

Our Land, Our Communities:

Reusing Surplus State Lands For Community-Based Smart Growth

Originally issued April 22, 2005
with revisions of May 3, 2005

Note: This report is a contribution to an important dialogue on land use that is taking place between policy makers at the state level, municipal officials, and residents in our communities. The recommendations documented here are offered as a basis for reforms that address problems with surplus land use decisions made over the past few years. It is vitally important that voices from citizens confronting land use issues in their cities and towns help shape any legislation that will decide the fate of our public lands. These recommendations will be refined as a result of continuing discussions, and we invite readers to contribute to this process by sending their comments, suggestions, and contributions to info@masschc.org. Additional copies of this report can be downloaded from www.masschc.org.



Massachusetts Coalition for Healthy Communities

***Building Connections, Advancing Solutions
for Justice and Health in the Commonwealth***

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Foreword

This report was originally published in two parts. Both parts are combined in this release. The report explains why the state's current process for the disposition of state surplus lands needs to be replaced by a community-based smart growth process that respects a community's right to guide its own future within a framework of state and regional goals for just and sustainable development. It also provides some specific provisions that should be part of such a process.

Reusing Surplus State Lands For Community-Based Smart Growth

1. Introduction

There is a growing statewide backlash against the fast-track auction law for disposing of state surplus land. This law, passed as Outside Section 548 in 2003, eliminated many safeguards that formerly existed to ensure that the public's interest in state-owned properties was protected. It created a rushed disposition process, in which decisions are made in private by unaccountable state officials, while municipal officials and the people most affected by the reuse decisions - the residents in the host communities - are reduced to the role of helpless bystanders watching their future being determined by an auctioneer. The people of Massachusetts deserve better. And most legislators seem to agree. Something has to be done.

The disposition process that existed prior to Section 548 was known as "Chapter 7". It grew out of the anti-corruption safeguards for the sale of state property created by the Ward Commission in the early 1980's after the Commission found corruption to be "a way of life in the Commonwealth of Massachusetts". At that time, secretive dispositions of surplus lands awarded no-bid sweetheart deals to insiders with connections to elected state officials. To protect the public interest against such practices, the Ward Commission called for transparency and accountability in the disposition process. Towards this end, Chapter 7 introduced the need for hearings prior to the disposal of property. And it required that specific authorizing legislation be enacted for each transfer. The authorizing legislation allowed specific safeguards to be placed on the reuse to protect the public interest. This process left a paper trail of legislative sponsors and roll call votes that ensured accountability.

There have been some exemplary success stories under Section 7. The most satisfactory outcomes have resulted when a local reuse committee has been convened to explore reuse alternatives, and the recommendations of the reuse committee have been incorporated into the authorizing legislation. This approach has successfully handled some complicated dispositions, such as that involving the 340-acre Metropolitan State Hospital property which lay in three different municipalities. A tri-community task force met over the course of a year and resolved a series of concerns, finally producing a Reuse Plan that provided for housing, a new park, recreational facilities, and apartments for clients of the Department of Mental Retardation.

Proponents of fast-tracking have made much of the fact that under Section 7, some dispositions took many years to complete. In evaluating such cases, we must keep in mind that in many cases

the extra time was absolutely essential to resolve conflicts regarding the alternatives and to allow acceptable plans to be hammered out. Land use decisions have permanent consequences, and rushing to a decision is not good policy. Allowing state bureaucrats to expedite the disposition process by making peremptory decisions is not laudable - it is a prescription for forcing through bad decisions that can harm the public interest.

“The best community planning comes out of a careful and deliberative process, not a speedy and reckless one. Those with least encumbered capital are most able to benefit in a market based on speedy development transactions. Such a process leaves out local government and non-profits, and favors the largest, non-community based corporations and real estate developers.”

- Marc Rudnick, community housing advocate

Repeal (or expiration) of Outside Section 548 will allow the safeguards of Chapter 7 to be employed once again. This is an important first step. But we should not stop there. The framework of Chapter 7 needs to be fundamentally updated to make it work more consistently and effectively as part of state and local planning processes. The problems and the governmental structures dealing with land use have evolved since the Ward Commission report was published in the early 1980s. Since that time, land prices have escalated and buildable land has become scarce. We have seen an escalating affordable housing crisis while government housing programs have fallen to budget cuts. And we have come to understand that unplanned growth creates painful and frequently irresolvable problems for communities, such as traffic congestion, poor air quality, loss of water supplies, flooding and the disappearance of greenspace. Out of the growing crisis in development, the concept of “smart growth” has emerged that seeks to guide development to produce healthy and livable communities.

