



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board

From: CDD Staff

Date: May 21, 2015

Re: **Planning Board Process Improvements Update - Possible Changes to the Planning Board Rules**

Overview

This memorandum and the attached draft materials seek to initiate discussions with the Planning Board members on possible changes to the Planning Board Rules. The purpose of revising the rules is to respond to suggestions that followed last year's series of focus group discussions aimed at improving the Planning Board review process. The focus group discussions resulted in the identification of the following six key improvement goals and associated short, medium and long-term actions.

1. Improve website design
2. Improve meeting logistics, including:
 - Public comments and proponent presentations
 - Equipment improvement and room layout
 - Planning Board operations
3. Improve public notification and access to information, including:
 - Notification methods for Planning Board meetings
 - Content of Planning Board agendas
 - Access to supporting materials
4. Improve understanding at all phases of the process, including:
 - Public records of Planning Board meetings
 - Process clarification
 - Monitoring once a project has been approved
5. Strengthen CDD role
6. Establish an early community engagement process

The outcomes of the focus group discussions were presented to the Planning Board and the City Council earlier this year. Three significant short-term actions have been identified as being best implemented through changes to the Planning Board rules:

1. Establishing an early community engagement process for Special Permit applications
2. Establishing guidelines for proponent presentation materials
3. Establishing standards for neighborhood group presentations, pooled comments, and the submission of written comments

While all three areas are important, the first item on the list – establishing an early community engagement process – was given the highest priority by stakeholders. Section 5 of the attached draft Planning Board Rules and the accompanying guidelines reflect staff’s initial approach to drafting a suitable framework for requiring early community engagement for Special Permit applications.

We welcome comments from Planning Board members on the framework for community engagement and on what specific provisions should be incorporated into the Planning Board Rules. At a future meeting, a set of potential changes to the rules will be submitted for formal consideration by the Board and comment from the public.

CAMBRIDGE PLANNING BOARD RULES

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 March 12, 2013, and further amended on _____, 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 5.14, 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 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.

Section 5 Special Permit Pre-Application Meeting & Community involvement

- 5.1 For any project seeking a special permit from the Board, the Petitioner is responsible for planning, conducting and documenting a community engagement process prior to submitting a special permit application. At a minimum, at least one community meeting hosted by the Petitioner must be held at a time and location that is convenient to residents in proximity to the project site. Additional 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. CDD staff must be notified of all planned meetings and activities in advance and should be consulted for advice on outreach. -See CDD's Guidelines for Hosting Early Community Engagement Meetings for general recommendations about conducting community meeting(s). Once the date, time, and location for the community meeting(s) have been confirmed, CDD staff will make the Board aware of the upcoming meetings.
- 5.2 Each special permit application must include a Community Engagement Summary that includes details of the dates, times, locations and parties in attendance of all meetings and other community engagement events, 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 Petitioner during the pre-application community engagement phase, a list of questions and issues raised by community members, and efforts the Petitioner 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 a Community Engagement Summary.

Section 6 Special Permit Public Hearings

- 6.1 CDD staff will provide the Board with all applicable zoning ordinance criteria or other material in connection with each special permit application.

The Petitioner will first present his/her case, either personally or through an attorney or other agent(s). The Petitioner 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 Petitioner'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. Petitioners are urged to provide the Board with as much information about the case as is practicable before the hearing. Petitioners are urged to make all materials of sufficient scale so as to be visible to the Board and members of the public in attendance.

Petitioner's presentation shall include sufficient information to apprise the Board and the public of the context of the project in the immediate neighborhood. In general, this should be accomplished by means of a physical model of sufficient scale, by a computerized model/tour of the neighborhood, by photo simulations, or by drawn renderings.

- 5.36.2 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.

- 5.46.3 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.

- 5.56.4 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 Petitioner's to speak, etc.

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. Subject to the Board's discretion to modify the time, such spokesperson(s) shall be granted additional time to speak. In order to utilize this unified presentation option the spokesperson(s) must notify

CDD staff and the chair in advance. CDD staff can provide assistance if there are visual materials to be presented.

6.5.6 Individuals will speak only when recognized by the chair. Speakers will address the Board and will not cross-examine the Petitioner (nor will the Petitioner or his/her agents cross-examine members of the public). Any questions directed to the Petitioner or other parties should be directed through the chair.

5.76.6 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.

5.86.7 Written testimony may be submitted to the Community Development Department for transmittal to the Board. The Board in its discretion, working with the Community Development Department, will determine from time to time the deadline for submissions of written testimony before the Board meeting at which an item on the agenda is to be discussed. In general, such deadline shall be the close of business on the Thursday before the applicable Board meeting.

5.96.8 The Board in its discretion may continue a public hearing to a future date to enable the Petitioner or any other interested party to present further evidence, exhibits, revised plans, or other information that the Board may request. If a Petitioner makes changes to a proposal based on comments from the Board, the public, city staff, or other agencies, the chair may limit additional public testimony to the changed aspects of the proposal.

5.406.9 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 5.446.10, 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.

5.446.10 In its deliberation on a petition the Board may request or allow further information, oral or written, from the Petitioner or other parties.

5.426.11 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.

5.436.12 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.

5.146.13 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 67 Special Permit Decisions

67.1 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 Petitioner.

67.2 Decisions taken by the Board on special permit applications will specify the findings made by the Board described in 5.136.12 above, as well as all conditions imposed by the Board on the granting of the special permit.

67.3 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 their 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.

67.4 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 78 Zoning Petitions

78.1 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 56 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.

78.2 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 89 General Laws and Zoning Ordinance**

| 89.1 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 Hosting Pre-Application Early Community Engagement Meetings

The Planning Board believes that early community engagement is an essential part of project review. Early community engagement provides opportunities for community members to learn about a potential development project prior to 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 for deliberation. The early community engagement process will allow the community the opportunity for early review of the information that the Planning Board will evaluate at the public hearing. Therefore, the Planning Board has developed the following guidelines for early community engagement as required by Section 5 of the Planning Board Rules.

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 engagement meeting(s) should be held at a time and location that is convenient for 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 by the Applicant no less than two weeks prior to the meeting date and should be located onsite or in close proximity to the site of a proposed project.
4. An appropriate list of community members who should be directly notified includes:
 - 1) Abutters;
 - 2) Nearby residents; and
 - 3) Existing neighborhood and community groups.(A running list of existing neighborhood and community groups is available on the CDD website: <http://www.cambridgema.gov/CDD/planud/neighborhoodorganizations.aspx>)
5. In addition to targeted notification, Applicants may be advised to expand their outreach methods to inform and engage a wider range of community members who might potentially be interested in a proposed project. Possible methods of notification may include:
 - 1) Creating informative and/or interactive websites;
 - 2) Distributing information through neighborhood and other e-mail lists;
 - 3) Distributing information through social media;
 - 4) Distributing flyers; and
 - 5) Installing on-site postings.

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6. Community meeting(s) can take many different formats. A typical format of a community meeting includes a short presentation by an Applicant followed by a Q&A session and discussion session.

7. Unless waived by the CDD or inappropriate to a particular project, as a minimum the following information should be presented at a pre-application early community meeting:
 - 1) 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;
 - 2) 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;
 - 3) Photos showing the facades of adjacent buildings, trees on the site, general streetscape character;
 - 4) A zoning envelop study that includes perspective drawing;
 - 5) A description of the Applicant's objectives with regard to the site development including tentative program mix; and
 - 6) Preliminary project plan(s) and rendering(s).

It is recommended that the Applicant make presentation materials available online for community members who were unable to attend.