

**TOWN OF LONGMEADOW – PLANNING BOARD  
RULES AND REGULATIONS**

Version 4.1, 3/13/07

The Longmeadow Planning Board in accordance with Chapter 40A, Section 9 of the General Laws hereby adopts the following Rules and Regulations, governing the organization and conduct of the Board.

**SECTION 1: PURPOSE AND INTENT**

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Longmeadow Planning Board in carrying out its duties and responsibilities as assigned to it by the bylaws of the Town of Longmeadow and the General Laws of the Commonwealth of Massachusetts. Where there appears any conflict between these Rules and state laws or the Town Charter, the Law and Charter shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws, the provisions of Robert's Rules of Order (Revised) will govern.

**SECTION 2: ORGANIZATION**

**Section 2.1: Election of Officers and Appointment to Committees**

1. The Planning Board shall consist of five members elected at the Annual Town Election each with a five (5) year term.
2. The first regular meeting held after the Annual Town Election will be the organizational meeting, during which standing committees are appointed, representatives to particular organizations elected, and the Planning Board's Goals and Objectives are established for the coming year.
3. Two officers, Chair and Clerk, shall be elected by a majority of the quorum at the first meeting of each calendar year.
4. A Planning Board member may serve as Chair or Clerk for 3 consecutive years, after which he/she shall not be eligible to be nominated for the same position until one year has passed. However, a two-thirds (2/3) vote of the Board can waive this provision.
5. Whenever a new Board member is elected by the Board authorizing him/her to sign certain documents in the name of the Board, copies of the authorization, signed by a majority of the full Board, shall be forwarded to the Registrar of Deeds and to the Land Court.
6. Vacancies on committees will be filled in the same manner as prescribed above under Section 2.1, for original appointment at the next meeting of the Board held following the receipt of the official notice of vacancy.

## **Section 2.2: The Chair**

The Chair shall preside at meetings, establish agenda, call special meetings, represent the Board in certain matters, and have the power to appoint board members to standing and special committees. The Chair may vote on all matters coming before the Board and may participate in debate.

## **Section 2.3: The Clerk**

The Clerk shall act as Chair when the Chair is absent or is unable to perform his/her duties. In the absence of both the Chair and Clerk, either the Chair shall appoint an acting Chair prior to the meeting, or the Board members at a meeting shall elect an acting Chair.

## **Section 2.4: Planning Board Appointments**

The Chair, with the concurrence of a majority of the Board, shall make appointments to such other boards, committees, and task forces as authorized by the Town Manager or Board of Selectmen.

The Board, by majority vote, shall appoint one of its members to serve as a member of the Pioneer Valley Planning Commission. The appointment shall be for a period of one (1) year.

## **SECTION 3: MEETINGS AND HEARINGS**

### **Section 3.1: Notice of Board Meetings**

Agendas for the Board meetings shall be prepared on the Friday prior to the meeting by the Chair of the Board. All agenda items shall be submitted to the Board no later than the Thursday prior to the meeting for inclusion on the agenda.

The agenda for the meetings shall be filed with the Town Clerk and publicly posted in Town Hall at least 48 hours, not including Sundays or legal holidays, prior to such meetings. Agendas shall also be sent to the Town Manager, Building Inspector, media, applicants and any interested parties.

### **Section 3.2: Notice of Public Hearings**

1. All hearings shall be open to the public. The applicant may appear on his/her own behalf or may be represented by an agent. If the applicant or representative is not present without due cause, the Board may act based on the information before it, may continue the hearing or may declare the petition withdrawn without prejudice.
2. Public hearings shall precede all other business at Planning board meetings, following review and action on minutes. Regular Board business shall be scheduled following public hearings. Regular Board business, while conducted in meetings open to the public, is not a

public hearing. The Board will allow testimony only as it deems necessary. Unsolicited comments may be ruled out of order by the Chair.

3. Notice of hearings shall be advertised as required by the provisions of the General Laws, Chapter 40A and Chapter 41 §81A. A copy of the Notice shall be sent by mail, in a timely manner prior to the date of the hearing, postage prepaid, to the applicant or petitioner, to “parties of interest” as defined in MGL Ch 40A and Ch 41, as they appear on the most recent tax list, to the Planning Board of every abutting town and all others as required by law.
4. Notice of hearings held pursuant to MGL Ch 40A and Ch 41, shall be filed with the Town Clerk and posted a minimum of fourteen (14) days in advance of the date of the hearing.

### **Section 3.3: Regular Meetings**

Regular meetings of the Board are generally scheduled for the first Thursday of the month, in the Police Department Community Meeting Room or such other time and/or place as is determined appropriate by the Chair. Other meetings may be scheduled as necessary.

