Reading (Conservation Subdivision) Plans

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Abstract This article argues that literary theory, exemplified by an approach authored by Seymour Mandelbaum in 1990, when adapted assists in understanding the complex process of translating land-use bylaw into project design. Literary theory thus addresses the recent resurgence in planning interest in design. The technique is used to follow the implementation of one particular design idea (conservation subdivision design) as legislated in one particular place (Amherst, Massachusetts) and applied to one particular residential development. The substantive analysis demonstrates that conservation subdivision design, at least in this case, fails to achieve some of the theorized ideal goals, and instead achieves different outcomes. Sources for distortion are theorized, and the application of literary theory to planning process is discussed.

Keywords conservation subdivision design, literary theory, municipal land use regulations, open space community design, plan implementation
About 15 years ago, Seymour Mandelbaum authored a short article designed to apply some of the major tenets of postmodern literary theory to the ways planners, stakeholders and citizens write and read comprehensive plans. That article was one piece in the fundamental shift in the basis of planning theory, with the emergence of critical communicative planning theory as well as deconstructive and hermeneutic literary theory, a period of ferment and inquiry that we are still digesting today in planning theory and practice. I argue here that literary theory, particularly as represented by Mandelbaum’s (1990) ‘Reading Plans’ article, can be adapted to meet the current revival of interest in design, thus contributing to the interpretation and eventual betterment of regulation and physical design of cities, regions, and places.

‘Reading Plans’ utilized a deconstructionist reading of the Plan for Philadelphia to inquire into how planners can make plans that are more broadly read by the public. Its particular usefulness lies not just in its insights on plans, but most importantly for this article, its analytic approach. To move from reading text to reading process requires fairly subtle shifts in Mandelbaum’s approach, which are identified in this article. Deconstructionist analyses tend to be viewed as highly academic, and while providing insights very interesting to theorists, not as relevant to improving practice as communicative approaches. Two reasons appear fundamental to this. First, deconstructionist techniques have tended to focus on plans as documents, rather than linking these to their outcomes and thus suggestions for improvement in future outcomes (Moore Milroy, 1989; Tett and Wolfe, 1991). Second, literary theory in its original key authors is fairly incomprehensible for all but the most dedicated readers, and in its highly critical stance is ultimately pessimistic about the possibilities for improvement in the world, which is of course fundamentally opposed to the betterment mission of planning. With notable exceptions such as Throgmorton (1996), Flyvberg (1998), Beauregard (2003) and Eckstein and Throgmorton (2003) translations and applications of literary theory remained obscure to those outside the planning theory world, as masters students I have attempted to teach it to will attest. Communicative planning found able interpreters such as Patsy Healy (1997) and John Forester (1999) who demonstrated applicability to the daily practice of planning, and were able to argue for ways that this theoretical stance contributes to improvement in planning processes. It is thus not surprising that, despite able theoreticians from both stripes and a certain amount of borrowing by authors (including myself: Hamin, 2003) across both theoretical traditions, communicative planning has so far had a deeper impact on how the field understands its roles and goals.

Looking at what is written, what is signified, what is built as representations of authority and power, public goals and private goods, allows significant insight into the circle of regulation to implementation and, hopefully, eventual regulation revision. In literary theory it is the fissures, the apparent anomalies, that are of particular interest, and in the built environment these
are also avenues for understanding outcomes. If we want to understand whom the built environment serves, and thereby improve outcomes, literary theory provides one way to enter that analysis. In this article I demonstrate that such approaches need not be limited to plans, and can also address the process of public and municipal board review of plans and the eventual built designs. The careful analysis of how land use policy transforms from theoretical intent to actual application provides a venue for reconsidering the appropriateness of the policy’s purposes, and identifying ‘distortions’ that have crept in as political and economic actors undertake interpretation of an ideal to a concrete, geo-historic situation.1 In general, distortions are not inherently negative or positive; rather, they provide insight into intents and purposes served during the transformation of the ideal to the real.

To demonstrate this, this article compares the general goals of open space subdivision planning as put forward by Randall Arendt (1994, 1999, 2004), the Open Space Community Development (OSCD) zoning bylaw of Amherst, Massachusetts designed to (partially, and interestingly interpreted) realize that process, and the Sunwood Pines development project proposed under Amherst’s OSCD code. That project outcome was not, from my perspective, a successful one, and here I demonstrate the ways literary theory, as exemplified by the process laid out by Mandelbaum (1991) but also adjusted, helps in understanding what caused the divergence between the ideal project envisioned under the regulations, and this actual outcome, and by extension what should change to prevent such unhappy outcomes in the future. But first, I will tell a story, one which places this author, the code, and the project within a narrative flow of land use regulation in the Town of Amherst, Massachusetts.

A story of conservation subdivision design in North Amherst, Massachusetts

A story, as Mandelbaum (1991) reminds us, must have a beginning, a middle, and an end. The choice of beginnings is always suspect, the selection of narrative elements to include always a rhetorical strategy, and the end always another beginning. That said, the relevant facts (as I see them) are as follows. The Town of Amherst, Massachusetts holds onto the traditional method of governance in New England, the representative town meeting. Under this form of government there is no City (or Town) Council or Mayor; instead, voters elect Town Meeting Members from their precinct to represent them twice annually at evening sessions where all the major policy questions, including the budget and zoning changes, of the town are decided. The Town employs a Manager, who is in charge of day-to-day town operations and implementing the policies set by the Town Meeting, and also has an elected five-member Select Board who works with the Manager to interpret Meeting decisions and guide the development of items for consideration at each year’s Town Meeting. Amherst has both a volunteer
Zoning Board of Appeals, whose purview is zoning variances including most special permit reviews, and a volunteer Planning Board, whose traditional purview is subdivision review, site design and longer term planning (League of Women Voters of Amherst, 1992).

In 2002, the Amherst Town Meeting added a new section to its zoning codes under the general subheading of development methods. This new section (section 4.5) made possible 'Open Space Community Development,' or OSCD. This regulation was a result of a citizens' committee and Town Meeting petition, rather than being planning staff-driven. Insiders to the process explained that the regulation began as a way to facilitate the development of co-housing projects. Amherst already has two co-housing projects, both coincidentally located close to the proposed development. As the committee worked on the code and got advice from planning staff, the goals were expanded to also include Arendt-style conservation design with co-housing, and this uneasy conflation remains a part of the regulatory text. OSCD approval comes from the Planning Board, rather than the Zoning Board as has been the case with other special permits, and like all special permits, requires affirmative findings by the Board regarding fit to neighborhood and appropriateness of project (Sec. 4.5).

