

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1933



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DEPARTMENT OF PUBLIC WELFARE HOUSING AND TOWN PLANNING

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The year shows but little change in territory covered by planning and zoning activity. No new boards have been established, two have been abolished, a few admit that they are dead. The Orange board was established along with the town manager form of government. The latter was abolished and the board went with it. Nahant reports: "Each year a planning board was elected at the annual town meeting, but none of them would qualify, so this year the town voted to abolish the office." The Athol report for the year reads: "No calls made for action. No action taken. No money appropriated. No money expended." Milford reports that "the planning board does not function."

A number of boards show new life and activities are extending into new fields. This is due to the injection of new blood into the boards. In several cases a new member has inquired into the possibilities, has made independent investigations as to conditions, has presented his findings and suggested action, and new work has resulted. If a board has one member with an inquiring mind and a few members who will cooperate, work can usually be started along constructive lines. Once substantially started, work of this kind will usually progress; for there are always problems to be solved and hazards to be anticipated and forestalled.

No zoning laws have been abolished and two places, Sharon and Carlisle, have adopted comprehensive zoning. In each case there are new features worthy of note. Sharon established but one business district. It is of sufficient size to meet all needs for some time, and is more likely to give the desired protection to residential areas than the plan proposed, but not adopted, of 50 business districts in the town of Billerica. It is difficult to see the need of 50 trading centers in a town, mainly residential and rural, and suburban to a city where much of the buying is done. Fifty trading centers in a town of 25 square miles will effectively block any substantial development of high-grade homes, and the result would invariably be high taxes and poor community services. When such a condition begins to show results it generally means a breakdown, which grows worse with accelerating speed. Fifty trading centers in a suburban town is like a face badly pock-marked. It requires an operation to remove each blemish.

A third town, Middleton, adopted an elementary form of zoning.

Carlisle contributes a new and significant feature in development regulation by limiting lot sizes to a minimum of one acre, with a minimum frontage of 150 feet, and minimum yard widths, front, side and rear, of 40 feet. Last year we discussed the appropriateness of considering the manifest destiny of a town, the best thing it can do for itself in the general environment in which it is located. The manifest destiny of Carlisle is residential—gardening—agriculture—grazing. If she adheres to her plan she will surely become one of the most desirable residential towns in the region. Many people are looking, even yearning, for such a town in which to live. The

need is great and the chances for such a development are all too few. On the other hand, for all who want a 20-foot lot, on a 30-foot street, amidst billboards, stores and filling stations, the opportunities are abundant and rapidly increasing in the numerous towns adhering to the *laissez-faire* policy. There are plenty of such chances in zoned, but zoneless, towns, as we shall bring out later. If Carlisle adheres to her plan she will have to fight for a time, for there are always those who seek to exploit such areas. But, again, if she adheres, she will avoid the warty, wen-like, goiterous, cancerous development which too many call growth. It is growth, but why want it?

SOMETHING TO READ

We have been asked to mention the best things on planning and zoning for people to read. This is far more easy to do than it was but a short time ago.

Every one should own and read "Planning for the Small American City," by Russell V. Black, Public Administration Service, 859 East 58th Street, Chicago; at \$1 in paper, \$1.50 in cloth. The Public Administration Service is aiming to do what its name indicates. This is its third publication of this scope, indicative of its opinion of planning and its place in the field of public administration. And Mr. Black is rarely fitted for the work. He bases all such work squarely upon its social purpose and thus avoids the pitfalls encountered by the materialistic mind which thinks that a straight line is the best line for a new city street, as well as for a new national highway between two cities a thousand miles apart. Such a conception of planning slaughters more human needs than it meets. Basic sociology is the need; for planning and zoning are basic in meeting human needs, and in creating the good community. Mr. Black, with this conception as a background, discusses principles and procedure. Believing that the future lies with the small city, he deals with the small city; and leaves the dinosaur city, with its fatty degeneration of the heart, its pinched-in-rib and stoop-shoulder-reduced lung space, its ligature-bound traffic system, to its own devices.

We repeat our mention of Principles of City Planning, by Karl B. Lohmann, McGraw-Hill Book Co., \$4; and Our Cities, Today and Tomorrow, by H. V. and T. K. Hubbard, Harvard University Press, \$5. To keep in touch with current progress one needs to read The American City Magazine, 470 Fourth Ave., New York City, \$2 per year; and City Planning (quarterly), 12 Prescott St., Cambridge, Massachusetts, \$3 per year.