This document suggests that the time has come to bring land surplus under a *community-based smart growth* umbrella. It would be hard to think of a more sensible and necessary public policy principle than to apply smart growth principles to the reuse of land that is already in the public domain. Growing scarcity of land and escalating prices combined with a municipal fiscal crisis has brought municipal programs for needed land acquisition to a virtual halt. Under these conditions, auctioning scarce public land to the highest bidder is an incredibly bad idea.

The essence of “smart growth” is balanced and integrated planning so that land use achieves multiple desirable objectives while avoiding the creation of problems. In considering this, it is important to acknowledge that local communities are already deeply involved in planning and in dealing with the problems and opportunities of land use. In municipalities across Massachusetts, thousands of hours are spent each week in deliberations of boards of selectmen, planning boards, conservation commissions, fair housing committees, transportation committees, and recreation committees. Detailed plans are written for housing, transportation, and open space protection. The experience and expertise accumulated through these local efforts should be fully utilized in developing reuse plans for surplus state properties. **If “smart growth” is to be truly “smart” – it must be locally driven.**

This principle is further supported by the democratic principle of self-determination: the people in the community who will be most severely and permanently affected by the reuse decisions

have the right to be key decision-makers in determining their own future. They should not be reduced to the role of supplicants to a state panel, wondering if their voices will be heard.

In summary, there are five important principles that must be observed in improving the surplus land disposition process beyond Chapter 7:

First, provide transparency and accountability, to ensure that the public interest is served and that insider deals do not deny the public the full benefit of the lands that they own.

Second, once the decision is made to relinquish state ownership of a parcel, prime decision-making authority should be handed off to a community-based planning committee, thereby capturing local expertise and commitment and ensuring compatibility between the reuse and local planning. The state agency (DCAM) which currently oversees the reuse planning has neither the expertise nor the mission focus to appropriately lead a sensitive and complex reuse planning process. Only local institutions can provide the expertise and commitment to the community that is required. This hand-off would also show respect for democratic self-determination and stimulate invaluable local citizen involvement.

Third, the planning process should provide for the development of **multiple, adequately assessed alternatives. These alternatives would then be evaluated for their ability to contribute to long-range community goals** while satisfying regional or state policy guidelines regarding creation of affordable housing or protecting the environment. The writing of a Reuse Plan is a vital part of this process, and such a plan should be undertaken when *either* the local community or state planners feel it is required.

Fourth, **state government should facilitate – not thwart – appropriate community reuse of surplus state property.** Financial or administrative barriers should not be put in the path of a community that wants to acquire the land for a compelling public purpose. The citizens of the Commonwealth have a right to expect all levels of government to work together to protect their interests. State government should not extort money from cash-strapped municipalities in order to fund its own programs. A statement of public need by a municipality should be considered just as seriously as a statement of public need by a state agency.

Fifth, state and regional **guidelines should be provided to ensure that public lands are used to help meet critical, urgent public needs** for affordable housing, open space preservation, community economic development, or other land-related public priorities.

Finally, it should be noted that laws that grossly violate these principles - like Outside Section 548 - could never have been enacted if it had not been “fast-tracked” through the legislative process without public hearings and without allowing affected constituencies to help shape the provisions. Any measure that changes the Chapter 7 process should be subject to adequate public testimony that take place in all regions of the Commonwealth, and should not be enacted as an amendment to the budget with the excuse that some emergency situation exists that prevents adequate scrutiny. Respecting democracy will ensure that changes to our surplus land use laws truly protect the public interest in the just and sustainable use of our irreplaceable public land resources.

