

Graduation Keynote Address  
University of North Carolina  
Department of City and Regional Planning  
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## **TO SPEAK FOR THOSE WHO HAVE NO VOICE**

Chairman Malizia, distinguished faculty, families and friends, and most importantly, you, the graduates about to be let loose upon the world, I thank you for this great honor and privilege to help send you on your way. I've never done this before, and here I am at age 65 just as anxious as I was when I came here in 1972, met with Jack Parker and started, in earnest, my career in planning.

This great institution has had an indelible impact on my life and I wished I could thank each and every faculty member and fellow student with whom I shared my time here, but to do so would doubtless leave someone important unrecognized and leave us little time to address what we must. You are so fortunate to have come here to prepare for your careers.

The "terminal master's degree" – it sounds so final. So too the doctorate. But I tell you this, your graduation is no end. This is just the beginning. You will spend the rest of your lives in learning and teaching others.

I would like to start by making a couple of observations about how our profession has changed in the 45 years since I discovered planning as an undergraduate.

First, in many respects it hasn't changed at all. I read the syllabi for your introductory courses. At least a third, maybe a half, of the readings are ones that we were assigned in the early 1970s or derivatives of them. I have found planning remains largely incremental. I wrote an article in 1978 on the transfer of

development rights published in the North Carolina Law Review and I recently reread that article while peer reviewing a new book on the subject. The issues I wrote about in 1978 are essentially the issues before us today.

Planning is, as you have been taught, inherently iterative and interactive. Plans and decisions do build upon prior ones and they affect others.

These three “I’s” -- the incremental, iterative and interactive nature of planning -- can be excruciatingly frustrating. I am exasperated at how little progress we've made in many areas -- housing equity and affordability, growth management, natural resource protection, sustainability, preservation of historic landscapes and structures, protection of prime agricultural soils and farmland, minimum habitat area protection, and the list goes on. Why even the debate about clustering continues 60 or more years after the concept began to be widely discussed, except now some people choose to call these “conservation subdivisions.”

At the same time, the practice of planning has changed dramatically. Electronic communications and data access enable planners to be so much more productive. When I started as a planner in 1968, we did our population forecasting with giant mechanical calculators, called “coffee grinders” because they had notched discs that worked mechanically. You would punch in your numbers, push a button, and it would literally grind away to do the calculations. And if it jammed, which it sometimes did, you had to go back and spend hours inputting those numbers for your cohort survival method population forecasting.

When I was here, we had to wait in line at the statistical lab to use five-function calculators, the calculators that only a few years later gas stations gave away with oil changes. And of course there were no personal computers and no Internet. All of our maps and plans were done laboriously, with ink pens, Prisma-color pencils, zip-a-tone and the like. It was fun, but with the today’s technology you can do in a day what took us weeks to do. Really.

Search engines put the world's knowledge just a few keystrokes away. The ability to connect with others through the Internet and social networking has allowed us to create powerful networks that

advance our knowledge and further scholarly debate. Regrettably, they also provide undue leverage to some, but that perhaps is the price we pay for open access for all.

I want to share with you two stories from my practice that will lead me to the advice I have for you.

A lawyer friend asked if I could help someone who had just come to him looking for a new lawyer after being tied up in litigation for over a year. He wanted to refer the matter to me because he knew of my experience in land use. I took it on. The client was a man in his 60s, a foundry worker, a short stocky man, bulldog-like, with full metal leg braces, the result of suffering polio as a young boy. He told me that his wife, who I would guess was in her 40s, and their 16-year-old daughter loved horses and desperately wanted to own and operate a riding academy and boarding stable. So, on the verge of his retirement, he took his life savings, every penny he had, and purchased a small operating stable and riding facility on 5 acres in a rural area, borrowing a large amount of money with a commercial mortgage based in part on the additional income expected from the riding lessons and boarding.

Shortly after they closed on the property and moved in, the zoning enforcement officer issued a cease-and-desist order saying that the use was not permitted on 5 acres and that they would have to stop giving riding lessons and boarding horses. The family retained the local lawyer who had represented them in the real estate closing and he did what some lawyers do instinctively -- he just filed a lawsuit, in this case, against the sellers and the real estate broker claiming that they had misrepresented the property. The action languished in court for at least a year before the matter was referred to me. For more than a year, because riding lessons could not be given and horses not boarded, the family didn't have enough income to pay the mortgage. The bank began foreclosure proceedings.

