

DEMOCRATIC CONTROL: THE ARLINGTON REDEVELOPMENT BOARD

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DEMOCRATIC CONTROL AND MUNICIPAL REDEVELOPMENT: A CRITICAL
APPRAISAL OF THE ARLINGTON, MASSACHUSETTS REDEVELOPMENT BOARD
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This thesis examines the factors which led to the creation of the Redevelopment Board in the Town of Arlington, Massachusetts, and seeks to evaluate it as a possible model for the reconciliation of standard planning boards and redevelopment authorities with democratic participation and control. The institution of the town meeting, while it provides an historic means of democratic control, is potentially capable of preventing the development of modern and bureaucratically operated institutions to solve problems of urban development and planning. To the substantial portion of the town meeting of Arlington, representative of what Edgar Litt has described as the "Manager Culture", the Redevelopment Board was perceived as a logical extension of previous machinery for planning and development. To those in town meeting who were disposed to be hostile to planned development, the board provided greater control than the standard mechanism of an autonomous redevelopment authority. The role of the Redevelopment Board is considered within the peculiar framework of municipal institutions in Massachusetts, but the possibilities of the model for adaptation to other milieux are critically evaluated. The thesis, at the same time, provides some insight into the role of both municipal bureaucrats and local citizen groups in the development and adaptation of political institutions to meet modern needs.

Cette thèse considère les facteurs qui ont amené la création du conseil de redéveloppement dans la ville d'Arlington, Massachusetts, et tente ensuite d'évaluer cette institution à titre de modèle dont le but serait la réconciliation des conseils classiques de planification avec les autorités de redéveloppement bénéficiant de la participation et du contrôle démocratique. Bien qu'offrant un mode historique de contrôle démocratique, l'assemblée villageoise constitue néanmoins un obstacle possible au développement d'organismes modernes et de caractère bureaucratique en quête de solutions

aux problèmes de planification et de développement urbain. Pour la fraction importante de l'assemblée villageoise d'Arlington représentant ce qu'Edgar Litt a décrit comme étant la "manager culture", le conseil de redéveloppement ne représentait somme toute que la continuation logique de l'appareil de planification et de développement déjà en place. Aux yeux de ceux qui, au sein de l'assemblée villageoise, étaient manifestement hostiles au développement planifié, le conseil était pourvu d'un contrôle plus grand que celui dont disposait une autorité autonome de développement. Le rôle du conseil de redéveloppement est examiné à l'intérieur du cadre singulier des institutions municipales au Massachusetts, mais une évaluation critique est offerte quant aux possibilités d'adapter le modèle aux autres milieux. Cette thèse offre simultanément un aperçu du rôle des fonctionnaires municipaux et des groupes de citoyens locaux dans le développement et l'adaptation des institutions politiques pour faire aux besoins modernes.

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PREFACE

Some time ago, when I first began thinking about possible topics for a thesis, I decided that it should concern something which not only interested me, or simply needed research, but would, and should, concern what has become my work: town planning. There are any number of topics which could have proven fruitful and which would have satisfied my personal aims; many of these could have been both academically challenging and important. For many reasons I settled on the Arlington Redevelopment Board.

In May of 1971, I was appointed the Planner for the Town of Arlington in the Department of Planning and Community Development. One of the aspects of the town which intrigued me then--and does yet--was the apparent willingness of the community to try new and different organizational solutions to problems which are in no way unique to Arlington. A matter of days before I began my new job, the Redevelopment Board concept had been passed by town meeting. I had, therefore, the opportunity to watch its passage through the legislature and its organization in October of that year. Since that time, I have had the pleasure of working with that board. I am deeply impressed by the character of the individuals who comprise it and with the quality of service and commitment they have brought to the community. The town is far richer because of them.

Several communities in the state have shown great interest in the concept of a combined planning and redevelopment board, based upon Arlington's experience in the past year. Their questions and concern had aroused my interest in evaluating, in a systematic way, the organizational factors that make Arlington's Redevelopment Board different from the boards and authorities in other towns, and how this idea might benefit other towns. Very little has been written about planning in Massachusetts and, with the exception of some work on the Boston Redevelopment Authority, no scholarly work of any kind on the capabilities or qualities of individual boards that might be generalized has been done in the state to my knowledge.

This thesis, therefore, is a first step in evaluating one way in which Massachusetts communities can control and guide development differently--and, perhaps, more effectively--than they can at present. At the risk of sounding untentious, I believe I may have been in an uniquely good position to undertake this research and to evaluate the Redevelopment Board's organization. Most of the documents I needed were close by and available to me. More important, the people who participated in the decision-making process, both in the government and in the town, are people I deal with daily in my work. Finally, since I work closely with the Redevelopment Board, I have been able to follow its growth and examine its structure at first hand over the duration of its existence to date.

There are many people whose counsel and guidance have helped me immeasurably in this thesis. I particularly want to thank Town Manager Donald R. Marquis, Assistant Town Manager Michael Sullivan, and Director of Planning and Community Development Leo T. Young for their help in making records, files and a great deal of their personal knowledge freely available to me. The members of the Arlington Redevelopment Board have helped greatly as individuals with their knowledge of certain historical and political points that I raised with them. The Arlington Town Clerk, Miss Mary Farrington, was most kind in helping me to locate certain public records. I am deeply indebted to all of these people for allowing the benefit of their knowledge and for their patience with my prying. Any errors of fact, or of judgement, which may have crept into this thesis are, of course, mine alone. Most of all--and in the past few months, I have come to see why this sentence is so common in prefaces--I want to express my deep thanks to my wife, Roberta. Her patience with the amount of time I had to take out of our family life, over and above the extensive amount of time I am committed to evening meetings by my work, has been a constant blessing. Without her good temper, I would not have carried this through.

INTRODUCTION

On August 31, 1971 the Massachusetts legislature passed a special act, Chapter 738 of the Acts of 1971, which was signed into law by Governor Sargent on September 9 of that year. The act affected only the Town of Arlington, replacing the town's standard-form Planning Board with a new, more powerful body known as the Redevelopment Board. In this new board are combined the rather limited powers of a planning board and the far broader powers, including that of eminent domain, of a redevelopment authority, subject to the proviso that the new board may undertake no redevelopment project nor make any land taking without first receiving specific approvals by town meeting.

Although two cities in the commonwealth, Boston and Lowell, do have special authorities which combine the planning and redevelopment functions, the Arlington Redevelopment Board is unique in town government in Massachusetts.

This approach taken by the town in requesting the special legislation allows for the direct co-ordination of planning, development, and redevelopment, and for community control of the redevelopment process. Should this prove to be a satisfactory method of organization, and particularly if it produces new development or redevelopment which gains wide community approval, it would undoubtedly become a model for use in other communities

in the commonwealth. The policy implications of this local experiment are, therefore, potentially very significant. Nevertheless, it is entirely possible that this new board, because of its very uniqueness, is (a) not so adaptable to town needs as it would at first appear to be, and (b) may be so tailored to a specific community--Arlington--that it would be impractical to use the concept or the legislation as a paradigm in other communities.

The purpose of this thesis is to investigate the Redevelopment Board as a concept of local government in terms of its organizational advantages and utility to the town and of its potential for use as a model in other Massachusetts communities. To judge it both as a local board and as a model for other towns to use, the following points are examined: (i) the goals of the community and its leaders in creating the board; (ii) the method of the board's creation; (iii) the powers of the board as they relate to the powers of boards created in the standard organizational form; (iv) the role of the board in town government; (v) the implications of the organizational form of the Redevelopment Board for planning and redevelopment policy; and (vi) the potential for and desirability of using the board as a model in other communities.

A brief word about the organization of this thesis is in order.

For the reader to understand many of the organizational and procedural matters discussed here, it is necessary that he

have a broad understanding of municipal government in Massachusetts and in Arlington. The first chapter, therefore, should serve to give the reader this necessary background. The second is a discussion of how, by whom, and why the Redevelopment Board was created. This, in turn, is followed by a chapter summarizing the powers of standard planning boards and redevelopment agencies and evaluating the powers and the local role of the Redevelopment Board. Finally, there is a chapter on conclusions which gives the conclusions on the board in its local role and an evaluation of the board as a paradigm for use in other Massachusetts communities.

CHAPTER 1
BACKGROUND ON MUNICIPAL GOVERNMENT
IN MASSACHUSETTS

General

Municipal governments differ widely throughout the United States, but in Massachusetts they follow a form--or, rather, a variety of forms--which differs significantly from those found in most of the rest of the nation. For this reason it is necessary to acquaint the reader with Massachusetts municipal government generally, and with town government in particular, so he may understand many of the issues and procedures which are discussed later. There are two basic forms of municipal government--towns and cities--to be discussed here; counties are a curious sort of middle-level government in Massachusetts, which, while both interesting and important, are not salient to our topic.

The town meeting form of government goes back as far as colonial times. Under the English governors and later under the Massachusetts legislature--or General Court, as it is called in the commonwealth--towns were instituted by permission or direction of the General Court.¹

¹This and much of the discussion which follows is based upon the League of Women Voters of Massachusetts, Massachusetts State Government: A Citizen's Handbook (Cambridge, Mass.: Harvard University Press, 1956), pp. 349-59.

Historically there were never any local home rule provisions in Massachusetts; all of the actions of a municipality were subject to review and annulment by the General Court, and no municipality could take action on its own which was not enabled by legislation from the General Court. In the late 1960's an amendment to the Massachusetts Constitution altered this situation. This so-called "home rule amendment" will be discussed in Chapter II in relation to the passage of the legislation creating the Redevelopment Board. But home rule legislation notwithstanding, Massachusetts cities and towns have from the earliest times had the authority "to manage their own affairs, to make ordinances and to enforce them, and to choose their own officials."¹ Even before the home rule amendment was passed, the General Court did little to infringe upon what were perceived to be the rights and responsibilities of municipalities. In fact, when that amendment was proposed, the state's Department of Community Affairs advertised in favor of it, pointing out to the electorate that it was needed to give municipalities more freedom to satisfy their own needs and to help unburden the badly overburdened legislature from having to deal with so many special acts each year.

All municipalities in Massachusetts were governed by town meeting, consisting of all the registered voters in the town,

¹Ibid., p. 350.

and by selectmen elected at the town meeting, until legislation was passed in 1821 which enabled the creation of a city form of government in municipalities of more than twelve thousand in population. Boston became the first city in the commonwealth in 1822. By 1900 a total of thirty-three municipalities had become cities. "All of these cities were granted individual, custom-made charters, after appealing to the General Court for approval."¹

Four standard city charter forms were adopted by legislation in 1915 and were known as Plan A, Plan B, Plan C, and Plan D. A fifth plan, Plan E, was adopted in 1938.² A sixth plan, Plan F, was adopted in 1959.³

Plan A provides for a "Strong Mayor" with broad appointive powers and with the power to veto actions of the city council (which may over-ride his veto only by a two-thirds vote); Plan B provides for a "Weak Mayor" with appointive powers subject to approval of the city council and no veto power; Plan C provides for a commission form of government with the city councillors, including the mayor, each acting as administrative head of one or more city departments; Plan D is a city-manager plan with plurality voting. In 1938, the legislature added Plan E. which . . . (after modification) . . . is now only faintly distinguishable from Plan D.⁴

Plan F has an elected mayor with veto powers over the

¹Ibid.

²Ibid., p. 351.

³Chapter 43A, Section 117 of the General Laws of Massachusetts in the Annotated Laws of Massachusetts (black copy), revised by Gabriel V. Mottla (Charlottesville, Va.: The Michie Company, and Rochester, N.Y.: The Lawyers Co-operative Publishing Company, 1966), revised; cited hereafter as Annotated Laws.

⁴The League of Women Voters, Massachusetts Government, p. 351.

actions of the elected city council, and might be considered as a middle ground between Plan A and Plan B.¹

Any city, except Boston, may elect to adopt one of the foregoing plans.

Becoming a city was not and is not always considered a desirable alternative for large towns, although it was becoming obvious even before the turn of the century that open town meetings were becoming too large and unwieldy. There are a number of reasons that towns prefer to remain towns, despite the difficulties of town meeting and the relative ease with which a city charter may be adopted. The League of Women Voters points out, for example, that "the legislature has traditionally put greater restrictions on cities than on towns." They note that, "in a town votes may be counted at any time, as directed by the board of selectmen, but in a city counting may not start until after the polls are closed."² Another, and currently more commonly stated reason that many large towns do not wish to become cities is that, despite the cumbersome apparatus of town government, there is more direct control over the governance of the community by a town meeting representative form of government than by the more responsible mayor-council forms used in cities. Furthermore, cities are often felt to be corrupt, and city governments to be a particularly corruptible form of

¹See Annotated Laws, Chapter 43, Sections 117 through 127.

²The League of Women Voters, Massachusetts Government, p. 352.

government--a view which, in Massachusetts, has by no means proven to be wholly unjustified.

To solve the problem of what to do if a town did not want enormous open town meetings, and yet did not desire to become a city, a number of special acts were passed for individual towns allowing them to establish limited or "representative" town meetings. Finally in 1926, the General Court created a standard procedure whereby any community with a population of six thousand or more could establish a limited town meeting form of government.¹ Recodified in 1931, this law is now Chapter 43A of the Massachusetts General Laws.

As with many of the changes that have been made in local government in Massachusetts, Arlington was in the forefront of the movement to create limited town meetings. Under a special act, Chapter 642 of the Acts of 1920, the town established a limited town meeting form of government.²

This act divided the town into five precincts, and provided for the election of roughly equivalent numbers of town meeting members from each precinct, to a maximum of two hundred and seventy members.

The town continued under this special act until 1935, when the provisions of Chapter 43A were accepted. The acceptance of Chapter 43A did not alter the format or membership

¹Ibid.

²The act is quoted in its entirety in the Annual Report of the Town Officers of the Town of Arlington, Massachusetts and the Town Records for the Year Ending December 31, 1920, cited hereafter as Annual Report, (year), pp. 11-18.

of town meeting in any significant way, except to reduce its membership "to be as nearly two hundred and forty as may be."¹

As may be inferred from the foregoing, towns are responsible for maintaining only two of the three functional branches of government: the legislative and the executive. Judicial powers are reserved to the state and county levels of government. The legislative body in cities is the city council; in towns it is the town meeting. The executive branch in a city may follow one of a variety of formats, generally headed by a mayor or city manager; in towns there are even more varied formats, generally headed by either an executive secretary to the board of selectmen, the board of selectmen directly, or by a town manager. It would be fruitless to examine all of the subtle possibilities and actual combinations of town government structures. Two explanations will help the reader, however: a brief introduction to the town meeting form of government, and a more detailed explanation of Arlington's town government.

Town Meeting

It will serve the purposes of this introduction to sketch the broad outline of town meeting and its responsibilities only briefly.

The subject of municipal government in Massachusetts is

¹Annotated Laws, Chapter 43A, Section 4.

covered in Chapter 39 of the General Laws; the powers and duties of cities and towns are prescribed in Chapter 40. Under law going back to 1785, town meeting must meet annually in February, March, or April and may meet at other times.¹

The business of town meeting is transacted according to a warrant issued by the selectmen at least seven days prior to the meeting. The warrant must state the time and place of the meeting and state the business which is to be transacted. For every annual town meeting articles may be inserted into the warrant privately, at the request of at least ten registered voters; any town officer, board, or committee may submit articles. The selectmen have the authority to call a special town meeting at any time during the year, and must call one if petitioned to do so by two hundred or more registered voters of the town. Once a warrant for a special town meeting has been opened, any private article may be inserted at the request of one hundred voters. It is only during such annual or special sessions that town meeting meets officially. These are the only times that it may transact business, and then only that business which has been published in the warrant.²

¹Ibid., Chapter 39, Section 9.

²Ibid., Section 10.

In all regards, save the election of town officers and the fact that appropriations in excess of twenty thousand dollars may be referred to a town-wide referendum in towns with limited town meetings, there are no differences in the powers of open or representative town meetings.¹

¹The Massachusetts General Laws are specific on the officials to be elected by town meeting or by general election in the town. Chapter 41, Section 1 (Annotated Laws) states:

"Every town at its annual town meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law, choose by ballot from its registered voters the following town officers for the following term of office:

A town clerk for the term of one or more years.

A town treasurer for the term of one or three years.

One or more collectors of taxes for the term of one or three years, unless the town votes otherwise or votes to authorize its treasurer to act as collector.

Three or five selectmen for the term of one or three years, subject to the provision of section twenty-one.

One, three, or five assessors for the term of three years . . .

Three or five members of the board of public welfare for the term of one or three years unless the town votes to authorize its selectmen to act as such board.

One or three auditors for the term of one or three years, except where such office is abolished as provided in section fifty-five.

One or more highway surveyors for the term of one or three years; or

A road commissioner for the term of one year: or

Three road commissioners for the terms of three years, as the town may vote.

A sewer commissioner for the term of one year; or

Three sewer commissioners for the term of three years, if the town has provided for such officers, unless the town by vote authorizes its road commissioners to act as sewer commissioners.

A tree warden for the term of one or three years.

One or more constables for a term of three years, unless the town by vote provides that they shall be appointed . . .

Three, five, six, seven, or nine members of the school committee for the term of three years.

Three members of the board of health for the term

Without belaboring the description of the powers and duties unduly, one additional arm of the town meeting deserves mention: the finance committee. Under Chapter 39, Section 16, of the Massachusetts General Laws, all towns with a state tax valuation in excess of one million dollars must appoint a finance committee. This committee may consider any or all articles submitted to town meeting, for the purpose of advising the town meeting of their financial implications. In Arlington, and indeed in most communities, the recommendation of the finance committee on any budgetary or financial question carries very great weight. Because the prestige of this committee usually makes its recommendations, even on non-monetary articles, very important, its opinion on any matter of importance coming before the town meeting is usually sought in advance.

of three years if the town provides for such board, otherwise the selectmen shall act as such a board of health.

All other town officers shall be appointed by the selectmen unless other provision is made by law or by vote of the town.

Women shall be eligible to all town offices, notwithstanding any law to the contrary.

In any case where three or more members of a board are to be elected for terms of more than one year, as nearly one-third as may be shall be elected annually . . ."

When a town has a representative town meeting, such officers are elected by the voters of the town, not by the town meeting. Chapter 43A, Section 7 is explicit:

"The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers and town meeting members, and as herein provided, to referenda, and all other matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. . ."

Town meeting is a somewhat cumbersome, very complex institution--one that long ago disappeared from most North American communities outside of New England. In New England, however, it remains a deeply cherished institution which shows few signs of vanishing in the foreseeable future. For all of its difficulties, it remains one of the most deeply entrenched "sacred cows" of American government. In fairness, it must be said that it is one of the most democratic forms of representative government ever devised and provides one of the clearest and most easily understood avenues of access to local government known. It is, in fact, the paradigm of the participatory democracy which the American suburb seems to be so desperately seeking.¹

The Executive Branch

The town form of government in Massachusetts is deeply entrenched. As has been pointed out, there are only two forms of the legislative branch in towns--open or representative town meeting. The executive branch, however, has a number of variants which, if they were to be discussed extensively, would have to be covered on a town-by-town basis. Very generally, therefore, there are two primary ways in which the executive is organized.

The first is for the selectmen to act as the chief executive board--a way which is common in smaller communities.

¹See Robert C. Wood, Suburbia: Its People and Their Politics, (Boston: Houghton Mifflin Company, 1958), especially pp. 158-61.

In this case, the three or five man board of selectmen directs the various town departments and makes all of the executive decisions at its periodic (usually weekly) meetings. The selectmen are usually unpaid or receive a nominal salary plus expenses. In order to carry out the day-to-day routine of their work and to act as their representative, they generally employ an executive secretary.¹

Many towns have adopted a town manager form of government. Unlike cities, discussed earlier, this form must always be adopted by special act of the legislature, since there is no standard enabling legislation to permit it. In some communities the town manager has merely supplanted the executive secretary, usually with broader administrative and discretionary powers. In other towns both offices are found.

Arlington has both a town manager and an executive secretary to the board of selectmen. Because the Arlington Town Manager Act figures so greatly in the creation of the Redevelopment Board, and because one of the concerns of this thesis is the possibility of using the Redevelopment Board concept in other Massachusetts communities, a brief analysis of the town manager form of government in Arlington is in order.