A GREAT OPPORTUNITY BEING MISSED

Because of the slowing down of public works, many planning boards have ceased activities. A town has the same kinds of problems as a business or industry. And every business and industry is keenly alive to any possible chance for development. Thousands of them have plans made, ready to put into operation at the first show of revival. Towns, on the other hand, are dormant. When they do a thing, now or in the future, it will be done without proper study and with a good chance of having to be done over again, or of shuffling along in a wasteful and inefficient way. A very few boards are doing an item here and another there, with the full knowledge that each step is part of a planned and comprehensive scheme of growth, and that every step taken brings them that much nearer to the ultimate perfection which has been their goal from the beginning. Planning has cost such towns very little. The returns, as the years go by, will be very great.

THE NEED OF PLANNING IS BEING DEMONSTRATED

Just now scores of towns are looking for NRA money to give work to their unemployed. But they seldom have any plans at all. Numerous

proposals are coming in, some of them involving millions of dollars, but they are mere links in an unstudied system. Many of these proposals have but one justification, they would employ men. When a town can't show that there may be a reasonable return for money spent it should not spend money. An error in administrative law may do but little damage, for the people can ignore it. But an item of planning, once carried out, either serves or fails to serve. If it fails to fit into a general scheme of development, it doesn't function and the town has to hobble along or do the work over again at terrific cost.

For years we have urged this point, that the cheapest thing a town can do is to plan, so that when it does a thing it knows why it did it, what it accomplishes, where it leaves the town after the thing is done. Many complaints are being made that there is too much red tape. The NRA has said from the beginning, in effect: "Show us a plan, show us that the proposed step is related to other similar steps, and that what is proposed will accomplish something." There is no item of planning unrelated to other items. The town that doesn't get a cent, but that learns to plan for the future, is more fortunate than the town that wastes millions, to be repaid by future taxes.

Even as this is being written word comes from Washington saying, in effect, "We learn you have no plans. Therefore we will consider the preparation of plans as proper work under the C.W.A." So much do the authorities think of planning. They will finance no enterprise based on no plan; they will first finance the plan. Some places may get going early enough to get financed development from financed plans. Most places will get nothing.

THE TAXPAYERS' REVOLT

This subject, discussed last year, needs further attention. Towards recovery there is no greater need than to plan soundly, budget wisely, and thus guarantee a fair return on every dollar spent through public channels. Planless city growth is extravagant because of its poor results. Much of it has to be done over again. This re-doing may cost for the land needed as high as 100 to 1000 times the cost if done properly in the first place. In a concrete case, a new way was too narrow, through lack of vision and pinch-beck economy. The extra farm land through which the way was laid out would have cost \$2500. There was moderate growth along the way for seven years. Then it would have cost \$750,000 to get this same land, because of new buildings on the lot-line. The city engineer said in ten years more it would cost \$7,000,000.

Intensely selfish and narrow local interests, mainly exemplified by land-butchers, add to the difficulty. Their work adds heavily to the cost of producing a functioning community. Now the organized real estate men are joining their weaker brothers, to the detriment of sound development.

All this increases taxes, not to add to the community services, but to cover waste. Then the people responsible for the situation raise a cry, others join, and the drive is on. Active among those who join in cries for economy are corporations providing services for the people. Through waste their taxes are increased. They join readily, and they have the additional stimulus, that the more the people think about the cost of services provided through taxation the less they will think about those provided privately. Public services are throttled, even the planning for public services, if and when started, is stopped. Millions of children are being turned out of the schools, while privately provided services cost as much as in 1929.

The people must ask themselves what they pay for what they get. A city manager has given the figures for his city. There a man, wife and three children, in a home assessed at \$7,000, pay \$126 a year for all state, county and city services, schools, streets, water, sewers, police, etc. They pay \$168 a year for three privately provided services, electricity, gas and

telephone. Which could this family better go without? It is primarily a question of the cost of living, how it can be kept down.

There is an unconscious conspiracy, unconscious on the part of the users of the services, to cut the public services to the bone and to turn a blind eye towards other services. The tendency is fatal to all concerned. Privately provided services prosper in a prosperous city. They lag and die in a dying city. In the same way land butchers bring failure upon themselves. That all may face the future with hope a new point of view is necessary.

