

Easthampton Planning Board

Rules and Regulations



Amended February 19, 2017

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RULE 1:

AMENDMENT AND REVISION

These Rules may be replaced, revised or amended at any time by a majority vote of the Planning Board, where permissible under Federal, State or local law.

RULE 2

PLANNING BOARD OFFICERS

The first Planning Board meeting in January shall begin as an organizational meeting. At that time, the Board shall elect a Chairperson, a Vice Chairperson and Recording Clerk.

RULE 3

ROLE OF THE PLANNING BOARD CHAIRPERSON

The Chairperson shall schedule meetings and submit the agenda to the City Clerk in accordance with M. G. L. c. 30A, §§ 18-25 ("Massachusetts Open Meeting Law"). Any two members of the Planning Board may schedule a meeting of the Planning Board and must submit the agenda to the City Clerk in accordance with the Massachusetts Open Meeting Law.

The Chairperson shall serve as ex-officio member of all Planning Board Committees, and as such shall have full power and authority to attend all meetings of such committees and subcommittees, including any portions of such meetings held in closed or executive sessions but shall have the right to vote only in the case of a tie.

RULE 4

PRESIDING OFFICER

The Chairperson of the Planning Board shall preside at the meetings of the Planning Board. In the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both, the members present will elect a board member to preside over the meeting.

In the event that the Chairperson can no longer serve, the Vice Chairperson shall assume the powers and duties of the Chairperson.

If a vacancy occurs in the office of Vice Chairperson, the board shall elect a new Vice Chairperson from among its members before two (2) regular meetings have passed.

RULE 5

MEETINGS

The Planning Board will meet on the 1st and 3rd Tuesdays of each month, at 6pm in the Municipal Building unless otherwise posted with proper notice in accordance with the Massachusetts Open Meeting Law. The frequency, time and place may be changed by a majority vote of the Planning Board. Executive sessions shall be governed by M.G.L. Ch 30, § 21.

RULE 6

MEETING FORMAT

During meetings or Public Hearings at which the Planning Board is considering applications for approvals, permits or special permits, the applicant shall be recognized for presentation, followed by staff comments, questions and comments by Board Members, questions and comments by abutters and questions and comments by other members of the public.

In presentations by abutters and the public, the Board shall grant wide latitude in allowing people to speak, while reserving the right to limit presentations which are not relevant to the matters being discussed or are repetitive.

Time limits maybe set by the Planning Board prior to the beginning of a meeting or whenever necessary to facilitate discussion and deliberation in an orderly manner.

RULE 7

PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth and the charter or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's RULES OF ORDER, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

RULE 8

QUORUM

Three members of the Planning Board shall constitute a quorum for ANR, Site Plan Approvals, and general business. M.G.L. Ch. 40A § 9 (special permits) require the vote of at least four members of a five-member board to grant a special permit. The Associate Member shall be included when making such a determination.

RULE 9

RECORD KEEPING

Unless otherwise provided for by the Planning Board, the Recording Clerk shall keep a record of the proceedings and perform such duties as may be assigned by the Easthampton Home Rule Charter, by ordinance, or other Planning Board vote.

The Clerk shall transmit copies of the previous meeting's minutes to all board members no later than three days prior to the next scheduled meeting. After the minutes have been approved by the Planning Board, a copy shall be forwarded to the City Clerk and the City Planning Office.

Copies of the minutes of any meeting of the Planning Board may be requested through the City Clerk who will provide copies of the requested minutes, provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer.

RULE 10

FILING DEADLINES FOR REGULAR MEETINGS

Any items of business that is to be presented to the Planning Board at its regular meeting for action shall be submitted to the City Clerk, who will time-stamp and deliver the material to the Planning Department. Items will be placed on the agenda provided the following schedule is met:

ANRs (Approval Not Required)	By 12:00 noon three (3) business days prior to the scheduled meeting.
Special Permits	By 12:00 noon three (3) weeks prior to the scheduled meeting.
Site Plan Approvals	By 12:00 noon three (3) weeks prior to the scheduled meeting.
Other Business	By 12:00 noon the Wednesday prior to the scheduled meeting

The Chairperson shall determine placement of business on the meeting agenda subject to approval by the Planning Board members present at the meeting. The agenda shall be delivered to Board Members no later than three business days prior to the meeting.