The Arlington Town Manager Act

Chapter 503 of the Acts of 1952 is entitled: "An Act

¹Annotated Laws, Chapter 41, Section 23A stipulates that an executive secretary may be appointed for a term of one or three years, and serves at the pleasure of the board of selectmen.

Establishing a Town Manager Form of Government for the Town of Arlington."¹ Far more than simply providing for a town manager, this act provides a detailed codification of the powers and duties of the executive branch, as represented by the selectmen and the town manager, although it does not in any way control the school committee,² or the housing authority,³ town clerk, treasurer, or collector,⁴ all of which positions it leaves to be elected.

In describing the powers and duties of the town manager, it states that he "shall supervise and direct the administration of all departments, commissions, boards and offices, except the board of selectmen, the school committee, moderator, town clerk, town treasurer and collector, assessors, registrars of voters, election officers, boards of appeals, and the personnel board." He may, unless specifically prohibited elsewhere by the General Laws, "reorganize, consolidate or abolish departments, commissions, boards, or offices under his direction" and may establish new ones "subject to the approval of the board of selectmen." He "shall appoint upon merit and fitness alone" and "except as otherwise provided . . . he may transfer and remove all officers and employees of the town" except those which he cannot appoint. He has complete jurisdiction over all town property, and is responsible

¹Acts and Resolves passed by the General Court (Boston, 1952), hereafter cited as Acts and Resolves (year), p. 401.

²Ibid., Sections 5 and 6, p. 402.

³Ibid., Section 7.

⁴Ibid., Section 8.

for all undertakings of the town.¹

Under Section 17 of the original act, he had the authority to appoint a planning board "to consist of five suitably qualified persons " subject to the approval of the board of selectmen. Additionally, and again subject to the approval of the board of selectmen, he has the power to appoint the following: the board of public welfare (Section 18), the board of public health (Section 19), the board of park commissioners (Section 20), the board of cemetery commissioners (Section 21), the board of library trustees (Section 22), the board of commissioners of trust funds (Section 23), the tree warden (Section 25), the superintendent of public works (Section 27) and town counsel (Section 28). Aside from minor wording changes by Chapter 634 of the Acts of 1956, Chapter 394 of the Acts of 1964, and Chapter 122 of the Acts of 1967, the original town manager act had not changed significantly until the act which created the redevelopment board, Chapter 738 of the Acts of 1971, changed Section 17.

The specific division of powers of the executive between the board of selectmen and the town manager, while it may be paralleled in many communities in the state, is really unique to Arlington, because it is by special act. There is one major difference from the point of view of this thesis, however. In all other towns in the commonwealth, the executive has the power to create a planning board only.² The renewal

¹Ibid., Section 15 passim, pp. 404-05.

²This applies, of course, only to those towns in which the planning board is appointed; in many communities they are still elected. See infra, pp. 76 and 80.

powers of Arlington's Redevelopment Board are found in other towns only in redevelopment agencies which may be created by town meeting.

Having taken this brief overview of municipal government in Massachusetts generally and in Arlington specifically, we may now turn our attention to the creation of the Redevelopment Board, to an analysis of its powers and duties, and to an evaluation of the desirability and legal possibility of using the board as a model for use in other Massachusetts communities.

CHAPTER II

THE CREATION OF THE REDEVELOPMENT BOARD

Origins of the Concept of a Redevelopment Board

In any non-authoritarian bureaucracy, ideas are formulated, nurtured, and developed by groups of people, rather than individuals. For this reason it is often difficult to fix either credit or culpability for any one policy in any absolute way on any one person. Yet, it is important to try to do just that. For in knowing the people who created a policy one is better able to judge the motivation for it and may thereby be able to develop a clearer understanding of the policy's strengths and weaknesses.

This section traces the evolution of the concept of giving planning and redevelopment powers to a local board in Arlington, with a view to identifying the people responsible for the development of the idea. Later sections trace the goals of the persons and groups concerned and the process by which the Arlington Redevelopment Board was created.

Broadly speaking, the idea for the board was formulated and placed before the town meeting in the very brief span of winter and spring of 1970-1971. But the basic idea that a redevelopment agency of some sort was not only desirable, but necessary in the town, was hardly new in 1970. In the warrant

for the annual town meeting of March, 1961, the Arlington Housing Authority had inserted the following article:

Article 57. To see whether the Town will determine that there is a need for Urban Renewal in the Town; whether the Town will delegate to the Arlington Housing Authority the powers of Urban Renewal; whether a sum of money shall be appropriated for the use of said Housing Authority to formulate a Workable Program and Prepare the Survey and Planning application for Federal Assistance; or take any action relating thereto.¹

Housing authorities have been one of the two types of standard redevelopment agency allowed by law in Massachusetts for many years--a topic which will be more fully explored in the next chapter. The records which would indicate the specific reasons that the Arlington Housing Authority saw renewal as one of its necessary functions are very scanty, but it appears that it was requesting these powers in response to the wishes of the Town Manager, Edward C. Monahan, that an agency be set up to be eligible to receive federal monies for urban renewal. It is not clear whether he supported the granting of urban renewal powers to the Housing Authority or to a new renewal agency. Urban renewal funds were being given wider availability, particularly to housing authorities, by the U.S. Senate approval of the compromise "Urban Renewal, Slum Clearance and Housing Bill" in 1959.² In 1961, President

¹Annual Report, 1961, p. 35. It is obvious that the article was to be subject to debate and amendment, since it carried the clause "or take any action relating thereto" at the end. Articles carrying that clause may be amended by a motion from the floor, and are therefore said to be "open"; articles not carrying that clause are not amendable and are therefore said to be "closed."

²The United States Municipal News, Vol. 26, No. 15, (Washington: The United States Conference of Mayors) August 20, 1959.

John F. Kennedy had indicated that the scope and purposes of urban renewal programs would be widened.¹ There was undoubtedly a feeling on the Housing Authority that federal monies for a variety of projects, especially those concerned with housing, would soon be available from Washington, and that they would be able to use such funds effectively. The only objection to this view point was as to whether there was, in fact, a need for urban renewal in Arlington and, if there was, whether it was a housing-related need.²

In any case, during the debate on Article 57, a substitute motion was offered from the floor. It, in turn, was amended by the motion of the Chairman of the Board of Selectmen and was passed by a vote of one hundred and twenty-five to seventy-five. The substitute motion as passed created a committee of nine persons, to include "one member of the Planning Board, one member of the Arlington Development Commission, one member of the Housing Authority, one member of the Finance Committee, and five registered voters of the Town" to be appointed by the Moderator, the Chairman of the Board of Selectmen, and the Town Manager. The committee was charged to "investigate, consider, and make recommendations relative to the question of whether or not there (was) a need

¹Noted in a letter from Allan B. Igo, Chairman of the Arlington Development Commission (now defunct) to the Board of Selectmen, February 20, 1961.

²Letter from the Board of Selectmen to Allan B. Igo, Chairman of the Arlington Development Commission, dated February 28, 1961.

for Urban Renewal in the Town; . . . to report not later than the 1962 Annual Town Meeting."¹

The committee did submit a report to town meeting in spring of 1962. In it the committee unanimously voted that the town meeting should declare that the need for urban renewal existed in Arlington.² They further recommended that an urban renewal authority be created. They inserted Article 95 into the warrant for the 1962 annual town meeting in an attempt to actually create such an authority.³

The Housing Authority had not yet given up the idea of obtaining the powers of a redevelopment agency either. They submitted an article which would give them the powers

¹Annual Report, 1961, p. 86.

²Report of the Committee to Investigate, Consider, and Make Recommendations Relative to the Need of Urban Renewal in the Town, Appointed Under Article 57 of the Warrant for the 1961 Annual Town Meeting, (mimeographed report). The chairman of this committee, interestingly enough, was Mr. George J. Remmert who, at that time, was a freshman member of the Finance Committee. In 1971, Mr. Remmert was appointed to the new Redevelopment Board and was elected its first chairman.

³Annual Reports, 1962, p. 51. The article as submitted was: "Article 95. To see whether the Town shall declare that there exists in Arlington the need for an urban renewal program; whether the Town shall declare that there is a need in Arlington for a redevelopment authority for the purpose of engaging in urban renewal and land assembly and redevelopment projects and that it is in the public interest that such an authority be organized in Arlington; whether a sum of money shall be appropriated for the use of said authority to formulate a Workable Program and prepare the Survey and Planning Application for federal assistance; or take any action relating thereto."

of a redevelopment agency--Article 96-- which was the exact same article that they had put in the 1961 warrant as Article 57.¹ Available records do not indicate whether or not they hoped to accomplish what an article submitted by a mere ad hoc committee--Article 95--might not, or whether theirs was an outright power play to gain control of redevelopment in the town. Conversations with various persons involved in the controversy make it clear that whatever the Housing Authority's real motives were, most were very much of the opinion that they simply wanted more power.

The details of this argument are of little consequence, however. The time was not ripe for the creation of any urban renewal authority in Arlington. Article 95, despite the strong support it received from the Planning Board and from the powerful Finance Committee, went to swift defeat on a voice vote. Article 96, with a degree of opprobrium that was perhaps undeserved, quickly followed suit.²

It is apparent from the records that **nothing at all** was done about redevelopment or the creation of a redevelopment authority for the next eight years. The defeat of both variations of the concept was so decisive in 1962 that no one was willing to risk the ire of town meeting again.

¹Ibid. See supra, p. 19.

²Ibid. p. 115. The Planning Board had gone so far as to prepare a short report to be handed out at town meeting giving their reasons for supporting Article 95, (from Arlington Planning Board files for 1962).

The first suggestion that the idea was to come to life again--that a redevelopment authority or some similar agency was needed in Arlington--came in a speech to the Town Meeting Association, a private association of town meeting members who meet periodically to discuss issues of importance to the town, by Leo T. Young, Arlington's Director of Planning and Community Development. His talk pointed out the need for "new tools" to permit the assembly of land, particularly in Arlington Center, where the need for revitalization of the business district had been recognized for some time.¹

Young, who was in strong agreement with the idea that Arlington Center revitalization was both necessary and practical, stated:

(One of the tools) that we believe will be necessary will be a tool that will permit commercial redevelopment of the Center. This tool may take the form of Redevelopment. This will require Arlington to adopt the powers of redevelopment spelled out in State Statutes in order to permit the assembly of land in large enough tracts to make renewal of the Commercial Center viable.²

¹See, for example, The Planning Services Group, Comprehensive Plan Summary Report, (prepared for the Arlington Planning Board, 1962), pp. 63-64. That report was published after the 1962 annual town meeting had defeated the proposals for a redevelopment authority. The report strongly suggested that "Carefully selected urban renewal activities (in Arlington Center), including both redevelopment and urban renewal . . . might be employed to achieve the reorganization of (Arlington) Center needed to sustain a retail district appropriate to (the town) . . ." (p. 64.) A detailed plan for the Center was prepared for the Planning Board by the same consultants in December of 1963 under the title A Development Plan for Arlington Center. It was never implemented, partly because of the lack of adequate governmental organization in the town.

²Leo T. Young, copy of a prepared speech delivered to the Town Meeting Association on May 7, 1970, (from the files of the Department of Planning and Community Development for 1970).

Little of consequence appears to have happened in the development of the idea that a redevelopment authority of some sort was needed between spring and fall of 1970.¹ Assuredly, some conversations on this subject between the Town Manager, Young, and perhaps others must have taken place during this time, but they are not recorded. Certainly no discussion on the subject with either the Board of Selectmen or the Planning Board had taken place.

Things began to happen rather quickly in the fall, however, with a memorandum from Young to Donald R. Marquis, the Town Manager, on November 23, 1970. Under the title "Proposed Redevelopment Legislation for Arlington", Young wrote:

If Arlington is to properly guide the development of the Center and other areas, it must have redevelopment powers. The three possible ways are: (1) the Arlington Housing Authority undertaking it; (2) creating a new Redevelopment Authority, or (3) by special legislation creating a special board with a Town department operating the Redevelopment program. In line with our discussions, the third alternative seems most desirable as it will give control of the program to the Town Meeting, the Selectmen and the Town Manager.

Alternative (1) and (2) would require action by a Special (sic) or regular Town Meeting. Alternative (3), the desired route, would require special legislation.

He then went on to suggest applicable enabling statutes and to suggest that Marquis retain Attorney Lewis Weinstein of the law firm Foley, Hoag, and Eliot to draft the necessary legislation.²

¹Young, himself, noted this in his memorandum to Town Manager Marquis on November 23, 1970, in which he stated: "The Director (Young) has talked before two organizations on the subject of redevelopment in Arlington. These include the annual meeting of the Town Meeting Association (May, 1970) and recently Rotary." (From the files of the Department of Planning and Community Development for 1970).

²Ibid.

On November 24, Marquis replied with a memorandum to Young in which he asked him to prepare "an appropriate 1970 (sic--1971) Warrant Article, regarding the establishment of a Redevelopment Authority for the Town of Arlington" along the lines that Young had proposed in his memorandum of the previous day.¹

It is a foregone conclusion that the idea for the creation of the Redevelopment Board came from Young, the Director of Planning and Community Development, and from Marquis, the Town Manager. The Planning Board had not been consulted on this. But it is more than mere surmise that the Redevelopment Authority--as it was still being called--was then being envisioned as a separate entity from the Planning Board, so it was really of no concern to them.

Marquis finally broached the subject with the Board of Selectmen on December 29, at their weekly meeting. He informed them that he would shortly be discussing three proposals for a redevelopment authority with them.²

Throughout the foregoing, the use of the term "redevelopment authority", rather than "redevelopment board", is significant, for it supports the contention that all of the three models being considered were being thought of as separate from the Planning Board. When, in later correspondence, the

¹From the files of the Department of Planning and Community Development for 1970.

²Board of Selectmen Minutes of the Meeting of December 29, 1970.

common terminology does refer to a redevelopment board, it seems to imply the combined planning-redevelopment board which was finally created. The transition from one term to another, therefore, is significant in that it is indicative of the evolution of the new concept into its final form. Available correspondence does not indicate who proposed that the Planning Board's functions should be combined with those of the newly proposed authority to form the Redevelopment Board. A letter to the town's legal consultant on December 31, 1970, however, indicates the transition in concept from "authority" to "board" was made in the last week of December, perhaps as late as the twenty-ninth or the thirty-first.¹

Young and Marquis alone devised the concept of a redevelopment board combining the planning and redevelopment functions and responsible to the town through the executive branch and town meeting, and they had it fully conceptualized at the very beginning of 1971. The Planning Board was not consulted about this change which would eventually terminate its existence until January 14.² By this time the article proposing the change had been drafted and submitted for inclusion in the town meeting warrant. It was subject to change only from the floor of town meeting. Displeased as it was with being presented with a fait accompli, the Planning Board could do nothing more than to prepare to fight the article at the town meeting.³

¹Leo T. Young, letter to Lewis H. Weinstein, Esq., Foley, Hoag, and Eliot (from the files of the Department of Planning and Community Development for 1970).

²Planning Board Minutes of the Meeting of January 14, 1971, item 4.

³Ibid., Minutes of the Meeting of January 26, 1971, item 3.

Marquis is a professionally **trained** town manager, Young a planner, and together they devised an interesting and unique new board to present to the town and to the legislature. In doing so, they had the benefit of having retained counsel from a very highly regarded firm of law consultants. Nevertheless, it does seem that more consultation could have been undertaken with local boards and committees and might have produced a more thoroughly researched proposal for a new board. It is difficult to criticise an action which, in retrospect, has been successful and no major criticism will be attempted here. It must be borne in mind that once the idea that something should be done had come into being it was November. Since the warrant for the annual town meeting had to be prepared by early January, time to work out an article was very short. Since town meeting meets only once a year in normal session, there would have been great pressure to get everything into final form quickly, so that another year would not be lost. Throughout this thesis, however, it should be remembered that the Redevelopment Board was not the product of a committee with perhaps diverse goals and great objectivity, but of two men with relatively narrow goals, and perhaps with less objectivity.

Goals of the Town Officials

After the 1962 defeat of the articles proposing the creation of a redevelopment authority, the idea had lain dormant for a number of years. The interest in planning and developing

the town, however, had not suffered the same fate. Marquis, the Town Manager, had guided the creation of the Department of Planning and Community Development in 1969. The department was formed to combine the functions of planning, building inspections, zoning enforcement, and wiring, plumbing and housing code inspections.¹ Leo Young was appointed as its first director. Support for the new department was generated

¹Marquis presented an interesting discussion of the goals of creating the Department of Planning and Community Development in the Report of the Town Manager in Annual Reports, 1968, pp. 421-22.

" . . . On December 30, 1968, we officially proposed to the board of selectmen that a new department be created and called 'planning and community development'. This new department proposes the reorganization of the planning and inspection departments into a department of planning and community development. The proposed reorganization is not prompted over dissatisfaction with the present programs or services of either department. Rather, it is to broaden and strengthen existing efforts to build a better Arlington and to prepare for more aggressive community development in the future.

Planning without implementation is futile. Within the past several years, some strong plans for community development have been prepared, such as, our comprehensive plan and our central business district (CBD) plan. Converting these plans into action is essential. Implementing comprehensive, long-range, general plans is not easy. It requires skillful administration with adequate financing, up-to-date town codes, realistic land use regulations, modern land taxing policies, close coordination among town departments and other local agencies, and citizen support. The challenge facing local government today requires as much emphasis on neighborhood rehabilitation, downtown redevelopment, and housing code enforcement, as has been placed on raw land development in the past. The renewal of older sections of Arlington and the redevelopment of areas which must be rebuilt will require a logical and realistic community development program.

Essentially the reorganization proposal is to establish a department of planning and community development within which would be found several functions. These functions would include: planning, zoning administration, and code enforcement. The department will consist of two divisions, an inspection

by the promise that it would unify and give direction to all of the diverse forces necessary to encourage and undertake new development and redevelopment.¹ Given the nature of the department, it was natural that it would find among its allies many of those who had supported the creation of a redevelopment authority years before. The creation of the new department by Marquis met with a generally favorable response, because it was

division to conduct enforcement of housing, building, plumbing, and electrical codes, and zoning administration; and a planning division to conduct current and advance planning and to implement long-range plans... The director of this new department would be directly responsible to the town manager for planning and implementing the town's policies and programs for community development . . .

In order to maintain and create a quality environment in our community, it seems to us that:

1. We must see to it that our community is developed in a planned way, that is, according to comprehensive plans for community development;
2. We must see to it that our community is rehabilitated, that is, a renewal of our older neighborhoods;
3. We must see to it that our community is redeveloped, where necessary, such as the CBD and Massachusetts Avenue.

Essentially the proposed department of planning and community development will:

1. Expand the town planning function to include the execution of adopted plans and programs;
2. Establish a single town department responsible to the town manager, a new role of coordination and direction of community development meshing the efforts of the town, state, and federal governments;
3. Emphasize the importance of citizens' awareness, understanding, and support for building a better community."

¹Marquis noted in a meeting of March 22, 1971 that "In our attempt to broaden the tax-base, we, two years ago, created a department of planning and community development." (Text of speech from the files of the Town Manager for 1971). It is interesting to compare the brevity of this 1971 statement of the goals in creating the department with the statement made in 1968 (preceeding footnote), particularly in view of the discussion which follows.

promised that it would begin the process of getting Arlington's house in order, preparing the way for significant new development which would broaden the tax-base.

It was--and is--apparent that homeowners badly want relief from excessive and ever-increasing property taxes, which are the primary source of tax revenue in the commonwealth. The need for improving land use and the "quality of life" notwithstanding, the primary objective of the manager and the town meeting apparently became the broadening of the tax-base to relieve the financial burden on the homeowner.¹ All, or very nearly all of the effort that has gone into the reorganization of planning activities--including the creation of the Redevelopment Board--has been aimed at meeting this goal of broadening the tax-base.