Moreover, practically all services increase the value of land. They do not increase the value of wages. Why, then, would it be appropriate to reduce taxes on real estate and make up the deficit through a sales tax, or any other tax which has the unfair qualities of a sales tax? The sales tax is doubtless more unfair to the workers than any other that has been suggested.

A NEW FEATURE OF ZONING

Wisconsin has taken a new and promising step in the field of zoning. Non-urban districts may now be zoned into areas for agriculture, for forestry and for recreation. Oneida county is the first to take action. In forest and recreation areas it permits forest industries, all camping, mining and power production features, and bars all others, including family homes. A chief object was to avoid the high cost of roads and schools for isolated families. It is also a step towards an economic scheme of land utilization, and should discourage the use of lands which are marginal or sub-marginal so far as sound agriculture is concerned. It is another step towards a planned economy, one which could be used to great advantage in Massachusetts. Were all our marginal and sub-marginal lands used for grazing, forests and recreation, agriculture would be stabilized and our large urban population would have a far better opportunity to live as it should. Incidentally economic forestry and water conservation and purification would be promoted. Should we then stop using our streams as open sewers, the whole face of the state would be changed and life in the state would receive a new lease.

LEGISLATION

After two years' work the recess committee presented new enabling laws covering municipal planning and zoning, and a state planning board. Only the zoning enabling law was passed, Chapter 269, Acts of 1933. The failure of the planning bills gave the movement a serious set-back. It leaves the municipalities and the state very much handicapped.

The board of survey work should be in the hands of planning boards, there should be definite sub-division control, and local authorities should be empowered to require in all new streets, opened for residential development, the services essential to health and safety. If these services are not required, over-development results, and municipalities face bankruptcy if they provide services for a scattered development. There is no reason why towns should thus bear the chief cost of unwise and harmful land speculation. Almost every place already has laid out more undeveloped lots than it has developed lots. Towns are bleeding themselves white in order to keep land developers active doing wasteful and unnecessary things.

A state planning board is much needed. Its first studies should be to find the best social use to which land may be put. At once this is needed for housing proposals. Homes should not be built where the best set-up would locate business or industry. The converse is true, and more mistakes are being made on this side. This would be but the beginning of studies for land utilization for the entire state. (See above—A New Feature of Zoning.) A state master plan would follow. Each step actually taken would thus become part of a comprehensive whole. Enormous savings would result, efficiency would be promoted. While all industries are demonstrating the wisdom of planning, we should be able to see that no state, county or town can afford not to plan.

ZONED, BUT ZONELESS

Although the problems and needs of the future make it an unwise thing to have done, there has been, and there still continues, a pause in planning activities. This pause offers a good opportunity for an appraisal of what has been accomplished and the trends in zoning, the main field of planning activity in recent years. What is the purpose of zoning? Is it accomplishing this purpose? What are its main elements of weakness as it is being applied?

Upon many elements, as a background, modern zoning is based. Modern zoning, too, is but in the early stages of its evolutionary process. Since 1916 use zoning has been applied, at least theoretically, in most of the large cities. Height and area zoning in these large cities is, for practical purposes, non-existent. The purposes of height and area zoning are to prevent congestion, with all its numerous social and economic implications, and to provide light, ventilation, fire protection and privacy. The height and area provisions in large cities have no legal justification, for they do not prevent congestion, and they do not provide light, ventilation, fire protection and privacy. Moreover they do not even tend in the direction of doing these things. Their maximum provisions for height and coverage are so far beyond any scientific norm that they amount to a constant invitation to individuals to do what no city can allow, throughout its entire area, and live.

If buildings are to be lighted, other than artificially, at least two opposite sides from top to bottom should receive the direct rays of the sun throughout at least one-fourth of the day-light day and throughout at least half of the year. This is an absurd norm for the purposes in mind, but our cities have been zoned with no norm in these respects, with no norm which has a social or scientific base in any other respect. In short, all the large cities and most of the small ones, which are zoned, have no zoning with any base in reason in most respects. And with what they have, as far as they have it, they get but mediocre results because of faulty administration, as we shall bring out later.