I asked if anyone had looked at what surrounding towns had for standards for such facilities, whether there had been any talk about seeking a variance assuming that there was no vested right to continue to operate regardless, and whether it might be possible to amend the zoning ordinance to allow this use on this site. The answer was "no".

My client, seeing his life savings slipping away and his daughter's dream turn into a nightmare, was deeply distraught. I became increasingly concerned. I couldn't find anything in the lawyers' code of professional responsibility to tell me what I should do, so I just did what I thought I must and I called the parish priest, told him what was going on and asked him to watch out for the family, which he did.

I took a look at the towns around and found the several of them allowed riding academies and commercial boarding operations on properties as small as 5 acres. I called the chairman of the zoning commission, which commission has the final authority to make decisions on changes to the regulations, to discuss whether it might be possible to amend them. He told me he was a high school teacher and that the teenage daughter, who had been an excellent student, had seemed highly distracted during the last year and she was now failing in school. He told me how concerned he had been for her. He said he had not known about the zoning problem. It was now clear to him and to me that the daughter felt that she had put her family in this situation by her pleading, with her mother's support, to buy the property. We surmised that she must have felt that this disaster was all her fault.

The chairman of the zoning commission, when he saw the evidence from the surrounding communities, welcomed an amendment; we petitioned to change the zoning ordinance to allow commercial equestrian facilities on 5 acres, and went to the public hearing to present the petition. The town hall was an old building with high ceilings, maybe 15 feet between floors, and the hearing room was on the second floor. There was no elevator. My client wanted to address the commission and, when he got to the long flight of stairs, he refused my assistance. I watched him pull himself up the stairs, hand over hand, with his braces clanging on the metal edge of each stair tread. We presented our petition, the commission closed the hearing, and voted unanimously to amend ordinance.

By this time, it was too late for the family to recover financially. The property was foreclosed. I don't know what happened to them. They left town.

Abraham Maslow, who founded humanistic psychology and conceptualized the Maslow hierarchy of needs, once said that "He

that is good with a hammer tends to think everything is a nail.” If you are trained as a lawyer, you are bound to start by suing someone. We as planners need to be mindful of our own professional biases and challenge our own thinking about how we might get to the results we want. More about this later.

The second story comes from a December 2004 conference convened by Prof. Daniel Mandelker at the School of Law at Washington University in St. Louis. Many of you know Prof. Mandelker from his land-use law teaching, writing and speaking. He was my mentor as I made my way up through the American Planning Association's leadership. I take every opportunity I can to thank him publicly for all he's done for me and so many others. We all have an obligation to be a mentor to others and help them along just as others have helped us.

Those proceedings became a book, *PLANNING REFORM IN THE NEW CENTURY*. My role was to provide a commentary on presentations by two leaders in the field of housing and regulatory streamlining, Anthony Downs of The Brookings Institution, whose speech and chapter were entitled “Trying to Remove Regulatory Barriers to Affordable Housing” and Prof. Charles E. Daye from the law school here at the University North Carolina, whose speech and article were entitled “Intersections, Roadblocks, and Dead Ends -- Sketching a Housing Social Efficiency Analysis.”

I read their materials, listened to their speeches, and commented, mostly agreeing with what they said but also straining a bit to be conspicuously critical on a couple points just to show I was listening and that I had my own views. The transcription of my remarks became a 15-page commentary in the book following their chapters.

Now, a little background. My wife and I owned a great apartment in downtown Hartford in a National Register building where we could walk to everything but, when we had two children, it became clear that the 1,000 square feet we had, with no place for them to play outside, was not going to work. Also, the Hartford school system had many problems. Although we were somewhat uncomfortable about it, we decided to pick up and move to the suburbs, which we did 11 years ago, building a house right next to an elementary school in Simsbury just 10 miles from the center of Hartford, going from one of the worst school systems in the state to one of the best.

Two months after the conference and after I had submitted my written commentary, I had occasion to sit in on the "writer's workshop" as they called it in my youngest son's fourth grade class to hear the children read their essays on a wide variety of subjects.

