

## **PROCEDURAL RULES OF THE LEXINGTON PLANNING BOARD**

As adopted on August 29, 1966 and amended on June 9, 1969, November 23, 1987, June 4, 2003, June 8, 2005, June 24, 2009, June 18, 2014, and August 19, 2015.

### Article 1. General Provisions

- 1.1. The Lexington Board, created under Article 26 of the Warrant for the 1918 Annual Town Meeting on March 11, 1918, in accordance with Chapter 283, Acts of 1914, as amended, and charged with municipal planning and subdivision control upon the adoption by the Town of the Subdivision Control Law in accordance with General Laws, Chapter 41, Section 81-A under Article 52 of the March 22, 1948 Adjourned Annual Town Meeting, shall consist of 5 members elected by popular vote for staggered three-year terms so that the term of no more than two of the members shall expire each year. Members of the Planning Board shall be registered voters in the Town of Lexington.
- 1.2. If a vacancy occurs on the Planning Board other than at the expiration of a term, such vacancy shall be filled for the remainder of the year until the next annual meeting by ballot by the Board of Selectmen and of the remaining members of the Planning Board meeting in joint session as provided for in General Laws, Chapter 41, Section 11
- 1.3. An associate member may be elected by a majority of the Planning Board to serve for one year, or until replaced, as allowed under M.G.L. 40A, Section 9 and the Code of Lexington §135-13.
- 1.4. When the Planning Board is the SPGA and the full Board is unable to act on a special permit application due to the absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board, the chair of the Planning Board may have the associate member sit on the Board for the purpose of acting on a special permit application.
- 1.5. The Lexington Planning Board shall have the duties and rights assigned to it by General Laws, Chapters 40-A and 41, as amended, and also such other duties and rights as may be directly or indirectly assigned to it by General Laws, by action of the General Court, or by vote of the Town Meeting.
- 1.6. Three members of the Planning Board shall constitute a quorum and the concurring vote, upon a motion duly made and seconded, of at least 3 members shall be required for any decision or action of the Board. If not unanimous, the vote of each member will be recorded in the minutes of the meeting, or by means of a specific instrument or plan endorsed by vote, decision, action or intention to act, or policy of the Board and shall constitute the authority for all communications, statements, certifications, and other acts necessarily following as a result of such vote, decision or action.
- 1.7. Remote Participation by members of the Planning Board at a public meeting is allowed as authorized by 940 CMR 29.00 and the Board of Selectmen's "Town of Lexington Remote Participation Guide (March 10, 2014)." Such participation is to be an infrequent event and not simply a matter of convenience for the Board member.

- 1.8. No member of the Planning Board or the planning staff shall purport to represent, act or speak for, or express the opinion of the Board, except in accordance with a general or specific vote or decision of the Board. Members of the Planning Board and the planning staff shall clearly identify expressions of their own opinion or belief as personal, not to be confused with the official position of the Planning Board.
- 1.9. Changes in the membership of the Planning Board shall not effect the validity and the effect of any previous decision, action or policy of the Board, nor its right to amend or rescind any such previous decision, action or policy consistent with the provisions of any applicable laws and with due regard for the rights of those affected by such amendment or rescission.

Article 2. Officers and Employees

- 2.1 At the last regularly scheduled meeting in June of each year, or at the first regularly scheduled meeting following annual town elections, the Board shall elect from among its members a chair, vice-chair and a clerk, each such officer to serve until his/her successor shall have been duly elected. Each member of the Board shall be eligible for election or re-election to each such office and the offices of vice-chair and clerk may be held by the same member. In the event of a vacancy in office by reason of resignation or otherwise, the Board shall promptly elect a successor to hold such office for the remainder of the term.
- 2.2 The chair of the Planning Board shall preside at its meetings and public hearings, call special meetings of the Board, appoint study committees, make oral or written statements and agreements on behalf of the Board, as authorized by and within the limits of a vote or a decision of the Board.
- 2.3 The vice-chair of the Planning Board shall perform the duties of the chair in the latter's absence and perform such other duties as may be delegated to the vice-chair by the chair.
- 2.4 The clerk of the Planning Board shall certify the minutes of the meetings of the Board, including extracts from the minutes of previous years when required, and shall perform the duties of the chair in the absence of both the chair and the vice-chair.
- 2.5 Special study committees of the Planning Board shall be appointed by the chair of the Board, their rosters filed with the Town Clerk, and may consist of members of the Board and/or other citizens willing to serve on such committees. Each committee shall remain in existence until it completes its task and submits a report or recommendation, but no longer than one year, unless reappointed. Upon dissolution of a committee, its records shall be deposited with the Planning Board and the Town Clerk notified of its termination. Reports and recommendations of study committees shall not be deemed to represent the position of the Planning Board, unless so voted specifically by the Board.
- 2.6 Committee members and committees required to be appointed by the Planning Board in accordance with a vote of the Town Meeting or with an act of the General Court shall be appointed by a majority vote of the Board.
- 2.7 The Planning Director and administrative assistant shall be appointed by the Town Manager with the approval of the Planning Board in accordance with the Selectmen/Town Manager Act, Ch. 753, July 24, 1968, and the Town Personnel Policies and Procedures. Subject to the availability of funds, the Board may request the Town Manager to employ on terms decided upon by the

Town Manager additional assistants, summer planning interns and other technical and clerical help, and to obtain consulting and other professional services. The work of the above shall be supervised and coordinated by the Planning Director.

