

Tying planning to the land: New Alchemy wants to lead Proposal for a Cape 'bioregion' natural resource inventory is in the mail

By Dana Hornig

Cape Cod is "riding for a terrible downfall," said Arthur E. Palmer. It is, he feels, "a textbook case of a community headed over the cliff."

Dire words from a man who has dedicated the second phase of his career to the cause of land use planning. Dire words heard by a small, diverse gathering of individuals, principally planners, who had journeyed through a driving rainstorm Sunday morning, April 24 to meet and hear Arthur Palmer at New Alchemy Institute in East Falmouth.

Palmer is an attorney from New York City. But more importantly he is a "consultant on land use development and environmental impact problems to individuals, planning boards, state and local governments, planners and developers," in the words of his card. Palmer went back to college at a point in his life when most men are thinking about retirement. He went, a practicing lawyer, into landscape architecture school and came out convinced that many environmentally sensitive communities are in dire jeopardy of being ruined if they do not legally tie their zoning decisions to scientific criteria rather than the old but present economic criteria.

He is convinced that Cape Cod is just such a community.

In a recently completed paper entitled "A Tale of Five Cities: Lost or Saved," (now in draft form), he lists the Cape along with the Adirondacks in New York, the Pinelands in New Jersey, the Monadnock area of southern New Hampshire, and the pinelands area of Long Island as "at least five regions in the northeast part of the United States...faced with almost irresistible pressures for development of their land and other natural resources."

Two of these, the Adirondacks and the New Jersey Pinelands, he makes the case have been "saved." The rest, Cape Cod included, are speeding headlong toward a future doomsday.

Dealing with the future of the Cape is the job of most of the individuals in the group which gathered in East Falmouth late last month, including: Dave Tall, Scott Horsley and Susan Nickerson, planners from Cape Cod and Planning Commission; Winnifred Woods of Falmouth Planning Board; Rick Keller, head of Rhode Island Community Land Trust; Mitch Chanellis, head of the Center for Economic Justice in Boston; and Greg Watson, community outreach coordinator for New Alchemy Institute. To greater or lesser concern for the future.

They came at the invitation of New Alchemy's Watson, and they came to hear Arthur Palmer's answer to growth problems and New Alchemy's proposal specifically for Cape Cod.

Palmer believes that the Cape, or really any community where growth (zoning) regulations are designed to create and protect economic values, needs to conduct an environmental resource inventory, learning what can and cannot be built, and where, and at what risk to the overall health, safety and welfare of the community. That knowledge, in turn, needs to be turned into enforceable regulations. Natural resources must be keyed to associated maps. Science must come to the defense of decisions.

Watershed properties, flood plains, scenic views, steep slopes, fire prone areas, groundwater contamination, wildlife and plant life habitats, soils, streams, runoff, and

microclimate, these kinds of values need to be tied to planning regs and decisions.

"With appropriate and adequate scientific data," Palmer argues, "one can prepare laws under which the courts would approve restrictions on land use that some would consider novel and severe."

Law is a key, and Palmer the lawyer knows it. The law, or in many cases the fear of getting tangled up in law suits, scares many communities from changing the legal foundation upon which their zoning is based. It's considered safer to stay with what he calls "obsolete zoning laws, having their roots in the Hoover Zoning Laws of the 1920s...."

Yet, Palmer said to the group April 24, there exists "great power in a community to protect itself...If something adversely affects the health, safety or welfare of a community a court will uphold decisions against it."

He felt, in fact, that "it's probably easier to challenge the legality of existing zoning laws (on Cape Cod) than to lose a case in which zoning is based on scientific data, which can be shown to a judge and jury."

Independent of Arthur Palmer the idea of a "bioregional economic development plan for Cape Cod" had been kicking around for the past year at New Alchemy Institute, the non-profit research and education organization in Falmouth which is dedicated "to developing sustainable technologies" for the future, including landscape. New Alchemy subsists on private and government grants and by mid-winter a grant proposal had been written "to facilitate the creation" of a bioregional master plan to be "developed by a consortium of local citizens' groups, social service agencies, businesses, and government agencies."

Purpose of New Alchemy's original plan was vague. But after becoming acquainted with Arthur Palmer's work, and after consultations with Professor Carl Steinitz at Harvard University's graduate school of design, New Alchemy focused its proposal.