According to the bylaw, the benefits expected from using this method are quite encompassing, including efficiency in use of land and infrastructure; developments that conserve, protect and enhance natural resources and resource-based land uses such as farming and logging, historic and archaeological resources; increases in the supply of affordable housing; and integration of a variety of housing types suitable for various social and economic groups within the given development (Sec. 4.5). Details of the bylaw’s unit yield calculation and open space calculation are presented in Tables 1 and 2.

The first use of the new bylaw would occur beginning in 2003 in the neighborhood of North Amherst, almost in the author’s backyard. The

Table 1

<table>
<thead>
<tr>
<th>Unit yield under Amherst Article 4.5, Bylaw for OSCD</th>
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<tbody>
<tr>
<td>1. Determine the Net Parcel Area by subtracting 75% of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, FPC District and 100-year floodplain areas. 100-year floodplain areas shall consist of those areas so designated on federal flood insurance maps.</td>
</tr>
<tr>
<td>2. Subtract 8% of the Net Parcel Area for roadways, parking and utilities.</td>
</tr>
<tr>
<td>3. Divide the remaining buildable land area by the minimum lot area required in the applicable zoning district(s).</td>
</tr>
<tr>
<td>4. Multiply the resulting lot count by 1.2 (120%) to derive the maximum density. Where no lots are to be provided in an OSCD, the maximum density resulting from this calculation shall serve as the total base dwelling unit count.</td>
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</tbody>
</table>
immediate neighborhood primarily consists of modest bungalows, some with small rental units attached, sited in the middle of roughly one-third acre lots and priced typically below the average resale values in Amherst. Behind the houses was a farmer’s hay field, bordered by a very steep slope with only a very narrow tractor path providing access to the barn on top of the slope (see Figure 1). One summer morning in 2003, I saw a minivan coming down the farmer’s sloped path, with men in suits emerging, looking

**TABLE 2**  
Open space goals under Amherst Article 4.5, Bylaw for OSCD

- Percentages of required open space vary from 75% in the lowest zoned density areas, primarily agricultural, to 50% for in-town neighborhoods.
- A minimum of 50% of the Common Land in an OSCD shall be upland exclusive of wetlands, FPC District and 100-year-floodplain.
- Common Land shall be laid out in large, contiguous areas as appropriate to its natural or cultural characteristics and its proposed use(s).
- A minimum of 2000 square feet per dwelling unit shall be usable open space developed for active and passive recreation (playfields, tot lots, trails, etc.)

**FIGURE 1**  
View of field looking north  
Photo credit: E. Hamin
over the land, walking around a bit, and returning to their van. It was not difficult to recognize the peculiar activity of the real estate developer investigating a site. Rumors began to circulate among the neighbors. It would be developed as three mansionette homes; no, instead it would be developed as elderly housing; it would be affordable housing units; and eventually, that it would be developed as townhouse units. Town planning staff indicated that nothing had been filed as of yet, so it all remained rumor, and we all went about our lives for months.

In January we got a telephone call from one of the planners informing us a special permit application had been filed. Further, the developer, Shaul Perry, had in accordance with existing zoning code presented a concept design to the planning board last October and the board had given preliminary go-ahead, with the requirement that the developer hold a meeting for abutters to describe the plan prior to official public hearings. The neighbors were dismayed, to be sure, that there had been a board presentation with no public notice. The developer had not left any plans with the board or the staff, so we could not review the plans prior to the neighbors meeting. Nevertheless, the planning staffer described the general project as 20 townhouse units that would be carefully clustered at the far end of the project property where there is vegetative buffer, minimizing impact on neighbors. The staff stressed that this was a high-quality developer and a good project serving a needed market niche, as there are few townhomes in Amherst and almost no moderately priced new construction, which is how this was portrayed. The project would utilize the new ‘Open Space Community Development’ (OSCD) regulation that had not yet been used in town. It was clear the project had the support of town planning staff.

The day of the developer presentation drew near. The presentation was held at the community center, in a room that quickly proved far too small for the crowd who showed up. To neighbors’ surprise, the ‘clustering’ was a linear row of units aligned as closely as possible with the backyards of neighbors, placing garbage outposts, road and garages directly in view of abutters, with 20 townhouse units of uniform exterior design creating a visual wall between our properties and the remaining field and sloped hillside (see Table 3 for project specifications). Small gardens were proposed on the plan to fill in the required setbacks not fulfilled by the width of the road, but these were designated as to be determined (and funded) by the townhouse residents. The major contribution to open space was to be two soccer fields located next to the hillside of the property, fully buffered from the existing neighborhood by the design of the townhouse row (see Figure 2 for site plan), and retention of most of the hillside, which was likely too steep for profitable development anyway. The anger of the neighborhood was palpable in that small and crowded room. As neighbors suggested changes to the plan, such as moving the project to abut the hillside so that the fields could buffer the existing homes from the townhouse row, it became clear the developer had no intention of making any
substantive changes. Likely he felt justified in this, as his first presentation to the Planning Board had yielded preliminary concept plan approval, and thus from his perspective the hearing likely felt like a pro forma exercise in public involvement.

A long and acrimonious series of public meetings ensued, which I summarize in the attached table (see Table 4). Neighbors had a variety of concerns, including whether townhouses were actually allowed legally in this zone (a point on which the zoning code was contradictory), ground-water flow on a seasonally very wet landscape, effects on abutters on top of the slope from cutting a retention wall into steeply sloped and sandy soil,

<table>
<thead>
<tr>
<th>TABLE 3</th>
<th>Proposal specifications</th>
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<tbody>
<tr>
<td></td>
<td>5 January 2004</td>
</tr>
<tr>
<td>Total area</td>
<td>364,576 sq. ft.</td>
</tr>
<tr>
<td>Unbuildable per regulations</td>
<td>29,976 sq. ft.</td>
</tr>
<tr>
<td>Remaining buildable</td>
<td>334,600 sq. ft.</td>
</tr>
<tr>
<td>Minimum lot size in R-N district</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>Net yield</td>
<td>16.73 units</td>
</tr>
<tr>
<td>Plus 20% density bonus, rounded down</td>
<td>20 units</td>
</tr>
<tr>
<td>No. of buildings</td>
<td>5 buildings</td>
</tr>
<tr>
<td>ADA compliant, single level units</td>
<td>2 units</td>
</tr>
</tbody>
</table>

