



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board

From: CDD Staff

Date: December 2, 2015

Re: Update on Potential Changes to the Planning Board Rules

This memorandum and the attached draft materials seek to continue discussion with the Planning Board about possible changes to the Planning Board Rules. The purpose of updating the rules is to respond to suggestions made by various stakeholders following a series of focus group discussions aimed at improving the Planning Board process. The Planning Board held a preliminary discussion of the potential changes on May 26, 2015, and the current draft reflects the comments made by the members of the Board during that discussion.

Key purposes of the proposed changes are:

- To introduce a new set of requirements for early community engagement prior to the submission of the Special Permit Applications (Section 5)
- To enhance the quality of the presentation materials prepared by the applicants, including a requirement to submit a physical model for projects of substantial scale (6.3)
- To establish a standard for pooled public comments (6.7)
- To establish a guideline for the submission of written testimony (6.10)

Also included in this package is an early working draft of a process flow chart that is intended to illustrate the review process, but is not part of the official rules. Staff will continue to work on that illustration in the future.

It is anticipated that interested members of the public will provide written feedback, and make public comment at the Planning Board meeting on Dec 8, 2015.

CAMBRIDGE PLANNING BOARD RULES **DRAFT**

Section 1 Adoption of Rules

- 1.1 These Rules will become effective when they are adopted by 5 Members of the Board at a regular business meeting.
- 1.2 These Rules may be amended at any time at the Board's sole discretion by 5 Members of the Board at a regular business meeting.
- 1.3 These rules were adopted by the Board in 2006. They were amended as of **December __, 2015**.
- 1.4 A copy of these Rules will be provided to the public upon request to the Community Development Department.

Section 2 Definitions

- 2.1 In these Rules, the following words will have the following meanings:

BOARD means the Planning Board of the City of Cambridge. Seven Members and two Associate Members constitute a full Board.

APPLICANT or **PETITIONER** means a person, a group of people, an organization, or a business entity that submits an application to the Board for a Special Permit or project review or a petition for a zoning change or other request.

MEMBER is an appointee to the Board who has full voting authority.

ASSOCIATE MEMBER is an appointee to the Board who has authority to vote on a Special Permit Application when a Member is absent or disqualified from voting on that application; an Associate Member has full voting authority on all other matters before the Board.

CDD means the Community Development Department of the City of Cambridge.

Section 3 The Planning Board

- 3.1 The Planning Board is appointed by the City Manager consistent with the provisions of Chapter 2.68 of the Cambridge Municipal Code. Five Members or Associate Members of the Board will constitute a quorum of the Board for Special Permit applications, amendments to Special Permits

and any other matters related to Special Permits. Four Members or Associate Members of the Board will constitute a quorum for all other matters. Except as otherwise provided in Section 6.16, the Cambridge Zoning Ordinance or Chapter 40A of the General Laws of Massachusetts, when a quorum is present the Board can act by majority vote of the Members and Associate Members voting.

- 3.2 The two Associate Members will alternate turns for voting on Special Permit Applications when their vote is required. The chair will designate the voting Associate Members before a vote is taken.
- 3.3 At its first meeting in January of each year (or at the earliest possible meeting after that when a majority of the Board is present), the Board will elect a chair and a vice chair to serve for one year or until their successors are elected.
- 3.4 The chair will preside at Board hearings and deliberation meetings, and will review hearing agendas and other Board matters with CDD staff on behalf of the Board. The vice chair will carry out the duties of the chair in the chair's absence. If both the chair and the vice chair are absent or disqualified from participation because of a conflict of interest, the Member of the Board with greatest seniority will serve as acting chair, or, if that Member is unable or unwilling to serve as chair, the chair will name one of the other Members as acting chair.
- 3.5 Any Member or Associate Member who will not attend a public hearing because of absence or conflict of interest should notify CDD staff as soon as possible.
- 3.6 To the extent required by applicable law, a Member or Associate Member with a conflict of interest with respect to a particular matter will not participate in the Board's deliberation or decision on that matter.

