

BROOKLINE ADVISORY COMMITTEE
Administration and Finance Subcommittee
Report on Warrant Article 24

The Administration and Finance Subcommittee held a public hearing on Thursday, April 8th, 2021 to review Warrant Article 24. In attendance were Harry Bohrs, Dennis Doughty, Neil Gordon, and Alok Somani for the subcommittee; Alison Steinfeld, Director, Planning and Community Development; and Melissa Goff, Deputy Town Administrator.

Warrant Article 24 proposes to amend the General Bylaws to create a new Division of Sustainability Planning within the Planning Department and to create an Assistant Director position to lead the new division.

RECOMMENDATION

By a vote of 4-0-0, the Administration & Finance Subcommittee recommends favorable action on an amended version of the Article (see below).

Discussion

Recognizing the seriousness of the climate change crisis, for some time the Town has been increasing its focus on sustainability. In the 2020 Annual Town Meeting funding for a sustainability program administrator was approved. In addition, the Collins Center for Public Management was engaged by the Town to recommend the organizational implications for sustainability initiatives. The Collins Center's [report](#) makes a number of recommendations, including the specific organizational recommendation reflected in this Article (establishing the Division of Sustainability Planning within the Planning Department and establishing the administrator position as an Assistant Director).

There is no budgetary impact associated with this Warrant Article as the position is already budgeted.

The spirit of this Article has already been voted at Town Meeting; this Article is essentially housekeeping changes to codify what has been agreed to. With that said, there was some concern expressed at the Subcommittee hearing that the ByLaws are far too prescriptive about the precise structure of the Planning Department. Some members of the Subcommittee would prefer the ByLaws be clear about the divisions of responsibility across departments but leave out the specific details of departmental structure. How many divisions the Planning Department needs to carry out its objectives seems like a decision for its Director, not for the ByLaws. Any such change to this Warrant Article would be out of scope, however, and the need to centralize responsibility for sustainability planning is paramount.

The Subcommittee did have one minor change to the language of the Article. Some members felt as if the last sentence of the new Section 3.12.12 was ambiguous and an amendment was offered to strike the phrase “, subject to approval thereof by the Director and the Select Board.” Specifically, the Subcommittee felt that this language (a) added no real value because all actions taken by the department are implicitly subject to review by

the Director and Select Board and (b) the language could be read to imply that explicit approval might be needed for this new position to even collaborate with other departments, which is clearly not the intent. This change has been cleared with Town Counsel and the Moderator and meets with no objection from Town Staff.

The full motion recommended by the Subcommittee (and approved by the Moderator) is reproduced below.

VOTED: That the Town amend Article 3.12 of the General Bylaws, Department of Planning and Community Development, as follows (language to be stricken appearing in ~~strikeout~~, language to be added appearing in underline):

ARTICLE 3.12 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

SECTION 3.12.1 ESTABLISHMENT

The Department of Planning & Community Development, hereinafter referred to as the Department, is hereby established. The Department is responsible for the town's planning, development and redevelopment programs and duties, including, without limiting the foregoing: zoning under G.L. c. 40A; subdivision control and planning, under G.L. c. 41, Sections 81A to 81GG, inclusive; all grants & aid functions; the town's housing programs; the town's preservation programs authorized by and implemented under G.L.c. 40C, by the Preservation Commission, authorized by the Historic Districts By-Law and the Demolition By-Law; and the town's economic development and sustainability programs. The Department shall be initially organized and this By-Law implemented on July 1, 1999.

SECTION 3.12.2 PURPOSE

It is the intent and purpose of this By-Law to consolidate all planning and development programs and duties, all grants and aid functions, all housing programs, all preservation and demolition regulations and requirements and all economic development and sustainability functions and programs into a single department. The consolidation is designed to attain efficiencies and economies of scale, to reduce or eliminate duplication and overlapping of services, responsibilities and functions, and to improve communication and coordination for planning and development functions between and among the various offices and agencies of the town. It is also the intent of this By-Law to provide expanded planning and community development programs and services to the

residents, the business community, the non-profit and the other institutions of the town.

SECTION 3.12.3 DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT

(A) Appointment & Term of Office. There shall be a Director of Planning and Community Development, hereinafter referred to as the "Director", appointed by the Select Board in accordance with the provisions in Chapter 270 of the Acts of 1985. The appointment shall be made annually for a term of one year, commencing July 1 of each year and continuing until the appointment and qualification of a successor.

(B) Qualifications. The Director shall be a person especially fitted by education, training and experience to perform the duties and exercise the powers of the office.

