

# **TOWN OF SEEKONK PLANNING BOARD**

## **ORGANIZATIONAL AND PROCEDURAL MANUAL**



Adopted by

Seekonk Planning Board

April, 27 2010

**TOWN OF SEEKONK - PLANNING BOARD  
ORGANIZATIONAL AND PROCEDURAL MANUAL**

The Seekonk Planning Board hereby adopts the following Manual, governing the organization of the Board and the procedures for its reviews and actions on applications.

**I ORGANIZATION OF THE PLANNING BOARD**

1. Membership

1.1 Authorization - The Planning Board is authorized and duly established in conformance with the requirements of Chapter 41, Section 81A, of the Massachusetts General Laws.

1.2 Composition - The Planning Board is composed of seven (7) members who are each elected for a term of five (5) years.

1.3 Election - At least one (1) position on the Planning Board expires each year, so that the terms of the members overlap.

1.4 Seating of New Members - A newly-elected or interim (appointed) Planning Board member must be sworn in by the Town Clerk prior to being seated as a voting member of the Planning Board. If appointed, the interim Planning Board member will be notified by letter of his/her appointment and asked to be sworn in as soon as possible.

1.5 Interim Planning Board Members - If a vacancy occurs, an interim member shall be appointed by a majority vote of a joint meeting of the Planning Board and Board of Selectmen in accordance with the requirements of State Law.

1.6 Vacancy of Planning Board Seat - A Planning Board member can vacate his/her seat by submitting his/her resignation to the Planning Board. Such resignation must then be accepted by the Planning Board at a Board meeting.

2. Officers - At a regular meeting subsequent to the annual general election, at which all members are present, the Board shall elect all officers of the Board to include a Chairperson, Vice-Chairperson, Clerk, and a Vice-Clerk.

2.1 Chairperson:

Subject to ROBERTS RULES OF ORDER, the Chairperson shall decide on all points of order. He/she shall appoint such "ad hoc" committees as may be found necessary and desirable.

In addition to powers granted by general laws and local ordinances, and subject to these rules and further instructions of the Board, he/she may request necessary help, direct the work of all subordinates and exercise general supervisory power.

He/she shall at each meeting report on all official transactions that have not otherwise come to the attention of the Board. He/she shall have the authority to sign all nonbinding correspondence, which has been authorized by the Board.

## 2.2 Vice-Chairperson:

The Vice-Chairperson shall act as Chairperson in case the Chairperson is absent, disabled or otherwise unable to perform his/her duties. The Vice-Chairperson shall be notified preferably 24 hours in advance in the event of having to chair a meeting.

## 2.3 Clerk:

The Clerk shall be a member of the Board. The Clerk shall endorse all plans and documents, as per the Board's direction, whenever required as an official action of the Board.

The Clerk shall also keep dockets and minutes of the Board's meetings in the absence of the Planning Board secretary.

The Clerk shall act as chair when both the chair and Vice-chair are absent or are unable to perform their duties.

## 2.4 Vice Clerk:

The Vice-Clerk shall act as Clerk in the absence of the Clerk.

# 3. Appointments

The Planning Board shall appoint one of its members to serve as liaison to SRPEDD. Any contact with SRPEDD shall be by a vote of the Planning Board. The appointment shall be for a period of one year.

The Planning Board shall appoint or nominate Board members or qualified others to serve as Board representatives to such other boards, committees, and task forces as authorized by state law or the Town of Seekonk Bylaws.

## II PROCEDURES OF THE PLANNING BOARD

4. Meetings - All Planning Board meetings must be posted publicly at least forty-eight hours prior to the meeting.

### 4.1 Regular Meetings

Regular meetings of the Planning Board shall be held twice monthly on the second and fourth Tuesdays of the month. The first meeting of the month shall be designated for items requiring specific action (subdivision/site plan review) and the second meeting of the month shall be reserved as a work session (bylaw/regulation amendments).

The meetings shall be held at the Town Hall, unless otherwise designated by official notice.

All agenda items shall be submitted to the Planning Department no later than noon the Tuesday of the week prior to the meeting; items requiring review by town officials will be put on a future agenda allowing sufficient time for such a review to be conducted, abiding by all regulatory and/or advertising timeframes.

If a review by an outside consultant is necessary, the applicant shall not appear before the Board until said review is completed. The Town Planner shall use discretion in determining if non-complex agenda items can be added to the agenda if said reviews are received after the agenda is set.

Discussion items for an agenda can be brought forth by anyone but must be in writing. They will require the endorsement of a Planning Board member or Town Planner and a written review by the Town Planner.

If the prescribed timeframe for action allows, decisions may be held off until a future meeting for deliberations and draft decisions to be written.

Regular Board business conducted in meetings open to the public shall not constitute a public hearing. The Board will allow testimony only as it deems necessary. The Chair may rule unsolicited comments out of order.

If a regular meeting falls on a holiday the meeting date shall be determined by a majority of the Board at its prior meeting before the holiday date. Meetings will not be held the 4<sup>th</sup> Tuesday of November or December unless it is determined by the Planning Board or Town Planner that one is necessary.

### 4.2 Special Meetings

Special meetings may be called by the Chairperson, or at the request of three Planning Board members. Notice thereof shall be given to each member at least forty-eight (48) hours before the meeting.