**Undeveloped common land**
- Required (60% of total area) | 218,746 sq. ft. | 218,746 sq. ft. |
- Proposed | 223,474 sq. ft. | 220,004 sq. ft. |
- Content Retention pond | Retention pond |
- Sloped hillside | Sloped hillside |
- Wetland buffer | Wetland buffer |

**Recreation open space**
- Required (2000 sq. ft. per unit) | 40,000 sq. ft. | 40,000 sq. ft. |
- Proposed | 45,541 sq. ft. | 46,818 sq. ft. |
- Content Flower garden/buffer | Flower garden/buffer |
- Vegetable garden/ buffer |
- Soccer fields (2) | Multi-purpose playfield, unimproved |
- Trail along base of hill | Trail along base of hill |
- Community barn (existing, at hilltop) | Community barn (existing, at hilltop) |

*Source:* Amherst Special Permit SPP 2004-00001, Sunwood Pines, Pine Street–Sunwood Development, site plans dated as above.
and overall density which was much higher than could have been achieved under standard subdivision rules based on existing road frontage. The key change that the neighbors requested from the first meeting throughout the process was moving the project so that it would be closer to the hillside, thus putting the usable open space between the neighbors and the new project. The open space would thus continue to serve as an amenity for the existing neighborhood, rather than being enclosed by the new development, and would provide a link between the new development and the existing homes. The developer strongly opposed this, claiming that due to the sun shadow cast by the northeast-facing hillside, only by locating the units far from the hillside would the new properties have sufficient sunlight to meet the imagined desires of his customers. The neighbors, with personal experience of how sunny the site was, strongly rejected this as a factual argument. Instead, based on their perspectives on the site plan, they believed that the main purpose served by the townhouses’ location was to exclude any visual connection to the existing homes by facing all utilities toward and most windows away from them.

The Planning Board approved the project on 21 July 2004. The only changes to the plan were shifting the project slightly to the south to increase the slightly-wider buffer relative to neighbors to the north and slightly reducing a retaining wall to be cut into the site’s steep, sandy slope; the revised plan also increased the vegetative buffer between the new project and the existing properties (see site plan B). Neighbors promptly sued. After a year of legal maneuvering, the developer finally agreed to meet with one of the litigants, who negotiated modest changes to the site plan, such as reducing tree and hillside cutting, more vegetative buffer, and provision of wetland or prairie planting on the southern portion of the open space to provide ecological function in the area that abuts wetland.
**TABLE 4**

**Process steps**

<table>
<thead>
<tr>
<th>Date</th>
<th>Hearing</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 October 2003</td>
<td>Conceptual presentation to Board</td>
<td>No neighbor notification–developer ‘wants preliminary approval from the Planning Board before presenting the proposal to the neighbors.’ ‘In order to provide feedback to Mr Perry, each Board member spoke in favor of the proposal.’</td>
</tr>
<tr>
<td>5 January 2004</td>
<td>Request for special permit filed</td>
<td></td>
</tr>
<tr>
<td>9 February 2004</td>
<td>‘Neighbors’ meeting</td>
<td>Primarily presentation by developer; some public comments taken</td>
</tr>
<tr>
<td>18 February 2004</td>
<td>1st hearing</td>
<td>Developer presentation; significant public comment (three hrs), hearing continued</td>
</tr>
<tr>
<td>17 April 2004</td>
<td>2nd hearing</td>
<td>Developer adds landscaping and US$20,000 escrow for recreational area; developer presents agreements from six prospective owners; more public comments; Board asks developer for alternative conceptual comments; straw vote of board has one in favor, four wanting more information, two opposed; hearing continued</td>
</tr>
<tr>
<td>5 May 2004</td>
<td>3rd hearing; no testimony</td>
<td>Developer had not gotten approval from DPW or Conservation Commission</td>
</tr>
<tr>
<td>2 June 2004</td>
<td>4th hearing; no testimony</td>
<td>Insufficient board members to make up quorum</td>
</tr>
<tr>
<td>7 July 2004</td>
<td>5th hearing; tentative approval</td>
<td>Developer moves buildings slightly south to increase buffer for neighbors to the north; soccer fields disappear replaced by simple field; straw poll shows five approving and one opposed; very minor conditions (primarily vegetation) identified; final straw poll subject to conditions is six–nil</td>
</tr>
<tr>
<td>21 July 2004</td>
<td>6th hearing; special permit and findings approved</td>
<td>Board votes six–nil for positive findings on special permit conditions and approves record of decision (special permit)</td>
</tr>
</tbody>
</table>

Source: Quotes are from Amherst Planning Board Minutes for 15 October 2003. Remaining dates and summaries are from Amherst Planning Board Record of Decision, Special Permit SPP 2004-00001, Sunwood Pines, Pine Street–Sunwood Development.
I tell this story both to set the scene for the analysis that follows, and to clearly situate myself as quite distant from the scientific ideal of a disinterested investigator. Mark Hamin, my spouse, was instrumental in organizing neighbors to attend meetings and give coherent, disciplined testimonies, and as a neighbor I testified to the Board in opposition to the proposed site design of the project and suggested ways to improve the plan. This hybrid identity of participant-observer has, of course, some resonance with postmodern theory itself.

The purposes of conservation design

While cluster development and planned unit development have a fairly long history, their policy descendant, Conservation Subdivision Design (CSD), is strongly linked to one author – Randall Arendt. The basic concept is fairly simple. Given a certain parcel planned for development under standard single-family zoning, the unit yield under existing zoning or with a modest density bonus is instead accommodated on less than 50 percent of the parcel, with the remaining lands placed into conservation. Resulting homes are often still single family, but are placed on smaller lots while the most environmentally sensitive lands are preserved. According to Growing Greener (1999), published by the Natural Lands Trust, of which Arendt was a Vice President and the publication’s primary author, the key goal of conservation design is to ‘protect interconnected networks of open space: natural areas, greenways, trails and recreational land’ (p. 2). The central importance of this goal is echoed in Arendt’s recent work, which describes techniques for achieving greenway corridors through CSD (Arendt, 2004). More generally, Growing Greener claims that ‘communities protect open space because it protects streams and water quality, provides habitat for plants and animals, preserves rural “atmosphere,” provides recreational areas, protects home values and reduces the cost of municipal services.’ Further insight into the goals of this development method comes when the authors contrast it with standard clustering. Three key differences between conservation subdivision design and clustering are identified. The first is that, under CSD, a higher percentage and quality of open space is protected, because the required set-asides are greater, whereas under clustering, the ‘minimal open space often includes all of the most unusable land as open space, and sometimes also includes undesirable, left-over areas such as stormwater management facilities and land under high-tension power lines’ (p. 14). Second, the open space that is protected has been predetermined to form a community-wide conservation network rather than green islands within subdivisions. Third, CSD prevents the development of standard subdivisions at full density with no open space.