2. Establishing An Integrated, Community- Driven Process

2.1 Overall Goals of the Disposition Process

In developing an improved process we should be guided by the following goals:

- **Achieve transparency.** Information regarding the status of the property and the state of the disposition process should be freely available to the public, municipal officials, and parties with possible interest in acquiring surplus property. This allows meaningful participation by stakeholders, allows all viable alternatives to be developed, and ensures that if property is sold, the most advantageous bids are received.
- **Achieve accountability.** The individuals who make key decisions should be known and their decisions documented through recorded votes. This promotes public interest decision-making and allows abuses to be corrected.
- **Meet community priorities.** We should ensure that reuse meets important local priorities such as affordable housing, open space protection, economic development, accessible transportation, etc. These priorities will differ from site to site, and balancing between competing priorities is an important aspect of reuse planning.
- **Promote community-based planning.** The expertise within the local community, which has been accumulated over many years, should be fully engaged. Local plans should be supported, not disrupted, by the disposition of surplus properties. And the people most affected by the reuse should be leaders in the planning process and the decision-making.
- **Support smart growth.** Reuse should further the principles of smart growth both by being inherently “smart” and being consistent with prior local planning.
- **Meet regional and state goals** for smart growth, affordable housing, open space protection, economic development and transportation planning.

2.2. Safeguarding the Public Trust

Effective safeguards against insider influence or other subversion of the public interest should be built into the disposition process through transparency, accountability, and review provisions. Windfall profits can be made by private parties if they can influence a disposition so that only a favored party has the information and opportunity to submit a winning bid. Land dispositions have historically required strong safeguards to protect the public interest. The “Chapter 7” disposition process grew out of the anti-corruption safeguards created by the Ward Commission in the early 1980’s, after the Commission found corruption to be “a way of life in the Commonwealth of Massachusetts”. At that time, secretive dispositions of surplus lands awarded no-bid sweetheart deals to insiders with connections to elected state officials. Specifically, the Ward Commission found:

- Corruption in the awarding of state contracts and disposal of state assets.^{1 2 3 4}
- That the present method of campaign financing is “the single most corrupting factor in our political life”, more harmful than the kickbacks, payoffs and graft that plagued Massachusetts politics at that time.⁵

Since the method of campaign financing used at the time of the Ward Commission is the same as that used today, the imperative to protect the public from the pervasive corrupting influence of

money in politics is undiminished. Chapter 7 introduced transparency and accountability provisions that helped counterbalance the influence of campaign contributions and lobbyists on behalf of powerful developer interests. With the passage of Section 548, these safeguards were markedly reduced, a matter of some concern since campaign contributions and lobbyist expenditures continue to break pre-existing records.⁶

In designing the disposition process it is especially important to guard against “single point of failure” flaws that can subvert the public interest. This means that it should not be possible for a single individual in a position of power to subvert the public interest for personal, professional, or political gain. In Massachusetts the most serious threats in this regard come from the power wielded by the offices of Governor and the top offices of the Legislative leadership (Speaker of the House and Senate President). Executive branch appointees serve at the pleasure of the governor, and any committee that is dominated by such appointees is subject to the team discipline of the current administration. Similarly, the history of the Massachusetts legislature is that the position of Speaker or Senate President is able to enforce partisan discipline, controlling which bills come to a vote, and punishing - in very significant ways - legislators who offer alternatives to the position of the leadership. The Community-based Smart Growth proposal provides safeguards against such practices by having multiple levels of oversight, by requiring transparency, by giving the public a voice in deliberations, by publishing guidelines and standards that apply statewide and that survive a transition in administrations, by reducing the number of arbitrary decisions, and by giving real decision-making responsibility to non-partisan public interest appointees.

2.3. The Local Imperative in Smart Growth

All levels of government have acknowledged the need to follow “smart growth”⁷ principles to ensure that our limited land resources are used wisely and that the problems of resource depletion, sprawl, and congestion are not worsened by our land use decisions. A key requirement for smart growth is the balancing of multiple priorities, the coordination of planning across agencies and governmental units, and the follow-through when plans are published. For these reasons, local communities must play a key role in any smart growth strategy.

Good reuse decisions depend upon putting the single parcel in question into the context of the community and its plans for its future. No state agency - and especially state agencies such as DCAM that are primarily fiscal in their orientation - can be expected to step into the local land use planning process and make sound and sensitive decisions regarding the community’s future. Municipal boards, commissions and committees continually deal with local land use planning in a variety of forms. Private nonprofit and citizens groups conduct studies, serve on advisory committees, and develop proposals for town meetings. Comprehensive plans are written and approved. Zoning bylaws are modified. Housing agencies work to secure needed affordable housing units. Conservation commissions plan for open space and protection of water supplies. And in many communities, the Community Preservation Act (CPA) now provides a multi-objective framework for meeting local needs for affordable housing, greenspace protection, and historic preservation. Local planners and citizens often attended dozens of meetings focused upon land use planning for properties adjacent to a surplus parcel. And once a reuse is defined, they will often have difficult decisions to make as the reuse is implemented.