Announcement of a special meeting at any regularly scheduled meeting attended by a majority of the members shall be sufficient notice of such meetings, provided that the absent members are notified within the prescribed time set above.

#### 4.3 Emergency Meetings

Emergency Planning Board meetings may be called by the Chairman at the request of four members for resolution of specific emergency items. Only the specified emergency items can be on the agenda for such meetings. Board members shall be notified at least twenty-four (24) hours in advance of an Emergency Meeting.

#### 4.4 Quorum Requirement

A Planning Board quorum shall consist of a majority of the membership of the Board; and a quorum shall be necessary for any official action of the Board.

Absences of members shall be recorded as part of the minutes of each meeting, and if a member so wishes, the reason for his/her absence may be recorded. If an absence is with cause, the member shall, if possible, notify the Chairman or Town Planner in advance.

#### 4.5 Order of Business

The order of business of a regular meeting shall be as follows:

1. Call meeting to order;
2. Review and action on submittals to the Planning Board;
3. Review of correspondence;
4. Approval of minutes from meeting one month prior;
5. Executive session (if necessary)
6. Adjourn meeting.

### 5. Public Hearings

#### 5.1 Legal Requirement

The Planning Board shall hold public hearings as required by Chapters 40A and 41 of the Massachusetts General Laws. These hearings are required in response to zoning by-law amendments and definitive subdivision plan submissions.

## 5.2 Notice

Notice of public hearings shall be advertised and posted at least fourteen days prior to the hearing. A copy of the advertised notice shall be sent by certified mail at least fourteen days prior to the date of the hearing, postage prepaid by the applicant, to owners of property within 300' of the property line as they appear on the most recent local tax list, or otherwise as in the case of non-profit and governmental entities.

In the case of hearing for zoning by-law amendments, notices shall also be sent to the Planning Boards of abutting cities and towns, the MA Department of Housing and Community Development, and SRPEDD.

## 5.3 Hearings to be Public

All hearings shall be open to the public. No person shall be excluded unless he/she is considered by the Chairperson to be a "disturbance" to the workings of the Board.

## 5.4 Representation and Absence

An applicant may appear on his/her own behalf, or be represented by an agent. In the absence of any appearance, the Board will decide on the matter, using the information it has otherwise received. If the Board is unable to decide on the matter in the absence of the applicant/agent, the Board may continue the matter until another meeting date.

## 5.5 Order of Business

The order of business of a hearing will be as follows:

1. Reading of petition/legal notice by the Chairperson (unless waived);
2. Presentation of exhibits and explanation of proposal by the applicant or his/her agent;
3. Reading of pertinent documents and/or reports by the Chairperson or Town Planner;
4. Proponents to speak;
5. Opponents to speak;
6. General discussion;
7. Public hearing adjourned.

## 5.6 Questions during Hearing

Members of the Planning Board who are hearing the case may direct appropriate questions during the hearing through the Chair.

The rules of conduct for the hearing include but are not limited to the following:

- a. All persons must be recognized by the Chair before speaking;
- b. Speakers must begin by identifying themselves by name, address, and any pertinent affiliations;
- c. All questions/comments/remarks should be directed to the Chair, and not to the applicant, others speakers, staff, or others;
- d. Presenters and speakers are expected to be brief and to the point-the Chair shall determine time limits for individual presentations if necessary, to ensure that all citizens and Board members have the opportunity to speak
- e. Speakers should focus on asking new questions or providing new information, and avoid repeating previous remarks.

## 5.7 Briefs and Petitions

Briefs and petitions may be filed by interested parties at the hearing or within seven (7) days following the hearing.

# 6. Disposition by the Planning Board

## 6.1 Voting Requirement

The concurring vote of the majority of the Planning Board members present shall be necessary in any action taken by the Board, except in matters that require recording at the Registry of Deeds, which shall require a majority vote of the Planning Board, not necessarily those present. The record shall show the vote of the Board as a whole. If any member abstains from voting, the record shall indicate such fact.

The record shall also set forth clearly the reason or reasons for Planning Board decisions.

As the Town has adopted the Mullin Rule, a member of the Planning Board involved in an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. To be eligible to vote, the member shall certify in writing that they have examined all evidence received at the missed session, which evidence shall include an audio or video

recording of the missed session of a transcript thereof. The written certification shall be part of the record of the hearing.

Any actions of the Board to direct Planning staff shall require a majority vote of the Board present.

## 6.2 Withdrawal of Petitions

Any petition or application may be withdrawn, without prejudice, by the applicant prior to the publication of the public hearing thereon. Subsequent to the publication of the public hearing, the petition or application may be withdrawn without prejudice only with the approval of the Board.

In the event of a withdrawal of petition or application, the petitioner bears the costs related to the hearing up to that point (advertising, certified mailings, etc.)

## 7. Adoption and Amendment

This organizational and procedural manual may be amended by a majority of the Board, provided that the item(s) to be amended has been submitted at one regular meeting, and acted upon no sooner than the next regular meeting.

This organizational and procedural manual was approved by a majority vote at a regular meeting of the Seekonk Planning Board held on April 27, 2010 and is hereby effective.