Taking this text as a whole, it seems fair to say that, unless actual municipal regulations are achieving the goals of networked open space, no density reductions, and environmentally high-quality preserved lands, the
regulations’ goals or perhaps just the outcomes of the regulations are not in correspondence with the initial precepts of this development approach. The divergence between the ideal, as described by Arendt, and its realization in these bylaws is already evident. In contrast to the general principles specified by Arendt, Amherst’s regulations provide for no connection to overall town plans or open space plans, no site analysis per se to determine the best lands for conservation, and a much-increased focus on privately developed recreation. One place they do match is that the new bylaws allow higher density than a standard subdivision build out. Understanding why this happened and its significance in implementation moves us to the interpretive analysis of these texts.

Reading plans: interpretive modes

Reading codes: ideal communities, planning boards and developers

Mandelbaum initiates his discussion of reading plans with analysis of the ideal and real authors implicit in a plan’s text. For an analysis that focuses on regulations and resulting design, a more appropriate reading is of the ideal communities, and the ideal developers, imagined in the zoning code. Amherst’s culture is generally quite progressive for a US town, with strong emphasis on environment (e.g. extensive and convenient curbside recycling; lots of town-owned conservation areas), on high-quality social goods such as schools and leisure services (as evidenced by a continued willingness to accept high property taxes to pay for these items), and a progressive land use pattern in which big-box stores are effectively outlawed (found in the neighboring town of Hadley instead) while moderate income housing is actually encouraged, in contrast to the yes-jobs-no-housing mindset prevalent in many towns in the Commonwealth. It is also a town where diversity is present and valued. The regulations as written are an excellent fit to that perceived ideal community. They allow flexibility in the mix of housing types (single family and attached dwellings) and may allow the concurrent development of selected non-residential uses compatible with and supportive of the residential development (e.g. child care facilities, workshops, other common buildings). Further, the bylaws allow organized groups of households to construct dwelling units and common facilities for their collective and individual ownership and use.

The result of an OSCD should be ‘patterns of land use that are more compact and more efficiently laid out on a smaller area of a site, while preserving more open space and other natural and cultural features elsewhere’ (Town of Amherst, 2004 Sec. 4.5). Thus, the ideal community constructed under these guidelines is one with a mix of uses and housing prices, substantial community ties, compact and efficient land uses, and abundant preserved land and features. The ideal developer, it follows, is one
who adheres to that goal system, one who can discern how to make a profit while building a real community and benefiting the town and region. Further, the general special permit regulations (Article 10) call for such applications to fit appropriately and compatibly into the context of the neighborhood, thus implying an ideal developer who is concerned not just within their property, but also with the broader neighborhood.

These same claims, however, point to the places where the political reality of Amherst diverges from the ideal community. OSCD is needed because the remaining developable land in town is often environmentally fragile or otherwise challenging, and diversity in incomes (discounting the resident student population) is declining as housing prices soar, with some new houses in the US$660,000 price range and virtually none below US$400,000. According to tax roles, the median home value in 2000 was US$177,000, US$34,600 more than the overall county (Town of Amherst Massachusetts, 2002), but regular review of property listings suggest very few properties offered below US$300,000. Since high property taxes are a major cause of concern (Amherst’s taxes are the 12th highest in the state out of 351 municipalities) the planning staff supported the OSCD regulations in part because such projects would provide needed recreational facilities which, in the words of a planning staffer, the town can no longer develop for themselves.

The ideal developer and the actual developer also diverge, in ways that are not surprising. The developer got this particular property for a bargain (US$175,000 for approximately eight acres), and thus could have easily profited from development of fewer units than proposed; instead, and not surprisingly, the developer’s primary goal is to maximize profitability. Further, the developer, when asked to respond to neighbors’ concerns at a public hearing, stated that the ‘community’ of his concern is the new development, and by implication that all surrounding it are irrelevant to him. His context is the requirements of the site, and the regulations to which he must adhere, rather than the goals and needs of the town or the neighborhood, except as specifically identified in the minimum requirements of the bylaw. There was some match between town goals and the proposed project in that the development provides a needed alternative to single-family housing, and was promoted as providing affordable housing (although not in the regulatory sense, and with no written promises about the selling price of units).

More generally, we can understand this divergence between the ideal and the real in the shift from the lofty goals often set forth in identified public purposes of land use regulation and the specificity in the actual regulations. The goals set forth what a community wants to be, while the regulations set forth the minimum the community is willing to accept; the goals exhort while the regulations discipline. The gap between the two may speak of careful lobbying by various interest groups to push the bar higher or lower, or it may speak of the reality of human limitations and the difficulty of
projecting outcomes from the regulations. Alternatively, as Mandelbaum reminds us, ambiguity is not a disease to be cured (1990); perhaps the divergence between ideal and minimum is the area of creativity that the municipality hopes developers will explore, with better, more original outcomes than could have been predicted by a committee working in isolation from real sites and real market needs.

The intermediary between the bylaws and the development itself is of course the Planning Board, which can also be understood as having an ideal and real character. Implicit in the bylaw is a board that will protect the interests of the wider community, that understands how to read project plans, can determine appropriate corrections to plans, and has the courage to require those fixes. The real planning board will be constrained by personality and values, by legal precedent, and perhaps most significantly by careful calculus of which group is more likely to sue and win. This is a point to which I return, below.