Zoning, to mean anything, must have a social purpose. It must protect the health, safety, morals and general welfare of all the people. This is its only justification. It is for these reasons that zoning is done under the police power, that is, the power of the people to regulate anything affecting their health, safety, morals or general welfare, with no call to pay compensation to those who are regulated, as compensation is paid when property is actually taken for a public purpose under the power of eminent domain. This social purpose obviously calls for a regulation of the location of various uses, so that a noxious trade may not locate itself in a district of homes and render the homes uninhabitable. It must, likewise, regulate the height of buildings and the coverage of lots, so that the other features of health, safety, morals and general welfare may be protected.

Height and area, for example, are matters of proportion, that is the relation of height to the open space about the building. Open space is provided only by streets, yards and courts, with the occasional help of railroads, streams, water-areas, and parks or playgrounds. In the northern half of the United States, from the Atlantic to the Pacific, the average angle of sunlight for the year is approximately forty-five degrees. Applied with any rule of reason, this means that if a building is to be fairly well lighted no portion of it may ever be higher than the width of the open space upon which it fronts. To be consistent the building should never be higher than the width of the street upon which it fronts, the combined backyards should be as deep as the street is wide, the combined side yards should equal the width of the street, and the least dimension of a court should be not less than the height of the building. What zoning law provides for such proportions? Instead of a norm with some sound reason back of it no norm has been followed, with the result that every city zoning law in

all, or at least most, respects is a constant invitation to a builder to commit suicide. He gets along all right as long as other buildings alongside, in the rear and across the street are low, and with slight coverage. He can go to practically any height and cover all of his lot that is possible if he provides light for rooms facing parts of his own building. He gets his light and ventilation from his neighbors; from land which they provide and upon which they pay taxes. But what happens when the neighbors, and all other neighbors, built to the same height and with the same absurd coverage? It then amounts to wholesale suicide and we get, as we are already getting in large areas of all our larger cities, what Deems Taylor calls "The City That Died of Greatness." There is no other possible result.

The loudest yowlers over tax rates are the people responsible for the tax rates. Too-high buildings force decentralization with resulting loss of earning power and increased taxes to service the larger areas. Proper height and area limitations, enforced, are among the surest means of stopping undue decentralization. The effort to make moles out of humans will work in some measure, but with ever decreasing efficiency.

The land and building speculators are responsible for the fatal condition which confront our cities. The average height of buildings on Manhattan Island eight years ago was about five stories. It is doubtless under six stories at the present time. If six-story buildings produce present traffic conditions in New York City, what will be the traffic conditions when buildings average nine, twelve, twenty stories high? And conditions in Chicago and Detroit will soon be just as bad. Still other places, many of them, are improving themselves towards destruction as fast as they can. Philadelphia, unzoned and unashamed, is getting along almost as well as the rest of them.

Boston had a slight advantage in that a Massachusetts law limited all buildings, over the entire state, to one hundred twenty-five feet. But Mr. Statler wanted to go higher, so the legislature, at the behest of the thoughtless, changed the height, for Boston alone, to one hundred fifty-five feet. And Boston has its Statler, which covers all of its lot, one hundred fifty-five feet high, while it handles its passengers, freight, everything in the streets and over the sidewalks. Boston is an old, somewhat picturesque, city, with very narrow and quite crooked streets. Its traffic congestion is in some ways as bad as in the worst cities. Under the Boston zoning law two more Bostons may be placed on top of the present one. Her zoning law is similarly defective in almost every other direction. So Boston, like the other cities, is zoned, but has no zoning. She hasn't even the absurd provisions written into the law, for there are ways of avoiding all of them, except possibly the meaningless height limitations. This one hold on what lacks meaning resulted from a flagrant permit to violate the law secured by the Ritz Carleton.

In "Government of the People," by D. W. Brogan of the London School of Economics, the writer says: "Can we wonder, then, that to the old and traditional connection between contracting and Tammany Hall, there has come to be added a new 'racket' and that the ex-leader, in his practice before the 'Board of Standards and Appeals,' has acquired a practice, and an income, that put him in the running with the ablest advisers of law-hampered corporations? The roof has recently been removed from this section of Tammany Hall, but it is highly probable that, undisturbed by any Seabury, machines in other cities are working the same seam." What an English student may surmise many Americans must know. All the more, then, must we assert that many zoned places are zoneless. Faulty technique and faulty administration make much zoning as meaningless as the great American social experiment, prohibition.

It will be inferred, from what has gone before, that zoning in cities doesn't amount to much. Among those who know there is general agreement that it doesn't. Were the cities to be actually zoned, according to some rule of reason, according to some sound plan of development, and

were this zoning to be enforced, the cities might be made to live in spite of their greatness. But, in both respects, this is too much to look for in the near future.