RULE 11

LEGAL NOTIFICATION

Special Permits applications require legal notification consistent with the Easthampton Zoning Ordinance Section 12.77(b). All fees for legal notification are in addition to the fees for appearing before the Planning Board and shall be paid by the applicant prior to the start of the Applicant's hearing. Site Plan Approval applications require legal notification consistent with the Open Meeting Laws.

RULE 12

FEES FOR APPEARING BEFORE THE PLANNING BOARD

The Planning Board has the authority to set and adjust the fees periodically for appearing before the Planning Board. The current fee schedule (exclusive of fees for Legal Notification) as of January 2013 is:

ANRs (Approval Not Required)	\$50.00
Special Permits	\$100.00
Site Plan Approvals	\$100.00
Other Business	No Fee

RULE 13

APPLICATION TIMETABLES AND EXPIRATION

All business before the planning board is subject to the following timelines. Business that is not concluded within the required timeline will be given constructive approval.

ANRs (Approval Not Required):

- Hearings and final action must be taken within 21 days of the application submission or it will be deemed that approval under the subdivision control law is not required.
- If the Board determines that the plan requires approval under the subdivision control law, written notice of its determination must be transmitted to the city clerk and the applicant with 21 days of the application submission.

Special Permits:

Within 10 days of receipt of application, copies of the application must be transmitted to the Building Inspector, Board of Health, Conservation Commission, Highway Department, Historical Committee, Fire Department, Police Department, and Zoning Board of Appeals, who will be given 35 days to respond before their failure to respond will be deemed to be lack of opposition.

- Hearings must start within 65 days of application submission.
- Final action must be taken within 90 days of the hearing's closure or it will be constructively granted.
- Once the hearing has commenced, it may be continued indefinitely.

Site Plan Approvals:

Within 5 days of receipt of application, copies of the application must be transmitted to the Building Inspector, the Conservation Commission, the Zoning Board of Appeals, and any other appropriate city Board, Commission, or Department, who will be given 35 days to respond before their failure to respond will be deemed to be lack of opposition.

- Hearings must start within 60 days of application submission.
- Final action must be taken within 60 days of the hearing's closure or it will be constructively granted.
- Once the hearing has commenced, it may be continued indefinitely.

RULE 14

CODE OF ETHICS

The Planning Board requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, or sexual orientation, nor shall any member of the Planning Board use profanity, insulting, threatening, or abusive language in the course of public debate or in testimony before any City Agency, Board or Commission.

Furthermore, this code of ethics shall apply whenever a Planning Board Member is in any public setting representing said Board.

These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Board. Jurisdiction rests with the Planning Board as a whole, and therefore any member may motion for a finding of a violation of this Rule.

RULE 15

RULES FOR HIRING OUTSIDE CONSULTANTS UNDER M.G.L. CH. 44 §53G

Purpose. As provided by M.G.L. Ch. 44 §53G, the Easthampton Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services. Such services shall be deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the regulations and requirements of the Easthampton Zoning Ordinance, the Easthampton Subdivision Regulations, or any other City ordinance, regulation, or rule as they may be amended or enacted from time to time.

Special Account. Funds received pursuant to these rules shall be deposited with the City Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in M.G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. For the purposes of this rule, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation acceptable to the Board establishing such succession in interest.

Consultant Services. In hiring outside consultant(s), the Planning Board may engage engineers, planners, lawyers, urban designers, or any other appropriate professional who can assist the Planning Board in analyzing the project and to ensure compliance with all relevant federal, state, and local laws, statutes, ordinances, and regulations. Specific consultant services may include, but are not limited to, site plan review, stormwater review, traffic analysis, or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Planning Board. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue, or a related field. The consultant shall be chosen by, and report only to, the Planning Board and/or its administrator. Hiring outside consultants shall be in compliance with the Uniform Procurement Act, M.G.L. c. 30B §§ 1-19.

Notice. The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed by first class United States Postal Service or delivered by e-mail. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five business days of the date notice is given.

Payment of Fee. The fee must be received prior to the initiation of consulting services. The Planning Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Planning Board to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in the Easthampton Zoning Ordinance or Subdivision Regulations. The Planning Board will state as such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee. When the Planning Board's review of a project is completed and a permit issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest.

Appeals. The applicant may appeal the selection of the outside consultant to the City Council, which may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. Such an appeal must be in writing and received by the City Council and a copy received by the Planning Board, so as to be received within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Easthampton City Council within one month following the filing on an appeal, the selection made by the Planning Board shall stand.