- 2.8 The Planning Director shall make studies and recommendations to the Planning Board, manage the office of the Board, advise and assist other town agencies and civic groups in matters related to municipal planning and land development, promulgate and implement the decisions of the Board and carry out other specific tasks assigned by the Board.

If so voted by the Planning Board, and the vote recorded in the Middlesex Registry of Deeds, the Planning Director is authorized to sign plans and instruments to certify action taken by the Board relative to such plans and instruments in accordance with General Laws, Chapter 41, Sections 81-K to 81-GG inclusive. The Planning Director shall certify the bills for regular office supplies and expenses, including printing, legal advertising and books, but no expenditure of unusual character or of \$500.00 or more shall be incurred without a prior general or specific authorization by the Town Manager.

- 2.9 The Planning staff shall make available to each member copies of the agenda, together with such explanatory notes and recommendations as to action to be taken by the Board as may be appropriate and such copies of correspondence or other material relevant to the agenda as may be available. This shall occur whenever possible, on the Friday preceding each regular meeting of the Board

The Planning Director may make recommendations to the Board on any matter to come before the Board for action or decision, including, where appropriate, the preparation of proposed correspondence, resolutions and votes to be taken by the Board.

The Planning Director shall ensure that minutes of each meeting of the Board are taken and prepared.

- 2.10 The Office of the Planning Board shall be open 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays and special instances when no employee of the Board may be available in the office. The Board, its chair, and the Planning Director may make special arrangements to have the office open at other times as required.

### Article 3. Meetings

- 3.1 Regular meetings of the Planning Board shall be held on Wednesdays in the Town Office Building, at 7:00 p.m., whenever possible. However, the schedule shall be determined by the Board, based on the member's availability

Special meetings may be called by the chair or by the majority of the members of the Planning Board, who shall notify all members in person or in writing at least 48 hours in advance of such special meeting, if possible. The required legal notice shall be given in writing to the Town Clerk.

- 3.2 The notice of the time and the place of each Planning Board meeting shall be given in writing to the Town Clerk for posting on the bulletin board at least 48 hours in advance of such meeting, except in emergencies when immediate undelayed action is deemed by the Board to be

imperative.

Consistent with General Laws, Chapter 39, Sections 23-A and 23-B, all meetings of the Planning Board, except executive sessions, shall be open to the public, but no person shall address such meeting, unless given leave to speak by the chair or by the member acting as chair. Executive sessions may be held for the purpose of discussing or voting on matters which, if made public, might adversely affect public security, financial interests of the town or the reputation of any person, and on matters the disclosure of which is prohibited by law.

- 3.3 Minutes of meetings and other official records of the Planning Board, the records of executive sessions excepted shall be open to the public during the normal office hours. Records of executive sessions shall become public when, in the opinion of the Board, such action will no longer defeat the purposes of the executive session.

Records shall not be removed from the office of the Planning Board. The Town Clerk shall be the custodian of Planning Board records for the purposes of the Subdivision Control Law.

- 3.4 Persons wishing to meet with the Planning Board may obtain an appointment through the Planning Director or the chair of the Board. Any group of persons securing an appointment with the Board shall designate a spokesman to represent the group.

Persons wishing to meet with the Board on matters other than routine submission of plans under the Subdivision Control Law should secure an appointment no later than 4:00 p.m. on Thursday of the preceding week and inform the Board at that time through the Planning Director, of the subject matter to be discussed or presented.

- 3.5 Except for emergencies or compliance with legal requirements, the agenda for each meeting will be closed at 4:00 p.m. on Thursday of the week preceding such meeting and no appointments or items for action for such meeting will be accepted or scheduled thereafter.

The Board will generally not take action on, or respond to plans, proposals or other material presented by applicants or others with business before the Board which has not been filed with the staff by the time the agenda closes and is not distributed to Board members in advance of the meeting as part of material described in 2.9. Action or discussion of previously unseen material will be deferred to a subsequent Board meeting.

- 3.6 Public hearings shall be advertised and held by the Planning Board as required by law and as needed. So far as practicable, public hearings shall be held at the time and place of regular Board meetings.

- 3.7 The following expenses associated with any public hearing which the Board is required by law to hold on subdivision approvals or zoning changes not proposed by the Board shall be borne by the applicant or the sponsor of such zoning change: advertising; preparation and mailing of legal notices, room rentals fees if no space is available in the Town Office Building, special services required for public hearings, including interpretative services if requested by an abutter; and special secretarial services in connection with the taking and preparation of minutes of the hearing, if required by law or requested by such applicant or sponsor. One copy of such minutes, the taking and preparation of which have been requested and/or paid for by such applicant or sponsor shall be furnished to such applicant or sponsor free of additional charge.

- 3.8 Public hearings shall be conducted formally under the direction of the chair, or acting chair, of the Planning Board, who shall open the hearing, explain the procedure to be followed and describe the proposal.

Anyone wishing to speak must be recognized by the chair and all remarks must be addressed to the chair, although the chair may permit others to answer questions. Customary parliamentary procedures will normally be followed except where the number of people attending a hearing is so small as to permit a less formal procedure.

- 3.9 In procedural matters not covered by these Rules, the Board shall be guided by "Roberts' Rules of Parliamentary Practice" and by customary usage in the Town of Lexington.

Article 4. Enactment and Amendment

- 4.1 These Procedural Rules of the Lexington Planning Board are adopted and may be amended from time to time by the majority vote of the Lexington Planning Board. In the event of any present or future conflict between the provisions of these Rules and any legally binding action of the Town Meeting or any act of the Massachusetts General Court, the action of the Town Meeting or the act of the General Court shall prevail.