

Building Community Resilience Through Local Regulations

Participant Guide to Massachusetts Bylaws & Best Practices



Module 8: Implementing Regulatory Updates

What's Next for Local Communities?

Context

This document is part of a comprehensive curriculum program, *Building Climate Resilience Through Local Regulations*, developed by Mass Audubon in collaboration with other nonprofit organizations and federal, state and regional agencies. The curriculum contains 8 modules, each of which guides the user through different components of improving community resilience through local regulations that support green designs and nature-based climate solutions. Each module includes a participant guide (e.g., this document) and a PowerPoint presentation.

The full curriculum, supplemental resources and additional information on bylaw review and best practices are available through: [Massachusetts Rivers Alliance](#) and [Mass Audubon](#). The [SNEP Network's website](#) provides additional resources including an interactive virtual storymap and webinar recordings.

Acknowledgements

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The Southeast New England Program (SNEP) Network brings together local environmental organizations, academic institutions, regional planners, and consultants who collaborate to provide municipalities, tribes and organizations in Rhode Island and Southeast Massachusetts access to free training and technical assistance to advance stormwater management, ecological restoration, and sustainable financing goals across the region. The SNEP Network is administered through EPA's partnership with the New England Environmental Finance Center, a non-profit technical assistance provider for EPA Region 1. The SNEP Network supports this bylaw review curriculum as a key resource for communities to update their local regulations for improved nature-based climate solution implementation. Find out more about the SNEP Network at www.snepnetwork.org.

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Photo source: Barrett Planning Group LLC, 2019

Introduction

The previous modules provide an introduction to the background, tools, and resources needed to promote community resiliency through natural and built Green Infrastructure (GI) and the use of sustainable Low Impact Development (LID), or redevelopment techniques. The next challenge most communities face is identifying how to begin incorporating GI and LID updates in their regulatory framework and development projects. There isn't a one-size-fits-all approach to beginning this process – each community is unique in its capacity to work on such regulatory updates, and supporting sustainability in new and re-design projects. Module 8 will address strategies for building community support around these techniques and will offer strategies on how to identify updates that can be easily implemented.

Objectives

At the conclusion of this module, participants will be able to answer the following questions:

- How do communities build interest and investment in adopting and implementing LID techniques?
- How do communities identify the “low-hanging fruit” in their regulations that can be easily updated?

Where to Begin

These training modules emphasize the important connections between a community's built and natural environments. Nature-based solutions protect the well-being of residents, their homes, and their businesses by safeguarding air and water quality and improving climate resilience and flood prevention. LID techniques, including protection of natural GI and use of stormwater best management practices (BMPs), are cost-effective options for communities. Outreach and education connecting with residents, builders, developers, and municipal officials are critical to building support for GI/LID in communities across Massachusetts. One of the most effective first steps a community can take is to engage local stakeholders on the basics of GI/LID to help them understand, promote, and invest in these techniques.

Identifying Opportunities: Making Changes for the Greatest Potential Impact

Whenever undertaking an effort to support positive change in a community's approach to development, the first step is to gather information and assess current conditions. Look for opportunities to leverage existing plans, leadership and community interests into next steps toward implementation.

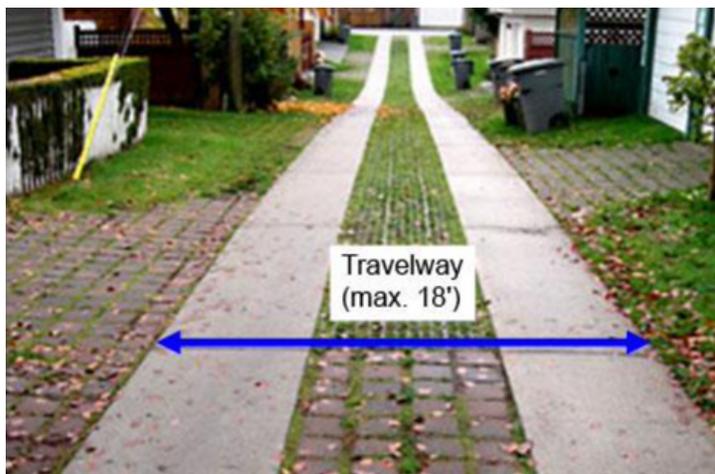
There are many opportunities and choices when it comes to climate-smart development. There is no

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one-size-fits all approach, so conversations should focus on what is the best fit for YOUR community (or the community you're working in if you are providing technical assistance).

You can use the Bylaw Review Tool and public engagement processes to determine local priorities if those aren't already apparent. If the general priorities are already known, the Bylaw Review Tool can then help refine specific aspects of local rules that are most in need of updates to bring them in line with current best practices.

Look at the municipality's existing planning documents and any related efforts, to see if sustainability and climate resilience objectives have already been identified. Master Plans, Open Space and Recreation Plans, Municipal Vulnerability Preparedness Plans, and Hazard Management Plans are some of the documents that can provide additional insight into the needs and priorities identified through past public engagement efforts.



Communities can start by evaluating their regulations for existing planning efforts that meet sustainable and climate resilience goals; such an evaluation can provide additional insight into the needs and priorities identified through past public engagement measures. Once you've reviewed existing documents and connected with local committees, you can introduce the Mass Audubon Bylaw Review Tool (Module 6) as a way to further

refine and prioritize the greatest opportunities in community bylaws and regulations to encourage nature-based solutions like LID. The color-coding aspect to the Tool presents these opportunities visually and helps guide efforts in making effective regulatory changes that shape community growth and development.

