



Planning Board Bylaws

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PLANNING BOARD BYLAWS

Bylaws are the operating rules which govern the internal affairs of the organization. They are based on the authority given by the Town Charter which enables it to exist.

I. Establishment and Purpose

The Planning Board was created by State law and incorporated into the 1994 Tiverton Home Rule Charter pursuant to Article X Section 1001(a).

Planning is a continuing process in which goals and objectives for the future of a town are developed and evaluated. The American tradition of municipal planning is rooted in the concept of a non-paid, non-political, citizen advisory Planning Board. The ultimate goal of the Planning Board is to ensure that the long-range planning and land use objectives of the town can be achieved.

The Planning Board is established to review site plans and subdivision applications and make recommendations to the Town Council regarding matters of land use, which will contribute to the planning and development of the Town of Tiverton. The Planning Board shall perform other duties as mandated by law.

II. Responsibilities of the Planning Board

The Planning Board is an administrative body of local government. Its primary responsibilities include:

1. Review and approval of proposed land development and subdivisions
2. Review and approval of proposed site plans
3. Review and provide an advisory opinion to the Zoning Board for special use permits and zoning variances when included in an application
4. Prepare land subdivision regulations
5. Prepare zoning ordinance regulations and make a recommendation to the Town Council
6. Participate and review in the preparation of the Comprehensive Community Plan
7. Report on matters referred by the Town Council, including proposed amendments to the zoning ordinance, zoning maps, license renewals and capital improvements
8. Advise the Town Council and other Boards on matters affecting the community's development
9. Inform the Administrative Officer of potential planning and land development violations within the town
10. Ensure written minutes of meetings are recorded as required by RIGL
11. Collect all materials from assigned mailbox in Town Hall in preparation for meetings

The Planning Board may not:

1. Grant zoning relief except when reviewing a Comprehensive Permit application or otherwise authorized by law
2. Act on a subdivision or site plan application in an arbitrary or special case manner that is inconsistent with adopted rules and regulations and the Comprehensive Community Plan

III. Organization

There shall be nine (9) members for terms of three (3) years each, rotating three (3) appointments each year. The members shall be appointed by and report directly to the Town Council.

III A. Officers

The presiding Officers of the Planning Board shall be the Chairperson and Vice Chairperson, elected annually in January by a majority of the members. In the event the Chairperson and Vice Chairperson are absent; the Planning Board may appoint a temporary Chairperson.

III B. Responsibility of Officers

1. Chairperson
 - a. Preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary procedure
 - b. Work in conjunction with the Administrative Officer to draft meeting agendas
 - c. Sign all approved final plans for recording in the Town Land Evidence Record
 - d. Decide all points of order or procedures during a Planning Board meeting
 - e. Appoint ad hoc committees
 - f. Serve as official spokesperson for the Planning Board, however written statements, press releases etc. shall be approved by the member's majority vote
 - g. Forward any legal binding financial documents to the Town Administrator for signing once approved by vote of the Planning Board
 - h. Submit as prescribed by Town Charter an Annual Report to the Town Council
 - i. Perform all duties incidental to the office and any other duties as may be required from time to time
 - j. Call emergency meetings of the Planning Board with a consensus of four (4) Planning Board members, and with at least forty-eight (48) hours' notice whenever possible according to RI Open Meetings Act (OMA)
2. Vice Chairperson
 - a. Perform all the duties of the Chairperson in case of absence
 - b. Perform other duties as may, from time to time be assigned by the Chairperson
3. Secretary
 - a. The Planning Board may appoint a Secretary as deemed necessary
 - b. The duties of posting the agenda, recording of minutes, ensuring proper legal notice of hearings is provided, maintaining an Applicant's file and attending to the correspondence of the Planning Board shall be designated to the Planning Department Clerk in the absence of a Secretary
 - c. In the event the Planning Department Clerk position is vacant the Planning Board's Administrative Officer shall perform these duties

III C. Planning Board Committees

The Chairperson may appoint ad hoc committees, pertaining to special projects or studies from the Board, not to exceed four (4) members. Such committees shall report to the Planning Board and may advise the Planning Board its recommended actions.