Young, in his speech of May 7, 1970, to the Town Meeting Association, concluded with the following:

. . . We will recommend to the Town Manager a program for presentation to the appropriate agencies of the Town, special legislation, and articles for the Warrant that will accomplish the purpose of attracting major new offices, hotels, and retail complexes into Arlington Center . . . This program will require broad community support that will result in major new development that will (1) broaden the tax base, (2) provide employment for the people of Arlington, and (3)

¹In Annual Reports, 1969, p. 110, Marquis stated: "Since arriving in Arlington in September, Mr. Young has been working on several projects including the adoption of a new building code and fire prevention code, the revision of the fee schedule for building, plumbing, gas, and electrical inspections and permits, the establishment of planned unit development zones within the town, the development of a comprehensive code enforcement program, and the preparation of the town's workable program. By the end of 1970 the town should be in a good position to work with private developers and state and federal agencies in an effort to encourage substantial revenue producing development within the town and to obtain state and federal funds for a variety of projects." (Emphasis added).

will make Arlington an exciting community to live in, work in, and enjoy.¹

Eight months later, in a memorandum to Marquis, Young summarized the raison d' être of the board they had just decided to try to create, in this way:

The purpose of the Redevelopment Board would be to provide a link between private enterprise and the Town to assemble and make available economically **attractive** parcels of land and to encourage the construction of major new commercial and apartment buildings which would provide the town with major new tax base and employment and shopping opportunities.²

Marquis seems to have accepted this rationale, but also to have seen the creation of the Redevelopment Board in a broader perspective of managerial control. In a speech prepared for delivery on March 22, 1971, he stated his goals quite clearly:

In view of the fact that the state has pre-empted the tax field in Massachusetts, municipalities such as Arlington are restricted mainly to the property tax for revenue sources. This means that in order to raise our revenues we must either raise the tax rate or broaden the tax base. Since, for the last several years the tax rate has been climbing ten times faster than the tax base, it is clear that not enough has been done to broaden our tax base. Now, we fully realize that there are circumstances, such as inflation, which is a national problem, which have a great deal to do with the increase in our tax rate but over which we have little control. The fact of the matter is, however, short of increasing the tax rate, broadening our tax base is the only significant way that the Town of Arlington can increase its revenue . . .

Redevelopment in Arlington would not only broaden our tax base but could also give great impetus to the revitalization of our central business district and, in fact, all of our business areas.³

¹See supra, p. 23, n. 2.

²Young, a memorandum of January 11, 1971 (copy from the files of the Department of Planning and Community Development for 1971).

³The speech was probably prepared for delivery at the evening session of town meeting, but the exact recipient is not indicated on the speech (copy from the files of the Town Manager for 1971).

In this same speech, he also noted the three kinds of redevelopment agency that the town could create and stated clearly that he believed the Redevelopment Board being proposed would be the best alternative, because it "would be interwoven into the town government structure" and would therefore be "more responsive to town officials and the town meeting body." Secondly, he felt that appointed members, as were being proposed, would be preferable to an elected board as would be required using the standard forms of redevelopment agency, because "it would give us the opportunity to canvas the entire community in search of people who may be willing to serve on an appointed board but not willing to run for election." He also noted that he would be looking for "people with special knowledge in redevelopment and planning" and that, for that reason, the "appointive route may be in the best interest of the town." Finally, he underlined the efficiency which could be obtained by the combination of planning and redevelopment powers in one board. "In this regard", he said, "we believe that since planning, redevelopment and zoning functions are all very clearly related, that it would be appropriate to consolidate them and have one board responsible for all three." The assignment of all three functions to one board, he argued, would lessen possible confusion between planning and redevelopment.

One other consideration appealed to Marquis, the fact that the staff for the board, the Department of Planning and Community Development, would be responsible to the town, budgeted by the town, and would not be hired by an authority,

independently of town meeting and town manager control.

The foregoing strongly indicates that the goals of Marquis and of Young were the creation of a mechanism--the Redevelopment Board--whereby the problem of the town's tax base could be attacked. At the same time--since it would be a locally controlled board--they, as executive administrators, and the town meeting, as legislative overseers, could participate in and maintain more than mere fiscal control over the solutions the board would propose. To some extent, the same would be true not only for the solutions themselves, but the process by which they were developed, as well.

On the whole, I believe this to be a wholly accurate description of the goals of the two main officials involved in the creation of the Redevelopment Board. But in examining the records closely, it is also obvious to me that it does not adequately cover many of the nuances and subtle alterations that the proposal went through on its way to town meeting. A short examination of these is in order here, but it should be remembered that this must, of necessity, be more in the nature of conjectural observation than of factual elaboration.

Norton Long has said, "The lifeblood of administration is power."¹ --in this case, the power of the executive.

¹Norton Long, "Power and Administration" in Public Administration, ed. by Robert T. Golembiewski, Frank Gibson, and Geoffrey Y. Cornog, (Chicago: Rand McNally & Company, 1966), p. 305.

Power and authority, while closely related, are quite separable concepts--authority referring to the "degree to which the formal organization legitimates a supervisor's control of the job environment", and power being "a supervisor's control of the job environment."¹

In this regard, the proposing of the Redevelopment Board by Marquis and Young can clearly be explained as an attempt to create the authority necessary to develop the power to solve the problems posed by their goal--the broadening of the tax base. To some, it would undoubtedly seem wrong that public officials should seek increases in their personal power. Yet, if we dismiss the sophistry that "power corrupts . . .", which seems to be such a widely accepted attitude toward politics in America, and look at the seeking of power in the context of Long's statement, above, the observation that Young and Marquis were seeking power loses much of its opprobrium.

It does appear from available documentation that Young may have been trying to expand his personal power through the Redevelopment Board, rather than merely his administrative power as Marquis appears to have been trying to do. This is reflected in a section of a draft of the article which was inserted in the town meeting warrant to create the Redevelopment Board. The draft was prepared by Lewis Weinstein, the legal consultant on this article. The draft was prepared in

¹Robert T. Golembiewski, "Civil Service and Managing Work", in Golembiewski, Gibson, and Cornog, op. cit., p. 177; also Long, op. cit.

close cooperation with Young and contained the following section, which was deleted in a later draft of January, 1971, presumably on the instructions of Marquis:

There shall be in the department (of Planning and Community Development) an officer, known as the director of planning and community development, hereinafter called the director, appointed by the town manager to serve at his pleasure and such other personnel as the director may from time to time deem expedient; provided, however, that no person shall be appointed to any office or position in the department other than those of member, chairman, vice-chairman, and director, unless such person is nominated by the director.¹ (Emphasis added).

The phrasing of the draft would have given Young an extraordinary degree of control over staff. Professional staff in the department, by request of the manager and by mutual consent, do not hold civil service appointments and, consequently, do not have civil service tenure. As a practical matter, the director does have the power he was seeking legitimation of. In the hiring of professional and non-professional staff, he holds the interviews and makes selections; the manager makes the final appointment. Theoretically, the Redevelopment Board has no say in staffing; certainly the old Planning Board had none.

But there were cogent--and I think adequate--reasons to attempt to get this wording. Young had had some public disagreements with the Planning Board and, while not serious

¹Draft copy from the file of the Department of Planning and Community Development for 1970. There appear to be some confusions in the draft, for example, the chairman, vice-chairman, and members of the Redevelopment Board would not be in the department.

conflicts, they had been in the position of taking opposite sides on technical matters, especially zoning, in public.¹ One of the major, and immediate advantages of the new Redevelopment Board was that, as the successor to the Planning Board, there would be the opportunity to create a whole new board membership. (Only one member of the Planning Board was carried over onto the new board). Given that he was going to have a new board to work with, Young was evidently seeking the best possible position. If he could have acquired formal control over staffing in the department, he could avoid a source of potential conflict. The reasoning behind this is relatively straightforward: (a) there would be need to expand the staff, if the redevelopment board concept were adopted and new programs undertaken;² (b) if the manager were the sole appointing authority, it was--at least theoretically--possible that he might hire someone "over the head" of the director, on the basis of a strong recommendation from the Redevelopment Board, which was already being envisioned as a far more forceful board than its predecessor had been; and (c) since this, or any similar action, could seriously undercut his (Young's) power over the board's decision making, he

¹See for example A Report of the Recommendations of the Planning Board to the Arlington Town Meeting, March, 1971 (mimeographed report), p. 12, in which the board opposed Young on a zoning article before town meeting.

²Article 24 of the warrant for the 1971 annual town meeting was proposing the creation of the position of "Redevelopment Planner" on the staff of the department.

could be forced to take a maverick in the department, over whom he would have only limited, administrative control.¹

In any case, Marquis deleted the section from the draft. Discussion with a number of people indicates that he was unwilling to give that kind of authority to Young, when none of the other department heads had any similar powers. Once again, however, the fact that Young may well have been trying to expand his power in a way that none of the other department heads had is not necessarily a valid criticism. Authority patterns should be tailored to suit varying needs for--and abilities to use--power; although it seems that they seldom are. As Golembiewski states, "Typically, all supervisors at the same level monitoring similar operations have similar authority; and typically, these supervisors will differ in their power."² Certainly, this is true in town government.

Young's position is one of great potential power, particularly because of the potential political impact of many major decisions relating to planning and development. Whether Young's attempt to expand his authority was motivated by personal reasons, managerial reasons, or the need to decrease his political vulnerability is a point which this thesis cannot decide, save to say that the increase in power

¹These problems must have been very prominent in his mind at that time, for he had just finished the process of forcing the resignation of a planner with whom he had had several professional disagreements, and the process had been a difficult one.

²Golembiewski, in op. cit., p. 177.

that this would have brought about would have been considerable. Nor should it be inferred that this attempt was in any way improper. But the fact that the manager did not see fit to expand the authority of this key directorship does imply that his motives for pressing for the creation of the Redevelopment Board were less complex than those of the director. It seems clear that he wished to get on with the job of forming the board and putting it to work without jeopardizing the chances of getting it passed by town meeting by singling out one director from the others, perhaps causing a major imbroglio over a relatively unimportant issue.

Young's position and power were not in any way abridged by Marquis' action; it simply was not expanded as he had wanted. The incident, nevertheless, did leave a chink which, if exploited, could diminish his power--one that showed up later that year.

In December of 1971, three months after the formation of the Redevelopment Board, the department was hiring a new professional planner. Young announced to the board that a tentative selection for the position had been made and was awaiting approval from the manager. The board then demanded that they be allowed to meet the candidate before he was hired. Further, they sought--and received--from the manager an agreement that they would be consulted about future professional staffing and would have the power of approval or disapproval.

This section has dwelt only upon the goals of Marquis and

Young. This is not to imply that these were the only officials who shaped the creation of the board. There were others-- notably, the Board of Selectmen. But it was these two men who actively formulated the concept and who wrote, or supervised the writing of, the instrument which created the board. The fact that they were successful in obtaining the support of the selectmen was due to the congruence of their goals of expanding the tax base and the selectmen's political perception that change and new development would receive support in the town.

But, as noted before, the town's officials were in the position where they could only propose; they could not dispose. The other body which had to become actively involved was the town meeting. Before covering how the town meeting dealt with the proposal to create the Redevelopment Board, it is necessary to examine--at least broadly--the goals of town meeting which led that body to support the new concept.

Goals of the Town Meeting

In the main, this thesis attempts to deal with events, policies, and personalities as specifically as possible. But in this section it is important to discuss town meeting very broadly to determine its goals--or, at least, its probable goals.

As a body, town meeting is essentially non-partisan. It tends strongly to be issue-oriented, rather than policy-oriented. It is a group of concerned citizens writ large.¹ This

¹See Wood, op. cit., passim and especially pp. 158-66.

combination of non-partisanship and issue-orientation creates a high level of unpredictability about town meeting. It is virtually impossible to predict voting along the lines of any party philosophy. Some would go so far as to say that the town meeting form of government leads to irrational--or, at least, non-rational--decision making. To a certain extent, I would agree with this viewpoint.¹

Town meeting members seldom, if ever, have to confront the electorate on issues. They are almost never elected on the basis of a stand they have taken on issues which will be before town meeting, although there is probably some importance attached to stands they have taken in the past, when they come up for re-election.²

¹Perhaps a classic example of non-rational decision making by town meeting occurred in the action on Article 90 of the 1972 annual town meeting warrant. The article proposed the construction of a stone war memorial at a cost of several thousands of dollars. Debate had focused on the "waste of money" that stone memorials represented. Alternate proposals ranged from outright abandonment of the idea to the creation of a new park as a "living memorial." Most observers agreed that the original proposal was doomed to certain defeat, particularly when the Finance Committee voted "no action"--a vote which itself must be voted down before the original article can be acted upon. Finally, one of the members of the veterans' group sponsoring the article--a W.W. I veteran--requested and received permission to address the assembly. He then sang, with great emotion, a hymn he had composed for war dead. Without any further debate, the Finance Committee vote was defeated and Article 90 passed and funded on a voice vote. Rationality had given way completely to emotion. The action taken made a particularly strong impression on me since I was present during the entire debate. I have since discussed it with many people who have vast experience with town meeting. On the basis of their knowledge and my own experience I must conclude that, while town meeting does not always behave in this manner, one can never be sure when rationality will give way to emotion, anger, lateness or some such thing.

²A study by the (Arlington) League of Women Voters in 1971

Despite the lack of many of the usual political constants--party philosophy, explicit value structure stated on pertinent issues to the electorate, etc.--which could be used to analyse town meeting goals, there are some constants --political philosophy, approach to issues--which may be used as a basis for inferring the goals of town meeting. If we can come to an understanding of the goals of town meeting, we will be in a position to judge whether the Redevelopment Board was a better approach to meeting those goals than the standard approaches available, or whether the board was created by town meeting on an essentially non-rational basis, with little or no real knowledge of the best alternatives available to them.

The best method for approaching a discussion of the characteristics of town meeting from which the necessary

(unpublished) showed that in elections for local, essentially non-controversial, low-profile offices--such as that of town meeting member--ballot position is the most significant determinant of victory for first-term candidates, and is significant also for incumbents. Until 1972, ballot position in Arlington was determined alphabetically, with precedence inverted in alternate elections and with incumbents always given precedence. A procedure worked out in 1971, which went into effect in 1972 randomized ballot position. It is too early to evaluate how this change, proposed by the League study, will affect the election of town meeting members. The phenomenon which the League noted has been disputed as it affects major elections, but it is consistent with an observation by Angus Campbell et al that "In view of the fact that a high level of partisan motivation leads to straight-ticket voting, we would predict that other factors, such as ballot form, will have their greatest influence on such voting in the absence of partisan motivations." See Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, The American Voter, (abridged), (New York: John Wiley and Sons, 1964), p. 154.

inferences may be drawn is to follow an analysis of the political cultures of Massachusetts posed by Edgar Litt. Litt describes four political cultures in Massachusetts: (1) the Patrician Elite, (2) the Managerial Intellectuals, (3) the Urban Workers, and (4) Small Town, Rural, Business, Labor: (the Yeomen).¹

He summarizes the characteristics of each of these four cultures in tabular form, reproduced here as Table 1.

In his text, Litt specifically refers to Arlington as an example of a "Manager Town".² Although I tend to agree with Litt's assessment of the characteristics of Massachusetts political cultures from personal observation, it is worth examining the characteristics presented on Table 1 as they apply to Arlington and to discuss them in some detail. Certain of the "dominant characteristics" he presents can be analysed on the basis of primary data available from a variety of sources; others which cannot be so objectively evaluated deserve at least some discussion.

It is assumed that, if Litt's characterization of Arlington as a "Manager town" is correct, we may impute the attributes he assigns to his analysis of the Manager culture to the town. Having done that, we may then make certain deductions about the goals of the town and the town meeting. With that caveat, let

¹Edgar Litt, The Political Cultures of Massachusetts (Cambridge, Mass.: The M.I.T. Press, Massachusetts Institute of Technology, 1965), pp. 7-25. For simplicity, these cultures are generally referred to hereafter, as they were by Litt, as the Patricians, Managers, Workers, and Yeomen.

²Ibid., p. 21.

TABLE 1

MASSACHUSETTS POLITICAL STRATA AND THEIR CHARACTERISTICS

Dominant Characteristics	Patrician Elite (Patricians)	Managerial Intellectuals (Managers)	Urban Workers (Workers)	Small Town, Rural, Business, Labor (Yeomen)
1. Party Affiliation	Republican	Mixed to Democratic	Democratic	Republican
2. Residence	Outer Suburbs	Inner Suburbs	Core Cities	Small Towns
3. Power Base	Wealth, skill	Skill	Numbers	Numbers
4. Social Class	Upper	Upper-middle	Lower-middle, Working	Lower-middle, Working
5. Ethnicity	Old-stock Yankee	New-stock Jewish, Irish	New-stock Italian, Irish	Old-stock Yankee
6. Religion	Protestant	Mixed	Catholic	Protestant
7. Occupation	Finance, Business	Administrative, Technical	Blue-collar	Entrepreneurial, Blue-collar
8. Power Position	Contracting	Expanding	Slightly Contracting	Slightly Contracting
9. Political Style	Cosmopolitan	Cosmopolitan	Parochial	Parochial
10. Attitude toward change	Conservative	Progressive	Conservative	Reactionary
11. Political Ideology	Elitist	Elitist, Equalitarian	Populist	Bargaining, Town Meeting
12. Issue-orientation	Ideological	Ideological, Group benefits	Group-benefits, Nature of times	Nature of times, Personalities of candidates

TABE 1 - Continued

Dominant Characterisitics	Patrician Elite (Patricians)	Managerial Intellectuals (Managers)	Urban Workers Workers	Small Town, Rural Business, Labor (Yeomen)
13. Party Loyalty	Moderately strong	Weak	Moderately Strong	Strong
14. Attitude toward Social Welfare	Conservative	Liberal	Conservative	Conservative
15. Attitude toward Civil Liberties, Rights, Urban Renewal	Liberal	Liberal	Conservative	Conservative
16. Attitude toward Unions, Corp- orations	Accept both but favor corporations	Organization men, accept both	Accept both but favor unions	Anti-organization men, accept neither
17. Attitude toward Party Govern- ment	Somewhat favorable	Very favorable	Very unfavor- able	Very unfavor- able

Source: Edgar Litt, The Political Cultures of Massachusetts, p. 24.

us examine the characteristics he says should apply to Arlington, in the order that they are presented on Table 1.

1. Party Affiliation: Mixed to Democratic

According to the Registrars of Voters of Arlington, in June of 1971 there were 27,486 registered voters in the town. Of these, 14,200 (or 51.7 per cent) were enrolled Democrats, 4,983 (18.7 per cent) Republicans, and the remainder were independent or members of other parties.¹ Despite these figures, party commitment does not appear to be strongly Democratic. This is evidenced by the fact that in 1970, for example, a Republican Governor and Lieutenant-Governor won the town by a ratio of 13.8 to 8.5. In balloting for the office of Attorney-General in the same year, a Democrat won by a similarly substantial margin--14.0 to 8.9--over a Republican candidate.² "Mixed to Democratic" then, appears to be an appropriate description of party affiliation in Arlington.

2. Residence: Inner Suburbs

Arlington is one of the innermost suburban towns ringing the cities which form the Boston and Cambridge core of the Boston metropolitan area. Six miles northwest of the center of Boston, Arlington is densely developed with single and two-family housing predominating and with apartment development rapidly increasing in popularity. The town is linked to the core by public bus service.

¹Annual Reports, 1971, pp. 324-25.

²Ibid., 1970, pp. 167-68.

While Litt's placement of the Manager culture in the inner suburbs seems quite justifiable on the basis of observation, his placement of the Worker culture in the core cities alone does not--at least not in Boston. Several of the inner suburban communities near Arlington would easily be classifiable into either the Patrician or Worker cultures.¹

3. Power Base: Skill

Litt is unfortunately vague in defining what he means by his terms "power base" and "skill". Certainly we may assign a working definition to the term "power" similar to that used in an earlier section of this thesis, and say that power is the ability to get things done. As one may infer from Litt in various parts of his book, then, "power base" is the well-stream of skill, technique, wealth, or whatever which gives a group power. Litt says that the power base for Manager communities is "skill". He does not state specifically whether he is talking of skill--such as skilled labor might have--creating an outlook on life--a Weltanschauung--which shapes one's political viewpoint, or whether he is talking of manipulative skill which may be brought to bear in the political arena. Litt's discussion of the Manager

¹Belmont, for example, would fit well into Litt's characterization of the Patrician culture; Lexington would probably have to be described as somewhere between Patrician and Manager; Somerville and Medford would both probably best be classified as Worker. Yet, all of these communities border Arlington, and all would have to be classed as inner suburbs.

culture would strongly tend to indicate the former; that is, "the new prestige of professional skills over that of social background."¹

Given that professional, administrative, and similar skills of a managerial nature are what Litt would look for, it is easy to agree that Arlington clearly meets this characteristic of the Manager culture as well. U.S. Census data for 1970 showed a clear preponderance of the population in "white collar" skills; 67.6 per cent of the population are included in the categories **established by the Census Bureau as: Professional, technical and kindred, Managers and administrators. . . , Sales Workers, and Clerical and kindred workers.** These figures compare favorably with the 1960 figures Litt would have had to use.²

4. Social Class: Upper Middle

Unless one defines one's terms rather precisely, social class is today a somewhat amorphous concept. It is one that Litt does little or nothing about defining.³ Litt implies

¹Litt, op. cit., p. 21. It is, of course, important to remember that he is talking of professional skills, not skilled labor.