Despite all this, the fast-track disposition processes proposed by state government have treated local communities as if they deserved no significant role in deciding the fate of state-owned land within their borders. Surplusing of state land became just another land use problem presented to the community, rather than part of the solution to local land use needs. Communities that wanted to make sure that reuse supported their needs were told that their only effective option was to raise their property taxes in order to purchase the property from the state. And once their money was in hand, the state lost interest in whether the reuse carried out was indeed “smart” or not. The citizens of Massachusetts deserve a wiser, more sensitive approach. The land surplusing process must be integrated into broader community-based smart growth planning, providing an opportunity for communities- despite the fiscal crisis - to make progress in their plans for housing and environmental protection.

As we shall see, both state and municipal players have important roles to play in the disposition process. Multiple levels of oversight are valuable in protecting the public interest. And it is important that clear and effective statewide guidelines for affordable housing, open-space preservation and transportation planning be written and that local planning help achieve state and regional objectives. The disposition process described in this report indicates how this can be done.

2.4 Giving Communities Equal Standing as Agents of the Public Interest

The acquisition of land by municipalities for purposes such as housing initiatives, open space protection, flood prevention, and other purposes has historically been a critical element in preserving the livability of Massachusetts cities and towns. But a growing scarcity of suitable land, escalating land prices, and a widespread municipal fiscal crisis has brought municipal programs for land acquisition to a virtual halt. State financial support for such acquisitions has dwindled to an entirely inadequate level. Any effective smart growth plan will require that some fraction of land be protected under public ownership. Thus, restoring the ability of communities to acquire needed land should be a prime objective of any surplus property disposition process.

All surplusing proposals recognized that state agencies with need for public property should be given the property without fee. Before the fast-track auction law was passed, the state recognized the right of public agencies such as housing authorities to receive land for a specified public purpose. It is entirely appropriate that municipal governments be given equal standing in this regard. If municipalities identify a clear public purpose that can best be served by municipal ownership of public property, they should be assisted in its acquisition. The citizens of Massachusetts have the right to expect all levels of government to work together in the public interest. They should not have to raise their property taxes to protect the public interest in property that is already owned by the public.

3. Provisions for a Smart-Growth Disposition Process

This section describes the key elements of a disposition process that achieves the goals identified earlier.

The disposition process involves four phases as shown in Figure 3.1. The Guidelines Development and Portfolio “Assessment phases occur on a statewide basis independently of the decision to initiate disposition for any particular parcel.

Table 3.1 Phases of the community-based smart growth disposition process

PHASE	PURPOSE	LEAD AGENCY OR GROUP	PRODUCTS / ACTIONS
Guidelines Development	Issue reuse guidelines defining priorities, goals, procedures that apply to all dispositions.	Reuse Oversight Committee	<ul style="list-style-type: none"> • Guidelines • Procedures
Portfolio Assessment	Review portfolio of properties and identify candidates for surplusings.	DCAM	<ul style="list-style-type: none"> • Report on portfolio • Properties proposed for surplusings
Surplusings of Specific Parcel	Determine if a parcel shall remain under state ownership	<ul style="list-style-type: none"> • Reuse Oversight Committee • DCAM 	<ul style="list-style-type: none"> • Decision to either transfer or release.
Reuse Planning	<ul style="list-style-type: none"> • Set priorities for reuse • Develop alternatives • Select alternative 	Reuse Committee	<ul style="list-style-type: none"> • Guidance Volume setting priorities for reuse • Reuse alternatives • Reuse Specification
Implementation of Reuse	Carry out reuse alternative	Depends on the reuse specification, the lead may be <ul style="list-style-type: none"> • DCAM • Municipality • Public agency • Nonprofit designee • Redevelopment authority 	Implement the reuse alternative

State government has primary responsibility for Phases One and Two in which the decision to release property from state ownership is made. Local communities have primary responsibility for Phase Three in which the details of the reuse are determined. The primary responsibility for Phase Four depends on the decisions made in the earlier phases. At all phases there is openness and oversight by a variety of stakeholders to ensure that planning is coordinated, the process is transparent, and the public interest is protected.