Outreach and Education: Get Communities Involved

Outreach and education are critical for advancing LID standards, both in garnering public support for regulatory change as well as in ensuring the success of LID implementation. The best place to start is by making sure the audience is operating from a shared knowledge base. [The Smart Growth/Smart Energy Toolkit](#) calls this step "framing the issues." Module 1 clarified that GI can refer to both natural areas as well as nature-based solutions that are part of engineered systems. Similarly, the LID techniques introduced in Module 2 are known as a cohesive and holistic approach to development, or can refer more specifically to GI stormwater BMPs. The Outreach and Education Module from the EEA Smart Growth/Smart Energy Toolkit (introduced in Module 7) states:

*"one of the most common and irreversible mistakes in any land use reform campaign is to assume that your audience is familiar with the material or shares many of your basic opinions regarding topics such as environmental protection, housing, or economic development."*¹

Public participation in the regulatory update process can provide important insight into community needs and priorities. While this process may yield skepticism or concerns, engaging the public allows for the opportunity to address those questions. If possible, it can be in a community's best interest to anticipate likely issues and offer options ready to discuss. Hearing and acknowledging the viewpoints of stakeholders can help to build better bylaws and earn public

support.² The resources linked at the end of each of the presentations in this curriculum include extensive information and educational materials designed to answer commonly encountered questions and concerns, including cost effectiveness, the many benefits accrued through use of LID, and maintenance and operations of LID features.

Community members can also be key resources when the bylaw-update process faces resistance. Developers, builders, and other industry professionals who have engineered or are familiar with LID techniques, can be valuable partners, trainers, and advocates for building community support. Building a base of support can take different forms in different community contexts. For example, garden clubs, horticulture organizations, and outdoor enthusiasts who plant or maintain rain gardens and bioswales can attest to the simplicity of caring for these landscape features.



Photo source: Natick Special Town Meeting, 2019

The efficacy and cost-effectiveness of LID measures are more widely known across communities as many cities and towns are subject to MS4 Permit requirements (Module 3); as a result, the public may be more in favor of adopting LID and GI than previously expected. Public surveys consistently show that clean water is a high priority across the board, along with protection of community character and access to natural areas. Once people understand the pollution and flooding risks associated with outdated land use regulations, they are more likely to embrace LID updates.

Prioritize Regulatory Updates

The scale of regulatory updates can vary due to the range in regulations that can represent barriers to LID. As introduced in Module 3, updates to Subdivision Rules and Regulations are the result of an administrative process by the Planning Board rather than adopted through a Town Meeting vote (like Zoning amendments). The procedural variations between these regulatory mechanisms are to be considered when setting priorities and identifying the “low-hanging fruit,” or changes that are simpler to accomplish.

Adopting a Bylaw or Ordinance

The ability for a community to adopt a bylaw or ordinance will depend on the capacity of the municipality and the composition of the ‘advocacy team.’ A team may be primarily made up of municipal staff, or a coalition of public- and private- sector partners and local stakeholders. As with education and outreach, including perspectives and voices from potential opposition can bolster the credibility and transparency of the update process.

Modules 3 and 4 introduced the types of bylaws and ordinances communities may wish to consider, and the processes a land use review team will need to undertake to adopt them. If a community is drafting a new or amended Zoning Bylaw, the Planning Board will need to hold a hearing to discuss the bylaw. It’s imperative to involve the Planning Board from the beginning to ensure the initiative has its support and that the update will reach Town Meeting. The support of the Planning Board, Finance Committee, Select Board, and other local officials will help ensure a positive vote at Town Meeting. In the case of General Bylaws, local officials can be a tremendous resource, and their support can be invaluable to winning over voters at Town Meeting. Resident signatures can get a bylaw or bylaw update on the Town Meeting warrant



(Module 3), but working with local officials whenever possible is the best recipe for success.

Mobilizing Support

Once a bylaw or ordinance is on the Town Meeting warrant, voters in support of the changes must be notified and mobilized. Mobilization campaigns can be creative and involve a wide variety of strategies, including: yard signs, websites, social media pages, bumper stickers, flyers and mailers, and t-shirts. You may also consider holding educational forums and opportunities for people to ask questions and receive answers. It is wise to consider efforts made by previous successful community initiatives. Some helpful questions to ask include the following:

- **What do previous successful initiatives have in common?**
- **What makes initiatives compelling?**
- **Are there local businesses or other partners that share an interest in getting the word out?**

Regardless of whether the new or revised bylaw will be on the warrant at an Annual or Special Town Meeting, there may be a significant list of regulatory articles to consider. Make sure to distribute the article number as part of the mobilization effort.

The stakes of passing a LID Bylaw are high, as the future of sustainable growth and development in the community, and protection of natural resources and open space, hinge on this bylaw. Cost savings from LID techniques extend municipal tax dollars and lead to avoided costs down the line.

Conclusion

This module addressed the next steps that communities can take toward adopting and implementing LID techniques and standards into their regulatory frameworks. Outreach and education are the primary areas of focus in this module as they are critical components to ensure the success of any community initiative. Once a LID Bylaw is in place, it will need continued interest and enforcement to optimize its potential impact. Creativity and cooperation will be critical throughout this process, whether a community is updating its Subdivision Rules and Regulations, or is engaged in a larger zoning revision project.

The overall objective of this bylaw review training has been to equip advocates with the knowledge and expertise needed to bring LID to the forefront of community regulatory frameworks. From the natural vegetative processes that work with engineered systems (and the installations that mimic these natural solutions), to the regulations that can encourage and require them, these training modules help guide Massachusetts communities to reaching sustainable development and conservation of the land we all call home.



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End Notes

1. Massachusetts Executive Office of Energy and Environmental Affairs. "Smart Growth / Smart Energy Toolkit Modules - Outreach and Education," accessed June 2021. <https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-modules-outreach-and-education>.
 2. Citizen Planner Training Collaborative. 2019. "CPTC Guidebook Module 11."
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