²U.S. Bureau of the Census, U.S. Census of the Population: 1960, Vol. 1, "Characteristics of the Population", (Washington: U.S. Government Printing Office, 1963), Part 23, Massachusetts, Table 74; and Census of the Population: 1970, PC(1)-C23, (Washington: U.S. Government Printing Office, 1972).

³Perhaps a better term than "social class" would have been "social position"--a term which carries a rather clearer image of the American circumstance. Somehow the use of "class" seems more appropriate to the British circumstance, which is far more rigidly stratified than the American. Wood uses both

that a combination of ethnicity, income and professional status is indicative of social class. On that basis, it would appear that one can deal with his terminology, despite its vagueness.

The income characteristics of Arlington residents would certainly place them in the upper middle income group. The median household income in Arlington as of December 31, 1971 was estimated at \$11,674, which was significantly higher than household incomes in the core cities of Boston (\$7,641), and Cambridge (\$9,595), or for Middlesex County (\$10,712) where Arlington is located, or for the state as a whole (\$9,289). It is also higher than that for the entire United States (\$8,463).¹ For the purpose of discussing Litt's typology, it may be inferred that such economic indicators, together with those economic and ethnic factors discussed in item 3, above, and item 5, below, are sufficient to establish Arlington as an upper middle class community, within the meaning Litt gives.

5. Ethnicity: New Stock, Jewish, Irish

To understand clearly what Litt means by "new stock"

terms almost interchangeably, however, when he states (in op. cit., p. 24): "There was also, throughout the colonies (in North America), class conflict--accusations that social position rather than numbers was decisive in the management of town affairs."

¹All figures are from Sales Management, 1972 Survey of Buying Power, (New York: Sales Management, July 10, 1972), pp. D--57-58; the figure for the United States is found on p. B--3.

one must first appreciate the strong undercurrent of ethnocentric political behavior in Massachusetts--what Litt calls "ethnopolitical behavior." He devotes considerable attention to this behavior and to the fact that such ethnopolitical loyalties are in the process of breaking up. He says:

. . . John Dos Passos spoke for the immigrants and the intellectuals (of Massachusetts) when he affirmed that "we are two nations." He was testifying to the fact that in few other states has the politics of ethnic inclusion and exclusion been a more fundamental factor than it has been in the Bay State. The bitter political schisms between Irish and Yankee, Catholic and Protestant, Italo-American and Irish-American burn in the recorded history of Massachusetts politics . . .¹

To summarize . . . ethnicity remains an important element in all aspects of Massachusetts public life. Yet, these ethnopolitical loyalties are no longer inflamed with the passions of old hatreds. The rights of political citizenship are available to all groups. The ecumenical spirit dispels the residue of public mistrust, and the desire for mobility and respectability eventually turns a minority group's attention from impractical animosities to the tasks of pragmatic politics.²

It is this break up of old ethnopolitical loyalties due to upward mobility and the individual respectability and status, which are its concomitants, which creates Litt's "new stock", as well as the infusion of new middle class participants from outside the community into the political scene. Litt declares that the new stock in the Manager communities are generally Jewish, Irish, or Yankee. "Anglo-American" would clearly be a better term for precision than

¹Litt, op. cit., p. 64

²Ibid., p. 67. For a corresponding discussion of ethnic conflicts in Massachusetts politics, see J. Joseph Huthmacher, Massachusetts People and Their Politics (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1959), passim.

"Yankee", inasmuch as many of those who must be included in the category he calls Yankee are of recent British and British-Canadian stock.

Ethnicity is one of the most difficult categories to obtain objective data for discussing. The U.S. Census does not classify ethnicity to the extent that it would be easily used in discussing Litt's typology. In casual discussion, Arlington is often referred to as a WASP (White, Anglo-Saxon, Protestant) community. In actuality, its population is composed of a large variety of ethnic groups. The largest is Anglo-American which, for a number of reasons, includes the Yankee population as well as large numbers of more recent British and Canadian¹ ancestry. Other large ethnic groups in Arlington are Irish, Italian, and Armenian. Unlike the other suburban towns which Litt includes in the Manager category, Arlington does not have a large Jewish population.²

Assuming that town meeting reflects the ethnic composition of the town as well as the political--and there is no reason to doubt that it does--we would expect to gain a reasonable insight into the ethnic composition of the town

¹As used here and elsewhere in this section, "Canadian" refers primarily to English- and Scottish-Canadian and not to the small group of French-Canadian who have migrated to the Boston area.

²This is not to imply that Litt's categorization is wrong. At least two of the most important suburbs that would have had to have been used in developing the criteria for describing the Manager culture--Brookline and Newton--have very large Jewish populations. There are, after all, only a very few towns in the state which would fall into this category.

by examining the town meeting roster. Granting that any ethnic classification purely on the basis of surnames is quite subjective, my own review of the roster of town meeting members indicates that about nine per cent are of Italian stock, forty per cent of Irish stock, four per cent of Jewish stock, and the remaining forty-seven per cent either not readily classifiable or of Anglo-American stock.

In the Anglo-American group, many could be what Litt refers to as "old stock". But no accurate separation of these from the rest of this group can be attempted for two reasons. First, "old stock" in New England implies British descent. Given a common practise of anglicizing difficult foreign names, as does exist, it is next to impossible to determine an accurate classification purely by surnames. Second, both 1970 U.S. Census data and figures from the 1960 Census indicate that the vast majority of Arlington's foreign stock, all of which Litt would classify as "new stock", came from Great Britain, Ireland, Italy, and Canada.¹ Nearly all from Great Britain and most from Canada would be reflected in the group described as not readily classifiable.²

The 1970 Census did show, however, that 22,053, 41.1 per cent of Arlington's population, were of foreign stock.³

¹U.S. Bureau of the Census, U.S. Census of Population: 1960, Table 79, and U.S. Census of Population: 1970, Table 81.

²This inference is supported in a table showing the number of foreign born whites in Massachusetts from 1790 through 1950, based upon figures supplied by the Massachusetts Department of Commerce in League of Women Voters, Massachusetts State Government, p. 21.

³Foreign stock includes all first and second generation Americans; see U.S. Bureau of the Census, op. cit., p. XXI.

Based upon this fact and upon the previous discussion of social and economic status, we may infer that Arlington and its town meeting are largely made up of what Litt refers to as "new stock" and would therefore meet the intent of his inclusion of ethnicity as a factor in describing the political culture of the town. But the ethnic composition of Arlington could, when compared with Litt's categorization in Table 1, place the town in either the Manager or Worker culture.

6. Religion: Mixed

As may be gathered from the discussion of ethnic characteristics, there is a significant Catholic population in the Irish and Italian segments of the community. Most of the older churches in the town are Protestant. There is one Orthodox church in town. The small Jewish population does not maintain a synagogue in the town. "Mixed" is distinctly the most apt description of Arlington's religious characteristics.

7. Occupation: Administrative, Technical

As discussed above in item 3 (Power Base), the 1970 Census data show the latest available employment figures. These show that 67.6 per cent of the population employed were employed in administrative and technical positions, (Professional, technical and kindred, Managers, and Administrators. . . , Clerical and kindred, and Sales Workers being the pertinent categories) rather than in "blue collar" positions.¹ On the basis of studies made under my direction for the Department of Planning

¹U.S. Bureau of the Census, op. cit., 1970 Table 86.

and Community Development concerning the social characteristics of apartment dwellers (which have proliferated in the town in the past decade), it may be assumed that the proportion of administrative and technical workers has increased substantially. On this point it is interesting to note that in 1971 Arlington was part of a federally declared impacted unemployment area, which was the result of federal cutbacks in defence spending, and which primarily affected engineers, administrators, and technicians working in the Route 128 "electronics belt" which rings the western half of metropolitan Boston. It is accurate to state that the vast majority of Arlingtonians are employed in administrative and technical positions. Nevertheless, one should not completely discount the still-significant "blue collar" residents of the town as a political force. They are still sufficiently numerous to exert an impact on the politics of the town, particularly through their representation at town meeting.

Their presence would not necessarily alter the classification of Arlington from the Manager category, but it does lend credence to a contention I shall make that there are certain characteristics of what Litt calls the Worker culture evident from time to time in Arlington.

8. Power Position: Expanding

This is more in the nature of an observation than a determinative characteristic. It would seem obvious that the power position of a political culture which is comprised of upwardly mobile people, whose power base is skill, would be

expanding, particularly in Massachusetts (or, for that matter, in the United States, generally) where the lifestyle is materialistic and patently upward mobile. In a way that perhaps Litt did not intend, the observation that the power position of the Manager culture is expanding is salient to Arlington in that it would strongly appear that--based upon personal observation and from discussions with other close observers of town meeting--the attitudes described as characteristic of the Manager culture have rapidly come to dominate town meeting, and are continuing to expand.

9. Political Style: Cosmopolitan

Litt defines cosmopolitan as "an interest in local, national, and international issues."¹ Parochialism is an interest in local affairs alone, with strong tendencies in Massachusetts to rightist conservatism, and with overtones of xenophobia.²

Because of the issues with which town meeting must deal, it is difficult to find an objective base from which to evaluate the interests of this group and to see their political style in action. Personal observation of and acquaintance with many Arlington town meeting members leads me to believe that the large majority are educated, well-travelled, and interested in a broad range of political and social issues. On that basis, I would agree that their political style is cosmopolitan. On a great many issues the political style of the town meeting

¹Litt, op. cit., p. 10.

²See ibid., pp. 14-15, 17-19, and 21-22.

itself is cosmopolitan. But there is a large number--not a majority--of town meeting members, who would be far more aptly described as parochial in their political style. Because they are a minority at town meeting, and because the issues before town meeting are usually purely local, this group is often unimportant in that they are seldom set into a philosophical contradistinction to the more cosmopolitan group. Their importance, generally speaking, surfaces only on votes which require a two-thirds majority to pass and which carry an implicitly political or philosophical viewpoint.

Zoning is a good example of such questions; zoning issues reveal a good deal of the character of the town meeting. For example, zoning proposals which will liberalize the use of land--that is, which do not interfere with the private property rights of the individual--or those which are purely a pro forma control, tend to find support at town meeting. The "parochials" tend to favor such articles because they see zoning as an infringement of individual rights in the first place, and tend to see such articles as helpful or simply ⁿinocuous. The "cosmopolitans" may develop some opposition to such articles if it is felt that they show a great lack of policy control. On the other hand, zoning articles which increase control over the use of land to the apparent disadvantage of the landowner will almost invariably find opposition from the "parochials". If such an article passes at all, it is generally because the

"cosmopolitans" see it as better management of the town's environment, as is being done in other places. Such votes are invariably closely fought, hanging near the two-thirds/one-third ratio required to pass them.

On the basis of personal observation, I would estimate that a large plurality--perhaps even a majority--of the town meeting members can best be described as representing a truly cosmopolitan political style. A large minority, however, are parochial. A sizable number, perhaps as much as a fourth of the town meeting membership, can best be described as a "swing group"--a group which decides its vote on a combination of issues before them, as they understand them, and on the basis of personal loyalties, if such are involved.

This tension between varying political styles has great potential importance, not only in understanding the importance of balancing any controversial proposal--such as the creation of the Redevelopment Board--to suit as broad a spectrum as possible, but in understanding the constraints of the future as well. For the Redevelopment Board must confront this group on all of its most important programs.

10. Attitude toward Social Change: Progressive

Having touched upon the dichotomy in town meeting between the "parochials" and the "cosmopolitans", it may be well to continue to elaborate on it here, referring to these same groups as "conservatives" and "progressives". By and large, the "progressives" appear to be the "new stock" discussed earlier who do not have deep roots in the town or in its past, but who do have interest in its future. Interestingly enough,

many of these "progressives" are most interested in holding onto the form of the town, preserving its history and historic landmarks, while selectively renewing parts of the town, creating more open space and improving parks. The "conservatives", on the other hand, tend to resent the management of the land or the people. They do not like to see bureaucracy making decisions, for example, on where to place low-income housing. They resent newcomers both in town meeting and town government who do things which "never had to be done before."

For the most part, the town and town meeting should be characterised as progressive, with the same strong minority of conservative members as noted in the discussion of political style.

11. Political Ideology: Elitist, Egalitarian

This would seem to be an apt description for Arlington. While observation would indicate that its ideological approach is essentially equalitarian, the town can be described as elitist in the sense that it is conscious of its middle-class status and resists any attempt by lower classes, especially core-city Blacks, to gain a foothold in the town.¹

¹The 1970 U.S. Census showed that 97.5 per cent of the town's population was White. Only 164 of the 53,524 people in the town are Blacks. This is not to say that overt or covert racism is necessarily a concomitant of the Manager culture, but it may be a strong part of what has been referred to here as elitism. It is an elitism which is reflected in an unwillingness to admit people with a lower social status into the community. Litt, himself, states:

"The achievement of (power and status) may adversely affect the manager's support of both civil liberties for unpopular minorities and of civil rights for the non-managerial classes."

12. Issue Orientation: Ideological, Group Benefits

The issue-orientation of town meeting, especially, would seem to be ideological or group benefits, with particular emphasis on the latter. In point of fact, it is the perception of what course of action will most clearly benefit the town as a whole that determines the basic differences between progressives and conservatives at town meeting. A review of debates on the town meeting floor would show these orientations clearly.¹

13. Party Loyalty: Weak

(See the discussion under item 1, above).

14. Attitude toward Social Welfare: Liberal

The record bears out that this is a fair assessment of Arlington and its town meeting, particularly when the issues before town meeting would support the conclusion that positive action would benefit the town as a whole. Town meeting has supported and funded the creation of a drug treatment center, a "drop-in" center for teen-agers, and a "hot line" which anyone in trouble, or who feels a need for advice, can call any time of the day or night. There is also a town established hostel, where young people who are having serious parental difficulties may find lodgings until they or the authorities can find some solution to their problem.

15. Attitude toward Civil Liberties, Civil Rights, and Urban Renewal: Liberal

It would appear that the willingness of town meeting to

¹See n. 1, p. 40.

create the Redevelopment Board in the first place would support the contention that its attitude toward urban renewal, at least, is liberal. But with regard to civil rights, civil liberties, and urban renewal, I contend that a representation of Arlington as having a liberal attitude holds true only when such an attitude can be seen as a direct benefit to the community (or, at very least, is not a liability). It is a pragmatic rather than philosophic liberalism. In any town, such as Arlington, with fewer than one per cent of its population Blacks, a commitment toward civil rights or civil liberties is hardly difficult to maintain; if anything, it is condescending.

Given the earlier analysis of town meeting as partly progressive and partly conservative with a "swing vote" to tip the balance in either direction, the creation of the Redevelopment Board can be seen as being ideally suited to meeting the attitudes, political styles, and issue-orientations of both groups.

The creation of the Redevelopment Board with broad urban renewal powers is admirably suited to the liberal attitude and to the Manager style of government by virtue of its rationalism in integrating the planning and renewal functions. On the other hand, the placement of such powers in a local board, requiring town meeting approval of both its programs and its budgets gives a control to the conservatives that they would seldom be able to have otherwise.

16 and 17.

Having established that Arlington and its town meeting fall largely within the Manager culture as Litt describes it, and shares with that culture its social goals and political methods, but has conservative elements of other cultures (Worker or Yeoman), items 16 and 17 are not salient to this discussion.

In sum, however, it can be said that the goals of town meeting were, on one hand, to create a means whereby redevelopment could take place and could make use of federal and state funding normally available to standard redevelopment authorities and, on the other hand, to maintain a degree of local control which could negate any decision of which town meeting itself did not approve. In this action--to an unusual degree--there was a coincidence of goals of the basically opposite factions of town meeting with those of the manager and the planning director. This contention is supported by the debate at town meeting--or, perhaps more aptly, the lack of debate at town meeting.

Action on the Floor of Town Meeting

It was noted earlier that the warrant for the 1971 annual town meeting had been closed in January. Such an early date is customary and necessary to allow time for the warrant to be printed and mailed to every household in the town and to arrive there at least seven days prior to the town meeting's convening, as required by state law.¹ It was also noted that

¹Annotated Laws. Chapter 39, Section 10.

the Planning Board was not apprised of the submission of an article which would cause them to be replaced by another board until just before the close of the warrant. It was too late to force withdrawal or changes in the article.

Three courses of action were open to the Planning Board, once they had decided that they did not like the idea of being replaced. First, they could hope to persuade the Town Manager and the selectmen to withdraw Article 50 (the number it had been assigned in the warrant). Second, they could offer an alternative by presenting a substitute motion from the floor during debate. Third, they could offer an alternative by submitting their own article to the warrant.

It was fairly easy to decide that the hope of convincing the manager and the selectmen to withdraw the article was non-existent. A great deal of public information was already being given out to the townspeople in a number of talks by Marquis and Young. A substitute motion could be made from the floor only if it were fairly ⁿinocuous. The fact that town meeting must deal with matters substantially as they are printed in the warrant places a shadow over making substantial changes in articles, if the requirements of notice and publication in the warrant are to be met.¹

¹This is a shadowy area which has seen much litigation. See, for example, Nelson v. Belmont, 274 Mass. 35, 174 N.E. 320, Coffin v. Lawrence, 143 Mass. 110, 9 N.E. 6, and Kitteredge v. North Brookfield, 138 Mass. 286, etc., all of which are cited in Annotated Laws, Vol. 1B, pp. 238-39. Since the chairman of the Planning Board was an attorney, it may be assumed that he was dubious about submitting a substitute motion to substantially alter Article 50. There is another

The Planning Board hastily made up its mind to pursue the third course of action and submit their own article to the warrant before it was closed. In it they called for the creation of a (standard) redevelopment authority--an action which, if passed by town meeting, would have left the Planning Board intact.

There was a third article pertaining to redevelopment submitted to the warrant. In it the Town Manager requested the creation of the position of the Redevelopment Planner in the Department of Planning and Community Development. It was felt that the new, dual purpose board, if it were created, would need additional staff assistance.

The three articles, then, which were pertinent to the creation of the Redevelopment Board at the 1971 annual town meeting were: Article 24, submitted by the manager, which called for the creation of the position of Redevelopment Planner, Article 50, also submitted by the manager, which called for the creation of the Redevelopment Board, and Article 133, which was the Planning Board's article although it was submitted by ten registered voters, which called for the creation of a redevelopment authority.

reason for not relying on this approach, as well; i.e., there is always a possibility that someone will move the previous question, terminating debate, before the substitute motion reaches the floor, or before its case has been properly presented. The Planning Board had little prestige on the town meeting floor, and it would have been folly to take any action that could cause procedural difficulties, if there was to be any degree of success.

Much of the manoeuvring which was to take place was accomplished before the town meeting actually began. The Finance Committee, for example, hold hearings on all articles on which it will report. In reviewing Article 24, they opined that they could not, in good conscience, recommend a new position, at a fairly high rate of pay, before the Redevelopment Board had actually been created and approved at the state level. This, they felt, was particularly true since the action by town meeting was merely a move to request the General Court to create the board by amending the Town Manager Act. As a result, the Finance Committee agreed to support the creation of the new position in a later town meeting, if the Redevelopment Board became a reality. But, for the present, they voted "no action" on Article 24.¹

The 1971 annual town meeting began on March 15 and proceeded thereafter in a series of "adjourned town meetings" on Mondays and Wednesdays to Wednesday, May 12, becoming one of the longest town meetings in the history of the commonwealth.