The order of the significant decisions are shown in the diagram of Figure 3.2. In this diagram it is important to note that some decisions are key ones - they actually determine the fate of the land. Other decisions are advisory or procedural and may have no real consequences. It is important to note which decisions are made by panels or committees composed mostly of state-level appointed and which are made by panels or committees composed mostly of local appointees.

3.1.1 Preliminary Assessment and Establishment of Guidelines

- **Preliminary Assessments.** The Commonwealth should periodically update an assessment of its entire land inventory and of state agency land needs. This should be done independently of the selection of any one parcel for surplus. This provides a needed context for future surplus, and provides continuity of planning when administrations change. It also contributes to the transparency of the surplus process.
- **Initial Listing.** Properties subject to possible surplus should be listed by DCAM at least 6 months in advance of any decision to surplus. This provides a preliminary alert to residents and planners that permit them to begin specific planning for the future of the listed property and - in some cases - to alter their municipal planning priorities to reflect the status of the state property. Any property that is listed for more than two years without any further action being taken should be automatically delisted, after which the listing process can be restarted at the discretion of DCAM.
- **Notification requirements.** In order to provide transparency, notification policies should support broad, open and timely access to information relevant to surplus properties and the disposition process including property status, hearings, and reports. Such policies should include email distribution of information to all interested parties, local newspaper announcements, and a dedicated website page that archives announcements.
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- **Reuse Oversight Committee.** A special state-level panel known as the Reuse Oversight Committee should be formed to provide state guidance to the reuse process. This committee should include experts drawn from several branches of state government that deal with the issues inherent in reuse, as well as non-profit groups with expertise, and representatives of the public. Members will consist of
 - One member from state agency concerned with housing
 - One member from state agencies concerned with recreation and open space protection, or protection of biological resources,
 - One member from state agency concerned with environmental health, toxics clean-up, and pollution prevention,
 - One member from agency concerned with economic development, transportation, or energy policy,
 - One member from agency concerned with property management and real estate transactions (presumably DCAM),
 - One public member nominated by the Massachusetts Association of Conservation Commissions (with experience in exercise of municipal level responsibilities for wetlands protection and open space planning),
 - One public member nominated by the American Planning Association or by a regional planning authority (with experience in land use planning),
 - Two public members nominated by non-partisan, non-profit organizations concerned with affordable housing or community planning.
 - Two public members selected from nominees proposed by the Massachusetts Audubon Society, the Massachusetts Sierra Club, and the Nature Conservancy (with experience in environmental issues),
 - Three public members nominated by a non-partisan, non-profit organization whose primary mission is advocacy for environmental, economic, or racial justice, and who have experience in historically disadvantaged communities or in demographic groups that are underrepresented in the prevalent power structure.

In addition, DCAM will designate a staff person to work with the committee, providing them with required information, and handling administrative tasks associated with the functioning of the committee.

Note that unlike committees created by other disposition proposals, this committee will not be dominated by appointees of DCAM or the Executive Office of Administration and Finance because there is an inherent conflict of interest between those agencies' core financial imperatives and the advocacy of reuse alternatives that best serve the community's long-term interests. In addition, DCAM and EOAF do not possess deep expertise in the areas that are critical to community land use planning.

- **Conflict of Interest Statements - Reuse Oversight Committee.** Members of the Reuse Oversight Committee will be asked to submit and update as necessary a conflict of interest statement identifying their possible conflicts of interest, including any financial obligations or income derived from parties with an interest in the reuse of any parcels of land that fall within the scope of the Committee.

