehabilitation Planning Game: A Study in the Diversity of Neighborhoods* (Cambridge, Mass.: MIT Press, 1973, 1969).

⁵⁴ Town of Arlington By-law, Title VI, Article 6; Arlington Historic Districts Bylaw, Article, http://www.town.arlington.ma.us/Public_Documents/ArlingtonMA_TownBylaws/title7/; Town of Arlington, *Zoning By-law* (Arlington, 1975), Article 11, Section 11.04.e; Section 11.04.g; Section 11.05.h.

⁵⁵ Housing market conditions in the 1970s also influenced Lombard's decision to withdraw from real estate development. Lombard, interview with author; Keshian, interview with author.

⁵⁶ The total number of dwelling units in Arlington were 17,921 in 1970; 18,880 in 1980; 19,421 in 1990; and 19,411 in 2000. Source: U.S. Census.

⁵⁷ The following account of the attempts at making changes and developing the site of the Times Oldsmobile dealership is drawn, except where noted, from the Time Land environmental design review

folders, Town of Arlington, Department of Planning and Community Development, Arlington, Massachusetts.

⁵⁸ “Time Olds Seeks to Build Double-Deck Parking Area,” *Arlington Advocate*, October 16, 1996.

⁵⁹ Even afterwards in October 1988 Friedland’s lawyers requested an extension of the special permit, blaming litigation, negotiations, redesign, and the process of filing a new application for delays in construction. Request for extension of special permit, Time Land folder, item 13, October 8, 1988; “Time Olds to Refile Plans for Renovation,” *Arlington Advocate*, June 25, 1987; “Plans to Refurbish Time Olds Gets Long-Awaited Approvals,” *Arlington Advocate*, September 17, 1987.

⁶⁰ American Stores Properties purchased the property in October 1997 for \$2.1 million. Albertsons then acquired Osco Drugs and was in turn purchased by Jean Coutu Group (PJC), owner of Brooks Pharmacy, which closed the Osco Drug chain. The events pertaining to attempts to develop a drug store at the site can be traced in the 23 documents dated from March 2, 1998 to June 16, 2000, in the 743-745 Massachusetts Ave. Docket #3066 folder, Town of Arlington, Department of Planning and Community Development, Arlington, Massachusetts. See for example, Alan McClennen, Arlington Town Planner to attorneys for Time Oldsmobile, March 27, 1998; “The Need for a Bicycle and Pedestrian Safety Study for the Proposed Osco Development,” Arlington Citizens for Responsible Development, October 18, 1998. For a summary, see also, Les. G. Masterson, “Time Olds Parcel on Market for \$3.95M,” *Arlington Advocate*, July 4, 2002.

⁶¹ Keshian, interview by author.

⁶² Masterson, “Time Olds Parcel on Market for \$3.95M,” *Arlington Advocate*, July 4, 2002; <http://www.arlington-mass.com/oldsmobile.html>; Roberto Scalse, “Townhouses Eyed at Time Olds,” *Arlington Advocate*, September 4, 2003.

⁶³ Mill Street housing meeting notes, April 17, 2003; Mill Street housing meeting notes, May 5, 2003; Mill Street housing meeting notes (in which design alternatives presented to residents, abutters, and Historical Commission members who objected to previous plans), May 19, 2003; Information package, real estate financial analysis by GVA Thompson Doyle Hennessey and Stevens, June 20, 2003; Notes from meeting with Arlington Redevelopment Board and Time Oldsmobile site owners, June 23, 2003; Mill Street Time Oldsmobile Site, 743 Massachusetts Ave. Docket #3229 folder, Arlington Department of Planning and Community Development; Arlington Historical Commission, Minutes of Meeting of June 3, 2002, Arlington Online, http://town.arlington.ma.us/Public_Documents/ArlingtonMA_HistCommMin/F00015E7D/S001CC84F/.

⁶⁴ Keshian, interview with author; <http://www.donhamandsweeney.com/index.html>; Scalase, “Residents Question Time Olds Proposal,” *Arlington Advocate*, November 20, 2003; Donham and Sweeney, Inc., preliminary rendering of housing scheme at Time Olds site, Docket #3229 folder, Arlington Department of Planning and Community Development.

