

CITY OF CAMBRIDGE, MASSACHUSETTS

## **BEUDO Review Board**

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

DRAFT Cambridge Planning Board Rules

April 15, 2026

### **1. 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 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 meeting.
- 1.3. These rules were adopted by the Board on [DATE].
- 1.4. A copy of these Rules will be published to the Office of Sustainability web site.

### **2. Section 2 - Definitions**

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

- **BOARD** means the BEUDO Review Board of the City of Cambridge. Nine Members shall constitute a full Board.
- **OWNER** shall mean an owner of a Covered Property, including but is not limited to:
  - An individual or entity having title, either directly or through a legally authorized or designated affiliate or subsidiary, to a Covered Property;
  - (b) An agent authorized to act on behalf of the owner of a Covered Property;
  - (c) The net lessee in the case of a Covered Property subject to a net lease with a term of at least forty-nine years, inclusive of all renewal options;
  - (d) The board of managers or trustees in the case of a condominium at the Covered Property; and/or
  - (e) The board of directors or trustees in the case of a cooperative apartment corporation at the Covered Property.
- **APPLICANT** shall mean an Owner that submits an application to the Board for a Hardship Compliance Plan, Deferral Plan, or other request.
- **MEMBER** is an appointee to the Board who has full voting authority.
- **OOS** means the Office of Sustainability of the City of Cambridge.

### **3. Section 3 - The BEUDO Review Board**

- 3.1. The BEUDO Review Board is appointed by the City Council consistent with the provisions of Chapter 8.67 of the Cambridge Municipal Code. Five Members of the Board will constitute a quorum of the Board for issuing decisions for Hardship Compliance Plan and Deferral Plan Applications, any other matters related to Hardship Compliance Plans or Deferral Plans, decisions on continued exemption of backup generation, and decisions on the types and geographic limits of Verified Carbon Credits.
- 3.2. At its first meeting, and every three years thereafter, or at the earliest possible meeting after when a quorum of the Board is present, the Board will elect a chair and a vice chair to serve for three years, or until their successors are elected. If a vacancy occurs in a chair or vice chair position, an election will be held at the earliest possible meeting when a quorum of the Board is present.
- 3.3. The chair will preside at Board public meetings and hearings and will review agendas and other Board matters with OOS 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, either the chair or vice chair will name one of the other Members as acting chair.
- 3.4. Any Member who will not attend a public hearing because of absence or a conflict of interest should notify OOS staff prior to the hearing and as soon as possible.
- 3.5. To the extent required by M.G.L. c. 268A., a 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.
- 3.6. In the event that the chair is not able to participate during a hearing due to a conflict of interest, the vice chair or their designee, will preside over the hearing.

### **4. Section 4 - Board Meetings**

- 4.1. Meetings of the Board will generally take place on the first and third Wednesday of each month, and/or at other times set by the Board. The meetings will begin at 4:00 p.m.
- 4.2. Public hearings and 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. Meeting notices will be posted to the City's web site at least 48 hours in advance of the meeting, excluding Saturdays, Sundays, and legal holidays.
- 4.5. Minutes will be taken of all meetings of the Board, including Executive Sessions. The Board will vote to approve meeting minutes typically within the next three meetings or within 30 days, whichever is later. Approved meeting minutes will be posted on the OOS website. Minutes of Executive Sessions will be available to the public, once the purpose of the Executive Session no longer requires confidentiality.
- 4.6. Public testimony is taken during a public hearing. During the discussion of other items of BEUDO Review Board business, the Board generally will not solicit public comment but may do so in its sole discretion.

## **5. Section 5 - Public Hearings**

- 5.1. Public hearings will not be scheduled until a Hardship Compliance Plan or Deferral Plan Application has been received and deemed complete by OOS. Applicant presentation materials must be received by OOS prior to 5:00 P.M. on the Wednesday prior to the hearing date and OOS will send these materials to the Board on the Friday prior to hearing. For continued hearings, all supplemental materials must clearly show any changes and must be received by OOS at least one week prior to the continued hearing date, unless the chair in their discretion shortens the one-week period.
- 5.2. OOS staff will provide the Board with all applicable BEUDO ordinance criteria or other material related to each Hardship Compliance Plan or Deferral Plan Application and to the extent feasible will make such information available on the City's web site on the Friday prior to the hearing date.
- 5.3. The Applicant may first present their case, either personally or through a designated agent(s). The Applicant may present supplemental materials they deem necessary to present the case effectively. A time limit will be placed on the Applicant's presentation: presumptively up to 15 minutes, although the chair may, in their sole discretion, allow more or less time.
- 5.4. The Applicant's presentation shall describe the relief category and specific relief requested as well as proposed alternative plan for compliance including schedule and expected emissions reductions.

- 5.5. Any individual may appear in person or through a designated agent to comment on a Hardship Compliance Plan or Deferral Plan Application. Every person appearing before the Board or submitting a written statement must identify themselves for the record by full name and current address.
- 5.6. All individuals wishing to speak in connection with an application during the public comment period should be called on by the chair before speaking.
- 5.7. 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.
- 5.8. 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 OOS staff prior to 4:00 P.M. the day of the hearing that such spokesperson(s) has/have been designated.
- 5.9. Individuals will speak only when recognized by the chair. Members of the public providing public comment 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.
- 5.10. The chair will have the power and discretion to determine the number of speakers that may provide testimony during a given hearing, generally up to 30 minutes per hearing and 3 minutes per speaker.
- 5.11. Written testimony may be submitted to the OOS for transmittal to the Board. All written testimony received before 5:00 P.M. on the Monday prior to the date of the hearing shall be transmitted to the Board for its review in advance of the hearing. The Board cannot guarantee that any written communications received after that time will be transmitted to or reviewed by the Board in advance of the hearing.
- 5.12. 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, revised scope and/or length of relief, or other information that the Board may request. If an Applicant 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.

- 5.13. The Board in its discretion will close the public hearing portion of an agenda item when it deems that it has adequate information and written testimony to reach a decision. Except as provided in Section 5.14, no information 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.
- 5.14. In its deliberation on a Hardship Compliance Plan or Deferral Plan Application the Board may request or allow further information, oral or written, from the Applicant or other parties.
- 5.15. Outside the setting of an open Board meeting, Members will refrain from discussing a pending Hardship Compliance Plan or Deferral Plan Application with any party having an interest in the matter.
- 5.16. To the extent feasible, the Board's deliberation of a Hardship Compliance Plan or Deferral Plan Application will include a review of applicable criteria and guidelines listed in BEUDO Regulations and Procedures, and the Board will make findings on each of the applicable criteria that will be incorporated into the written decision of the Board.
- 5.17. 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 which Members are in favor of the motion, against it, or abstaining. Five Members must vote in favor of a Hardship Compliance Plan or Deferral Plan 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 who have attended all public hearings on a Hardship Compliance Plan or Deferral Plan may vote on the disposition of the application.

## **6. Section 6 Hardship Compliance Plan and Deferral Plan Decisions**

- 6.1. A decision of the Board on an application for a Hardship Compliance Plan or Deferral Plan will be made at a public meeting held within 65 days after the filing of a complete application for hardship or deferral, unless extended by written agreement between the Board and the Applicant.
- 6.2. Decisions taken by the Board on Hardship Compliance Plan and Deferral Plan Applications will specify the findings made by the Board described in 5.16 above, as well as all conditions imposed by the Board on the granting of the Hardship Compliance Plan or Deferral Plan.
- 6.3. OOS 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 or vice chair or their designee has approved of the

written decision. Once the chair, vice chair, or designee has signed, the decision will be filed with the City Clerk.

DRAFT