- **Guidelines issued by the Reuse Oversight Committee.** Guidelines issued by the ROC may include the following elements among others:

- Guidelines for assessing the attributes of a property that are relevant to planning, such as buildable acreage, environmentally sensitive acreage, historic preservation priorities, transportation demand and congestion-related constraints, fair market value, rezoning options, etc.;
- State and regional guidelines and goals that must be given due consideration in reuse planning;
- Community-specific criteria for making affordable housing a priority component in reuse planning for the parcel (which may consider the gap between existing and needed affordable units in the municipality, and the recent progress in the community toward affordable housing goals);
- Smart growth principals that should be used to guide reuse planning;
- Criteria that the Reuse Oversight Committee will apply in deciding whether reuse plans submitted to it are acceptable;
- Information that the Reuse Committees must provide the ROC to allow proper ROC oversight;
- Provisions for ensuring openness and transparency of the reuse planning process;

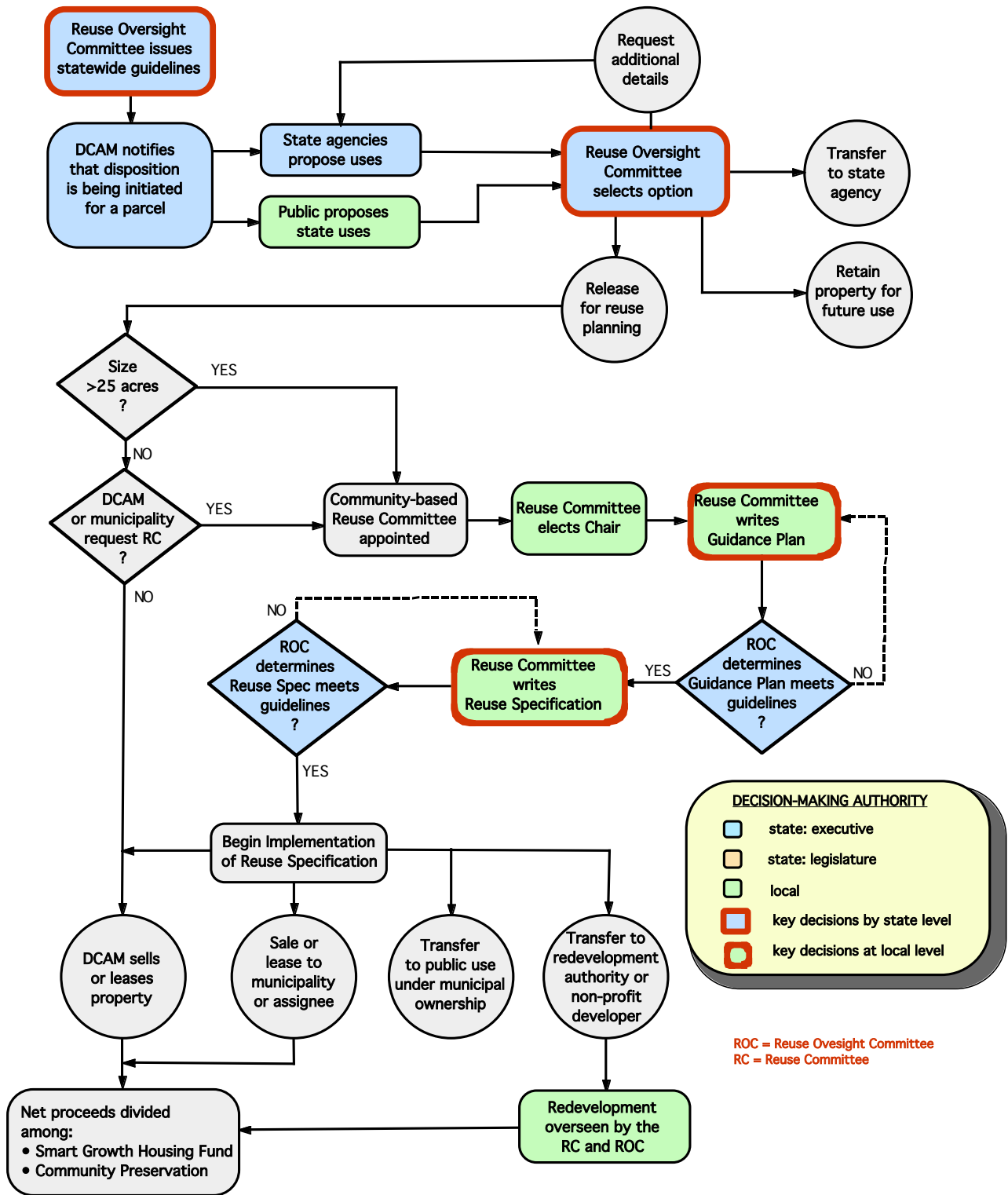


Figure 3.2 Decision-making diagram for the community-based smart growth process

3.1.2 Decision to Surplus a Particular Parcel

- **Determination of State Agency Need.** When a specific parcel is being considered for surplus, DCAM should poll state executive branch agencies and public agencies (such as housing authorities and land trusts) with regard to potential uses of the specific parcel. Public notice should be given at this point and public comment accepted. Public comment is needed to ensure consideration of all important reuse options, including options known to local citizens but unrecognized by state administrators. If no compelling state agency or public agency use for the property is found, the decision to surplus can be made.