Some smaller places have done sound zoning, and some of these are enforcing their zoning laws. With these as examples and with city conditions, growing worse and worse, acting as an expelling powder to drive the people out, zoning will, sometime, have a new birth and its proper results will be secured over wider and wider areas. But we must not forget that it is our sloppy, *laissez-faire* policy in city building which results in intruding apartments, stores, filling stations, what not, into residential areas. These crowd and drive out the dwellers, into new areas. Then the intrusions follow, and again the people move. New community institutions develop and go down, new public utilities develop, remove the load from the old but effective utilities, doubling and tripling the cost. A desert of wreckage spreads and economy, efficiency, desirability disappear in the maw of reckless change.

There are numerous forces working towards zoning, each limited by essentially selfish factors and, likewise, propelled by selfish factors. When zoning was first proposed the practical men, which in America includes most people, said it was a fine idea but that it wouldn't work. They were right in one respect, for it hasn't worked, in the main. But it is working in places and it is of such a nature that it will work over wider areas and with increasing efficiency. Every major interest now backs the zoning movement. By interest we mean groups like the National Association of Real Estate Boards, all street, water and sewer engineers, all public utilities, all mortgage investment interests, the professions of engineering, architecture, landscape architecture and medicine, the lawyers who accept no cases where it is sought to break down zoning laws, a very limited number, and home owners everywhere. Many of these groups, notably the real estate group, will seek to break down laws in specific cases where selfish interests are involved, while, with equal fervor, the same group will uphold zoning where it is to its interest to do so. In many cases where one man would smash the law, others in the same group will uphold it, because what the one would do would injure the others.

The mortgage investment interests are gradually coming to favor loans on single-family homes in zoned areas where the zoning is enforced. As Mr. Walter Stabler, then comptroller of the Metropolitan Insurance Company, said to the writer in 1925, "I have just refused a loan on a large residential development because the municipality was unzoned." Asked to give specific reasons why he favored zoned cities, he replied: "Because the equity in a home in an unzoned area is never safe. If the equity is not safe we are not safe. We have had our fingers burned often enough. I consider it good business to refuse such loans, and good citizenship in that such refusals will tend towards waking up people who refuse to give themselves the available protection." In spite of this general attitude, mortgage investors, when they have come into possession of a piece of property, are very apt to try to break down the law if they think they can profit through some special privilege.

It is becoming quite common for real estate dealers to lose loans on and sales of property because of the absence of zoning. The country is filled with people who have had the sad experience of having to abandon their homes, with great loss of money and time, and with great inconvenience and sacrifice of sentiment, because of some fatal intrusion. A concrete example will illustrate this point. It is in a zoned town where zoning is not properly administered.

A man and wife who like some of our early American architecture, who want such a home in an open area and who like to grow things, buy a home on a quiet street, in a thinly settled, out-lying area of a zoned town. More money is put into developing the home and the grounds than was originally paid for the place. Three children are born, business is fair, the family is

healthy and all are happy. Across the street is a small greenhouse, which the people like because of their interest in things that grow.

But an ogre raises its head and gradually lashes itself into a destroying demon. The owner of the greenhouse applies to the authorities to change his site from residential to business use—he wants to sell cut flowers grown by him. He is told that it can be arranged without a change of zone, but he insists and the authorities are complacent. They put the matter before the people and the town meeting votes the change. Then the property is sold to a man who runs a string of dance-halls, with restaurant, drinks, bowling alleys, shooting galleries and similar means of permitting the American people to enjoy themselves. Milk, ice and supply trucks begin to deliver around six o'clock in the morning, the day is a more or less gala affair, and the night till twelve o'clock is rollicking. From twelve till twelve-forty-five or one o'clock the one thousand to fifteen hundred automobiles which have collected get themselves under way, with open cut-outs, grinding gears, sounding horns, banging doors, calling, singing, and yelling, and, sometime, the quiet of the night closes down and the country-loving family settles in peace to its possible five hours of slumber. Through a combination, and who can say how much this nuisance has to do with it, the wife has been seriously ill, for a long period in a hospital. The children are nervous and the father is driven to his wits end to know what to do. He has just said: "Three years ago I had a healthy and happy family, a beautiful home, a good business, and an automobile. Now my family is ill, my home is destroyed, my business is shot to pieces and I can't afford an automobile."