Some opposition to Article 50 was being voiced before town meeting began. It was continuing. Much of this opposition was scattered. Some was in support of the Planning Board's contention that, rather than a combined planning and redevelopment board, there should be two bodies: a redevelop-

¹The Finance Committee did live up to this agreement by supporting Article 10 of the 1972 annual town meeting warrant. It was at that time that they publicly announced that such an agreement had been made in the first place.

ment board or authority and a planning board. It was seen as a distinct possibility that the vote of town meeting would be very close. There began a strategy of delaying debate on the issue until a sufficient number of town meeting members could be "educated" on the virtues of the various proposals to assure victory.¹ Oddly, both sides seem to have sensed that additional time was to their advantage, and both worked at delaying action on the three articles until toward the end of town meeting. Article 24 came up in sequence on the first night, March 15. Marquis promptly moved to table the article, which was done.²

The meetings ground on for two weeks, usually going until well after eleven o'clock. (They begin between eight and eight-fifteen in the evening). On March 31 it appeared that the debate on Article 50 could be stalled no longer. But there still appeared to be substantial, although unfocussed opposition on the floor. John Bullock, the Chairman of the Board of Selectmen, who was deeply committed to the creation of the

¹This is, of course, not recorded in any minutes or elsewhere, but is based upon numerous discussions with town meeting members and others who were involved in the debate.

²According to a variety of sources, it was his hope to delay debate until after the redevelopment board had been passed, hoping thereby to generate enough support for the article to overcome the Finance Committee's vote of "no action". In any case, he did not want to get into the various arguments pro and con the redevelopment board at this early meeting, for reasons that have already been mentioned.

Redevelopment Board, moved that Article 65, a controversial zoning article, be taken up out of sequence, to be followed immediately by Article 50.¹ According to several persons who worked closely with Bullock, it was his hope to tie the meeting up in a long debate. If the hour got too late, there would be reluctance to begin another long debate on Article 50 and the meeting might adjourn. Adjournment would make the next meeting the night of April 5, five days away, and would allow a weekend for a telephone campaign to be mounted to sell Article 50. His motion passed; Article 65 was taken up out of sequence.

The debate on Article 65 was long, lasting until ten or ten-thirty.² Nevertheless, there was still time to debate Article 50 unless something would delay it. The delay came, and the record of town meeting is most instructive on how it was achieved:

"On the motion of Elsie C. Fiore, town meeting member from Precinct 2, duly seconded, it was

"VOTED: That Articles 50 and 133 be taken up together.

" A substitute motion was offered by David A. Leone, Chairman of the Planning Board, which was duly seconded.

"Joseph S. Daly, town meeting member from Precinct 15, served notice of his intention to move to reconsider Article 65.

¹Annual Reports, 1971, p. 98.

²According to the transcript of debate, a recess was taken. These seldom come before ten or ten-thirty, although the specific time was not recorded.

"George J. Remmert, town meeting member from Precinct 6, served notice of his intention to reconsider Article 65.

"Robert D. Klein, town meeting member from Precinct 13, served notice of his intention to reconsider Article 65.

"A motion to adjourn was declared lost by the Moderator on a standing vote, 75 having voted in the affirmative and 127 in the negative.

"After considerable discussion a motion duly seconded, to end debate was declared lost by the Moderator on a standing vote, 99 having voted in the affirmative and 94 in the negative.

"On a motion of Richard E. Smith, town meeting member from Precinct 17, duly seconded, it was

"VOTED: (Standing Vote, 130 in the affirmative and 66 in the negative). That the meeting adjourn."

It was eleven-thirty at night.¹ Bullock's gamble paid off.

According to a number of people interviewed who worked that week and weekend with Bullock, nearly every member of the town meeting was telephoned personally and urged to support Article 50. Questions were answered; arguments were argued. By Monday, April 5, the stage was set for Article 50 to come onto the floor.

The debate was short. The Chairman of the Finance Committee presented three alternatives: (1) giving redevelopment powers to a redevelopment authority, (2) giving them to the Arlington Housing Authority, or (3) creating a local board. He stated the Finance Committee's support for requesting special legislation to create a board. A town meeting member pressed to have debate delayed to the last session of town meeting to achieve a fuller and fairer airing of the issues. His motion was defeated. A motion by the Planning Board to

¹ Annual Reports, 1971, pp. 99-100.

create a redevelopment board without the powers of a planning board was defeated, despite tenuous support from the League of Women Voters arguing that the Planning Board would exercise some checks and balances on the powers of a redevelopment board. Finally, the Arlington Housing Authority argued that it favored the granting of redevelopment powers to itself, but to no avail. On a vote of "175 in the affirmative and 46 in the negative" Article 50 was passed and the debate ended.¹

Article 133, which would have created a redevelopment authority was not even debated. The recommendation of "no action" offered by the Finance Committee was carried by a vote of 134 to 91 on a standing vote.

Article 50 was passed and submitted to the legislature by the selectmen, in the following form.

AN ACT AMENDING THE TOWN MANAGER
ACT OF THE TOWN OF ARLINGTON
TO PROVIDE FOR A REDEVELOPMENT
BOARD AND TRANSFER TO IT THE POWERS
OF A TOWN PLANNING BOARD

Chapter 503 of the acts of 1952, as amended by chapter 634 of the acts of 1956, chapter 394 of the acts of 1964, and chapter 122 of the acts of 1967, is hereby further amended by striking out section 17 and inserting in place thereof the following new section 17:

SECTION 17. Appointment of Redevelopment Board

The town manager, subject to the approval of the board of selectmen, shall appoint a redevelopment board to consist of five persons. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years, and two of said persons shall be appointed to serve for an initial term of three years. Thereafter, as the term of a member expires, his successor shall be appointed . . .

¹Ibid., p. 101. I am indebted to the Arlington Town Clerk who allowed me to read the transcript of debate on the floor of town meeting. Since this transcript is not a public record, I have refrained from quoting the debate or citing by name any of those who spoke.

for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the redevelopment board, the vacancy shall be filled forthwith for the unexpired term by the town manager, subject to the approval of the board of selectmen. The town manager may make or receive written charges against, and may accept the resignation of, any member appointed by the town manager or a former town manager or may, after hearing and with the approval of the board of selectmen, remove any such member because of inefficiency, neglect of duty or misconduct in office. Such member shall be given, (sic) not less than fourteen days before the date set for such a hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing he shall be given the opportunity to be represented by counsel and to be heard in his defense. Pending final action upon any such charges, the town manager may temporarily suspend the member, provided that he be immediately reinstated in office upon a finding that such charges are not substantiated, and may appoint a person to perform the duties of a suspended member. Membership shall be restricted to residents of the town, and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of his change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairman and a vice-chairman, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex officio the secretary of the board. The director shall be appointed by the town manager to serve at his pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the redevelopment board, shall, except as herein specifically provided otherwise, be and have all the powers and be subject to all the limitations of an operating agency having the powers and subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, as amended, and have such further powers and be subject to such further limitation as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B no urban renewal project or rehabilitation

project shall be undertaken by the redevelopment board, nor shall any property be acquired for any such purpose by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further that the redevelopment board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things, and with or without consideration, in aid of any project or activity planned or undertaken by the redevelopment board to the same extent and subject to the same limitations as if the board were a redevelopment authority. Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

The terms of office of the members of the planning board of the town are hereby terminated. The redevelopment board shall have all the powers and perform all the duties heretofore conferred or imposed on the town planning board by statute or by-law or otherwise and shall further have the powers and perform the duties from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the Commonwealth established under the provisions of section seventy of chapter forty-one.

All property in the care and custody of the planning board and all appropriations of the town for the use of the planning board are hereby transferred to the care and custody of and vested in the redevelopment board; and for all purposes, including without limitation those of chapters forty-one and one hundred and twenty-one B of the General Laws, the redevelopment board shall be deemed to be a continuation of the existing planning board of the town.¹

Action by the General Court

The passage of Article 50 by the town meeting brought it immediately to the legislature under the home rule provision of the Massachusetts Constitution.²

¹Copy of the Article from the files of the Department of Planning and Community Development for 1971.

²The so-called "home rule amendment" allows that cities and towns may vote to change their charters before requesting

The bill placing the amendment before the legislature was filed by the selectmen and introduced by State Senator Philibert Pellegrini. It was assigned the number S-1467. The bill had support from Pellegrini and from three of the four State Representatives whose districts include Arlington.¹ The bill went through first, second, and third readings with only minor opposition from Representative Campobasso of East Arlington. She tried to conjure a vision of homes in her district, which is a largely working-class area with a pre-dominance of two-family homes, being bulldozed under redevelop-

legislation from the state. Article LXXXIX of the Amendments to the Constitution of Massachusetts altered Article 11 of the (previous) Articles of Amendment to the Constitution of the Commonwealth to "reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters . . ." (Section 1). Under Section 2, "any city or town shall have the power to adopt or revise a charter or to amend its existing charter . . ." Under the various provisions of this Article there are two ways in which a city or town may adopt, amend, or revise its charter: (1) it may, by a variety of ways, place a question before the voters as a referendum on the ballot, or (2) it may pass an act by a two-thirds vote of the town meeting or city council and submit it to the legislature for enactment. Arlington chose to submit the article to the legislature to create the Redevelopment Board, because to place an amendment to the charter on the ballot the town would have had to wait until the spring of 1972 for the next general election before the amendment could be adopted and the new board appointed. See Norman L. Pidgeon, Clerk of the Senate, and Wallace C. Mills, Clerk of the House, A Manual for the use of the General Court for 1969-1970, (Boston: Wright and Potter Printing Company, Printers, 32 Derne Street, 1969), pp. 141-46. Information on the reasons for pursuing the course of action that was followed came from a discussion with Leo T. Young in October, 1972.

¹The town is represented in the General Court by one Senator, Pellegrini, and by four Representatives, John Cusack, William A. Pickett, Eleanor M. Campobasso, and Edward J. Dever, Jr.

ment. There were (and still are) no proposals for any project in East Arlington and her arguments were given little credence either at the hearing held before the joint legislative committee (Urban Affairs) on June 30, 1971¹ or in the legislature itself. An attempt sponsored by Campobasso to emasculate the proposal by creating a Redevelopment Board and leaving the old Planning Board was defeated by a vote of 163 to 57 at third reading.²

The bill was passed by the Senate and the House during the first week of August and went to the Governor for signature. The following week the town and Senator Pellegrini were informed that, because the act contained no provision for an appointment to be made to the board by the state's Department of Community Affairs, Governor Sargent would veto it.³

After consulting with the Town Manager and Representatives Cusack, Pickett, and Dever, Pellegrini withdrew the bill from the Governor's office and inserted a provision for a state appointment. This procedure was checked with private legal

¹From the Daily List of Legislative Committee Hearings, printed each day during the legislative session at the State House.

²From the legislative record, quoted in a letter from Representative Cusack to Leo T. Young, from the files of the Department of Planning and Community Development for 1971.

³All redevelopment authorities and housing authorities in the state have one member appointed to them by the Department of Community Affairs.

counsel and with the State House legal staff to determine that it would not require any further action by town meeting. The bill was then resubmitted to the Senate and the House. It was pushed through its three readings in both houses in near record time and resubmitted to the Governor on September 2. He signed it into law on September 9. The bill had been given an emergency preamble so it became effective immediately.

Even while the legislative action was being taken, Marquis had solicited names of those who might be interested in serving on the new board. Four names were selected by Marquis and approved by the Board of Selectmen. The selection was made from a list of over forty applicants. The appointees included an attorney, a minister who is also a trained economist, a senior staff member of a redevelopment authority in a neighboring city, and a telephone company planner. The state appointed a local resident who works for a publishing house and who is a long-time member of the Arlington Junior Chamber of Commerce.

The board organized in October of 1971 and elected George Remmert, an attorney and former chairman of the Finance Committee, as its first chairman.

Conclusions on the Creation of the Redevelopment Board

It took eleven months from the time the idea was first conceived of creating an appointed board to be responsible for redevelopment in Arlington to the time the Redevelopment Board was organized. This was a relatively short period of time to

create so radical a departure from all existing precedents in the state. The manager and the planning director, who together are responsible for devising the concept of a combined planning and redevelopment board, set its primary goal as the broadening of the tax base. Their reason for creating the board, instead of instigating a redevelopment authority, was to make the development process "more responsive to the town officials and the town meeting body."¹ The Redevelopment Board, as a board responsible for both planning and redevelopment and appointed, rather than elected, clearly allows for greater executive management and control over the development process than does any of the alternatives --a fact which is more explicitly explored in the next chapter. Just as the executive derives greater control over the development process with the Redevelopment Board, so, too, does town meeting.

When one examines town meeting as the representative body of the town--it is, in fact, a microcosm of the town--the reasons for its acceptance of the creation of the Redevelopment Board can be seen clearly. Using Litt's model of political cultures in Massachusetts as a basis for analysis, the various groups which comprise town meeting, and the town, can each be seen to have had individual reasons for supporting the creation of the board. While each could agree with the executives' goal of broadening the tax base, each could also see in the

¹ See supra, pp. 32-33.

legislation ways of maintaining greater control over planning and development or, at least, in having a say in the solutions put forward by the Redevelopment Board: a power that no group could have had over a redevelopment authority.¹

The state, for its part in passing the legislation which created the Redevelopment Board, did not necessarily commit itself to support for the concept of combining planning and redevelopment powers in a local board. It simply did not oppose it. In legislation under home rule, such as this was, affecting only one town, the state does not evaluate local programs closely unless some particularly strong objection is voiced in the legislative hearings. The objection made in the legislative hearing on the Redevelopment Board was patently ridiculous. One of the primary reasons for enacting the home rule amendment to the constitution, in the first place, was to take pressure off the legislature to evaluate purely local actions.²

It should be noted that of all of the reasons for the passage of the Redevelopment Board from idea to reality which are discussed here, every one was an administrative or political

¹At least the clear (and logical) impression of the town meeting was that it would derive greater control over development by having the Redevelopment Board than by having a redevelopment authority. It will be seen in Chapter III that town meeting does, in fact, have considerable control over the programs of an independent redevelopment authority.

²See supra, p. 5. and p. 68, n.2.

decision. Very little, if any, real attention was given by the executive, the town meeting, or the state to evaluating the technical details of the standard planning or redevelopment powers. In fact, the concept of the board was formed and the powers of the standard authorities grafted to it with no critical evaluation of their specific provisions.

CHAPTER III

STANDARD APPROACHES AND THE POWERS OF THE NEW BOARD

Methods of Organizing Planning Boards

There are two methods by which standard planning boards may be organized in Massachusetts towns. By far the most common are those enabled by Section 81-A of Chapter 41 of the General Laws. But some planning boards, including the now defunct Arlington Planning Board were enabled by the older Section 70 of Chapter 41. For simplicity, these are generally referred to as Section 70 boards or Section 81-A boards.

Both of these types of planning board continue to exist in Massachusetts and it is worth some explanation to trace the histories of these pieces of legislation, briefly, and to discuss the differing types of powers in each type of board they control.

Section 70 Boards.--No planning board has been enabled under Section 70 of Chapter 41 since January 1, 1937, but the law specifies that any board previously created under its provisions could continue. In reality there are three sections of Chapter 41--Sections 70, 71, and 72--which govern this type of planning board. Because they are of some importance in understanding these types of boards, they are reproduced here.

§ 70. Appointment and Duties.

Every city and every town having a population of more than ten thousand at the last preceding national or state census shall, and towns having a population of less than ten thousand may, create a planning board, which shall make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants. In cities the said board shall be appointed by the mayor, subject to confirmation by the council, and in towns shall be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine.

No planning board shall be established under this section after December thirty-first, nineteen hundred and thirty-six, but any such board established under this section or corresponding provisions of earlier laws and existing on said date shall continue until its existence is terminated under section eighty-one B.

§ 71. Annual Reports.

Every planning board shall make a report annually to the city council or to the annual town meeting, giving information regarding the condition of the town and any plans or proposals for its development and estimates of the cost thereof. Every such planning board shall file with the division of planning of the department of commerce a copy of each report made by it.

§ 72. Ordinances and By-Laws.

Cities and towns may make ordinances and by-laws for carrying out the purposes of section seventy and of sections eighty-one A to eighty-one GG, inclusive, and they may appropriate money therefor. The planning board of a town, established under section seventy or corresponding provisions of earlier laws, may be authorized by vote of the town to act as park commissioners therein, and may be vested with all the powers and duties of park commissioners in towns.¹

Section 70 boards were initiated by Chapter 494 of the Acts of 1913. Discussing the history of those boards, Philip Nichols observed that Section 70 had been created as the result of the 1913 State Homestead Commission recommendations:

¹Annotated Laws. As the reader may notice, these sections were updated to conform with later laws, although none of the powers granted in the original sections were altered.

1. That planning boards be instituted in each city or town of more than 10,000 inhabitants. The work of such boards would show what the actual local conditions are and would disclose the resources at hand to better them. The spread of bad conditions would be stopped and means found gradually to abolish slums now existing.

2. That the Commonwealth and community encourage and promote the formation of associations to plan and construct low cost suburban homes.¹

Nichols goes on to point out that the primary functions of planning boards were supposed to be related to housing, as recommended by the Homestead Commission, and only incidentally were they given the power "to make plans for the development of the municipality."² Despite that, says Nichols, "the connection between planning boards and housing has not been close."

The Arlington Planning Board was one of the first in the state to be created under the new legislation.³ It was voted to elect a planning board of five members at the annual town meeting of March 26, 1914; the board was elected at another session of the same town meeting on April 9, 1914.⁴

It is obvious that Section 70 boards have very limited

¹Philip Nichols, The Massachusetts Law of Planning and Zoning. (Massachusetts Federation of Planning Boards, 1943), p. 31. See also, William I. Goodman, ed., and Eric C. Freund, assoc. ed., Principles and Practice of Urban Planning, (Washington: International City Managers' Association, 1968), p. 22f.

²Ibid., Nichols.

³This was, of course, required, inasmuch as the population of the town, according to the U.S. Census, was 11,187 in 1910.

⁴Annual Reports, 1914.

powers. They are required to make studies (Section 70) and to make an annual report on the condition of the town, any proposals for development, and the costs of such proposals (Section 71). They have no power to control street lay-outs or subdivisions of land. Such powers, insofar as they exist at all in a Section 70 organization, are vested in another board known as the board of survey.

Boards of survey in towns were enabled by Chapter 191 of the Acts of 1907.¹ Their powers are contained in Sections 73 to 79, inclusive, of Chapter 41.² Like section 70 planning boards, boards of survey have not been created since 1936 when their powers were incorporated into the new planning board legislation, Section 81-A. Boards of survey do, however, also continue to exist. Their powers are: the approval of plans for public ways,³ the making of plans of the territory of the town showing public and private ways, drainage, and so forth,⁴ and the setting of exterior lines of public ways.⁵ By controlling the layout of public and private ways, boards of survey have a very limited and primitive form of subdivision control power. They can, however, only approve or suggest

¹Nichols, op. cit., p. 24.

²Annotated Laws.

³Ibid., Section 74 of Chapter 41.

⁴Ibid., Section 75.

⁵Ibid., Section 76.

changes in proposals for major subdivisions which require travel ways. They do not have the power to disapprove plans.¹ When subdivisions do not require ways, their control is almost nil.²

Section 70 planning boards were envisioned as having very limited powers. Many of the powers which now are usually found in planning boards were split between two boards. This may well have satisfied the "checks and balances" advocates, but it could hardly be touted as efficient or effective government. Furthermore, the controls were not only split, they were less in the aggregate than those generally shared by the new planning boards.

Nevertheless, Arlington continued to keep the dual board system in effect after 1936. As a reading of the article establishing the Redevelopment Board, quoted in Chapter II, will show, it was kept in the most recent board change.³

In Arlington, the **five**-man Board of Selectmen is also the Board of Survey.

¹Flavel Shurtleff and William Cantelmo, Planning Law and Administration in Massachusetts. (Massachusetts Federation of Planning Boards, 1964), p. 15.

²See Nichols, op. cit., pp. 24-30 for a general discussion of the powers of a board of survey.

³An interesting sidelight of this history is the conservative approach taken to modernizing the dual board system in the past. When the new act, Chapter 211 of the Acts of 1936, created Section 81-A boards and gave them the power to control subdivisions and street lay-outs, the planning board considered

Section 81-A Boards.--Chapter 211 of the Acts of 1936 created a new method of establishing planning boards with greater powers. A brief analysis of this very complex law is in order here, because, although it was never adopted in Arlington, there is a significant question as to whether it should have been.