Subdivision of Properties. Whenever possible, the disposition planning for all contiguous parcels of state-owned land subject to surplus should be conducted as a single, integrated disposition process. Subdivision to permit multiple reuse options is often appropriate, but in such cases planning for all subdivisions should be conducted in an integrated manner. Properties should not be subdivided in such a way that a Reuse Committee fails to be created for contiguous areas greater than 25 acres in size.

- **Decision to Lease Treated as Permanent Disposition.** Any decision to lease a property for a period of more than five years, or any decision to lease that allows the lessee to construct permanent structures on the property or to make alterations that have long-term impacts on the natural resources on the property, should be treated the same as a permanent disposition and should be subjected to the reuse planning process defined in this section, with the proposed lease being considered as one of the reuse alternatives. DCAM shall be responsible for preparing a plan for any long-term lease alternative and submitting it to the appropriate committee.

3.1.3 Reuse Planning

- **Local leadership for reuse planning.** Once the state decides that it will not retain ownership of a parcel, the principal responsibility for planning reuse should pass to communities who will live with the consequences of the reuse and to local agencies who are responsible for the impacts of land use.

- **Municipalities with standing.** Any municipality in which a part of the property lies or which abuts the property should have standing in the disposition process. This reflects the importance of considering area-wide impacts when a property is subject to reuse.

- **Formation of a Reuse Committee.** A Reuse Committee should be automatically formed if 1) The property is more than 25 acres in size, 2) Any municipality with standing requests that a Reuse Committee be formed, or 3) DCAM requests that such a committee be formed. It should be noted that smaller properties can be important to communities in which developable land is scarce. If a community is willing to put the effort into planning for a parcel, they should be encouraged to do so

- **Membership of the Reuse Committee.** The Reuse Committee should consist of the following members:
 - - Four members appointed by the Mayor or Board of Selectmen of the municipality.
 - - One member each - to a limit of six - appointed by the relevant municipal boards and authorities (planning, housing, economic development, conservation, transportation, community preservation, and agricultural commission),
 - - One member each by the state senator and the state representative within whose district the bulk of the property lies,
 - - Up to two members representing regional planning authorities as identified by the Reuse Oversight Committee.
 - - Up to three additional stakeholder representatives appointed by the Reuse Committee itself.

If more than one municipality has standing, the municipal appointments will be allocated to reflect the proportion of the property within each such municipality.

If any entity declines to appoint a member within one month of the Committee's first meeting, that position will be declared inactive and will not count toward a quorum. Any subsequent appointment will become effective after 30 days. (Note: For properties with simpler issues, it is possible that a number of positions will go unfilled and the Reuse Committee will be much smaller than its maximum size.)

- **Chair of the Reuse Committee.** The Chair of the Reuse Committee shall be selected by majority vote of the Committee.
- **Conflict of Interest Statements - Reuse Committee.** Members of the Reuse Committee will be asked to submit and update as necessary a conflict of interest statement identifying their possible conflicts of interest, including any financial obligations or income derived from parties with an interest in the parcel in question.
- **Reuse Plan.** The Reuse Committee should be charged with writing a Reuse Plan. This Plan will provide mandatory guidance for the reuse. It consists of two volumes: The Guidance Volume and the Reuse Specification Volume. The Guidance Volumes sets priorities for the reuse and specifies the process option to be used. The Reuse Specification Volume documents the specific choices made to implement a specific reuse alternative. The length of the Reuse Plan depends upon the complexity of the issues surrounding the parcel in question. A Reuse Plan could be two pages long or a hundred pages long.
- **Oversight of the Reuse Plan.** The Reuse plan itself must conform to guidelines to be issued by the state Reuse Oversight Committee. These guidelines will specify the type of information that must be considered in the development of reuse plans. They will specify the criteria for designating reuse priorities, such as local affordable housing and open space needs in the municipality and region. Once a volume of the plan is written, it should be submitted to the Reuse Oversight Committee for their approval. The ROC can return a plan for revision if it determines that it has departed significantly from state guidelines or is deficient in some significant way. Once the ROC accepts the plan, the Reuse Committee, working with DCAM, can begin to implement the Plan.
- **Administrative Disposition.** If the Reuse Committee determines that the property is suitable for administrative disposition under DCAM, then the Reuse Plan will so state and the Committee will