Section 4 Board Meetings

- 4.1 Meetings of the Board will generally take place on the first and third Tuesday of each month, and/or at other times set by the Board. The meetings will begin at 7:00 p.m. unless the Board sets another time.
- 4.2 Public hearings and deliberation meetings of the Board will be open to the public unless the Board votes to go into executive session in accordance with the Massachusetts Open Meeting Law in order to discuss, deliberate, or vote on matters.
- 4.3 The chair may preface each item on the agenda with a brief description of the item and the proposed action to be taken. At the end of each item the chair may indicate what actions, if any, may be taken at future meetings.

- 4.4 Minutes will be taken of all meetings of the Board. Meetings of the Board **except Executive Sessions** will be transcribed to the extent feasible. Transcriptions of meetings will be available to the public; a fee may be charged by the **City** for such transcripts.
- 4.5 Public testimony is taken during a public hearing. During the discussion of other items of Planning Board business, the Board generally does not solicit public comment but may do so in its sole discretion.

Section 5 Pre-Application Early Community Engagement

- 5.1 For any project seeking a Special Permit from the Planning Board, the Applicant is responsible for planning, conducting and documenting an Early Community Engagement process prior to submitting a Special Permit Application. At a minimum, at least one community meeting hosted by the Applicant must be held at a time and location that is convenient to residents in proximity to the project site. Community Development Department staff must be notified of all planned meetings and activities in advance and should be consulted for advice on outreach. See CDD Guidelines for pre-application Early Community Engagement for general recommendations about conducting community meeting(s) and additional engagement options. CDD staff will notify the Board of upcoming Early Community Engagement meetings.
- 5.2 The Special Permit Application must include an Early Community Engagement Summary that includes details of the dates, times, locations and attendance of all meetings and other events that were held, a list of all outreach activities (mailings, postings, etc.) with a distribution map where applicable, and references to web sites and other outreach tools that were used. The summary must also include a brief description of the information presented by the Applicant during the pre-application Early Community Engagement phase, a list of questions and issues raised by community members, and efforts the Applicant has made to respond to those issues in the submitted proposal. A Special Permit Application will not be deemed complete and scheduled for a public hearing if it does not include an Early Community Engagement Summary.
- 5.3 The information to be presented by the Applicant during the pre-application Early Community Engagement phase should generally include, but not be limited to, an initial site analysis, a summary of existing site conditions and its surroundings, site photos, a summary of the Applicant's objectives with regards to the future development, and preliminary massing studies, plans, and renderings.

Section 6 Special Permit Public Hearings

6.1 Public hearings for Special Permits will not be scheduled until a Special Permit Application has been received and certified complete by CDD. For continued hearings, all supplemental materials must be received by CDD at least two weeks prior to the continued hearing date, unless the chair in his or her discretion shortens the time for submission.

CDD staff will provide the Board with all applicable zoning ordinance criteria or other material in connection with each Special Permit Application.

6.2 The Applicant will first present his/her case, either personally or through an attorney or other agent(s). The Applicant may present those experts, exhibits, documents, plans, models, and the like that s/he deems necessary to present the case effectively. A time limit will be placed on the Applicant's presentation: presumptively up to 30 minutes, although the Board may, in its sole discretion, allow more or less time if the complexity or simplicity of the case so warrants. Applicants are urged to provide the Board with as much information about the case as is practicable before the hearing. Applicants are urged to make all materials of sufficient scale so as to be visible to the Board and members of the public in attendance.

6.3 The Applicant's presentation shall include sufficient information to describe the relationship of the proposal to its surrounding context as it exists and as it is anticipated to change in the future. Such information may include a physical model, a computerized model, photo simulations, drawn renderings or other means.

For proposals involving the construction of new buildings or additions containing at least 50,000 sq ft of Gross Floor Area or for proposals that are less than 50,000 sq ft but more than 25,000 sq ft seeking Special Permits for height exceeding the allowable height in the district, a physical model of the proposal and the surrounding area is required to be presented at the public hearing. The purpose of requiring a physical model is to illustrate the scale and massing of new buildings in relation to nearby buildings, streets and open spaces. The Applicant shall meet with CDD staff to determine the appropriate scale and extent of the model given the specifics of the proposal.

6.4 Any individual may appear in person or through an agent or attorney to comment on a Special Permit Application, or may submit a statement in writing to the Board on the case. Every person appearing before the Board or submitting a written statement must identify him/herself for the record by full name and current address.