Chapter 211 created Sections 81-A to 81-FF, inclusive, of Chapter 41. Section 81-GG, now also a part of this pertinent part of the law, was added in 1947.¹ Sections 81-A through 81-J deal with the powers and duties of planning boards in relation to planning; Sections 81-K to 81-GG deal with their powers and duties in relation to subdivision controls. Following is a brief synopsis of certain important sections relevant to this thesis.

Section 81-A, "Establishment of Planning Boards; Membership", provides for the establishment of a planning board in

recommending adoption of the new method. The "Report of the Planning Board" in Annual Reports, 1936 states:

"While this new enabling act is undoubtedly an improvement and the operation of its various provisions has become better understood during the past year, nevertheless, we do not feel justified in recommending its adoption in whole or in part at this time. It is our feeling that we will be in a much better position to decide as to its merits and defects, as it would operate in Arlington, after additional towns or cities contiguous to Arlington have adopted it or functioned under it." (pp. 381-82).

Conversations with several past planning board members in 1970, 1971, and 1972 would seem to indicate that the possibility of converting to the "new type" of planning board was discussed many times, but dismissed by the board--ostensibly because they did not want the additional responsibilities it would impose. A more logical explanation is that they did not want to take away the power of the Board of Selectmen as a Board of Survey. Certainly no proposal was ever presented to town meeting.

¹Annotated Laws, from citations following the instant sections.

every town upon reaching a population of 10,000, for members of boards in towns to be elected by town meeting or "appointed in such manner as town meeting determines", that terms of members shall be staggered so that at least one member's term shall expire each year, for removal for cause, for the appointment of a chairman and a clerk by the board, that the board may employ experts and clerical or other assistants, and so forth.¹

Section 81-B, "Powers and Duties of Planning Boards Generally", provides that when the provisions of Section 81-A are adopted any previous planning board created under Section 70 or any other provisions (special acts) and any board of survey shall cease to exist.² It also provides that "planning boards or their officers, so far as they deem it necessary in carrying out sections 81-A to 81-J, inclusive, (may) enter upon any lands and there make examinations and surveys . . ."³

Section 81-C, "Studies and Reports; Acting as Park Commissioners", states:

The planning board established under section eighty-one A shall from time to time make careful studies and when necessary prepare plans of the resources, possibilities, and needs of the . . . town, and, . . . shall submit to the . . . selectmen a report thereon, with its recommendations.

¹Ibid., Chapter 41.

²Where a board of survey is in existence it is possible for the town to accept only the provisions of Sections 81-A through 81-J and not the subdivision controls covered by Sections 81-K through 81-GG. See Ibid., Section 73.

³Annotated Laws, Chapter 41.

The section provides further for an annual report to the town and confers upon the town the ability to grant the duties of park commissioners to the planning board.¹

Section 81-D, "Master or Study Plan", states that "A planning board . . . shall (emphasis added) make a master or study plan . . . as the board may deem advisable . . ." The section details what a plan shall show and then continues:

Such planning board, after consultation with the municipal agencies charged with enforcing housing laws, ordinances, by-laws, or regulations, and with the local housing or redevelopment authority, if any, shall designate in such plan, conservation, rehabilitation, and redevelopment areas for the purpose of guiding residential protection, neighborhood improvement, and urban renewal programs. Such plans shall be made, and may be added to from time to time, by a majority vote of such planning board and shall be a public record.²

Sections 81-E, 81-F, 81-G, and 81-H deal with the power to adopt an official map and the means by which it may be amended. In the experience of the author, Massachusetts planning boards very often look upon official maps as too expensive and too burdensome to bother with.³ Inasmuch as official maps have no

¹Ibid.

²Ibid.

³Shurtleff and Cantelmo note: "There is doubtless a feeling among planning boards that official maps are of least importance in their list of duties, for past experience has shown that there is nothing sacred in the 'official' tag and for purposes of the planning board the master plan is far more helpful", in op. cit. p. 13f.

relation to this thesis they will not be further discussed, save to point out that the Arlington Redevelopment Board does not have the power to adopt such a tool, should they want to.¹

Sections 81-I and 81-J deal with the referral of certain matters, such as the layout of streets, to the planning board, and for the establishment of the exterior lines of the town.²

These two standard types of planning board--Section 70 and 81-A--in Massachusetts have been overviewed at some length in order to clearly establish the differences in the powers, duties, and responsibilities in each type of board. One of the significant doubts about the possibility of using the Arlington Redevelopment Board as a model for boards in other communities, which will be dealt with later in this thesis, is the fact that its powers as a planning board are Section 70 board powers. The limitations of those powers are so great that they must be viewed as a major shortcoming.

Nichols notes that "for a number of years prior to 1930 it had come to be realized that the Massachusetts statutes relating to city and town planning were inadequate and out of date."³ He implies that planning was making little headway in the commonwealth and that rather than continue to try to give "legal protection to the city plan" efforts were redirected

¹For information on the reasons for and uses of official maps, see F. Stuart Chapin, Jr., Urban Land Use Planning, (Urbana: University of Illinois Press, 1965), p. 258.

²Annotated Laws, Chapter 41.

³Nichols, op. cit., p. 33.

to remedying deficiencies of planning laws "in other directions."¹ Certainly Section 70 boards had none of the powers, such as subdivision control, that were suggested in the Standard City Planning Enabling Act.²

The deficiencies and defects of Section 70 board powers are summed up well by Nichols, as follows:

1. The statutes were obscure, and the duties and responsibilities of Planning Boards and Boards of Survey were not clearly set forth.
2. Sufficient power was not given to the boards dealing with city planning to enable them to perform their duties effectively.
3. There was an overlapping of the powers of different boards and public bodies with respect to the same subject matter.³

In 1931, the Massachusetts legislature established a special commission "to Study and Revise the Laws Relative to Zoning, Town Planning and the Regulation of Billboards and other Advertising Devices." The commission made its final report in 1933. In it, it proposed a new zoning enabling act which was adopted in 1933, a new State Planning Board which was established in 1935, and a new city planning act which, because of "considerable opposition", was not passed until 1936--as Chapter 211 of the Acts of that year.⁴

¹Ibid.

²See the discussion of "Standard City Planning Enabling Act" published by the U.S. Department of Commerce in 1928 in Donald G. Hagman, Urban Planning and Land Development Control Law, (St. Paul, Minn.: West Publishing Co., Hornbook Series, 1971), pp. 48-50.

³Nichols. op. cit., p. 33.

⁴Ibid., pp. 33-34.

Nichols states that "the principal reasons for the enactment of the statute (which created Section 81-A planning boards) were to define and make effective the powers of Planning Boards, to clear up confusion existing with Boards of Survey, and to bring to an end the conflict of authority between Planning Boards and Boards of Survey."¹

Rather than elaborate further on the differences in planning boards established under Section 81-A and those established under Section 70, many of which are very obvious, these differences will be discussed later where they are salient to an evaluation of the powers of the Redevelopment Board.

Before discussing the Redevelopment Board specifically, it is necessary to review the other function that it serves--that of a redevelopment authority.

Standard Organizations with Redevelopment Powers

There are three basic forms of redevelopment agency: the redevelopment authority, the housing authority with renewal powers, and the municipal renewal department.² Two of these three forms are standard in Massachusetts; the last--the municipal renewal department--is not. Such departments do exist in the state, however. The Boston Redevelopment Authority

¹Ibid., p. 34.

²For a general discussion of the basic organizational forms, see Goodman and Freund, op. cit., pp. 507-09. See, also, Joseph De Chiara and Lee Koppelman, Planning Design Criteria, (New York: Van Nostrand Rheinhold Company, 1969), p. 357. The word "municipal" is used here as it is elsewhere in this thesis to refer to city and town functions. County governments in Massachusetts have very limited powers so that they are not included in the term "municipal", even though they could be in other states.

succeeded the Boston Planning Board some years ago and, despite its name which would seem to indicate that it is a standard redevelopment authority, it is a combined planning and development agency created by special legislation. The City of Lowell has a similar arrangement. Arlington is the first town in the state to establish a similar agency--again, by special legislation.

Chapter 121 B of the Massachusetts General Laws deals with housing and urban renewal. This chapter is relatively new, having been comprehensively rewritten and enacted as Chapter 751 of the Acts of 1969.¹ The specific "operating agencies" which are enabled by Chapter 121 B are housing authorities² and redevelopment authorities.³

Housing authorities may be local or regional, but so far all that have been established have been local.⁴ In cities, four members of a housing authority are appointed by the mayor and one member is appointed by the Massachusetts Department of Community Affairs (DCA). In towns, four members must be elected at the town meeting (where the town meeting is open) or at the general election (where the town meeting is representative), and one member is appointed, as before, by DCA.⁵ Members must be

¹Annotated Laws, Chapter 121 B.

²Ibid., Section 3.

³Ibid., Section 4.

⁴Ibid., Section 3A.

⁵Ibid., Section 5.

residents of the municipality they serve and they may be removed from office only for cause.¹ Appointment or election is for a term of five years and terms are staggered so that not more than one member comes up for reappointment or election per year.

The terms, methods of appointment or election, and size of membership for redevelopment authorities are identical to those for housing authorities. Both authorities may "employ an executive director who shall be ex officio secretary of the authority" as well as "agents and employees as it deems necessary or proper."² Such authorities in Massachusetts are "bodies corporate and politic", able to set policy, employ staff, and write contracts with relative impunity, free from overt political pressure except through individual public accountability at election time. Section 11 of Chapter 121 B details the powers of such authorities:

- (a) To sue and be sued; . . . to have corporate succession;
- (b) To act as the agent of or cooperate with the federal government in any . . . urban renewal or other project it is authorized to undertake;
- (c) To receive loans, grants and annual or other contributions . . . from any . . . source, public or private;
- (d) To take by eminent domain . . . , or to purchase or lease, or to acquire by gift, bequest, or grant, and hold any property real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of this chapter . . . and to sell, exchange, transfer, lease or assign the same . . .

¹Ibid., Section 6.

²Ibid., Section 7.

- (e) To clear and improve any property acquired by it;
- (f) To engage in or contract for the construction, reconstruction, (etc.) . . . of any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake . . .
- (g) To make relocation payments to persons and businesses displaced . . .
- (h) To borrow money for any of its purposes upon security of bonds, notes, (etc.) . . .
- (i) To invest in securities . . .
- (j) To enter contracts with . . . (urban renewal corporations established under Chapter 121 A);
- (k) To enter . . . agreements with the federal government relative to the borrowing of funds . . .
- (l) To enter into and carry out contracts . . .
- (m) To make and . . . to repeal . . . by-laws, rules, and regulations . . .
- (n) To join or cooperate with one or more other operating agencies . . . located within the area within which one or more such authorities are authorized to exercise their powers; . . .¹

Operating agencies "are liable in contract or in tort in the same manner as a private corporation", although its members and staff are not personally liable for public actions taken in proper performance of their duties.²

Property held by such agencies is public and, as such, is tax-exempt, although the agency may, in cooperation with the municipality, arrive at a "payment in lieu of taxes."³

¹Ibid., Section 11.

²Ibid., Section 13.

³Ibid., Section 16.

Inasmuch as they are bodies corporate and politic, neither the state nor municipal government is liable for the debts of the authority.¹

An interesting grant of power is given to municipalities by Section 18:

Whether or not an operating agency has been created therein any city or town may undertake, itself or by or through any department, board, agency, authority, or office of the city or town, or by or through any operating agency, planning district, metropolitan district, or other public body any planning activities within such city or town for the preparation or completion of master or general plans, a workable program for development of the community, general neighborhood renewal plans, a community renewal project, any other planning study, project or program and a code enforcement project, including the compulsory repair of buildings and improvements, the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings . . . ²

This section is interesting because municipalities are already enabled by other legislation to do all or most of the activities described here. For example, "the preparation of master or general plans" falls within the purview of planning boards (at least Section 81-A boards). A Workable Program is a document required by the U.S. Department of Housing and Urban Development as a prerequisite to certain funding programs. Municipalities have prepared such documents in various departments long before they were "enabled" to do so by this section. "Code enforcement projects, including the voluntary or compulsory repair of buildings and improvements . . ." are already among the legal obligations of state and local boards of health

¹Ibid., Section 17.

²Ibid., Section 18.

and their designees under Articles I and II of the Massachusetts Sanitary Code of 1969. The "enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements" falls within the control of local legislation and the local building inspector under the Zoning Enabling Act.¹

The **rationale** for Section 18, therefore, is not clear. It may have been created to make clear that the creation of an operating agency in no way affects these powers. But on its face the section says more than that. Since no cases seem to have reached the Massachusetts Supreme Judicial Court which would shed any light on Section 18, the section may be important because of its very ambiguity, for two reasons.² First, it may be cause for great confusion if a town decides to use it as the authority to give certain duties to an agency which would not otherwise be able to have them. (For example, could a town place certain building inspection duties in the hands of someone other than the building inspector who appears to be the responsible agent under Chapter 40A?) On the other hand, its ambiguity may make it important where it will allow for organizational flexibility. It might be possible, for example, to use this section to overcome the possible argument that the Redevelopment Board has no statutory authority (under Section 70) to prepare a master plan.

¹Annotated Laws, Chapter 40 A.

²Citations of cases which have reached the high court are given after each section in the Annotated Laws; none appear after the instant section.

It is apparent from the legislation that operating agencies created under Chapter 121 B are entities quite separate from the municipal government. The municipality has little administrative control over them and derives no liability from them. The municipality and the operating agency may cooperate extensively, however. The town may appropriate money to the agency, which, in turn, may or may not reimburse the town.¹ The town may also sell land, construct ways, make public improvements for, and make its employees and services available to operating agencies.²

Sections 45 through 52 form a subsection of Chapter 121 B known as "Urban Renewal Programs". Since these sections are mentioned in the special act which created the Redevelopment Board, they deserve rather close scrutiny.³

¹Annotated Laws, Chapter 121 B, Sections 19, 20, 21, and 22.

²Ibid., Section 23.

³Sections 25 through 44 of Chapter 121 B deal with housing programs and the powers of housing authorities. Some of the reasons that urban renewal powers were not given to the Arlington Housing Authority have been alluded to in this thesis and a detailed analysis of the powers of housing authorities might be of interest here. Nevertheless, to devote a great deal of time and space to the analysis of the functions and powers of housing authorities would be of little real use. Housing authorities with renewal powers are a standard form of renewal organization, but is outside the scope of this thesis, particularly since there was at no time a suggestion that such an organization could or should include the function of a planning board, or could or should be subject to local control.

Section 45 is a rather lengthy "Legislative declaration of necessity". Among its many statements, the following is important, particularly in my opinion, as a justification for the special legislation which created the Redevelopment Board in Arlington:

. . . that because of the economic and social interdependence . . . within . . . communities, the redevelopment of land in decadent, substandard, and blighted open areas in accordance with a comprehensive plan to promote the sound growth of the community is necessary in order to achieve permanent and comprehensive elimination of existing slums and substandard conditions . . .

The commitment intended to the coordination of redevelopment and comprehensive planning is obvious.

In addition to the general powers described above which are common to both housing authorities and redevelopment authorities created under Chapter 121 B, urban renewal agencies have the following specific powers:

- (a) To determine what areas within its jurisdiction constitute decadent, substandard, or blighted open areas;
- (b) To prepare plans for the clearance, conservation and rehabilitation of (such areas) including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes and regulations relating to the use of land and the use or occupancy of buildings and improvements, plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;
- (c) To prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for development of the community, general neighborhood renewal plans, community renewal programs and any plans or studies required or assisted under federal law;
- (d) To engage in urban renewal projects. . . .

- (e) To conduct investigations, make studies, surveys and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties . . .
- (f) To develop, test and report methods and techniques and carry out demonstrations for the prevention and elimination of slums and urban blight; and
- (g) To receive gifts, loans, grants, contributions or other financial assistance from the federal government, the commonwealth, the city or town in which it was organized or any other source.¹

Despite the apparent autonomy of renewal agencies and their lack of political accountability to any but the electorate, there are several points where they must satisfy local government if they are to succeed in their job. One of the most important of these points was mentioned above--Section 19 of Chapter 121 B, which allows municipalities to defray administrative expenses of housing and redevelopment authorities. Housing authorities with well-run projects can often "break even" on the basis of rents received. Renewal authorities seldom have such luxuries. Although they may from time to time obtain grants from federal, state, or private agencies, it is inevitable that they go eventually to the financial well of city council or town meeting to meet at least some of their expenses. With equal inevitability, they must justify their programs, perhaps their very existence, to these bodies before the coffers are unlocked.

They are constrained in other ways as well. Before any urban renewal project may be undertaken there must be a public

¹Ibid., Section 46

hearing on the urban renewal plan which must be approved by the municipal officers and DCA.¹ One of the local approvals required is that of the local planning board.² Nevertheless, accountability of the authority remains to the commonwealth as evidenced by the fact that the annual report is made, not only to the mayor or selectmen, but to DCA and the state auditor.³

Having discussed the methods by which planning boards may be created and their various powers, and having looked at the powers of renewal agencies, it is now possible to examine the specific grants of power to the Arlington Redevelopment Board.

The Powers of the Redevelopment Board as Enacted

Thus far I have referred only to the fact that the Redevelopment Board was given the powers of both a planning board and a redevelopment authority. The act which created the board was quoted in its entirety in the form in which it was submitted to the legislature in Chapter II. The changes made in that act were only with regard to membership; the powers are identical to those quoted.⁴ In the last two sections of this chapter the scope of the powers which are--or can be--made available to planning boards and redevelopment authorities in Massachusetts

¹Ibid., Section 48.

²Ibid.

³Ibid., Section 52.

⁴See supra, pp. 66-68.

has been reviewed in some detail. It is important to review now the powers that the Redevelopment Board was given in order to be in a position to evaluate the board as an organizational form, distinct from the standard forms.

Planning Powers.-- Section 2 of Chapter 738 of the Acts of 1971 did four things: (1) it terminated the terms of office of the members of the Planning Board; (2) it transferred all of the powers and duties hitherto granted to the Planning Board "by statute or by-law" as well as any other powers which subsequent legislation might place with Section 70 boards to the Redevelopment Board; (3) it transferred all property and appropriations granted to the Planning Board to the Redevelopment Board; and (4) it declared the Redevelopment Board to be the successor to the Planning Board.¹ A brief commentary on the first two of these is in order.

It may well be questioned whether the termination of the terms of office of the members of the Planning Board was necessary. In view of the fact that the Planning Board had been appointed by the Town Manager, subject to the approval of the Board of Selectmen, in exactly the same way the Redevelopment Board is now appointed, and that in all other respects the new board is the successor of the Planning Board, it does not appear that such a step was necessary. It may, of course, be argued that the fact that one of the five members of the new board was

¹Ibid., when passed, the act contained the title "Section 2" not in the original draft; it included the wording in the original almost verbatim. See supra, p. 68, beginning "The terms of office of the members . . ."

to be a state appointee would have placed the manager in the awkward position of having to ask one member of the old board to step down to create an opening. But the facts do not support such a conclusion. In the first place, the termination of the Planning Board members' terms of office was included in the original article presented to town meeting, in which the appointment of all five of the members was contemplated. Secondly, the term of office of at least one of the board members would have expired in 1971 and would have given the opportunity for the state appointment to be made with no risk of offence and no need to ask for a resignation.

The conclusion to which one must come in examining this clause is that it was done solely in order to create an opportunity to appoint an entirely new board membership. Some in the town would undoubtedly argue that this was necessary because the old Planning Board had been unsatisfactory, at least to the manager. An examination of the activities of the board over the last five years of its existence--perhaps inactivities would be a more appropriate term--would certainly lend credence to this argument. On the other side, the counter-argument can always be made that the manager should have created a more forceful board membership in the first place. Such eclectic argument will lead us nowhere. From a personal viewpoint, it would seem that, all things taken together, if a redevelopment board is in fact a new solution to the planning problems of the town, it would be wise for the community undertaking it to do so with new blood and new ideas serving on it. Had the old

board been active and had been doing a good job and if it were felt that some of the members should be carried over, they could be reappointed. Such was done in Arlington; one member of the old board was appointed to the Redevelopment Board and became its first vice-chairman.¹

The second thing done by Section 2 was the transferral of the powers of a Section 70 planning board to the new board. Here is surely one of the most significant failings of the new board: that it was not given the powers of a Section 81-A board.