Policy claims

This reading of ideal and real communities and ideal and real developers leads directly into reading the regulation and the project plan as making policy claims. Mandelbaum notes that reading plans as policy claims implies designating some phenomena as ‘inputs, some as system and environment, and others, finally, as outputs and valued outcomes’ (1990: 353, italics in the original). The inputs, presumably, in a regulation/project, would be the development itself, the system perhaps the regulatory structure, the environment the context of the project external to it including town, neighborhood, and landscape/species flows as well as preservation opportunities, the outputs the traffic and other such negative consequences of new housing, while the valued outcomes are a happy, well-housed population in the communities that preserve and enhance that environment. Mandelbaum does not fully develop this part of the analysis, perhaps because systems thinking is so implicit in his earlier work. For our purposes, it appears that a successful regulation should be one that manages system and environment to minimize negative outputs while maximizing valuable outcomes. In Arendt’s conception of CSD, the key outcomes are a similar or slightly greater number of houses than would otherwise be developed, and new dedicated areas of open space that are linked to a local network of protected lands. In the Amherst regulations as written, the significant percentage of open space on a project that must be dedicated to active recreation, as well as the focus on alternative housing types, bespeaks a subtle shifting of goals, so that arguably the key outcomes in this regulation are attached housing and private recreation spaces, rather than linked open space. This is further supported by the lack of regulations requiring environmental analysis of the site, in contrast to the ideal process identified by Arendt.
In the special permit regulations there is clear reference to the neighborhood as the environment of such projects, although as this particular project played out, it became clear that environment, in either sense, was not critical in the actual process of the project approval. Detailed consideration of negative outputs for this project were limited to drainage issues, and despite proximity to a wetland, conservation area and stream, the limitations of wetland regulations confined such discussion to drainage on the site, with very limited concern about the area hydrology as a whole (regardless of the good intentions of the Conservation Committee, whose purview is statutorily limited). Thus, considerations of both environment and outcomes were highly circumscribed. With all this in mind, a positive restating of the OSCD regulations might go like this:

The Town of Amherst values the physical environment and a diverse population. We will use these regulations to encourage new development that supports attached housing, supplies needed common goods such as open space and recreation, and achieves those without harm to the neighborhood.

A more critical reading of the implicit policy claim might be as follows:

We’re in trouble in Amherst, and we need new development that helps us out of trouble. We’re desperate for attached housing, and can’t fully pay for recreation or open space any more. Let’s encourage developers to privatize those goods. In return, as long as we (the Planning Board) find the project minimally acceptable, we’ll override neighbors’ objections to the profitable higher density attached housing.

Design opportunity

The second interpretive mode undertaken by Mandelbaum (1990) is the design opportunity, reading plans as a response to a problem or crisis and thereby assessing what is centrally important to the plan, who the clients are, and what constitutes a cogent argument. Identifying the provenance of a regulation is especially difficult, because, even more so than plans, they give no hints as to who wrote them, when, or the conditions that suggested the need for them. Even for the project plan, most of the information consists of maps with only the most basic descriptions (number and size of units, square feet of parcel, etc.), such that a careful reading of the sort provided by Mandelbaum for the more literary device of a plan yields little that was not unveiled in the policy claim analysis. Opening up this approach, however, to become a more imaginative enterprise such that we ask, why this and not that, what were the alternatives to answer the policy claim developed above, serves as better illumination in this sort of case.

In this case, then, we could ask why did the regulations not more closely resemble the recommendations of Arendt, who after all is the supposed...
source for this approach? Ah, we might answer knowing the history of the regulation, because it started as a way to accommodate and encourage cohousing, not as a way to gain open space; the Arendt approach was used as a prototype for achieving the local goals, and the translation, the apparent distortions, are appropriate responses to community conditions and policy goals. Or, alternatively, as experienced and cynical members of committees, we might answer that this regulation is similar to the proverbial camel – a horse designed by committee (though of course the camel is perfectly suited to its home environment, as arguably this regulation is to its), and its imperfections are to be understood as outcomes of the committee process, in which the overall goal is often lost (or at least significantly shifted) on the way to achieving consensus within the group and then the whole town meeting. Indeed, this later understanding is the one put forth by the planning staff (LaCour, 2004).

More concretely, the inquirer could design alternative site plans, then look back at the one favored by the developer and ask what purposes it serves that the alternatives don’t. In this particular case, abutters and near neighbors included an architect, a senior landscape architecture faculty member who specializes in multi-family site design, a civil engineer, two natural scientists, and two planning faculty members (all this much to the developers’ surprise, I suppose), so it will not surprise the reader that many alternatives to the proposed plan were discussed, and much of the public testimony served to ask the developer to present alternatives, although to no avail. One alternative followed the clustered model of a nearby cohousing project, and achieved the same 20 units with less impact on neighbors but also less open space. Alternatively, neighbors demonstrated that a yield of 18 units could be achieved in a linear fashion with the units pushed toward the hillside, and without significant cutting of the slope. A key concern among neighbors was the sense that the developer was designing a gated community, just one without gates. Access was limited by one steep road, and no pedestrian connectivity meant that it could be carefully controlled; the building design acted as if the existing houses did not exist; the open space was completely privatized by the wall of building facades. Tellingly, one existing resident actually offered a no-cost easement across his land so that new residents could walk on a safer street to local attractions, but the developer never even met with the resident to discuss this.

Comparing these options to the one the developer promoted, one can ask what purposes were served by the developer’s preferred alternative. First, the developer’s plan maximizes the privacy of the units, with views toward the hillside that suggest isolation rather than demonstrating location within community. Second, the existing plan did so while achieving the regulatory maximum number of units. Third, the existing open space was assured to benefit only the new residents. The developer’s plan did indeed maximize his goals – profitability, advantageous design for the new residents – while meeting the minimum requirements of the code, such as percentage of open
space and number of units yielded. It is not surprising that the developer sought to achieve this design. By virtue of its impact on the wetland, however, the developer’s design poorly matches the town’s environmental preservation goals and connectivity. Comparing these design alternatives also highlights those goals the planning commission considered as most important (simple regulatory compliance, attached housing) and those goals least (neighborhood connectivity and environmental preservation). Thus, again, this reading approach illuminates some of the primary considerations of the regulation, at least as the Planning Board implemented them in considering this particular proposal.