Since the first draft of this report was written this man has sold his home at great financial sacrifice and has located elsewhere, in another zoned town, where he hopes that the zoning will be enforced and that his home will be protected.

This is an actual case. It is not a rare case. It justifies abundantly the question as to whether we have ever built this country at all. It forces us to question our sanity.

No old city of great size may ever profit substantially by modern planning and zoning except at enormous expense and after a long period of time. By establishing a sound, long-time policy, by a sense of direction, a constructive vision, adhered to without fear or favor, city areas seemingly blighted could be reestablished and kept from destruction. But there is no hope for such rehabilitation as long as one accepts the theory, as it is now accepted, that business and industry must expand from present locations, in all directions, until ultimately the whole area will be so used.

The only sound policy, with any guarantee of permanency, is to definitely restrict commercial and industrial expansion in such areas. All possible areas for homes must be held inviolate, and upon such areas must be imposed constructive regulations for light, ventilation, sanitation, and fire protection so that, in time, the areas will have the qualities of efficiency and permanence which will insure their life as regions.

It is easy to zone such areas in a meaningless way, which is what has been done. To be conscientiously scientific, to conceive a sound objective and to lay down a plan which will achieve that objective, and then to enforce that plan by allowing no grant of special privilege to the many privilege-seekers who come, power, pull, politics and graft in hand, requires a sense of direction, backbone, and plenty of hard work. A blind man who knows nothing about what will produce a functioning city can lay out a lot of zones and impose upon them meaningless regulations.

In regard to how to zone and how to administer zoning there are many schools. There is not space to go into all of them. A too common method is to lay down zone lines around the main business and industrial areas, leave the remainder for dwellings, and to consider small businesses already in these residence areas as non-conforming uses. This will do well enough,

so far. But it is the principle to be applied from here on which actually decides whether such an area is zoned or not.

Here it is necessary to point out that there are many minor adjustments to be made in the actual application of zoning laws. A law, for example, provides for ten-foot side yards for homes. A man has a thirty-foot lot, with developed lots on both sides. A board of appeals, actually a board of adjustment, is provided to handle such cases. It would be no adjustment to tell the man he could cover the entire width of his lot and steal his light and ventilation from his neighbors, while at the same time increasing their fire hazard and decreasing their privacy. He should be told that he may build a bungalow twenty feet wide, with the gables fronting the street and the rear yard, so that the neighbors will have all the protection possible under the circumstances.

The prevailing type of enabling law provides that the board of appeals may vary the application of the law in a specific instance where a strict enforcement would impose an unnecessary hardship and wherein relief may be granted without breaking down the purpose and intent of the law, but not otherwise. In the illustration used above these principles were applied.

Let us now go back to the zoned city, as outlined. A man owns, or buys, a lot adjoining a business area or adjoining a non-conforming use. He wants to erect a public garage. He sees a good chance to exploit the neighborhood. He goes to the building inspector, who refuses a permit. The building inspector's duty is to enforce the strict letter of the law. He can make no variances. The applicant goes to the board of appeals for a variance, or he goes to the city government for a change of the zone lines. If he fails in the one place he frequently goes to the other. He may be refused a zone change and then, upon going to the board of appeals, be granted a variance.

Is a permit which is in violation of the zone lines a variance or a violation? In a recent Massachusetts case the board of appeals issued a permit for a so-called variance, stores in a residential district, three succeeding times. Each time neighbors appealed and were upheld by the courts. At the third hearing before the board the neighbors pointed out that the matter had been thoroughly covered and that the court had rendered its decision. The answer, by the chairman of the board, was that the board was not interested in the decisions of the supreme court.

There was, in the residence area in question, and erected before zoning was established, a group of small stores. Because of this fact there are those who say that ordinarily the courts would have upheld the decision of the board of appeals. This means, if it means anything, that in a residential area every already existing business or industrial use, whatever its size, is to be allowed to expand. One is thoroughly warranted in asking whether, under this principle, any place can be zoned at all. If a zone line is not a line, but a stretch of amoeba, writhing, sliding, squirming according to the momentary whim of an administrative board, there are no zone lines and there is no zoning. Zone lines should be laid down with deliberation and changed with equal deliberation, by the legislative body only. This requires study to ascertain the best social use to which all lands can be put. If it is to be residential it must not be business or industrial.