It has been reported in several discussions with former members of the Planning Board and with town meeting members that the granting of Section 81-A powers was discussed, at least informally, but that it was dismissed because it was felt (a) that it would bring an additional and potentially confusing issue before town meeting, and (b) that it would give the Planning Board cum Redevelopment Board too many responsibilities if it had to deal with subdivision control powers in addition to its other duties.

¹The Reverend Mr. Thomas M. Kershaw had served on the Planning Board for two years. It is interesting to note that when Article 50 was being debated before town meeting he was one of the most outspoken critics of the lethargy and inactivity of the Planning Board and argued that a change was badly needed. It is reported that, because he had to be out of the country when debate was in progress, he sent a tape recorded speech which left the members of the Planning Board (who it will be remembered were opposed to Article 50 four to one) livid, because they could not raise questions of Mr. Kershaw in reply.

To any who have had the experience of dealing with town meeting, the argument that issues must be as clear-cut and as uncontroversial as possible if one is to succeed in their passage is far from a weak one. Even in a town meeting with a cosmopolitan outlook, the time which town meeting members have to examine and digest all of the relevant issues in a proposal before them is minimal. Even when parochial interests are minimal in a town meeting such as Arlington's, there is still an element of reluctance to change where such change is not perceived as necessary. It was shown clearly in Chapter II that the idea of a combined planning and redevelopment board was hastily conceived in Arlington. It was placed before town meeting with only a minimal amount of time to "educate" the members of that body about its goals and objectives. It may well not have been politically desirable to confront town meeting with an increase of powers in the planning functions of the new board to avoid confusion. But if that was the case, it speaks well neither for those who proposed the Redevelopment Board nor for the town meeting they asked to create it.

The failure to give the Redevelopment Board the powers of a Section 81-A board, at least with regard to planning if not subdivision control, leaves many deficiencies and ambiguities in the powers of the board. Furthermore, since 81-A to 81-J powers can be granted to a planning board without the concurrent granting of powers of Sections 81-K to 81-GG, which deal with subdivision control, the argument that the Redevelop-

ment Board would have been given too many duties had it become an 81-A board is spurious. The Board of Selectmen could easily have remained the Board of Survey as well, without infringing on wider planning powers for the board in any way.

The specific kinds of problems which the Redevelopment Board may have to face in the future as a result of the failure to give them Section 81-A board powers are as follows:

1. Section 70 boards do not have the specific power to enter onto lands to make examinations and surveys as is granted to Section 81-A boards by Section 81-B. This may hurt them, not only with regard to planning, but in their redevelopment function, as well. Chapter 121 B does not grant this power either and counsel has rendered an opinion that without this power the ability of the board to make certain studies will be very much impaired.
2. Section 70 boards do have the powers to study the needs, resources, and possibilities of the town and may make plans for the development of the town as do 81-A boards under Section 81-C. But they do not have the duty to make a master plan required of 81-A boards by Section 81-D. Also, Section 70 leaves an ambiguity about who should adopt a master plan; under Section 81-D this power is given clearly to the planning board. Without such a mandate it is possible that the town meeting or the selectmen could try to reserve that power to itself. Although this does not appear likely, it would certainly be undesirable from an administrative point of view.

3. Section 70 boards do not have the power to adopt an official map as provided by Sections 81-E through 81-H. Although such maps are not always necessary in the earlier stages of planning, they can serve a useful function as a land use control.¹

4. The issue of whether the Redevelopment Board should have the power of subdivision control is a difficult one. I have already stated that such powers are not necessary inasmuch as the governing statutes (Sections 81-K through 81-GG) are separable from 81-A board powers. Nevertheless, the desirability for a planning board to be able to control **development**, cannot be overstated. Not only are the powers available to planning boards with regard to subdivision control **broader** than those granted to the old boards of survey, the discretion left with the board is far greater.²

It is indisputable that it would have taken longer to create the Redevelopment Board if a case had had to be made for these new powers--possibly another year. Nevertheless, it is unfortunate that this course of action was not investigated and, at least, presented to town meeting as an option. To grant these powers now, it would probably be necessary to

¹See Goodman and Freund, op. cit., pp. 399-400, and Chapin, op. cit., pp. 84-87, for a discussion of the official map and its uses.

²For those who might be interested in comparing the relevant provisions, the sections are Chapter 41, Sections 73 to 79, inclusive, for boards of survey, and Sections 81-K to 81-GG, inclusive, for the subdivision control powers of planning boards, both in Annotated Laws.

amend the Town Manager Act for Arlington again--a difficult, expensive, and (had there been some foresight) an unnecessary prospect.

Redevelopment Powers.--Section 1 of Chapter 738 of the Acts of 1971 give to the Redevelopment Board, as the agent of the town,

all of the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and (the board shall) have such further powers and be subject to such further limitation as would from time to time be applicable to a redevelopment authority if such authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven, and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the redevelopment board, ~~nor~~ shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting . . .

By this act of the General Court, the Arlington Redevelopment Board obtained all of the rights of a standard redevelopment authority, as described earlier, with specific limitations. According to Leo T. Young, the Director of the Department of Planning and Community Development in Arlington, "the board can do everything that an authority can do, but needs many more approvals." Under Section 18 of Chapter 121 B, for example, a redevelopment authority must get the approval of the board of selectmen, the town manager (if there is one), DCA, and the town's planning board for any redevelopment or urban renewal project. In the granting of these approvals, a series of

specific plan elements must be found satisfactory.¹ The Redevelopment Board, however, must also obtain the approval of the plan by town meeting before it can proceed.

Here, depending upon one's point of view, is either the critical flaw or the major strength of the Redevelopment Board. If the town meeting is truly a representative body and if it represents the interests of the town responsibly, then the redevelopment board legislation for Arlington has instituted a review step which will assure, in admirably democratic fashion, that redevelopment will meet the needs and desires of the town. If, on the other hand, town meeting does not always represent the interests of the town responsibly--and I have indicated that, in my opinion, they do not, because they are not always aware of the complexity of the issues facing them--then a procedure which otherwise would have been a technical and administrative one (at least ideally) has now become a "political football" to be tossed about the town meeting floor. Truly it will be impossible to evaluate the impact of this provision until at least one--and perhaps several--redevelopment projects have gone before town meeting.

¹Annotated Laws, Chapter 121 B, Section 48. The specific approvals are provided for in the following sentence:

"The department shall . . . not approve any urban renewal plan unless it shall have found (a) the project area would not by private enterprise alone and without government subsidy or the exercise of governmental powers be made available for urban renewal; (b) the proposed land uses and building requirements in the project area will afford maximum opportunity to privately financed urban renewal consistent with the sound needs of the locality as a whole; (c) the financial plan is sound; (d) the project area is a decadent, substandard, or blighted open area; (e) that the urban renewal plan is sufficiently complete . . . and (f) the relocation plan has been approved . . ."

One factor which should be kept in mind about town meeting approval is that, even where it does not exist as a formal requirement for redevelopment authorities, it is almost always an informal requirement. As discussed previously, redevelopment authorities must almost always go to town meeting for some funding, whether for operating costs or for some other expense. As a practical matter, any project for which such funds would be used is fair game for town meeting scrutiny.

The first difference, **then**, between the Redevelopment Board and a redevelopment authority is the approvals needed-- which may or may not be significant. The second is staffing.

Under Chapter 121 B, Section 7, operating agencies may employ staff without the separate approval of the municipality. The Redevelopment Board uses the staff of the town: that of the Department of Planning and Community Development.

The third difference, of course, is the ability to combine the planning and redevelopment functions. Although operating agencies may have some planning powers, planning boards and redevelopment authorities are really set against each other as a set of checks and balances.¹ Nevertheless, there is no specific enabling of the Redevelopment Board to adopt plans.² To be sure, this is a technical point which, as a practical matter, may never pose any serious problem. Comprehensive

¹See, for example, Annotated Laws, Chapter 121 B, Sections 18 and 46.

²See supra, p. 99.

plans or master plans have no real legal force in Massachusetts, or in most states. But in Massachusetts, unlike most other states, a master plan is not even a legal basis for zoning.¹ As a plan it is purely advisory. This brings us back to the issue raised earlier that should it become necessary to create zoning strictly in accordance with a comprehensive plan, a very real issue could arise over which town body has the legal right to adopt such plan. Legislation giving this role to a comprehensive plan may not far off in Massachusetts.²

General.--Ultimately, the distinction between the Arlington Redevelopment Board and the standard planning board/redevelopment board combination is one of responsibility. Little was done which affected the board's position in town government in relation to planning. Except for the new state appointee, even the method of appointment was unchanged. One thing that is different, of course, is the fact that a body with redevelopment powers is appointed, rather than elected; all other operating agencies under Chapter 121 B are elected and may, therefore, be considered to be representative as well as responsible.

¹Hagman, op. cit., pp. 53-56.

²In the 1972 legislative session, House Bill 5009 placed a revision of the Zoning Enabling Act, Chapter 40 A of the General Laws, before the General Court. The bill was referred to committee, where it died, but there is every reason to believe that it will be resurrected during the 1973, or, at the latest, the 1974 session for action. This bill would have given a far greater role to the comprehensive plan in the zoning process.

The Redevelopment Board is responsible to two town bodies, one is the manager (and the selectmen) who appoints them the other is the town meeting, which control the board's budget, as well as that of the Department of Planning and Community Development, in addition to being responsible for approving plans and funding programs that the board proposes. Even so, the board has a great deal of autonomy.

On the basis of having attended all but two of the board's weekly meetings during its first year, it appears to me that there has been and is continuing to be a process of clarifying the lines of responsibility, particularly in regard to the board's working relationship to the manager and the Board of Selectmen. It may well be that the question of who has what authority may cause some tension between the Redevelopment Board, the Town Manager, the Board of Selectmen, and perhaps even with the Department of Planning and Community Development, although it appears that most issues will tend to resolve themselves through some sort of mutual agreement. What is perhaps most important, however, is that what ambiguities in the legislation as do exist will not allow any of the executive bodies to ignore each other. For one thing, all, or nearly all, of these bodies are linked through the Town Manager. With regard to the Department of Planning and Community Development, the director of that department has been made Secretary ex officio to the board. These linkages will undoubtedly tend to overcome the problem which plagues many towns, particularly

where various bodies do not like each other, where various town groups ignore each other completely. Infighting is far less likely to occur in Arlington with a Redevelopment Board which has no independent political base.

Although greater unity of power and control over redevelopment and planning has been achieved by the town's executive, something may have been lost as well: the checks and balances of having separate planning and redevelopment agencies, which may have very different perspectives on the same problem. Whether this possibility is one of any consequence is a question which only time and experience will accurately answer.¹

The Role of the Redevelopment Board in Town Government

"Too many people have a piece of the polity for any single actor to coerce all the others; thus, however 'intrinsically right' our plans may be, they are only plans until someone harnesses the wild horses of diverse polities to them."² Perhaps that one sentence is the best summary of the goals of the executive in proposing the Redevelopment Board, of the

¹In a brief interview I had with Thomas I. Atkins, Secretary of the Massachusetts Department of Commerce and Development, he stated that, on the basis of experience with the Boston Redevelopment Authority, he felt that the checks and balances provided by separate planning and redevelopment functions were important. In Boston which, because of the enormity of the city's government, has a great deal of "invisible politics", this argument may be entirely credible. For a medium size town, such as Arlington, however, I am personally much more optimistic. Town government has a much greater degree of visibility than does city government, and more often than not decentralizes power far more than is necessary or desirable.

²Scott Greer (with David Minar) in Scott Greer, The Urbane View: Life and Politics in Metropolitan America, (New York: Oxford University Press, 1972), p. 244.

town meeting in accepting that board, and of the role of that board in town government.

The board is a link. It links the planners with the executive branch; it links the planning of the executive branch to the legislative branch.

It may seem odd to state that the Redevelopment Board is a link between the planners and the executive, particularly since the planners--in this case the Department of Planning and Community Development--are part of the executive branch under the Town Manager. Nevertheless, the statement is true. In the first place, work programs relating to planning are reviewed by the board. Secondly, all plans are presented to the board and "thrashed out" with them before they are presented to other bodies. Finally, when any other department or executive body (such as the Housing Authority) wants to make a formal input into the planning process, it does so through the Redevelopment Board.

True, nowhere in the legislative authority that has been so extensively reviewed is it expressly stated that such should be the role of the Redevelopment Board. But, partly by accretion--in this case, the customary use of planning boards to oversee planning activities, not only in Arlington, but in most suburban Massachusetts communities--and partly by agreement--in this case, agreement between the board, the Board of Selectmen, and the Town Manager--the Redevelopment Board is the central agency to be consulted on all matters pertaining to land use planning in the town. Insofar as zoning is concerned, there is, of course, statutory referral of all matters

pertaining to zoning amendments or changes to the board.¹

By having the members appointed by the Town Manager with the approval of the Board of Selectmen, as it is, this link is relatively easy to forge, although the persons selected to serve must be able to relate to both the political and bureaucratic divisions of the government.

Since the Redevelopment Board must be able to convince town meeting of the validity of the plans it develops, it must also be able to relate well to the legislative body. Identifying people who have a good rapport with town meeting is, therefore, an important one.

Partly because of its responsibilities to both branches of government, then, the board must be able to weigh the desirable against the possible, and the possible against the practical. It must, in a very real sense, "harness the wild horses of diverse polities" to the planning process.

To do this the board must be, not the superagency that some saw it becoming when it was first proposed, but the coordinator of the policies and programs of all agencies when those policies and programs affect land use. From several statements of the board during its meetings in its first year,

¹With regard to zoning see Annotated Laws, Chapter 40 A, especially Section 6, 7A, 11, 20, and 21. With regard to the agreement between the board and the Board of Selectmen to refer all matters relating to land use to the Redevelopment Board, see Arlington Redevelopment Board, Minutes of Meeting of January 20, 1972.

it appears that it understands this relationship well.¹

The planning and redevelopment powers of the Redevelopment Board are valuable and important, but they alone are not sufficient. For the board to work well, for it to do its job of causing development in the town to happen and to happen in accordance with a plan, it must be comprised of men of considerable managerial ability, with the vigor to work both to understand the diverse multitude of facts and ideas which must be brought together in a planning and development program and to communicate their programs effectively to a broad spectrum of political and social interests. If the Redevelopment Board succeeds or fails, it will be the result of the ability of the Town Manager to put together a group of five men (including the state appointee) who have the ability, the vigor, and--perhaps most important--the vision to do a most complex and difficult job. To create such a board at the most highly paid levels of business management is no mean feat; to do so on a voluntary, unpaid, part-time basis, and to keep it going long enough to allow it to work may well be the most difficult step of all.

¹See for example the policy statement referred to in n.1 above and a similar statement made to the Park Commissioners on August 3, 1972. (See Minutes of August 3, 1972).

CHAPTER IV

CONCLUSIONS

In the Introduction to this thesis, it was stated that six points would be examined: "(i) the goals of the community and its leaders in creating the board; (ii) the method of the board's creation; (iii) the powers of the board as they relate to the powers of boards created in the standard organizational form; (iv) the role of the board in town government; (v) the implications of the organizational form of the Redevelopment Board for planning and redevelopment policy; and (vi) the potential for and desirability of using the board as a model in other communities."¹ With the exception of number vi, these points have been examined in some depth. The task that remains is to draw together the salient arguments that have been made or implied as conclusions to this appraisal of the Redevelopment Board. To do this I have chosen to look at the board in two distinct ways: first, as a town body and, second, as a model which could be followed by other communities.

The Redevelopment Board as a Town Body

The Planning Function.--According to the International City Managers' Association (ICMA), there are seven functions which should be undertaken by a local planning program:

¹Supra, p. 2.

1. To establish community development objectives.
2. To conduct research on the growth and development of the city.
3. To make development plans and programs.
4. To increase public understanding and acceptance of planning.
5. To provide technical service to other governmental agencies and private groups.
6. To coordinate development activities affecting city growth.
7. To administer land use controls (zoning and subdivision regulations).

The planning program needs a framework of overall, officially-approved development policy to serve as both a checklist and directive for the planning agency's activities. Broad development objectives should be established, approved officially, and periodically reviewed, (1) to give the government and public a clear sense of the future city, and (2) to give the agency a clear sense of direction for its activities.¹

As the planning agency, the Department of Planning and Community Development performs most of the work with regard to proposing objectives, developing plans and programs, providing technical assistance to other governmental agencies and private groups, and administering land use controls and zoning. These functions devolve upon it by virtue of the administrative organization under the control of the Town Manager. No changes were made to these functions by the creation of the Redevelopment Board.

For its part, the Redevelopment Board is the agency responsible for establishing and approving broad development

¹Goodmand Freund, op. cit., p. 526.

objectives and for reviewing and revising those objectives from time to time. The responsibilities of the Redevelopment Board with regard to the planning function should, at the least, be analagous to the responsibilities of planning commissions, generally, throughout the country. ICMA states that:

In addition to serving as a review and recommending body on current development proposals--zoning amendments, plat approvals, street vacations, and similar actions--the commission should also perform four other roles:

1. A representation role on behalf of the public, subjecting planning decisions to citizen examination by establishing technical advisory committees of informal citizens (sic) and officials on specific subjects.
2. A promotional role to stimulate interest in planning.
3. An advisory role to municipal officials on development policies of local government.
4. A coordinative role in working with other public and private agencies to integrate the total governmental planning effort.¹

The planning functions of the Redevelopment Board, judged by these criteria, are rather more limited than they should be. The major technical fault is the limitation of the planning powers to those of a Section 70 board. While it was felt that the granting of subdivision control powers to the board, by adopting all of the Section 81-A board provisions, would overload the board with additional and "unnecessary" work, the options were not fully explored. For example, the idea that saving the workload of the board would also deprive it of an important degree of control over future land use was never

¹Ibid., p. 527.

raised or analysed. The possibility of adopting part of the 81-A board powers, say Sections 81-A through 81-J (which deal with planning) and not Sections 81-K through 81-GG (which deal with subdivision controls) was never explored. True, the partial adoption of 81-A powers is not open to all communities, but it is open to those communities which have an existing board of survey. Even if it were not, Arlington's was a special act and the legislature could have approved anything it chose to--and probably would have approved this change, if it were supported by sound reasoning.

But the major shortcoming of the board in relation to the ICMA recommendations (particularly item 1) is in relation to the overall philosophy of what the board is supposed to do. The observation has been made that the goal of the manager and the planning director was to broaden the effective management of planning and development to bring about an expansion of the tax base. If the board should represent the public, as the ICMA says it should, then the action which created it fell far short of defining, or even implying, this role. The view taken in establishing the Redevelopment Board was to create a responsible, not a representative board. While widely accepted in other parts of the English-speaking world, such a governmental form has always been suspect in the United States. It is likely that this aspect of the board's charter is due to omission, rather than commission: the executive is more interested in bureaucratic efficiency than in institutional philosophy.

The press to get the concept developed and ready for presentation to town meeting appears--in my estimation--to have left it less well thought out than it should have been, particularly in depriving the board of some important planning powers. It is difficult to place the blame on the ineptitude of those who formulated the concept, for there was a good deal of time-pressure. Nevertheless, it may be that some of the "loose ends" may have to be gathered together and presented to the legislature as amendments if the board is to obtain some very necessary powers.¹

But if it is not the job of the executive branch to discuss the philosophy of a proposal--and I am not saying that such is entirely the case--it is certainly the responsibility of the town meeting to do so.

Litt's model of political cultures in Massachusetts was reviewed in great detail in order to draw some generalized conclusions about **Arlingtonians** and their town meeting. Having established that Arlington conforms, in the main, to Litt's categorization as a Manager town, and that those groups which do not conform to this categorization are distinctly in the minority and exercise a substantial influence only when they are seriously threatened, we would expect that the concerns of town meeting would be, as Litt says, "ideological or group benefits".² The reader will

¹For a concise discussion of the types of powers alluded to here, see Frederick H. Bair, Jr., Planning Cities, ed. by Virginia Curtis, (Chicago: American Society of Planning Officials, 1970), pp. 155-56.