Destinee Santiago, age 10, of Hartford, who at that time attended our local elementary school under a limited program that brings children from Hartford, wrote and recited her essay. I was so taken with what she said, of how compelling it was, that I went to Prof. Mandelker and the American Planning Association, which had the book in production, and insisted they include Destinee Santiago's essay. They did. Her essay is now forever preserved and she became the only published writer in the Latimer Lane fourth grade class.

Here's her essay entitled,

#### "Hartford Kids Should Get To Go To Other Schools"<sup>i</sup>

Do you live Hartford? Do you want to go to another school or does you parent or parents want to move to another school? Do you live too far away? Well I think Hartford kids should get to go to other schools because schools in the suburbs are safer, have a better education, and have parents that help a lot.

Schools like Latimer Lane in the suburbs are safer then Hartford schools. There are fewer bullies and more teachers around. In Latimer Lane, there are only two floors so you can see everyone on the first floor. The teachers and other people who work at Latimer Lane School know you by name because there are fewer children to keep track of.

Another reason why Hartford kids should get to go to different schools is because they get a better education. The teachers do not stress the children about CMT's [parenthetically that's the Connecticut Mastery Test under the federal "No Child Left Behind" law]. The children that go to great schools like Latimer Lane can concentrate more on learning. The teachers give one on one attention and are expected to do their best! The schools have many fundraisers to help the homeless too. Latimer Lane has great ideas like birthday clubs, Scholastic News, and the list the teachers make for books they suggest for that grade.

Last but not least, parents at Latimer Lane School are very helpful. The parents help the after school program, fundraisers, and volunteer in classes. Many parents put in a lot of time because they want to, not because they have to. Parents also help with projects. They also bake and show up for hay rides, survivor, and other activities.

No matter where you live or where you or your parents want to send you, you should be able to go to different schools.

Destinee Santiago, age 10.

Destinee Santiago is now a high school sophomore and attends Simsbury High School. She sits next to my son, Alexander, in health class.

What can we learn from the riding academy case and Destinee Santiago?

We as planners must never forget, we must never forget, that we have a job, that we have a mission that profoundly affects, touches and concerns the lives of people every minute of every day. Too many brightly-colored plans, too many pages of facts and figures, too much multivariate analysis, can blind us from the reality that what we do profoundly affects people, real people, ordinary people, people whose homes, and neighborhoods, and schools and places of work are at the center of their lives, where they are grounded, people who can't just pick up and move to another place.

We cannot ever allow ourselves to strap on professional blinders that keep us from seeing those innovative solutions that address the real problems. When we pick up that hammer of planning practice, we must resist the ready route to the nail, and instead challenge ourselves each and every day to problem solve synoptically and sometimes leave the comfort of our core body of knowledge. To do that, you must devote your working life to constant study and self-education.

Know this also, you who are now professional planners -- our clients, our constituents, the people we work for, the objects of our endeavors, are often people like Destinee Santiago, who have no

voice in the forum in which we may work. They are the poor, they are the disenfranchised, they are people who live far away but wish to be our neighbors, they are the old, they are the young, they are the people working two and three jobs who have no time to go to public hearings or run a blog, they are the people who need our help in processing and applying complex information, they are the generations not yet born, they are the people who will live on this earth 50 years and 100 years and 200 years and 500 years from now.

No one, no one other than we as planners, has such a responsibility to speak for those who have no voice in the public forum today and to speak for future generations. No one, no one other than we as planners, has the responsibility for decisions today that will profoundly affect others. When you save a sole-source aquifer, when you preserve a critical habitat, when you make it possible for dense mixed-use development along public transit corridors that gets people out of their cars, when you save a ridge top from trophy home destruction, when you preserve the historic landscape, and when you plan and regulate in a way that keeps our foundry worker's family from being destroyed and makes it possible for children like Destinee Santiago to live where they want to live and to get the education they so desperately seek and deserve, then, I say to you, you have begun to do your job as a planner.

You have my best wishes for the greatest success in your careers. You have chosen a most rewarding profession and I hope you enjoy your life's work as much as I have enjoyed mine.

Thank you.

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<sup>i</sup> The spelling and word choice are exactly what Destinee Santiago wrote.