An obvious question here is the role of the Planning Board or the planning staff in imagining alternative designs. As a member of the public rather than an insider during meetings between planning staff and the developer, I cannot assess what may or may not have happened in private meetings between the planning staff and the developer. What can be clearly identified is that at no point did the developer publicly present alternatives to his initial design. In the 17 April 2004 meeting, the Board asked the developer to prepare alternative conceptions, but when he failed to do so in later meetings, this failure had no repercussions. One member of the Board suggested the developer consider fewer units for the project, but was this dropped from consideration by the next meeting. From the neighbors’ perspective, the board functioned similarly to a site plan review, in which a specific checksheet of conditions is verified and if the project passes these, it passes review. Prior to this particular project, this is largely what the Planning Board did – site plan review – so it is perhaps not surprising that the wider latitude available to them under the special permit regulations was not something they chose to explore or exploit. The developer had retained the local lawyer most known for a pit-bull character and propensity to sue rather than negotiate, and this likely influenced the Board’s practice. Thus we see that the differences between the ideal Planning Board and the reality weighed heavily in the outcome of the approval process and the resulting design.

The narrative

Mandelbaum reminds us that plans are based on some story, some narrative, of the future that will be created, and that the persuasive framing of such narratives is central to the success of a plan. Narrative frames serve to delimit what counts as relevant facts, and which facts can connect to create persuasive futures (Schon and Rein, 1994). Frames are constructed through setting (the context within which action occurs) and plot (the action itself); both are important to understanding narratives (Chatman, 1979). Implicit within all narrative frames are value sets; thus investigating the frames provides a venue for illuminating values and can assist in resolving conflict (Schon and Rein, 1994; Hamin, 2003). An important aspect of narrative
frames is the imagined future created by them, which is dependent on the narrative arc, the storyline, implied by the choices of frames and the outcomes of decisions as anticipated in the narrative.

In this case, the developer’s narrative begins with purchasers who long to live in Amherst for its many amenities, but who need or desire minimum maintenance and lower home payments than those implicit in single-family residences. The market he portrayed in public meetings consists of empty-nesters and senior citizens who want the luxury of new construction without the trouble of a new single family home. The designs are nondescript from the exterior, and instead the focus is on each unit’s internal space and the large windows facing the hillside, and determinedly away from the existing neighborhood. The provision of soccer fields included in the original design is anomalous for this hypothetical older resident, unless they are remarkably active; instead, these soccer fields are understood as devices to meet regulations, not as real contributions, and can be expected to function as large lawns. Indeed, the final plan, with one single oversized playing field, becomes more explicit about this, while apparently achieving a fit to regulations. The trail along the hillside edge of the project suggests quiet evening strolls by these seniors. The walks are limited, however, since few seniors are likely to ascend the steep path up the hill and there is no sidewalk to connect beyond there anyway, only a fairly busy street. Thus, the developer’s implied future narrative might go like this:

It is a lovely fall day in New England. A new resident of the project arises in the morning to have coffee and watch the sunlight glittering across the playing field. He/she gets in the car to access services in Amherst, or perhaps just take a class for their own edification at the university. At the end of the day s/he drives back, parks the car in the garage, and joins their spouse for a leisurely 15-minute walk along the path. This leisure is available because they do not have the chores of yardwork or much home maintenance. This is particularly important, as age and infirmity make such chores nearly impossible. They perhaps meet neighbors at the mailboxes or along the path, and return to stay inside.

Notice that context, or setting as narrative theory would call it, is oddly absent in this story. The development could be anywhere in Amherst and it would not matter. Nothing about the neighborhood in particular is mentioned, such as nearby amenities that the residents would use. The actors are the individual, atomized purchasers, and the plot is happy realization of the new American dream. For individual projects, the developer sells his/her project based on a storyline of how his project will contribute to someone’s presumed good. As the developer describes his/her project, hypothetical new residents are created from nothing, Sim-City like, just appearing once the units are available. This startling convention is only broken if someone asks, where are these people coming from? Often this might be asked in response to concerns about outsiders coming in.
The neighbors, however, bring a different narrative, an alternative future history one might say, and it is this clash that illuminates differences in narrative frames. In early strategy meetings at neighbors’ homes, discussion began with the perfidy of the developer, who had first approached neighbors claiming an intention to put in three or four houses in a very unobtrusive fashion, and thus had not met early resistance from key abutters. Many of the residents’ concerns were noted in the section above, describing the project and bylaws. The character of the open space was also a key concern:

To me, open space means more than just enough room for two soccer fields as shown by the developer’s plan. ‘Open’ does not need to mean treeless or devoid of wildlife . . . (discussion of the instability of the soils on the hillside where cutting is proposed, and of the hillside creating ‘a reflective bowl for sound’ which would significantly increase with so many new units) . . . The density of this proposed development would cause the decimation of the hillside, and most likely it would silence the song of the woodthrush. (Letter to the Amherst Planning Board (undated) from Ms Ronna Erickson)

Other residents spoke with passion about the wonderful character of the neighborhood now, and the changes the project would bring. A good example of the neighbors’ narrative was voiced in the written testimony below:

I believe that all of the homes here now are owner occupied. While Mr Perry claims to have some buyers for his condo’s it seems clear to me that these buildings will undoubtedly be student housing. We did, many years ago, have some of that. It wasn’t always pleasant. Loud, all night parties occurred. Traffic was fast and one had to remind people that urinating in your neighbor’s yard was not ‘OK.’ . . . It appears to me that the only person who will profit from the proposed plan is Mr Perry. Everyone else will suffer a great loss. (Letter to the Amherst Planning Board dated 20 April 2004 from Mr Jean Pelkey, a long-time resident of the street)

The threat of significant new units in the neighborhood in rental thus was a return to the bad old days, of fear that this particular neighborhood would become the slum of Amherst. It is also about the peculiar form of the ‘other’ that is familiar to many college towns, where the problem is students, not the more typical concerns about diversity. As a neighborhood of moderately priced homes, neighbors’ public claims welcomed the moderate quality of the proposed housing; the letter from Jean Pelkey cited above, for instance, asks rhetorically ‘Would it not be profitable for him [Mr Perry] to build several low cost family homes?’

I present neighbors’ views here as one coherent narrative as a convenient analytic device. In practice, neighbors concerns were quite diverse, but coalesced around objections to a design that appeared to maximize impact.
on existing homes to thereby maximize new residents’ amenities. Because these are current residents, it is not surprising that they have a much more defined context for the development, one that spreads beyond the project site to encompass concerns for their homes and ways of life, but also for the surrounding natural environment. The actors are portrayed as honorable homeowners trying to maintain a stable neighborhood untroubled by pesky students. The plot has a more fully developed history and begins much further back in time. Not surprisingly, their interests and the neighborhood provide both plot and setting. The context, however, only extends to the immediate neighborhood: missing is the town, regional, and national need to provide more housing and particularly attached housing that better fits many people’s lifestyles.