⁶⁵ Roberto Scalse, “Townhouses Eyed at Time Olds,” *Arlington Advocate*, September 4, 2003; Scalse, “Residents Question Time Olds Proposal,”

⁶⁶ Scalse, “Residents Question Time Olds Proposal.”

⁶⁷ Special permits were required for: (1) permitted uses, (2) uses, (3) spacing of a residential building on the same lot with another building, (4) exceptions to maximum floor-to-area ratio regulations, (5) building of uneven height or alignment, (6) yards of setbacks, (7) special permits/signage, (8) parking and loading space standards. Folder, Time Site, 743 Massachusetts Ave. Docket #3229, December 4, 2003, Arlington Department of Planning and Community

Development.

⁶⁸ In practice, the scope of the Redevelopment Board had broadened from planning to actual design of buildings. For example, in January 2004, Edward Tsoi, an original member of the Redevelopment Board, criticized a developer’s plans for a 26-condominium building as “incredibly unimaginative” and instructed him to “please give your architect all our comments and tell him to get to work.”

⁶⁹ Keshian, interview with author; Arlington Historical Commission, Minutes of Meeting of June 3, 2002; Linda Guttman, “Project Could Be Benefit for Town,” Letter to the Editor, *Arlington Advocate*, December 3, 2003.

⁷⁰ Roberto Scalse, “Mass. Ave. Site Has Building Options, Nothing Concrete,” *Arlington Advocate*, March 4, 2003.

⁷¹ Furthermore, a large number of units were necessary to generate enough income to enable the builder economically to lower the price for some of the units to the “affordable” level. Roberto Scalse, “Time Olds Changes Proposed,” *Arlington Advocate*, March 25, 2003.

⁷² Scalse, “Time Olds Changes Proposed.”

⁷³ Keshian, interview with author.

⁷⁴ A project for a 27-unit condominium building on Massachusetts Avenue took only a month to get approval, but proposals to build 139 units with rooftop parking near the town center, housing near a historic district, and a hotel next to a highway on the site of a former car dealership produced excruciatingly long and difficult process. 264 Massachusetts Avenue folders, Docket #3277; 424-448 Massachusetts Avenue, Docket #3067; 30 Water Street/Russell Place folders, Arlington Department of Planning and Community Development; Re: Alewife Volvo site, 1 Massachusetts Avenue, Director’s Report, Alan McClennen Jr. to the Arlington Redevelopment Board, June

4, 2001; Bowes, interview with author.

⁷⁵ 330 of the 351 municipalities in Massachusetts filed growth policy surveys prepared by local growth policy committees. Massachusetts Office of Planning, *City and Town Centers: A Program for Growth. The Massachusetts Growth Policy Report*, (Boston, Mass.: Commonwealth of Massachusetts, 1977) I, 10.

Allowing for the differences in circumstances, including socio-economic class, of the communities, the widespread apprehension of population and building is striking. The communities of Melrose, Massachusetts, expressed almost identical sentiments as those felt in Arlington. “Many Melrose residents including members of the Growth Policy Committee are frightened by apartments. The great worry is that Melrose will be developed from border to border with little or no open space relief. Some members see apartments as a necessary substitute for or replacement of blighted properties. In terms of tax base, it seems apartment carry their own costs but do not significant tax relief. Some residents would like apartments if they contributed significantly to the tax base but don’t want apartments located ‘in my neighborhood.’” Melrose Growth Policy Committee, Melrose Growth Policy Report, 19. For history, summary, and analysis of the surveys, see Lawrence Susskind, *Massachusetts Growth Policy Project* [planning reports] (Cambridge, Mass.: Laboratory of Architecture and Planning, Department of Urban Studies and Planning, Massachusetts Institute of Technology, 1977), 5 volumes.

⁷⁶ The Pioneer Institute for Public Policy Research/Rappaport Institute for Greater Boston Housing Regulation Database of Massachusetts Municipalities indicates that Arlington’s land-use regulations are as stringent as those in many other communities. Arlington, however, is also

one of the state’s most densely populated communities (ranking 11th for population density and 9th for housing density).

See “City by City QuickFind Regulation Index,” online at <http://www.ksg.harvard.edu/rappaport/research/housingregs.htm> and “Census 2000 Data for the State of Massachusetts,” online at <http://www.census.gov/census2000/state/ma.html>.

⁷⁷ Glaeser, Schuetz and Ward, “Regulation and the Rise of Housing Prices in Greater Boston.”



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