As far as residential zoning is concerned, every intrusion of business and industry, zoned as non-conforming, is a center of blight, like a ringworm, if this expansion principle is to be followed. There are only two methods of approach to the problem. You let the ringworm extend until it covers the whole body, or you kill it. The finest word ever said on the subject was by the Connecticut supreme court. "The ultimate object of zoning ordinances is to confine certain classes of buildings and uses to designated localities or districts. The continued existence of non-conforming uses is inconsistent with that object and it is intended that conditions be reduced to conformity as speedily as possible . . ." This is the final and only word

that needs to be said, if it is intended to zone an existing city and make zoning mean anything. The same sound principle was enunciated by the Wisconsin supreme court when it said that to permit the expansion of a non-conforming use was to make all zoning meaningless. Sound zoning requires that many intrusions be not recognized, but left as non-conforming and eliminated as soon as possible.

And this forces us all the more to the conclusion that many zoned places have no zoning. They have zone lines, accompanied by meaningless height and area provisions. But the zone lines are not enforced, nor yet the height and area limitations. There need be no existing non-conforming use to prompt a seeker after special privilege to appeal to the city government to zone for business a single lot in a residential area. This is called spot zoning. It has no legal justification and will destroy any zoning scheme. Or the applicant may appeal to the board of appeals for a "variance." If his approach is proper he may be granted a "variance."

In the method of approach to the board of appeals lies the great menace to zoning. When a man's vote is worth buying there are those who will buy it, if it is for sale. The sale of privilege is not confined to Volstead Law officers. And independent racketeers step in, in zoning as well as in other matters. The Seabury investigation disclosed that a veterinary surgeon, practicing (not as a veterinarian) before the New York board of appeals, deposited over a million dollars in an eight-year period. He collected from privilege buyers, of course, enough more to make the wheels go round. His powers of persuasion were dependent upon something else than his vocal chords. He is still practicing in a non-veterinary sense.

It needs only a Seabury investigation to disclose similar conditions elsewhere. And an expensive "practitioner" is not always necessary. There are boards which are organized. A runner (at a very small expense) tells the applicant what it will cost, and without forking over he gets no consideration, even when he seeks only a perfectly proper and necessary adjustment.

One may ask whether the American people are always going to submit to such conditions. Or is there to be a new deal? It depends upon the people. As long as the people hire agents to sell them out we will go on as is. But there is little likelihood of the death of all zoning, as with prohibition. The hold of zoning is too strong. Its appeal is too wide and its results are too constructive to ever permit its abandonment. This is demonstrated by the fact that there is on record but one case where a zoning law was repealed outright. Elementary laws have been repealed when a comprehensive law was substituted. The one case of direct repeal was of an elementary law only, and that at the behest of the then mayor after he had performed the duties of his office for two months from the jail where he had been sent for violating the zoning law. Zoning promises to be a chief factor in causing a clean-up of municipal government. It has already happened in a few small places.

Until the people will select administrative officers with greater care, they will have to accept the results or go to the courts to get the proper administration. In a late New Jersey case, a single lot in a residential area was changed to business—by adding it to a business area about half a mile away. The court said, "Taken by itself, this ordinance gives the impression of a fundamental disregard of the statute, (to secure reasonable neighborhood uniformity, and to exclude structures and occupations which clash therewith). Taken in connection with its antecedents, that impression is confirmed and intensified. I think the amendment is utterly unreasonable, and that it was enacted in disrespect of this court and apparently to work out a new way of attaining an unworthy and illegal result."