A challenge for neighbors’ groups and a key characteristic of NIMBYism is that the only future that is constructed in the arguments is a negative one, the bad outcomes that result from a particular project, as is evident above. What is missing is the construction of an alternative positive future – a storyline that produces a happy outcome. Neighbors attempted to create an alternative positive future by arguing for a true co-housing project. They also attempted to present alternative site designs that would mitigate the negative future portrayed in the developer’s proposal. Why these were not persuasive can only be a matter of speculation. Factors which likely weighed in were the ease with which neighbors’ activities were characterized as classic NIMBYism and thus alternative proposals easily overlooked as not part of the expected dialogue; and the clear priority accorded to property rights in the US system, exemplified as the developer’s right to ignore alternative proposals from the neighbors. Alternatively, we could argue that the developer’s narrative was a better match to the needs of the real Amherst, as shown in the provision of higher density attached houses and privatized recreational space, while the neighbors’ arguments were oriented to the ideal Amherst in that they prioritized the community aspects of co-housing and wider ecological and aesthetic concerns. Given a real Planning Board working to serve a real Amherst, the ideals identified in the bylaws were easily negotiated away.

Conclusions

The substantive argument of this article asks for reconsideration of the purposes of open space subdivision design in the way it is actually being implemented. My example is just one town, and just one project, and is therefore necessarily limited. Certainly there are good projects done under this general heading; Thompson (2004) documents an outstanding example, and the examples Arendt provides are also compelling. This example does not happen to be a particularly good one. To the extent that it is representative (and that is a claim that requires field research to prove), there has
been a substantial shift in the meanings and purposes of such design. Randall Arendt imagined that these, his significant contribution to practice, would achieve the goals of creating networks of open space and improving (or at least mitigating and limiting) the environmental impact of new housing in greenfield areas. Further, he proposed that they would increase social capital through better community design. In the way that this regulation and this project were implemented, it does none of the above.

I do not advocate throwing the baby of conservation subdivision design out with the bathwater – done well, this type of design improves our built environment. Municipalities may wish (perhaps ought) to retain the goal of using CSD to preserve important ecological functions placed within networks of open space, but a better connection between the real and the ideal will be required to do so. Given that this may be difficult to achieve, a pressing and realizable goal of such projects should be to provide public open space, whether networked or not. This would mitigate the sense of CSD as gated community. The municipal offer of density bonuses for CSD projects would then provide a fairer tradeoff between the public incentives for developers and the returns to the public good of such development.

The Reading Plans analytic method is of course not the only way one could come to such a conclusion. But it provides a clear and serviceable technique for doing so, arguably because much of the literary theory upon which it is based is implicit, rather than explicit. To reach these conclusions required some adaptation of Mandelbaum’s method. Specifically, rather than reading ideal and real authors for the text, the focus is instead on the ideal and real communities, boards and developers that are brought to life in such a process. Arendt’s writings deal in the ideal; the bylaw in its scope and contents imagined the ideal; the development process must manage in the real. The distortions that result tell us a great deal about the actual challenges faced when communities try to work from where they are to where they would like to be. They also illuminate the variances between the written values held and the actual values prioritized.

While communicative theory could have been used to analyze the process, literary theory applied to the plan itself allows us to move beyond the spoken to the built. To do so, a further adaptation is to read site design as policy claims, and to ask why this plan and not that plan. The site plan then becomes a question of which values and goals are prioritized in the built environment, further illuminating the differences faced when moving from the ideal to the real.

One of the challenges in using the Mandelbaum approach to reading plans is that underlying his work is the assumption of collective stories, of coherent communities. His work is not naïve to the power of interests, but when applied to this actual project, those interests become perhaps more important than the fairly ephemeral communities. Indeed, the only fully coherent communities were the imagined ideal communities; the real communities, such as the neighbors group, basically disbanded once the
conflict was over. This, however, also suggests the importance of plans as text – the stories that each party developed, no doubt largely to serve their underlying interests, nevertheless served to identify community membership, strengthen bonds, and to discipline the group in terms of what was acceptable rhetoric (e.g. bad site design) and what was unacceptable (e.g. bad multi-families). Rarely does community exist separate from interests, and that a group has interests does not make it less a community.22

The insight that everything, including site plans, can be read as text is certainly not new. Instead, what this article identified is that given a resurgence in planning interest in design, a resurgence in interest in the literary is desirable. One can ‘read’ the outstanding, exemplary cases – as Mandelbaum did with the Plan for Philadelphia; one can also ‘read’ the more mundane decisions that shape much of the built environment, as in the case presented above. In literary theory it is the fissures, the apparent anomalies that are of particular interest and in the built environment these are also avenues for understanding outcomes. If we want to understand whom the built environment serves, and thereby highlight questions of the balance between public and private goods, literary theory provides one way to enter that analysis. Planning theory’s recent focus on process has been laudable, and has made substantial contributions in how we understand and implement the planning process.23 But theoreticians can also serve empirical goals through better, richer, deeper evaluation of the outcomes of process – in connecting regulation and design to theory.

Response by Seymour Mandelbaum

Elisabeth Hamin’s symposium paper gave me more pleasure than any at the Portland sessions. As a doctoral student at Penn, Lisa studied environmental planning with Ann Strong and planning theory with me. She was my teaching assistant in a course on representation (‘Imagining Cities and Regions’) and cooperated with another doctoral student to lead me through the literature on landscape ecology. Her dissertation and then book on the Mojave Desert demonstrated a knowledge of the forms and uses of literary theory far beyond my own. I’m delighted that she walks in my footsteps but even more pleased by the innovations in the symposium paper and her reading (contra Hoch) of the connection between contracts and narratives. I wonder how a series of readings would speak to Lew Hopkins’s conception of the reasons for planning now, the coherentist justification of knowledge, and the construction of planning histories.