(C) Powers & Duties. The Director shall be responsible for the effective management, administration and coordination of all operations within the Department, for all of the fiscal and financial affairs of the Department and the management, administration and control of all personnel assigned to the Department. The Director shall make recommendations to the Town Administrator concerning the appointment and removal of Assistant Directors by the Select Board. The Select Board may establish and, from time to time, change the number of Assistant Directors. Without limiting the foregoing, the initial Department organization shall include an Assistant Director of Planning and an Assistant Director for Housing. An Assistant Director for Economic Development **and Assistant Director for Sustainability Planning** shall be added when requested by the Town Administrator and authorized by the Select Board. The responsibility for providing administrative and professional assistance to the Preservation Commission, under Section 3.12.11, and the implementation and enforcement of the Historic Districts and Demolition By-Laws shall be added to and become part of duties and responsibilities of the Division of Planning when requested by the Town Administrator and authorized by the Select Board. The Director shall appoint and may remove all other personnel within the Department. The Select Board may appoint the Director to serve as the head of a division, as defined in Section 3.12.4.

In addition to supervising and directing the effective functioning of the Divisions, and without limiting the generality of the foregoing, the Director shall have the following specific powers and duties:

1. To direct, assign and reassign all personnel within the Department, including reassigning personnel between Divisions.

2. To be responsible for the efficient coordination and implementation of the town's economic development, housing, open space, planning and preservation programs, and the administration and implementation of the town's demolition, grants and aid and historic districts decisions and policies.
3. To advise the Town Administrator and Select Board on all matters that are within the scope of the Department's activities and functions.
4. To be responsible for the preparation of the Department's annual budget request and town report, for all expenditures and receipts by the Department and for the administration of the town's personnel rules and orders within the Department.
5. To provide administrative and professional assistance to the Economic Development Advisory Board.
6. To provide administrative and professional assistance to the Housing Advisory Board.
7. To provide administrative and professional assistance to the Planning Board.
8. To provide administrative and professional assistance to the Preservation Commission.
9. To provide administrative and professional assistance to the Board of Appeals.
10. To provide the Town with and from time to time, amend Comprehensive Plans for land use, public and private transportation and parking, open space, recreation, urban renewal, telecommunications and utility services, economic development, housing, historic preservation and also for the future development and preservation of town resources consistent with its physical, social and economic requirements and the health, safety and welfare of the public.
11. To coordinate the town's planning and development functions with other local, regional and state plans and programs.
12. To supervise the work of consultants used to assist the Department.
13. To review and amend, when appropriate, rules and regulations and procedures relevant to the proper operation of the Department and the implementation of Comprehensive Plans.
14. To develop action standards, notice and hearing guidelines and decision filing procedures to ensure that notice, hearing, and filing requirements for the Department, the Divisions and the boards and commissions that they service are satisfied.

15. To delegate the implementation of any one or more of the powers and duties assigned to the Department to an appropriate Division or Assistant Director.
16. To oversee Grants & Aid functions, including Federal CDBG and HUD programs.
17. To assist in the preparation of the annual capital improvements plan which is required under Chapter 270 of the Acts of 1985 and G.L.c. 41.
18. To report to the Town Administrator, on a regular basis, the current objectives and programs of the Department and the activities of the Department with regard to those objectives and programs.
19. To supervise and evaluate all Assistant Directors in the Department.
20. To provide planning and community development services and programs to the residents, the business community, the non-profit and the other institutions of the town.
21. To facilitate and maximize meaningful input to Town boards and officials to the extent reasonably practical from Brookline Residents and other interested parties, including civic associations and neighborhood organizations.
22. To perform such other duties as may be assigned to the Department by the Select Board or Town Administrator.

SECTION 3.12.4 DIVISIONS WITHIN THE DEPARTMENT

The Department shall consist of the following divisions: the Division of Planning, the Division of Housing, ~~and~~ the Division of Economic Development and Long-Term Planning, and the Division of Sustainability Planning. Each Division shall be under the general management and control of an Assistant Director. The Assistant Directors shall be subject to the authority and direction of the Director. They shall render reports to the Director on a regular basis, including in such reports a summary of current activities, a list of both current and long-range issues being reviewed or worked on by the Division and a summary of the objectives and programs being implemented by the Division. Each Division shall perform the duties prescribed by law, the town's By-Laws and assigned to it by the Director.