### **Section 3.4: Special Meetings**

Special meetings may be called by the Chair at a time and location generally convenient to the Public. There shall be at least 48 hours notice given for a special meeting.

### **Section 3.5: Emergency Meetings**

Emergency meetings (same as special meetings, but without the ability to give 48 hours notice) may be called by the Chair; however, any action taken at an emergency meeting shall be confirmed at the next regular meeting.

### **Section 3.6: Sub-committee Meetings**

Sub-committee meetings are required to be posted, and shall be open to the public. Informal work group meetings are not considered subcommittees, and are not required to be posted or open to the public.

### **Section 3.7: Miscellaneous/Workshop Meetings**

The Planning Board may also hold other types of public meetings, information sessions, workshops in which the public is invited to participate.

### **Section 3.8: Public Participation During Meetings**

1. During a regular meeting, members of the general public will only be allowed to address the Chair or Board upon the invitation of a Board member and consent of the quorum, through a formal vote.

2. If the Chair determines that a meeting or Public Hearing is becoming too disorderly to properly conduct business, he/she may request a motion for a recess. In addition, the Chair may ask for a vote to eject unruly members of the audience pursuant to the General Laws. A majority of the quorum will carry the motion.

### **Section 3.9: Calling of Public Hearings**

Public hearings will be conducted:

1. For any Special Permit and/or Site Plan Approval application before the Planning Board;
2. For any Definitive Subdivision application before the Planning Board;
3. Prior to the enactment of any master plan or plan element;
4. For mandated public hearings prior to adoption or amendments to the Zoning Bylaw or Map.
5. For any other action for which the Planning Board determines a public hearing will be useful.

### **Section 3.10: Conduct of Public Hearings**

1. Public Hearings, which may take place during regularly scheduled meetings, will be advertised in accordance with the applicable provisions of the State Statutes which governs it.
2. Public Hearings, when called, will be conducted in the following manner:
  - (A) The Chair will announce that it is time for a Public Hearing and will announce the subject of such hearing.
  - (B) The Chair will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The Chair will then explain the procedure to be followed, including the time limits on speakers and the fact that each speaker shall give his name and address for the record. The Chair will then announce that the Public Hearing will begin.
  - (C) The Chair will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations of Town departments or boards pertinent to the matter.
  - (D) The principal proponent or project staff person will then be asked to make a presentation regarding the matter.
  - (E) Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations.
  - (F) Before opponents to an application or petition are called to speak, a member of the Board, may move for invocation of a summary procedure and, if seconded and

approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.

- (G) Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of his opposition and to present such supportive as was not included in previous presentations before the Board.
- (H) After all opponents have been heard, the Chair will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents. The Chair will then have read into the record, all letters received concerning the matter.
- (I) The Chair will then call for a general discussion or question and answer period. Only the Chair may recognize speakers and shall refer questions to the appropriate persons.
- (J) At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption.
- (K) Written information, by the applicant, or public regarding an application shall be submitted either to the Planning Board prior to the public hearing or at the public hearing.

### **Section 3.11: Quorum at Regular Board Meetings**

A majority of the authorized membership of the Board will constitute a quorum and must be present to conduct a meeting.

### **Section 3.12: Site Visit**

The Planning Board, or a designated subcommittee of the Board may make a site visit to the property that is the subject of the application. The applicant will be notified of the site visit.

## **SECTION 4: APPLICATIONS**

### **Section 4.1: Application Forms**

Applications to the Board for either Subdivision or Site and Design Review shall be made on the official application form specific for these procedures. Applications forms are available from the Planning Board as well as the Town Clerk's office. The information required with each application as specified in the Town of Longmeadow Subdivision Rules and Regulations and/or Zoning Bylaw shall be considered a part of the application and no application shall be deemed complete unless said information and fees are included.

### **Section 4.2: Filing**

Applications to the Board for either Subdivision or Site and Design Review shall be filed with the Board at a regular meeting of the Board. The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application form. The date of receipt by the Board shall be considered the date on which the application has been filed. All required information and the filing fee(s) shall be required at the time of filing unless waived by the Board.

### **Section 4.3: Information Required**

**Subdivision Applications** – See *Town of Longmeadow Subdivision Rules and Regulations*

**Site and Design Review** – See *Town of Longmeadow Zoning Bylaw*, Article XI.

### **Section 4.4: Fees**

#### **1. General**

All applications shall be accompanied by the appropriate fee as determined by the Planning Board list of application fees.