6.5 All individuals wishing to speak in connection with an application (or to be

advised of future hearings on the application, or to register their presence at the hearing in connection with the application) should sign the list provided for that purpose at the hearing.

- 6.6** Speakers will be permitted equal time to speak, generally 3 minutes. However, the Board in its sole discretion may extend or reduce the time allocated to public comment, or allow certain speakers additional time to speak for reasons that will be stated publicly, such reasons to include, for example, an equitable distribution of speaking time for differing points of view, allowing time for experts other than the **Applicant** to speak, etc.
- 6.7** Groups of individuals who wish to speak may designate one or more spokespersons to make a unified presentation to the Board on behalf of the entire group. Such spokesperson(s) shall be granted additional time to speak at the discretion of the chair, provided that the spokesperson(s) notify CDD staff prior to 5:00 P.M. on the Thursday prior to the date of the hearing that such spokesperson(s) has/have been designated.
- 6.8** Individuals will speak only when recognized by the chair. Speakers will address the Board and will not cross-examine the **Applicant** (nor will the **Applicant** or his/her agents cross-examine members of the public). Any questions directed to the **Applicant** or other parties should be directed through the chair.
- 6.9** The chair will have the power and discretion to rule any person appearing at the hearing out of order and to exclude or limit any testimony, which, in the chair's opinion, is repetitive, inappropriate, or irrelevant.
- 6.10** Written testimony may be submitted to the Community Development Department for transmittal to the Board. All written testimony received before 5:00 P.M. on the Thursday prior to the date of the hearing shall be transmitted to the Board for its review in advance of the hearing. Any communications received after that time will not necessarily be transmitted to or reviewed by the Board in advance of the hearing.
- 6.11** The Board in its discretion may continue a public hearing to a future date to enable the **Applicant** or any other interested party to present further evidence, exhibits, revised plans, or other information that the Board may request. If an **Applicant** makes changes to a proposal based on comments from the Board, the public, **C**ity staff, or other agencies, the chair may limit additional public testimony to the changed aspects of the proposal.
- 6.12** The Board in its discretion will close the public hearing portion of an agenda item when it deems that it has adequate oral and written testimony to reach a decision. Except as provided in Section **6.13**, no oral or written testimony will be accepted after the public hearing on an item is closed. In any event, a hearing will be considered closed when the Board reaches a decision on the matter.

- 6.13 In its deliberation on a **Special Permit Application** the Board may request or allow further information, oral or written, from the **Applicant** or other parties.
- 6.14 Outside the setting of an open Board meeting, Members and Associate Members will refrain from discussing a pending Special Permit Application with any party having an interest in the matter.
- 6.15 To the extent feasible, the Board's deliberation of a Special Permit Application will include a review of applicable criteria and guidelines listed in the Zoning Ordinance of the City of Cambridge, and the Board will make findings on each of the applicable criteria that will be incorporated into the written decision of the Board.
- 6.16 At any point in the Board's deliberation a Member may move to take action on an application. If the motion is seconded, the chair will ask the Board to discuss the motion before voting. Once this discussion is completed, the chair will ask which Members and Associate Members are in favor of the motion, against it, or abstaining. Five Members (and/or Associate Members) must vote in favor of a Special Permit in order for it to be granted. The chair will announce at the end of the voting what action was taken by the Board. Except as otherwise provided by law, only Members (or Associate Members) who have attended all public hearings on a Special Permit Application may vote on the disposition of the application.

Section 7 Special Permit Decisions

- 7.1 A decision of the Board on an application for a Special Permit will be made within 90 days of the date of the public hearing, unless extended by written agreement between the Board and the **Applicant**.
- 7.2 Decisions taken by the Board on Special Permit Applications will specify the findings made by the Board described in **6.15** above, as well as all conditions imposed by the Board on the granting of the Special Permit.
- 7.3 CDD staff will prepare a written decision incorporating the Board's findings and conditions, to be signed by the chair (or the vice chair or **his or her** designee) on behalf of the Board when the chair has approved of the written decision. Once the chair, vice chair, or designee has signed, the decision will be filed with the City Clerk.
- 7.4 Upon request of any Member made at a meeting, the Board will receive a copy of the decision to review before it is finally approved and signed by the chair.

