

ARTICLE 7. PLANNING [Annotated by Karen Manning, Chris Steele, Collins Center for May 25 Review]

Sec. 7-1. Department of Planning and Development.

There shall be a Department of Planning and Development.

KM and CS recommend for Sec. 7-1:

There shall be a planning and development board, planning and community development department, and community development authority as provided by Chapter 705 of the Acts of 1975 (AN ACT ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT IN THE CITY OF NEWTON), as amended. The membership and term of office of the planning and development board shall be determined by ordinance. The mayor shall appoint the members of the board subject to council confirmation as provided in Section 3-3(a) of this charter.

Deliberation: Discuss proposed.

Collins: There shall be a planning and development board, planning and community development department, and community development authority as provided by Chapter 705 of the Acts of 1975, as amended. The membership and term of office of the planning and development board shall be determined by ordinance. The mayor shall appoint the members of the board subject to council confirmation [as provided in Section 3-3(a)] of this charter.

Sec. 7-2. Comprehensive Plan.

- (a) Content—There shall be a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the entire city. The plan shall cover the entire city and all of its functions and services or shall consist of a combination of plans governing specific functions and services or specific geographic areas.

CS and KM recommend: Modify Sec. 7-2 (a) Content: There shall be a comprehensive plan which contains the plan elements as described in Massachusetts General Laws, Chapter 41, Section 81D; provided however, that the city may also undertake planning activities relating to particular services and/or specific geographic areas within the city, as the mayor or city council shall determine from time to time.

Deliberation: Discuss proposed language.

Collins: There shall be a comprehensive plan which contains the plan elements as described in Massachusetts General Laws, Chapter 41, Section 81D; provided however, that the city may also undertake planning activities relating to particular services and/or specific geographic areas within the city, as the mayor or city council shall determine from time to time.

(b) Adoption—Upon receipt from the mayor of a proposed comprehensive plan or a proposed modification of the existing plan, the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council, report its recommendations on the proposal. After receipt of the recommendations of the planning and development board, the city council shall hold a public hearing on the proposed comprehensive plan or the proposed modification of the comprehensive plan and shall by resolution adopt the same with or without amendments. The city council may thereafter from time to time modify the comprehensive plan.

KM and CS recommend: Modify Sec. 7-2 (b) Adoption:

The Mayor may submit a proposed Comprehensive Plan or proposed modifications of such plan, including the recommendations from the planning and development board, to the city council. After receipt of the proposed plan and recommendations of the planning and development board, the city council shall hold a minimum of one public hearing on the updated comprehensive plan and shall by resolution adopt the same with or without amendments.

Deliberation: Discuss proposed language and whether to include parameters around reviewing the comprehensive plan on a periodic basis.

Collins: The Mayor may submit a proposed Comprehensive Plan or proposed modifications of such plan to the city council, including the recommendations from the planning and development board, to the city council. After receipt of the proposed plan and recommendations of the planning and development board, the city council shall hold a minimum of one public hearing on the updated comprehensive plan and shall by resolution adopt the same with or without amendments.

(c) Effect—The comprehensive plan shall serve as a guide to all future action by the city council concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

CS and KM recommend: Modify Sec. 7-2 (c) Effect:

“The comprehensive plan should reflect planning-related ordinances of the city, including but not limited to the city’s zoning ordinances. Within two years of adoption of a new or amended comprehensive plan and at least once within “x” years thereafter, the City Council shall conduct a thorough review of the city’s comprehensive plan and update that plan for consistency with change and city actions. This shall be done with citizen and professional involvement as the Council deems appropriate.” [reference MGL Senate Docket No. 2144]

Deliberation: Discuss proposed language and whether to include parameters (i.e. 5 years) around review of ordinances and any required reporting.

Collins: *...perhaps the members of the commission will have a better sense of this, but a 5 year window appears adequate to me.*

Sec. 7-3. Implementation of the Comprehensive Plan.

(a) Land Use and Development Regulations—In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations.

KM and CS recommend for Sec. 7-3 (a) Land Use and Development Regulations:

In accordance with the General Laws, the city council may by ordinance adopt land use and development regulations including, but not limited to, an official map and zoning regulations reflecting the intent of the city’s most recent comprehensive plan.

Deliberation: Discussion of the content of this section.

Collins: the 7-3 section title, “Implementation of the Comprehensive Plan” seeks to emphasize the relationship of the plan to the council’s related land use regulation responsibilities – would add the following phrase to the text above “...and zoning regulations, reflecting the intent of the city’s most recent Comprehensive Plan.”

(b) Urban Renewal—In accordance with the General Laws, the city council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for the alleviation or prevention of slums, obsolescence, blight or other conditions or deterioration.

CS and KM recommend for Sec. 7-3 (b) Urban Renewal:

Deletion of this section because it is outdated, and updated language would be at risk for becoming obsolete in the future.

Deliberation: Discussion over deleting this section

Collins: fine to delete – certainly some of the “mechanics” of development/redevelopment are addressed in c. 705.

c) Action by the City Council—Before acting on any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where the ordinance involves a matter covered by the comprehensive plan, the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council and prior to the public hearing on the proposed ordinance, report in writing its recommendations on the proposal. Upon adopting any such ordinance, the city council shall make findings and report on the relationship between the ordinance and the comprehensive plan and the comprehensive plan shall be deemed to be amended in accordance with the findings and report.

KM and CS recommend modifying Sec. 7-3 (c) Action by the City Council:

Action by the City Council—Before acting on any proposed ordinance concerning land use and development regulations or expenditures for capital improvements, where the ordinance involves a matter addressed in the comprehensive plan, the city council shall refer the proposal to the planning and development board which shall, within a time specified by the city council and prior to the public hearing on the proposed ordinance, report in writing its recommendations on the proposal.

Deliberation: Discuss content of this section.

Collins: I think this section is a way to keep the “feedback loop” re: planning and land use regulation responsive – by seeking consultation with the planning and development board, the city council is providing an entry to the city administration to assure that the zoning or related regulatory change is consistent with/reflects the intent of the Comprehensive Plan. It may also serve to identify areas where the Comprehensive Plan needs modification/amendment/revision so that the new zoning will achieve its intended aim.

CS and KM comments regarding [proposed] new charter’s transitional provisions or charter review report as warranted:

We recommend that a review of the city’s special permit granting authority (SPGA) procedures and oversight be reviewed by an appropriate committee. Our research and related testimony reflect that this committee, together with the Council might want to evaluate whether smaller, less complex permits should be considered for special permit review by the planning and development board, or other legally qualified bodies.

We do not recommend specifying or highlighting anything prescriptive about SPGA within the charter.

We also recommend that the city consider AICP best practices regarding private (ex parte) discussions between petitioners and SGPA officials.