In her Portland paper, Lisa tells us a story of the preparation of a conservation subdivision plan in Amherst that will affect her and her family directly. With her husband she took an active role in public deliberations. There was a time when I would have cautioned her against writing about events in which she was a partisan, warning that she could not defend
against the biases of her own passions and the suspicion of others. I’ve changed my mind. In several articles I have written and in my guidance of students I have encouraged first hand accounts of events. My advice is wrapped in warnings. The narrative and analysis must be provided in public without promising or delivering confidentiality. (It follows, of course, that promises once made must be meticulously kept.) Contextual claims may be validated by appeals to shared experience if there are adequate ways to demonstrate the exaggerations and deceptions in ‘what everyone knows to be true.’ (See on these issues my report on ‘The Intelligence of Universities,’ and Theresa Williamson’s website on Catalytic Communities [http://www.cat.com].)

‘Reading Plans’ captures some of the complexity of personalized scholarship. I indicated that I was not assessing the Center City plan but describing my general way of reading. I anticipated readers who would report on their reading modes but that was not the usual response. Genie Birch, then the editor of the Journal of the American Planning Association, read the article she was publishing as a severe critique of the Center City Plan. One of the practitioner respondents drew blood by attacking my prose as incomprehensible and unprofessionally tongue-in-cheek. (It took me several years to respond adequately: easy comprehension is rare and not to be expected; irony is ubiquitous and professionally necessary.) I was told that in the Philadelphia planning commission my reading was dismissed as ignorant. (Could that mean that I didn’t know how I read plans or that there is only one correct reading? If only one, was that the reading prescribed by the authorial voice or the ideal reader?) I presented my paper at an ACSP session on the postmodern abyss. Had I stumbled over the fear of that abyss?

Acknowledgements

Summaries of testimonies, letters to the Board, and original site plans and project reports are available at the Town of Amherst, Massachusetts, Planning Department. Key documents include: Amherst Planning Board Minutes for 15 October 2003, and the Amherst Planning Board Record of Decision, Special Permit SPP 2004–00001, Sunwood Pines, Pine Street – Sunwood Development.

First appreciations go to Seymour himself, for his generous mentorship over the years. The author would like to thank Lew Hopkins, Howie Baum and Linda Dalton for insightful critique of drafts of this article. The research was first presented at the 2004 ACSP conference, and the author also thanks Lew for organizing the symposium that started this project. Nedim Kemer provided able assistance with graphics.
Notes

1. Careful readers may recognize the connections between my arguments and approaches here and the literature on policy and planning evaluation, which I have left out of the body of the article to make a clearer theoretical argument. Nevertheless, I have found many of the writings on evaluation to be influential in forming this article. See particularly: Alexander (1985); Talen (1996); Baer (1997); Mastop and Faludi (1997); Berke and Conroy (2000); Bentrup (2001); Leach et al. (2002).


3. For co-housing, typically residents buy land in common, work together on the project design, generally accept smaller private homes in return for more common goods such as a community kitchen, a community room for gatherings and a guest room for visitors, perhaps a wood or pottery workshop or child-centered rooms and play areas. Co-housing projects are usually designed such that parking is contained on the periphery of the development with paved paths within the development being primarily for foot traffic (Hanson, 1996).


5. Amherst’s Comprehensive Plan dates to the 1970s, and is therefore largely irrelevant to the way the town is growing. Zoning regulations are what matters.

6. Telephone conversation, E. Hamin and anonymous planning staff, Town of Amherst Massachusetts, approximately 20 September 2003. Note that the planning staff member is held anonymous because he/she as not given prior notice that conversations might be cited in publications.

7. Telephone conversation, E. Hamin and anonymous planning staff, Town of Amherst Massachusetts, approximately 8 January 2004.


10. The general special permit language requires that all uses under special permit application are allowed uses under existing zoning; the language of the specific regulations under the OSCS bylaws call for flexibility in housing types. The underlying zoning, R-N, does not allow attached housing. In the public hearing dated 17 April 2004, the Planning Board chair reported that town counsel found that the more specific and directly appropriate language takes precedence. In the interest of disclosure, I should mention that in my public testimony on 15 February 2003, I raised the question of whether attached housing was legal under existing zoning and sent a letter to town counsel and the Board regarding the same. Following this, the Board officially requested town counsel’s opinion.

11. Summary points taken from Amherst Planning Board Minutes, 18 February 2004 and 7 April 2004, and author’s notes.

12. The litigation rested largely on this: contained within the bylaw is a
requirement that prior to filing for a special permit, 30 percent of units must already be ‘under agreement for conveyance to parties who will occupy said units’ (Town of Amherst Zoning Bylaw Sec 4.580), and that these purchasers must be involved in the design of the site. This part of the bylaw is the most obvious remnant from the history of the bylaw as designed for co-housing, wherein it would be easy to have the 30 percent and resident involvement in design. The developer did not have any such agreements when he filed for a special permit, although by the time of permit approval he had agreements and had surveyed his purchasers regarding their aspirations for the project. Neighbors disputed the timing and form of the agreements, as well as whether proposed residents had had substantive involvement in the design process. The lawsuit in addition raised legal challenges to other areas of the permit approval. Mark Hamin, spouse to the author, was one of five litigants on the lawsuit; the author was not a litigant.

15. Public hearing 17 April 2004. Unfortunately, this comment was not included in the Board’s official meeting notes, which only include the transcriber’s choices of key points in testimonies, and thus the source is author’s notes.
17. Testimony of Ms Hyman, Amherst Planning Board Minutes 7 April 2004.
18. This was first pointed out by Joseph Volpe, professor of landscape architecture at the University of Massachusetts, in meetings with neighbors.
19. See Amherst Planning Board Minutes, especially testimony regarding the project’s ADA compliant unit, 17 February 2004 and 7 April 2004.
21. The term public space itself is highly contested, of course. Kohn (2004) argues that public space has three core components: ownership (usually by the government), accessibility (available to everyone without fee), and intersubjectivity (facilitates unplanned contact between people). Achieving these three criteria for conservation subdivisions would probably require municipalities to accept donation of the conserved land, which would have to be designed to encourage access by non-residents. Intersubjectivity then should follow.
22. I thank Howie Baum for his insightful comments on the importance of collective stories to Mandelbaum’s article, as well as the challenge of the important role of interests in this case study. For more on what does make a group a community, see Mandelbaum (2000).
23. For purposes of the argument, I overstate the distinction between process and outcome; obviously, outcomes rely on processes, all of which are embedded in institutional contexts. But the forms of analysis, the topics of analysis, may need to be quite different.
References


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