Planning Board committees may solicit advice and expertise from outside its membership. If such advice or expertise incurs a fee, funds must be approved by the Planning Board.

III D. Planning Board Members

Attendance is required by Planning Board members at regular meetings, absence of more than one third annually shall be grounds for removal from the Board by written notice from the Chairperson as noted in the Town Charter Sec. 1210(b).

Members are strongly encouraged to attend a minimum of four hours of continuing education annually related to Land Use. Attendance may be considered by the Town Council in deciding whether to reappoint the member.

III E. Vacancies

If a vacancy occurs other than by term expiration, the Town Council shall be notified in writing and the position advertised for the remainder of the unexpired term.

III F. Budget

The Planning Board shall be responsible for submitting an annual budget request to the Town Administrator and administering an annual budget as approved by the Financial Town Referendum. The funds shall be allocated for administrative costs, technical support, continuing education, and expenses associated with the Planning Board business.

III G. Support Staff

1. Planning Department Clerk
 - a. Paid staff assistance for the Administrative Officer and the Planning Board Chairman to perform general clerical duties as required
 - b. The municipal employee shall be available to accept applications and fees, record meeting minutes, post agendas and submit legal notices, respond to phone calls and emails and other correspondence within the scope of the job description
 - c. The Clerk shall provide assistance to the Town Planner, the Planning Board's Administrative Officer and members of the Planning Board within the scope of their duties
2. Planning Board's Administrative Officer
 - a. The Planning Board's Administrative Officer shall report to the Planning Board and is responsible for reviewing and certifying all applications to ensure they conform to the Land Use and Subdivision Regulations of the Town
 - b. These regulations are intended to promote development that is consistent with the Comprehensive Community Plan and Zoning Ordinances
 - c. The Administrative Officer shall provide all subsequent technical support to Planning Board members and Applicants
 - d. Submit a monthly written report to the Town Council and Planning Board of all activities
 - e. Attend all scheduled Planning Board meetings and site visits
3. Planning Board Solicitor

The Planning Board shall be advised by a qualified Land Use Attorney under contract with the Town and attend all scheduled meetings and assist members as needed for administrative matters.
4. Consultant Engineer
 - a. The Planning Board shall be advised by a qualified Engineer under contract with the Town on matters of an application within their scope as the Planning Board and Administrative Officer request
 - b. The Consultant Engineer shall attend all scheduled meetings and site visits

- c. The Planning Board or the Planning Board's Administrative Officer shall direct the Consultant Engineer to perform site visits, conduct a review and submit a report as part of an Applicant's petition
 - d. The Planning Board's Administrative Officer shall collect the appropriate retainer from the Applicant prior to work performed as determined within the annual fee schedule
 - e. Unless otherwise specified the Applicant is responsible for the cost of all reviews performed by the Consultant Engineer
 - f. Written reports shall be distributed to all Planning Board members and the Solicitor by the Planning Board's Administrative Officer electronically and in hard copy
 - g. The Consultant Engineer shall review performance guarantee submissions by the Applicant and make a recommendation in addition to the Director of Public Works
 - h. Any unused portion of a retainer shall be returned to the Applicant at the completion of the project
5. **Town Planner-Advisory**
The Town Planner serves in an advisory capacity to the Planning Board. Participation in meetings may provide members assistance in review of an application, provide professional historical planning context or additional information pertaining to local and state regulations.
6. **Director of Public Works-Advisory**
The Director of Public Works serves in an advisory capacity to the Planning Board. Participation in meetings provide members technical assistance in review of roadways, storm water management, water, and sewer management, setting of performance guarantees and recommendation for release of sureties. This professional technical service provides members with information on the infrastructure requirements of an individual application to the town. Copies of Final Plans and As Built Plans shall also be maintained by the Director.