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

Acton*	Concord*	Lawrence	No. Attleborough	Taunton
Amesbury	Danvers	Leominster	Northbridge*	Tisbury*
Amherst*	Dartmouth*	Lexington*	Norwood	Wakefield
Arlington	Dedham	Longmeadow*	Oak Bluffs*	Walpole*
Ashland*	Duxbury*	Lowell	Paxton*	Waltham
Attleboro	Easthampton	Lynn	Peabody	Watertown
Athol	East Longmeadow*	Lynnfield*	Pittsfield	Wayland*
Auburn*	Everett	Malden	Plymouth	Webster
Barnstable*	Fairhaven	Manchester*	Quincy	Wellesley
Bedford*	Fall River	Mansfield*	Randolph*	Westborough*
Belmont	Falmouth*	Marblehead*	Reading*	Westfield
Beverly	Fitchburg	Medfield*	Revere	Weston*
Billerica*	Framingham	Medford	Salem	West Springfield
Boston	Franklin*	Melrose	Saugus	Westwood*
Bourne*	Gardner	Methuen	Scituate*	Weymouth
Braintree	Gloucester	Middleborough*	Sharon*	Wilbraham*
Bridgewater*	Great Barrington*	Millis*	Shrewsbury*	Wilmington*
Brocton	Greenfield	Milton	Somerville	Winchester
Brookline	Hanover*	Natick	Southbridge	Winthrop
Cambridge	Haverhill	Needham	Springfield	Woburn
Canton*	Hingham*	New Bedford	Stoneham	Worcester
Carlisle*	Holyoke	Newton	Stoughton*	Yarmouth*
Chicopee	Hudson*	North Adams	Sudbury*	
Clinton	Hull*	Northampton	Swampscott	

* Under 10,000 population.

No BOARDS: Adams, Chelsea, Marlborough, Milford, Newburyport.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

COMPREHENSIVE		COMPREHENSIVE—Cont.		PARTIAL	
Brookton	Nov., 1920	Lynnfield	Nov., 1929	Marshfield	June, 1926
Brookline	May, 1922	Franklin	Mar., 1930	Fall River	Sept., 1927
Longmeadow	July, 1922	Wilbraham	Feb., 1931		
Springfield	Dec., 1922	Natick	Mar., 1931		
Newton	Dec., 1922	Hull	Mar., 1931	PREPARED BUT NOT ADOPTED	
West Springfield	May, 1923	Westfield	Aug., 1931		
Cambridge	Jan., 1924	Great Barrington	Mar., 1931	Amesbury	
Lexington	Mar., 1924	Carlisle	Feb., 1933	Amherst	
Melrose	Mar., 1924	Sharon	Mar., 1933	Andover	
Winchester	Mar., 1924			Attleboro	
Arlington	May, 1924			Beverly	
Boston	June, 1924			Billerica	
Woburn	Jan., 1925			Bourne	
Belmont	Jan., 1925			Braintree	
Needham	Mar., 1925			Canton	
Walpole	Mar., 1925			Chatham	
Stoneham	Mar., 1925			Chelsea	
Waltham	July, 1925	Milton	July, 1922	Chicopee	
Haverhill	Oct., 1925	Holyoke	Sept., 1923	Clinton	
Medford	Oct., 1925	Swampscott	Apr., 1924	Duxbury	
Wakefield	Nov., 1925	Dedham	May, 1924	Easthampton	
North Adams	Dec., 1925	Chelsea	June, 1924	Fitchburg	
Somerville	Dec., 1925	Paxton	Dec., 1924	Framingham	
New Bedford	Dec., 1925	Worcester	Dec., 1924	Gardner	
Watertown	Jan., 1926	Wellesley	Mar., 1925	Hingham	
Fairhaven	Feb., 1926	Salem	Nov., 1925	Holyoke	
Falmouth	Apr., 1926	Hudson	Mar., 1927	Leominster	
Reading	May, 1926	Bedford	Mar., 1928	Littleton	
Lynn	June, 1926	Middleton	Apr., 1933	Manchester	
Lowell	July, 1926			Marion	
Malden	July, 1926			Medfield	
Everett	July, 1926			Middleboro	
Norwood	May, 1927			Nahant	
Gloucester	Nov., 1927			Northampton	
Pittsfield	Dec., 1927			North Attleborough	
Marblehead	Apr., 1928			Plymouth	
Weston	Apr., 1928	Taunton	Sept., 1925	Quincy	
Concord	Apr., 1928	Marlborough	Jan., 1927	Scituate	
Agawam	Apr., 1928	Andover	Mar., 1927	Shrewsbury	
East Longmeadow	Apr., 1928	Petersham	Mar., 1927	Southbridge	
Saugus	June, 1928	Oak Bluffs	Apr., 1927	Sudbury	
Lincoln	Mar., 1929	Northampton	Sept., 1927	Wenham	
Westwood	Mar., 1929	Barnstable	June, 1929	Westborough	
Revere	July, 1929	Attleboro	May, 1930	Wilmington	
Winthrop	Oct., 1929	Peabody	June, 1930	Yarmouth	
		Sudbury	Mar., 1931		