²See supra, Table 1, item 12, p. 43.

recall that in discussing this aspect of the Manager culture as it applies to Arlington, I stated that the preponderance of issue orientation of town meeting was toward group benefits, rather than ideology.¹ The case in point before us is a very good example of this. The issue of the Redevelopment Board before town meeting was not an ideological or philosophical one, it was a matter of increased efficiency and control; i.e., group benefits. The idea of the Redevelopment Board performing any representative function seems to have been left out of the discussion altogether. It can, of course, be argued--and to my mind, rightly so--that since the final power of approval or disapproval of plans and programs rests with town meeting, there is no real reason to have the board fulfill a representative function. In any case, since neither the manager nor the town meeting seems to have confronted this question directly, it is impossible to say whether the Redevelopment Board is responsible, rather than representative, by design or by inadvertence. Unfortunately, there is no statutory requirement that a representative advisory committee be established for the board, although it is probable that one or more such committees will be forced upon it by a variety of federal or state programs.²

¹Supra, p. 57.

²For example, the Workable Program for Community Improvement, filed with the federal Department of Housing and Urban Development requires the formation of a citizens' advisory committee.

It will be remembered from Chapter III that there does exist the possibility that certain ambiguities could arise concerning which town body has the power to adopt a comprehensive plan.¹ Tradition, if not the law under Section 70, clearly gives this power to planning boards. The Standard City Planning Enabling Act of 1928 also clearly states--in Section 8--that this power should belong to planning commissions alone. While that act has no legal effect in Massachusetts, it does represent the beginning of a now well-developed philosophy concerning what a comprehensive plan is and who should adopt it.

Aside from the statutory powers which could have been available to the Redevelopment Board, but which were not proffered to the legislature for inclusion in the act which created the board, there are a number of other powers which many ~~think~~ the board should have. Such powers as design **review**, the ability to control special exception permits under zoning, and so forth, would be far more than mere conveniences; they could be vital tools in the kit of a far-seeing and imaginative board. Unfortunately, most such powers are not now enabled by state law.² These problems, therefore, really lie with the commonwealth and are outside the scope of this thesis, except to note that it is not

¹See supra, pp. 99 and 103-04.

²The Zoning Enabling Act, Chapter 40 A of the General Laws, is particularly deficient in this regard.

unreasonable to conjecture that many problems posed by not having such powers might have been cured by introducing some of these powers as special powers in the vehicle which created the Redevelopment Board. It can be argued (possibly with some justification) that any proposals to give the new board powers not generally available in the Commonwealth would not have had so easy a legislative passage as did Chapter 738. This is particularly true with powers, such as those mentioned, which deviate greatly, not only from long-established legislative principle but from litigation as well.¹ Yet, the question stands as to whether a reordering of powers and priorities as allowed by existing statutes should not have been attempted anyway. As they presently stand, there is no substantial difference in the powers of the Redevelopment Board and those found in other communities with standard organizations.²

¹There is some hope that at least some of these problems may eventually be overcome at the state level. Legislation which would have had far-reaching ramifications was introduced in 1972, but did not pass. There appears to be every possibility that the same, or similar, legislation will be reintroduced in the future. Many of the most desired controls that are now denied by state law are being pressed for with increasing vigor. See Massachusetts Department of Community Affairs, 1972 Report on Zoning in Massachusetts: House Bill 5009 An Act to Modernize the Zoning Enabling Statute, (Boston: 1971). Bair also touches upon these powers in op. cit., pp. 194-204, passim, especially p. 203.

²A review of Chapter III, for example, shows that each of the powers now vested with the Redevelopment Board is standard under existing statutes in the commonwealth. The only difference, as has been repeatedly pointed out, is that these powers are combined in the board, rather than being dispersed between a planning board and a redevelopment authority.

The Redevelopment Board's statutory planning powers and its duties to the community lack definition and depth. This appears to be due to the insufficient preparation of the article creating the board by the executive--an easy judgment in hindsight--and a clumsy and inefficient review procedure by the legislative branch--the town meeting--which, aside from the Finance Committee, has no review and hearing procedure at all. But if the board's powers with regard to planning are somewhat weak and ambiguous, its powers with regard to redevelopment are not. The problem there is procedural.

The Redevelopment Function.--Although the Redevelopment Board "can do everything that a redevelopment authority can do, but needs many more approvals",¹ there is no reason to believe that the effectiveness of the board is enhanced by this. The board fulfills--at least as can be determined at this writing, with the board in existence for only a year--the expectations of its creators. It has not, nor should it be expected to have been able to cause any significant new development in the town in this time. The tax base has not yet expanded as a result of the new board, although a beginning has been made on a first urban renewal project. No one who has

It should be noted, although it was not touched upon in Chapter III, that a model does exist with far greater powers than the standard ones in the state: the Boston Redevelopment Authority. This combined planning/redevelopment agency has many powers not found elsewhere in the state, including that of design review, and could have offered many useful suggestions to the drafters of the organization of Arlington's board.

¹See supra, p. 101.

even the vaguest knowledge of the complex processes by which public planning affects private (or even public) land development could reasonably expect that this board of part-time members, with a staff of only three professionals could have caused any significant development in so short a time. Yet, as discussed in Chapter II, town meeting was given the goal of broadening the tax base. This was the middle ground which could be "all things to all men." If the development which will do this is a long way off--and it appears to be at this time--and if development, when it does come, does not lower the taxes--and it probably will not--there is great danger that the Redevelopment Board may lose credibility with town meeting.

The goals of town meeting, the diversity and complexity of its membership, and its occasional non-rationality have been discussed at great length. The fact that this body has the power ultimately to approve or disapprove of redevelopment plans and programs means that, if the Redevelopment Board is to be effective in the long run, **its** credibility before town meeting must never be seriously in doubt. It is ironic that the concept of a Redevelopment Board, which in its presentation so carefully and painstakingly avoided political overtones by not confronting the basically political issues of "What kind of development should Arlington have?", "How much?", and "Where?" in any meaningful way, may one day run aground on precisely those issues. The board could

founder simply because nearly all of the town meeting can agree that the town's tax base should be broadened, but it may well be impossible for so large a body as town meeting to agree on the solutions to that problem that the board puts forward, even if the progressive elements of the town meeting are in the majority. Having noted that some of the most progressive people in the town are also those in the vanguard of historic preservation, the further irony exists that those who are most inclined to favor redevelopment may be the most difficult to satisfy with regard to plan details. In short, the possibility exists--and it cannot truly be evaluated until the board has been in existence for some longer time--that the very safeguards built into the act which created the board which gave control to the town meeting to prevent capricious action by the board, could ultimately be the undoing of the board by effectively preventing any action. Litt's model discussed earlier addressed itself, after all, only to the issue of how the town **behaves** as a culture; it said nothing on the issue of consensus.

Effectiveness in Meeting the Goals of the Town Officials and the Town Meeting. --It was postulated in Chapter II that the relatively well defined goals of Marquis and Young were acceptable to the town meeting, because (a) the diverse groups of town meeting members agreed with those goals in principle, and (b) the method put forward to obtain the power

of redevelopment necessary to meet those goals was acceptable to the various town meeting groups because town meeting itself kept the reins of power over the Redevelopment Board. The goals were to broaden the tax-base, revise the comprehensive plan, and get some new development projects underway; the solution proposed was to create an action-oriented board that could get things done. But to be able to have consensus on how to reach this goal, the town officials and the town meeting had to build in so many controls that the net result may well be inaction. It appears that there was too great a fear of losing control of development on the part of all concerned.

It is true that the Redevelopment Board has, thus far, not taken the path of least resistance: inaction. Quite the opposite in fact. But it is also true that the board has not yet fought and lost any battles with the town meeting. One of the main problems with the old Planning Board was that, when faced with complex issues, it did take the path of least resistance, did nothing for a while, and waited until the decisions before them had reduced themselves to a few fairly obvious alternatives. There is nothing in the organization of the Redevelopment Board which would in any way alter the possibility that it could follow a similar course. "New blood" does, after all, become tired and worn.

But if all this seems to be leading up to the argument that for the board to be effective it should be relatively

free of all--or most-- outside control, there is an extremely effective argument which says that should not be the case. That argument says that control is with the people through town meeting and should stay there. The board is really a subcommittee--a responsible group with certain abilities and interests--and, since they are not accountable to an electorate, they should be overseen by the town meeting (and perhaps the executive) directly. It is my personal belief that this is truly the philosophy behind the adoption of the board.

Part of the coalescence of the aims of the town meeting and those of the manager is the idea of control. As Robert Goodman notes, "the liberal, the conservative, and the planner . . . (are) headed for . . . centralized control of city development."¹ Faced with many facets of urban life--rising taxes, crime, unemployment, etc.--which are increasingly beyond the abilities of institutions, much less individuals, to control, there is a natural tendency to centralize control into an accountable agency. From this point of view, it is not important that the agency act; its real function is to provide a body which can be whipped, either for action or inaction, whenever frustration demands that some action be taken. Goodman deals at length with the liberal's dilemma. On the one hand, the liberal believes in

¹Robert Goodman, After the Planners, (New York: Simon and Schuster, 1971), see pp. 66-67.

freedom of action and democratic institutions; on the other, he does not believe in the ability of everyone to administer his own life effectively. Housing is provided for low income groups, but not the means for them to do so on their own. Planning is done for a town, but the involvement of the populace in the process is minimized.¹ Control, from Goodman's vantage point, is not just bureaucratic efficiency, it is the ignoring of the basic ability of people to cope with the problems which confront them.

But, if the rational method is a false god, as Goodman's argument would strongly lead us to believe--the rational method here being analagous to what F.W. Taylor called "scientific management"--if public administration is an art, rather than a science, then the observation by Sir Kenneth Clark that planners, computers, and all of the centralizing, impersonal appurtenances of twentieth century life are doing violence to the postulates of human freedom and dignity which emerged from the Age of Reason may be correct.² The similarity of philosophy of Goodman in After the Planners and of Clark in Civilisation is striking: if human freedom and dignity

¹Ibid., passim, see especially pp. 26-31, 66-69, and 97-113.

²See Kenneth Clark, Civilisation: A Personal View, (New York: Harper & Row, Publishers, 1969), especially chapters 11, 12, and 13. The exact quote alluded to above is found on p. 320: "Balzac, with his prodigious understanding of human motives, scorns convential values, defies fashionable opinion, as Beethoven did, and should inspire us to defy all those forces that threaten to impair our humanity: lies, tanks, tear gas, ideologies, opinion polls, mechanisation, planners, computers--the whole lot."

are to be basic postulates--they are treated as axioms--of our society, then the people who are served should be involved in the decisions that affect them.

There is no evidence to show that any philosophic question was ever explored in the process of creating the Redevelopment Board. It is left largely to the board and the manager to determine whether they serve the people as representatives or whether they are to serve them by guiding their future by some rational, quasi-scientific method using their staff professionals. As in the greater society, the conflict between the precepts of humanist rationalism and scientific rationalism remains unconflicted.

The Arlington Redevelopment Board does not represent any significant break with the past, either in Arlington or in Massachusetts. It is a concession to what Scott Greer called "the crux of democracy itself, the idea of consensus."¹

Greer, writing with David Minar, notes in discussing the American heritage for urban development that our heritage has two implications: (1) "that our classic model of good government supposes a kind of free market place of interests . . . (assuming) that most social conflicts can work themselves out through a natural harmonization . . ." and (2) "the force that tradition has given to localism" where the locality "especially the small-scale place" has virtues that

¹Greer, op. cit., p. 254.

would "minimize authority and maximize consensus." The first implication, says Greer, "grants no initiative to the referee, political authority" in arbiting the social conflicts which are not harmonized. "Innovation in public programs is thus an accident thrown up by the forces of nature . . . Tradition has thus served as a brake on energetic public participation in social change."¹

Against this backdrop of the search for consensus (with truly minimal citizen participation) with which Greer characterizes the American urban political system, Arlington can be seen marching lock-step with the rest of the commonwealth and the country. Perhaps its greatest contribution, however, can be seen in this context, for in Massachusetts the penchant for "checks and balances" in government is close to political paranoia. The combination into one board of those powers which elsewhere in the state would have to be legally invested in two separate groups is a step forward for both the "scientific managers", because it increases efficiency and decreases duplication of effort, and for the traditionalists, because it increases the ability to reach consensus.

It is far too early to evaluate the board as a policy-maker and implementer. It seems to be on track, but only the perspective of hindsight will tell for sure. It is a small step in public administration in Massachusetts, and that

¹Ibid., p. 255.

only because it increases efficiency and decreases expensive bureaucracy. In many regards it may not be a terribly significant step, in itself. Some towns have already begun to look at the Redevelopment Board as a potential prototype for an organization they would like to create--that is the final topic of this thesis. But it must be remembered that, despite the fact that this thesis has dealt with the board's organization rather than the personalities which comprise it, their political savoir faire is, and will remain, a major ingredient for success before town meeting.

The Redevelopment Board as a Model For Use in Other Massachusetts Communities

If the Redevelopment Board were to be an effective model for use in other communities, its essential characteristics would have to be replicable with relative ease. The essential characteristics which most communities that might be interested in the board would most quickly perceive are (a) that the board combines planning and redevelopment, and (b) that it is locally appointed and locally controlled (responsible to town meeting). Those characteristics would seem to be easily repeated in other communities in the commonwealth. Yet, as has been discussed throughout this thesis, the Arlington Redevelopment Board was very much tailored to the town itself. It meets a very specific political and a very specific cultural situation with a very specific governmental organization.

Any town can vote to amend its charter under the home rule provisions of the state's Constitution. But most towns have planning boards created under the state enabling legislation and not dealt with in their charters. For such towns it would be necessary to prepare a major charter revision dealing with planning, rather than making a relatively minor amendment as Arlington did to its Town Manager Act with Article 50.¹

For those towns which already have a redevelopment authority, it would be difficult to justify doing away with that body unless it had been either ineffective or grossly negligent. Furthermore, it is always difficult to take away an elective office. Time after time in Massachusetts it has been shown that voters do not like to lose control. Certainly it would be irresponsible to justify such a politically difficult change on the basis of the Arlington Redevelopment Board; it is just not possible to adequately judge its success or failure yet, and probably will not be possible for some time to come.

There is also the question of who would do the staff work

¹It will be remembered from the discussion of town meeting in Chapter II that town meeting is a very conservative body by nature; i.e., its perspectives are relatively narrow. It is always difficult, therefore, to push major changes through in one or two years. Much familiarization with the issues must be undertaken by anyone who hopes to be successful.

for such boards. Arlington had already made a fairly expensive commitment to staff, and was very well equipped for the task, before the board was proposed. Most towns, however, have either a nominal staff capability, or no staff at all. For a combined board to attempt to operate without an ongoing staff capability would be farcical. Staff also touches on the fairly delicate problem of who does the **hiring** and to whom staff is responsible. This in turn must be premised on the organization of the town in question. It was pointed out in Chapter I that many towns have a very decentralized executive--a fact that could make this problem a major one.

There are, of course, many specific problems with the Arlington board that would make it undesirable to copy directly in other towns. No new board could be expected to operate with the limited powers of a Section 70 planning board. Most planning boards in the commonwealth are already Section 81-A planning boards and already have subdivision control powers. Having those powers, they are confronted with another problem: that of time. To give such a board the additional powers and responsibilities of a redevelopment board could be to saddle them with a responsibility far in excess of what their time and abilities will **allow** them to cope with. Most boards consist of five men; in view of the existing legislation, it would be desirable to leave them at

that number. It is almost too much to expect that such a board will meet more than once a week, yet most meet less often than that. It is certainly too much to expect when one considers that such boards are usually unpaid.

On the basis of all this, it seems fair to state that the Arlington Redevelopment Board cannot be used as a model for use in other communities, at least not directly. But other communities can learn much from the Arlington experience. They may see in it new possibilities for combining boards and authorities which might have not occurred to them before. A combination of the housing authority and the planning board may be a very logical one in some communities, for example. They can also learn that they should set out to create a board which will meet their needs. They should, therefore, make a very conscious effort to define as precisely as possible what their needs are before any organizational change is contemplated. It may well be that once a few communities, like Arlington, have experimented with new organizational forms state law will itself be made more flexible in this regard.

But towns and the General Court must also realize that local capabilities for planning and development are limited no matter how well organized they are. Development is still a function of the market place, and is not created--nor, ideally, controlled--locally, but regionally. Pitifully

little has been done with regional planning in Massachusetts, particularly in the Boston metropolitan area. It is in that area of regional planning organization, in my opinion, that the real challenges lie in Massachusetts.

Finally, one major point of this thesis has been to show that the Redevelopment Board was a means of arriving at a political consensus about how to handle the planning and development process in the town. It was assumed that a more responsive organization could begin a process of developing and selling new ideas for planning and development in the community. I have worked closely with that process since its inception and it is becoming increasingly clear to me that such changes, while important in themselves, tend to gloss over the real planning and development priorities: the setting of regional policy, the establishment of a philosophy about how planning should be carried out and whom the planning process should serve, the development of adequate legal tools to make land use planning an effective community process, and finally state involvement in providing broad guidance to both communities and regions in planning priorities from a social point of view. The board may well fulfill its intended function and, yet, may fail because of these larger, unanswered problems.

AUTHOR'S NOTE

In reviewing this thesis the external examiner observed a tendency which, he pointed out, "reflects the tendency of many planners to view a political decision-making body with some suspicion." Examples of this theme are pointed out on page 40 where it is concluded that the town meeting form of government tends to lead to irrational decision-making and on page 102 in the following statement:

"If, on the other hand, town meeting does not always represent the interests of the town responsibly--and I have indicated that in my opinion they do not, because they are not always aware of the complexity of the issues facing them--then a procedure which otherwise would have been a technical or administrative one (at least ideally) has now become a "political football" to be tossed about the town meeting floor."

The examiner correctly points out (a) that the dilemma faced by town meeting with regard to the degree of responsibility with which it represents the interests of the town "is hardly peculiar to a town meeting", but "is also faced by other types of local representative bodies, e.g. town or city councils", and (b) that "the lack of awareness of the complexity of issues facing them may not be a defect in the representative body . . . but in the manner in which the issues are presented."

My criticism of the town meeting does not, however, hinge on these points. I can, in fact, agree wholeheartedly that there is nothing in the concept of town meeting which makes it inherently worse than a town or city council. There are many ways in which it may be argued to be better; i.e., more representative. The main difficulty concerning town meeting which strikes me is the fact that it meets in regular session only once each year (see Chapter I).

It has been observed that it is difficult to get town meeting members together at times other than when they are in session to discuss and analyse substantive issues which will be before them.* When issues become confusing

*See, for example, the comments of Town Meeting Member Richard Smith before the annual town meeting session of April 4, 1973; transcript at the Office of the Arlington Town Clerk.

or muddled in presentation, there is, at times, an unfortunate tendency to terminate debate by moving the previous question. This is a difficult tactical obstacle to overcome, because it leads people to simplify presentations to town meeting and it reduces the probability of protracted discussion during which all of the issues in their full complexity could be laid on the table. In sum, the distrust I have of town meeting is not a distrust of the political process--I agree with the examiner that it is only through this process that communities can have some control over their own destiny--rather, my distrust is of town meeting's occasional unwillingness to come to grips with all of the information which would allow them to come to a rational decision. Many communities avoid this problem by placing the primary responsibility for passing on renewal/redevelopment projects in the executive branch (usually a Redevelopment Authority or Housing Authority) while, at the same time, providing an extensive community review process through public hearings at various levels. Since such hearings do not allow for the foreclosure of debate they are less easily manipulated by technical procedures. Of course, this process still maintains the disadvantage of removing debate from a political forum where it might receive more attention. Perhaps the solution to the dilemma one faces before town meeting--at least in part--could be the removal of the ability to force termination of debate on questions dealing with renewal/redevelopment proposals. That could, of course, lead to fillibustering which might, in turn, lead to a reactionary vote.

There is no question in my mind that proposals for renewal/redevelopment projects should be aired in some public forum or that that process is inherently political. The question which continues to trouble me is whether or not town meeting is the proper political forum for this to take place in. One suggestion might be to take up such proposals at a special town meeting

called solely for that purpose, thereby focusing all attention on the issues at hand. People with far more experience with town meeting than I, however, find serious strategic problems in that approach as well.

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