IV. Meetings

Under the terms set forth, the Open Meetings Act shall apply to all meetings of the Planning Board, and appropriate notice shall be given.

IV A. Public Hearings and Public Information Sessions

- 1. The Planning Board shall hold public hearings as required by law
- 2. The Planning Board may hold public hearings or public information sessions, in addition to those required by law, when it is deemed such hearings or sessions would be in the best interest of the public and other parties concerned
- 3. A matter shall be advertised for a public hearing or information session when a public hearing or information session is required by law or when, by determination of the Planning Board, the meeting agenda is posted within the required time frame as having a public hearing or information session
- 4. **Conduct for all Public Hearings**
 - a. A citizen wishing to comment shall be recognized by the Chairperson and shall give his or her name and address for the record
 - b. The Chairperson shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times
 - c. The Chairperson shall reserve the right to terminate or adjourn the hearing in the event the discussion becomes unmanageable

IV B. Additional Meetings

All additional meetings shall be advertised and posted as required by the RI Open Meetings Act.

1. A Special Meeting may be set by the Planning Board when deemed necessary
2. The Planning Board may hold an Emergency Meeting, pursuant to RIGL 42-46-6(c) upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public
 - a. If an Emergency Meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the Secretary of State
 - b. Upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the issue or issues which created the need for an Emergency Meeting
 - c. Nothing contained herein shall be used in the circumvention of the spirit and requirements of the RI OMA
3. A Workshop Session primarily consists of matters for in-depth discussion or educational purpose
 - a. A Workshop Session is not intended to be held to discuss a particular application before the Planning Board
 - b. Less formal than a Regular Meeting, public comments may be allowed at the discretion of the Chairperson
4. A Site Visit may be scheduled by agreement of the Planning Board and Applicant
 - a. It shall be advertised as required by the RI OMA
 - b. A written report shall be documented by the Planning Board's Administrative Officer, distributed to the Planning Board, and placed in the Applicant's file
5. Executive Session shall be conducted in accordance with the RI Open Meetings Act and requires any official actions of the Planning Board to be taken at an open public meeting

IV C. Schedule

1. The annual schedule shall be approved by the Planning Board and submitted to the Town Clerk and Secretary of State each year by December 31st. This schedule shall be posted as required by the Open Meetings Act
2. Regular Meetings shall be held each month on a day established by the Planning Board
 - a. All meetings shall begin at 7:00 p.m. at the Town Hall unless otherwise posted
 - b. If any meeting date falls on a legal holiday, or for any other reason the Planning Board cannot meet, the new meeting date shall be determined by the Planning Board
3. Additional Meetings shall be held on a day established by the Planning Board two weeks following the Regular Meeting or as agreed upon by the Planning Board and Applicant

V. Proceedings

Robert's Rules of Order, as revised, shall serve as guidelines for the Planning Board's proceedings, except as otherwise noted by the Planning Board Policies and Procedures.

V A. Quorum

A quorum is required to open a public meeting and shall consist of at least five (5) members of the Planning Board, and is based on the full authorized membership, which is nine (9) as required by the Town Charter Article X Sec.1001(b).

V B. Voting

1. Action
 - a. Each member shall have one vote
 - b. Action to approve a Plan or amend Subdivision Regulations shall be taken only upon the affirmative vote of at least five (5) members
 - c. This requirement shall be upheld in the event of absences or recusals
 - d. In the event of a tie vote, the proposition being considered shall fail
 - e. A member voting to deny a petition shall be required to state their reason for the record
 - f. If a procedural or administrative motion fails, it can only be reintroduced at a later date by a member on the prevailing side
 - g. Administrative or procedural matters of the Planning Board shall only require a simple majority of members present
 - h. The Chairperson shall have the same right to act on matters before the Board as other members, including the right to make and second motions and vote
2. Recusal
 - a. Each member of the Planning Board shall vote on all applications before the Planning Board unless required to recuse in accordance with any applicable law or regulation
 - b. The member in question shall cite the categorical reason for recusal for the Board and it shall be documented in the meeting minutes
 - c. Examples of such reasons include, but are not limited to: business interest, financial interest, or relationship with the Applicant
 - d. The member shall leave the table for the duration of the petition being heard following the declaration
 - e. For reasons of conflict of interest, bias or prejudice a recusal form shall be completed and submitted to the Planning Board and the Secretary of State for the record, noted in the minutes and a copy of the form maintained in the Applicant's file