work with DCAM and legislators to write suitable authorizing legislation that gives the Reuse Plan the force of law. When the authorizing legislation is adopted by the Massachusetts Legislature, the prime responsibility for disposition will be transferred to DCAM.

- **Transfer to municipal ownership.** If the Reuse Committee determines that the property should be transferred to municipal ownership, it will provide information in the Reuse Specification Volume that explains why this is in the public interest. It will also provide evidence that the local municipality has made a commitment to the reuse specified. It will define the conservation or use restrictions or other legal instruments necessary to ensure that the reuse of the property is in accordance with the stated objectives. If the Reuse Committee decides that any portion of the property should be conveyed to a local board or agency, they will present evidence of acceptance of the proposed terms of transfer with that board or agency.
- **Formation of a Redevelopment Authority.** Some types of disposition will require more complicated planning and financing than can be achieved by local volunteer committees or by municipal employees. For instance, a complex disposition might involve the subdivision of a larger parcel and disposition over a period of time to include commercial activity, housing, annexing of an adjoining site, and expansion of infrastructure to support the redevelopment. In such cases, the community should be permitted to form a redevelopment authority to carry out the disposition. This redevelopment authority would have the ability to hire executive staff and issue bonds to cover needed infrastructure improvements. It would work closely with the host communities to obtain any needed rezonings or special permits. Particular subparcels could be sold to private developers as required to implement the overall plan. The Redevelopment Authority would operate with state guidance under the charter of the Reuse Plan and the host municipalities would control its governing board.
- **Local zoning and bylaws apply.** The Reuse Committee should have the option of specifying that, as a condition of sale, no development on the property be pursued under any permitting option or legal strategy that has the effect of exempting the development from local zoning and bylaws.

3.1.4 Reuse Implementation

- **Delegation of Implementation.** The responsibility for implementation of the reuse can be delegated to either local boards and agencies, private for-profit and non-profit corporations, or a specially-created public redevelopment authority. In all cases, the Reuse Plan should be a guiding document.
- **Term of the Reuse Committee.** The Reuse Committee should remain in existence until any construction on the site or any legal processes (rezonings, transfer of ownership, etc) are completed. This enables the committee to address any questions that may arise concerning the interpretation of the Reuse Plan and to provide a revision of the plan if necessary to accommodate unforeseen eventualities. The Reuse Committee also provides an additional oversight panel to ensure proper execution of plans. The Reuse Committee can be dissolved by a two-thirds vote of its members at any point after the Reuse Specification is accepted by the Reuse Oversight Committee.

¹ Boston Globe, Robert Turner 11/26/89

² Boston globe, Scot Lehigh, Weld's Land-Sale Plans Weaken Safeguards, Inspector General Says. 3/12/91

³ 6/11/83 BC as a Neighbor "This represents precisely the old style wheeling and dealing the Ward Commission hoped to eliminate."

⁴ 4/14/82 "The old system," MassAction reported, "continues to prevail at the public's expense." The legislation authorizing the sale of the Medford land was eased through the Legislature with no notice to the city of Medford, to environmentalists, or even to the people who live near the parkland and use it for neighborhood softball and bocci games."

⁵ 11/23/82 Globe editorial. "Beginning the work of reforming the present method of campaign financing, which the Ward Commission found to be "the single most corrupting factor in our political life."

⁶ Lehigh, *ibid.* 3/12/91. "the essence of the Warren Commission is an open, accountable procedure in which the public and the Legislature have a right to know from the get-go what is going on...and in which those who wish to buy the land have a fair and public shot at getting it." Stephen E. Cotton, first assistant inspector general.

⁷ See, for instance, Governor Romney's endorsement of smart growth and the Commonwealth's "Sustainable Development Principles", http://www.mass.gov/ocd/smart_growth_awards.html