"Its purpose," according to a revised summary, "will be to help residents, planners and town officials guide the future growth of the Cape and Islands in an ecologically sound way. The formulation and adoption of zoning ordinances, subdivision bylaws and building codes designed to simultaneously accommodate economic development and the preservation of the Cape and Islands' natural resource base will be the major objectives of this project."

Last week, according to New Alchemy's Watson, the proposal was sent to James C. Penny Foundation in New York City. It seeks \$50,000 for New Alchemy to orchestrate the natural resource inventory and create the way for it to become land use law on Cape Cod. Additionally, Watson said, about \$150,000 will be needed to do computer mapping. Harvard University, he felt, may do some of this fund raising on its own.

As well, a two page summary of the Cape proposal is being mailed around the country to other potential funding sources. The J.C. Penney group meets late this month and New Alchemy expects to hear from them by June 1.

Palmer is interested in a consulting contract with such a project, Prof. Steinitz has told New Alchemy that he would be interested in a contract to do the necessary computer mapping of the peninsula, and New Alchemy would like grant money to coordinate the people and politics to make it happen. With these self-interested pieces of the puzzle falling in-

to place New Alchemy April 24 wanted to get a preliminary feel for how, or if, a community of unpaid people on Cape Cod could be mobilized to get behind such an effort.

"Anticipatory democracy," Palmer called it, getting a range of people involved in creating regulations for today that deal with the future.

Sense from the county planners present was that much of the type of information needed for a bioregion map probably already exists in the planning commission's offices or various town conservation or engineering offices. Assembling it and computerizing it is the true task. They felt that environmental awareness and support for quality of life are high on Cape Cod and that a reasonable, serious project to better preserve the amenities here would probably meet with wide support.

Tough town wetlands laws, by state standards, and designation of Cape Cod as a groundwater sole source aquifer are evidence that the Cape is politically attuned to strict regulations, the local planners felt. But they believed that an anti-development stance would meet strong opposition.

Palmer spoke up quickly to point out that scientific-based zoning decisions need not be anti-development. The idea is to make land development "intervene in a way that helps the environment" and he mentioned England and Normandy as examples of pastoral settings created by man. "They would just be swamps. Man is wiser than Nature in some cases, to make things happen that couldn't happen." But, said Palmer the goal must be to improve quality of life. If it is, he added, then land and building values go up with construction. Everybody makes out.

One participant at New Alchemy's gathering, Mitch Chanellis from the Boston-based Center for Economic Justice, held out another possible way for the bioregion idea to get off the ground. The Center, he said, is presently trying to see Massachusetts establish a statewide fund to finance projects such as the one New Alchemy proposes.

The Center has done preliminary work with state legislators, Chanellis said in a separate interview, and feels the time is right to lobby for a Massachusetts land gains tax. The idea is to make land speculators pay for quick turnover of their properties (say, 15 percent of the profit in the first year, 12 percent in year two, 10 percent in year three, making the tax applicable for about six years), and to earmark the proceeds of such a tax for preservation projects. "His idea (Watson's at New Alchemy) seems to be an ideal pilot project," said Chanellis.

Vermont has a land gains tax, said Chanellis, and it's "worked real well" there, he believes, although the tax collected is not earmarked for a specific purpose.

"It's our opinion that speculation on land and resources is one of the bases of economic injustice," Chanellis said.

New Alchemy approached two state leaders on Friday, May 6 when many of the Governor's heavy hitters visited Cape Cod Community College to attend an Economic Development Council meeting there. Both Secretary of Economic Affairs Evelyn Murphy and Lieutenant Governor John Kerry, said New Alchemy's Greg Watson, heard a pitch for the need to do better environmental land planning here.

"We're trying to pursue some avenue with the state," said Watson, "see if there are channels for funding, find out what the folks in the state think. We believe Cape Cod can be a model for other regions."

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Mitch Chanellis, hello,

Here's a clip of the piece I did for our paper this week.

You'll be interested that two of the county planning agency folks you met in Hatchville, Scott Horsley and Dave Hall, reported to the executive committee of the planning commission yesterday, reported the meeting we all had and reproduced copies of my article as handouts. I'm told, though I wasn't there, that the exec committee got totally turned on to the idea and is planning to hit up all the town planning boards on the Cape with a probe.

Things seem to be happening, believe it or not.

Cheers,

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