VI. Minutes and Records of Meetings

VI A. Records

1. Minutes shall be documented and audio recorded of all Planning Board Regular and Special Meetings and Hearings, Technical Review Meetings, Emergency Meetings, Executive Sessions, Workshops and Site Visit Reports as required by RIGL
2. At a minimum, minutes shall follow and include all agenda items as posted and include the names of Planning Board members present and absent, the names of persons appearing and addressing the Planning Board, a summary of statements made at a public hearing, actions taken including vote count, findings made, if any, and reasons thereof
3. The official minutes of the meetings shall be documented, audio recorded and prepared by the Planning Board Clerk, if the position is vacant the Planning Board's Administrative Officer shall perform these duties
4. As required by the Open Meetings Act, Draft minutes shall be presented to the Planning Board within thirty-five (35) days or the next regular meeting for review and approval
5. Once Draft minutes are approved by the Planning Board they shall be considered officially adopted
6. Executive Session minutes shall be sealed by a majority vote of the Planning Board
7. Sealed minutes shall be filed in the Town Clerk's office
8. Unsealed minutes shall be retained by the Planning Board's Administrative Officer and Board members, filed chronologically with the Regular minutes, submitted to the Town Council and made available to the public upon request

VI B. Copies and Distribution

1. Copies of all Draft and Approved meeting minutes shall be provided to all members of the Planning Board electronically and in hard copy by the Planning Board's Clerk or Administrative Officer
2. Approved minutes of all Regular, Special and any additional Meetings shall be submitted to the Planning Board, and the Town Clerk for distribution to the Town Council, and made available for public record

VII. Public Information

The Access to Public Records Act (APRA) provides the right of the public to access records of meetings and documentation, in accordance with the law, and shall not be denied. All APRA requests shall be made in accordance with the Town of Tiverton's APRA procedures, posted on the Town's website. APRA requests are filed through the Town Clerk's office and then forwarded to the Department Head to complete.

VIII. Ethics

VIII A. Town Code

Rules of conduct for Town Council Appointed Planning Board members are governed by the Code of Ethics as adopted by the Town Home Rule Charter Article XII Sec. 1203 and the State of Rhode Island Ethics Commission.

1. The Code prohibits a Planning Board member from participating in any official action affecting the Board member's own pecuniary or material interest, or that of his or her immediate family or his or her firm, partnership, association, or business associate
2. Further, Planning Board members are prohibited from using the position to obtain an unwarranted privilege, or from acting in a manner that would cause a reasonable person to conclude that the Planning Board member can be improperly influenced, or that a person could unduly enjoy the Planning Board member's favor in the performance of his or her official duties
3. Planning Board members shall file an annual Financial Disclosure Statement to the State of Rhode Island Ethics Commission as required by RIGL 36-14-16

VIII B. Disclosure

Any Planning Board member who believes that he or she should not participate in the discussion and vote on any issue shall recuse himself or herself publicly and complete the recusal form for the record.

IX. Amendments to Bylaws

The Bylaws of the Tiverton Planning Board by majority vote are hereby amended effective December 27, 2016.

These Planning Board Bylaws may be amended by the affirmative vote of a two-thirds majority of the members. Before the Bylaws may be amended, notice for the proposed amendment to the Bylaws must be properly posted on the meeting agenda in accordance with the Open Meetings Act.