#### **2. Project Review Fees**

- (A) Introduction - In accordance with M.G.L. Chapter 44, Section 53G, the Planning Board may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; or because of the potential impacts of a project.

The Board may engage attorneys, engineers, planners, landscape architects, architects or other appropriate professionals.

- (B) Fee Payment – The Planning Board shall determine the initial deposit to be made and the amount of any additional funds that may be required during the review process.

The applicant shall pay such fees to the Town of Longmeadow and such fees shall be deposited in a special account with the Town.

- (C) Expenditure of Fees – Outside consultants retained by the Planning Board shall be paid from this special account. The expenditure of said fees shall be at the direction of the Planning Board, without further appropriation.

- (D) Excess Fees – After completion of the Planning Board’s review of a project, any excess fee amount, including interest, shall be refunded to the applicant or the applicant’s successor in interest and a final report of said account shall be made available to the applicant or the applicant’s successor in interest.

- (E) Failure to Pay Fee – Failure to pay a Review Fee by the applicant shall be grounds for disapproval of the subject application.
- (F) Reports – The Town Treasurer shall submit annually a report of said special account to the Chief Elected Board and Chief Administrative Officer of the Town.

The Town Treasurer shall cause said report to be published in the Annual Report of the Town.

### **3. Planning Board Fee Schedule**

The following fees shall be assessed for Planning Board filing and publications:

Preliminary Subdivision Plan	\$100 plus \$50 per lot
Definitive Subdivision Plan	\$500 plus \$100 per acre if no Preliminary Plan was filed or \$200 plus \$50 per acre if Preliminary Plan was filed
Approval Not Required	\$200
Site and Design Plan Review	\$500
Sign Bylaw Application	\$50
Advertising and Legal Notices	\$100
Abutter Notification	\$5.00 per Abutter

#### **Section 4.5: Distribution Of Plans**

The Planning Board shall send transmittal forms, and copies of plans where necessary, to the appropriate Town boards/commissions/departments including, but not limited to, the Building Inspector, Conservation Commission, Historic District Commission, Fire Chief, DPW, and the like. These boards shall have forty-five (45) days to submit their comments to the Planning Board.

### **SECTION 5: DECISION**

#### **Section 5.1: Review Criteria**

The Board shall use the review criteria/design guidelines found in Section F of Article XI of the Longmeadow Zoning Bylaw for Site and Design Plan Review and other applicable sections of the Zoning Bylaw in reviewing and making a decision on such applications before it.

#### **Section 5.2: Voting Requirements**

**Approval Not Required Plans** – Majority vote of the Planning Board (Chapter 41, Sections 81K-81GG of M.G.L.)

**Subdivision Applications** – Majority vote of the Planning Board (Chapter 41, Sections 81K-81GG of M.G.L.)

**Site and Design Plan Review** – The concurring vote of four (4) of the five (5) members of the Board shall be required for any decision on a site plan application (Article XI, Section G of the Longmeadow Zoning Bylaw).

### **Section 5.3: Decisions**

1. The Board’s written decision shall consist of either:
  - (A) Approval of the application based on specific findings that the project meets all of the necessary sections of the Zoning Bylaw and Subdivision Rules and Regulations.
  - (B) Denial of the application based on a finding that either: a) insufficient information was submitted with the application in order for the Board to adequately review the proposal; or b) a determination, based on specific findings, that the project does not meet the applicable sections of the Zoning Bylaw and Subdivision Rules and Regulations.
  - (C) Approval of the application, subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with appropriate sections of the Zoning Bylaw and Subdivision Rules and Regulations.
2. In the case of Site and Design Plan Review, the Board’s decision shall be filed with the Town Clerk and mailed to the applicant within ninety (90) days of the public hearing, unless extended by written agreement with the applicant, said agreement shall be filed with the Town Clerk.

### **Section 5.4: Withdrawal**

An application may be withdrawn without prejudice by notice in writing to the Town Clerk, with a copy submitted to the Planning Board, any time prior to the publication of the notice of the public hearing. Requests to withdraw after the publication date of the notice may be granted only by permission of a majority of the Planning Board. Any application fees paid by the applicant may be reimbursed at the Board’s discretion.

## **SECTION 6: ADOPTION & AMENDMENT**

1. These Rules and Regulations are hereby adopted [Insert Date] by the Planning Board.
2. These Bylaws and Rules of Procedures may be adopted and subsequently amended at any regular meeting by a majority vote of the Board, provided that any original proposal or amendment shall have been proposed at a regular meeting immediately preceding that

during which a vote is taken, and further provided that all members are mailed copies of the proposal in the interim.

3. These Rules and Regulations shall be reviewed at the organizational meeting each year.