SECTION 3.12.5 DIVISION OF PLANNING

The Division of Planning shall advise and assist in the administration and updating of municipal planning and zoning, in timely and continuing consultation with the public and private agencies and committees that have jurisdiction over the use or regulation of real property within the town. Municipal planning shall include the

creation, the review, the revision and the implementation of Comprehensive Plans for open space, land use, for public and private transportation and parking, for telecommunications and utility services, for recreation, for the utilization of town resources, particularly with respect to housing, business and commercial development and redevelopment, and for the careful study, and, when necessary, the preparation of plans of the resources, possibilities and needs of the town. The Division shall assist with the maintenance and annual update of the Capital Improvement Plan in accordance with the requirements of the Town Administrator, Chapter 270 of the Acts of 1985, and G.L.c. 41. The Division shall assist the Planning Board with implementation of the Subdivision Control Law and shall provide administrative and professional assistance to the Planning Board. The Assistant Director of the Division of Planning shall serve as the Secretary of the Planning Board and shall assist the Planning Board with the performance and discharge of the following duties:

- a) Creation, review and amendment of Comprehensive Plans in accordance with G.L.c. 41, §81D.
- b) Review, amendment and implementation of subdivision regulations under G.L.c. 41, §81Q.
- c) Review and report on Urban Renewal Plans under G.L.c. 121A.
- d) Review and report on matters pending before the Board of Appeals.
- e) Review and report on matters specified in or when required under the Zoning By-Law.
- f) Conducting of hearings and the filing of reports, with recommendations, concerning proposed amendments to the Zoning By-Law.
- g) Coordinate and facilitate open space planning and preservation within the town and among town officers and committees.

SECTION 3.12.6 PLANNING BOARD

The Select Board shall appoint seven residents to serve on the Planning Board for five year staggered terms. At least one of the appointees must be qualified for such appointment by virtue or relevant and significant experience or training in the field of environmental or urban planning.

The Planning Board is established under G.L.c. 41, §81A, and shall perform and discharge all of the statutory powers and duties required by law, including those set forth in The Zoning Act, G.L.c. 40A, in the Subdivision Control Act and other relevant sections in G.L.c. 41, Sections 81A to 81GG, inclusive, in Chapter 270 of the Acts of 1985 and in G.L.c. 41.

SECTION 3.12.7 DIVISION OF HOUSING

The Division of Housing shall initiate modifications and amendments of housing policies for the town, subject to the approval thereof by the Housing Advisory Board (HAB), the Director and the Select Board, and shall assist in the implementation of such policies. In housing matters, the Division shall maintain an effective and productive relationship among policy, programs and development, including affordable housing development under the Town's inclusionary housing provisions in the Zoning By-Law. The Division shall provide administrative and professional assistance to HAB.

SECTION 3.12.8 HOUSING ADVISORY BOARD

The Housing Advisory Board, whose powers and duties are more fully set forth in Article 3.13, shall review the town's housing policies and all modifications and amendments thereto proposed by the Division of Housing and shall make its recommendations and reports to the Director, the Town Administrator and the Select Board. HAB may initiate recommendations for amending or modifying the town's housing policies and may make recommendations for changes in the town's housing strategy.

SECTION 3.12.9 DIVISION OF ECONOMIC DEVELOPMENT AND LONGTERM PLANNING

The Division of Economic Development and Long-term Planning shall, from time to time, recommend modifications and amendments to the economic development, redevelopment, renewal and long-term planning policies of the town. The Division shall initiate policies and programs for the promotion and enhancement of existing business and commercial areas, subject to the approval thereof by the Director, the Economic Development Advisory Board (EDAB) and the Select Board. The Division shall assist in the implementation of such policies and programs. The Division shall maintain a current Economic Development and Long-term Planning portfolio and a list of all completed projects, all

projects in process and all projects awaiting implementation. The Division shall provide administrative and professional assistance to EDAB.

SECTION 3.12.10 ECONOMIC DEVELOPMENT ADVISORY BOARD

The Select Board shall appoint twelve residents to serve on the Economic Development Advisory Board (EDAB) for three year staggered terms. The present members of EDAB shall continue to serve for the remaining terms of their appointments. EDAB shall review the economic development, redevelopment and renewal policies of the town, and all modifications and amendments thereto proposed by the Division, and shall make its recommendations and reports to the Director, the Town Administrator and the Select Board. EDAB may also initiate recommendations for amending or modifying the town's development, redevelopment and renewal policies and may make recommendations for changes in the town's economic development strategy.

SECTION 3.12.11 PRESERVATION

The Department of Planning and Community Development shall provide the Preservation Commission, established under Article 5.6.4 in the By-Laws, with administrative and professional assistance with regard to the performance and discharge of the following duties:

- (A) Promoting the educational, cultural, physical, economic and general welfare of the town through the preservation and protection of its historical assets.
- (B) Implementing and enforcing the Historic Districts and Demolition By-Laws.

SECTION 3.12.12 DIVISION OF SUSTAINABILITY PLANNING

The Division of Sustainability shall recommend policies and modifications to such policies to the Select Board in order to promote sustainability and address climate change. The Division shall develop, maintain and update as appropriate a strategic plan to identify mechanisms and programs to implement said policies and to establish priorities for future action. The Division shall work with all divisions of the Planning Department and other municipal departments to further the Town's sustainability goals.