

# PLANNING BOARD PROCEDURAL RULES

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, August 19, 2015, June 15, 2016, and June 21, 2017.

## 1 GENERAL PROVISIONS

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### 1.1 AUTHORITY

#### 1.1.1 *Creation*

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, the Board is 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.

#### 1.1.2 *Administrative and Parliamentary Rules*

The *Planning Board Procedural Rules* are adopted and may be amended by a majority vote of the Lexington Planning Board.

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

In the event of any present or future conflict between the provisions of these Rules and any legally binding action of Town Meeting or any act of the Massachusetts General Court, the action of Town Meeting or the act of the General Court controls.

#### 1.1.3 *Organization*

The Board consists of five members, elected by popular vote for staggered three-year terms so that the term of no more than two of the members expires each year.

Members of the Planning Board must be registered voters in the Town of Lexington.

### 1.2 BOARD VACANCY

The process to fill a vacancy on the Planning Board other than the expiration of a term is governed by Massachusetts General Laws, Chapter 41, section 11. Within one month of any vacancy, the Planning Board must give written notice to the Selectmen. After one week's notice, the Selectmen, with the remaining members of the Planning Board, by roll call vote, may act to fill any vacancy to perform the duties of the office until the next Town election. This vote requires a majority of the two Boards, i.e., a vote of at least five of nine to fill a vacancy. The appointee must be a registered voter of the town.

### 1.3 ASSOCIATE MEMBER

An associate member may be elected by a majority of the Board to serve for one year, or until replaced, as allowed under M.G.L. 40A, Section 9 and the Code of Lexington §135-9.3.3.

### **1.3.1 Responsibilities**

When the 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 Board member, or in the event of a vacancy, the chair may have the associate member sit on the Board for the purpose of acting on a special permit application.

## **1.4 PLANNING BOARD RESPONSIBILITIES**

The Board has the duties and rights assigned to it by General Laws, Chapters 40A and 41, as amended, and any other duties and rights as may be directly, or indirectly, assigned to it by General Laws, by the action of the General Court, or by a vote of the Town Meeting.

## **1.5 PLANNING BOARD QUORUM**

Three members of the Board constitutes a quorum, and the concurring vote, upon a motion duly made and seconded, of at least three members is required for any decision or action of the Board.

If not unanimous, the vote of each member must 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.

## **1.6 REMOTE PARTICIPATION**

Remote participation by members of the Planning Board at a public meeting is 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.

## **1.7 SPEAKING FOR THE BOARD**

### **1.7.1 Board & Staff Members**

No Board or staff member may represent, act, speak for, or express the opinion of the Board, except in accordance with a general or specific vote or decision of the Board. To avoid confusion with any official position of the Board, members and staff must clearly identify personal opinions as their own.

### **1.7.2 Study Committees**

Reports and recommendations of study committees do not represent the position of the Planning Board unless specifically voted by the Board.

## **1.8 PREVIOUS BOARD ACTIONS**

Changes in the membership of the Board does not affect 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.

## 2 OFFICERS AND EMPLOYEES

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### 2.1 OFFICER ELECTIONS

#### 2.1.1 *Officer Elections & Positions.*

At the first regularly scheduled meeting in May of each year, or at the first regularly scheduled meeting following annual town elections, the Board must elect from its members:

- A Chair, and
- A Vice-Chair, and
- A Clerk.

#### 2.1.2 *Officer Vacancies*

In the event of a vacancy in office due to resignation or otherwise, the Board must promptly elect a successor to hold such office for the remainder of the term.

#### 2.1.3 *Term length*

Officers serve until a successor is elected.

#### 2.1.4 *Eligibility*

Each member of the Board must be eligible for election or re-election to each such office.

#### 2.1.5 *Multiple Offices*

The offices of vice-chair and clerk may be held by the same member.

### 2.2 OFFICER ROLES

#### 2.2.1 *The Chair*

The Chair of the Board presides at its meetings, calls special meetings of the Board, appoints study committees, and makes 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.

#### 2.2.2 *The Vice-Chair*

The Vice-Chair of the Board performs the duties of the Chair in the latter's absence and perform other duties as may be delegated by the Chair.

#### 2.2.3 *The Clerk*

The Clerk of the Board certifies the minutes of the meetings of the Board, including extracts from the minutes of previous years when required, and performs the duties of the Chair in the absence of both the Chair and Vice-Chair.

## 2.3 SPECIAL STUDY COMMITTEES

### 2.3.1 *Appointments*

Special study committees of the Board are appointed by the Chair; 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.

### 2.3.2 *Term*

Each committee remains in existence until it completes its task and submits a report or recommendation, but no longer than one year, unless the committee's charge is affirmatively extended by the Board.

### 2.3.3 *Dissolution*

Upon dissolution of a committee, its records must be deposited with the Planning Board and the Town Clerk notified of its termination.

## 2.4 BOARD APPOINTMENTS, LIAISONS, ETC.

Committee members and committees required to be appointed by the Board in accordance with a vote of the Town Meeting or with an act of the General Court must be appointed by a majority vote of the Board.

## 2.5 PLANNING STAFF

### 2.5.1 *The Planning Director*

The Planning Director makes studies and recommendations to the Planning Board, manages the office of the Board, assists other town agencies and civic groups in matters related to municipal planning and land development, promulgates and implements the decisions of the Board and carries out other specific tasks assigned by the Board.

If so voted by the 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 40A and Chapter 41, Sections 81-K to 81-GG inclusive.

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 ensures that Board meeting minutes are taken and prepared.

### 2.5.2 *The Planning Staff*

The Planning staff must make available to each member copies of the agenda, together with such explanatory notes, recommendations as to the 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 should occur on the Friday preceding each regular meeting of the Board.

## 3 MEETINGS

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### 3.1 REGULAR MEETINGS

Regular meetings of the Board are typically held on the first and third Wednesdays of each month, in the Town Office Building, at 7:00 p.m., whenever possible.

### 3.2 SPECIAL MEETINGS

Special meetings may be called by the Chair or by a majority of Board members, who must notify all members in person or in writing at least 48 hours in advance of such special meeting, if possible.

### 3.3 BOARD MEMBER AVAILABILITY

Persons wishing to meet with the Board may obtain an appointment through the Planning Office staff or the Chair. Any group of persons securing an appointment with the Board should designate a single point of contact to represent the group.

Persons wishing to meet with the Board on matters other than routine submission of plans under the Subdivision Control Law, site plan reviews, or special permits 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.

### 3.4 AGENDA CLOSES

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. The only exception to this rule is for properly filed Approval Not Required plans.

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 3.1. Action or discussion of previously unseen material will be deferred to a subsequent Board meeting.

### 3.5 PUBLIC HEARINGS

Public hearings are conducted formally under the direction of the Chair, or Acting Chair, of the Board, who must 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.