Section 8 Zoning Petitions

8.1 The procedure for public hearing on and consideration of a zoning petition is essentially the same as that set out for a Special Permit in Section **6** above, with the following exceptions: Members or Associate Members may vote on the recommendation to be made with respect to the petition whether or not they have been present at all public hearings on the petition. A simple majority of a quorum of the Board is sufficient to send a recommendation on a zoning petition to the City Council.

8.2 The Board may decide not to send a specific recommendation on a zoning petition to the City Council but rather to send general comments on the issue for the City Council's consideration.

Section 9 General Laws and Zoning Ordinance

9.1 If there is any conflict between these Rules, Chapter 40A and any provision of the Zoning Ordinance, then Chapter 40A and the Zoning Ordinance will control.

CDD Guidelines for pre-application Early Community Engagement **DRAFT**

Early Community Engagement is an important part of project review that provides opportunities for community members to learn about a potential development project prior to any formal public hearings, allows interested parties to have a dialogue about the major concerns and issues that may be associated with a project, and provides useful feedback to the Planning Board to inform the Board's future review, when required.

Early Community Engagement options may include meetings with established neighborhood groups (where applicable), open houses, informative and/or interactive websites, distributing information through e-mail, mailings, flyers and on-site postings, and informal conversations with interested parties. The extent of outreach and engagement may vary depending on the location, scale and impact of the project.

The Planning Board requires, in Section 5 of the Planning Board's Rules, that projects seeking a Special Permit conduct a pre-application Early Community Engagement process including at least one community meeting hosted by the Applicant. These guidelines provide additional suggestions and ideas for making the community meeting(s) as meaningful and productive as possible.

1. Applicants are encouraged to schedule a meeting with CDD staff before initiating a pre-application Early Community Engagement process to identify an appropriate list of contacts and to decide on an appropriate combination of notification methods.
2. Community meeting(s) should be held at a time and location that is convenient for most community members to attend. Additionally, Applicants should schedule community meeting(s) in coordination with existing neighborhood and community groups to avoid any conflicts.
3. Community meeting(s) should be advertised by mail or e-mail no less than two weeks prior to the meeting date and should be located on-site or in close proximity to the site of a proposed project.
4. An appropriate list of community members who should be directly notified should include:
 - a) Abutters;
 - b) Nearby residents; and
 - c) Community groups in the project's neighborhood and adjoining neighborhoods. (A running list of existing neighborhood and community groups is available on the CDD website:
<http://www.cambridgema.gov/CDD/planud/neighborhoodorganizations.asp>

x)

5. In addition to targeted notification, outreach methods could be expanded to inform and engage a wider range of community members who might be interested in a project. Possible methods of notification may include:
 - a) Informative and/or interactive websites;
 - b) Neighborhood and other e-mail lists;
 - c) Social media; and
 - d) Posters or signs posted on-site or at other convenient locations.
6. Community meeting(s) can take many different formats. A typical format of community meeting(s) includes a short presentation about the proposal followed by a Q&A session and discussion session. Community meeting(s) could also include an “open house” format allowing community members to come in and out at different times to review the proposal and ask questions.
7. Throughout the pre-application community engagement process, the following information should be presented along with other information that might be relevant to the specific project. If the community engagement process has multiple phases, more general information might be presented for discussion at an earlier phase, with more detailed plans presented at a later phase.
 - a) An initial site analysis addressing site opportunities and constraints, the uses of all adjacent buildings, traffic conditions and major environmental considerations, and the zoning of the site and adjacent properties;
 - b) A drawing of existing site context indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site;
 - c) Photos showing the facades of adjacent buildings, trees on the site, general streetscape character;
 - d) A three-dimensional zoning envelope study that illustrates the maximum allowable floor area and building bulk under current zoning;
 - e) A description of the Applicant’s objectives with regard to the site development including tentative program mix; and
 - f) Preliminary massing studies, plan(s) and rendering(s).
8. It is strongly recommended that presentation materials be made available online for community members who were unable to attend.

CITY OF CAMBRIDGE'S SPECIAL PERMIT PROJECT REVIEW PROCESS

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