

TOWN OF NARRAGANSETT PLANNING BOARD



By-Laws & Rules of Procedure

Adopted December 15, 2020

Amended November 19, 2024

ARTICLE I: COMPOSITION OF BOARD

SECTION 1 - PLANNING BOARD

In accordance with Article 10 of the Town Charter, the Narragansett Planning Board consists of five (5) members who are appointed by the Town Council, none of whom shall be an employee of the Town. The town manager and/or the town manager's designee(s) shall serve as ex-officio members of the board. The Board annually elects its chairperson from among the appointed members. Minutes and decisions of the Board are filed in the office of the Town Clerk as required by State Law or Town Regulation and shall be a public record.

SECTION 2 – OFFICERS

The officers of the Planning Board shall consist of a Chairperson, Vice-Chairperson, and Secretary.

SECTION 3 – CHAIRPERSON

The Chairperson shall call and preside at all meetings and public hearings of the Planning Board, sign certain documents of the Planning Board, prepare all agendas with the assistance of staff, appoint committees as necessary and conduct all meetings in an orderly manner. The Chairperson shall have the privilege of discussing all matters before the Board and vote there on.

SECTION 4 - VICE-CHAIRPERSON

The Vice-Chairperson shall perform all the duties and assume all the responsibilities of the Chairperson in his/her absence, disability or disqualification.

SECTION 5 – SECRETARY

The Secretary shall, in the absence of a Planning Clerk/Assistant arrange and prepare legal notices of hearing, prepare the Minutes of all regular and special meetings, sign such Minutes following the approval by the Board, keep accurate record of all Board meetings in an appropriate location, and assume the duties and responsibilities of the Chairperson in the absence, disability or disqualification of the Chairperson and Vice-Chairperson. Additionally, the Secretary shall receive, label and keep a record of all exhibits submitted to the Board at public hearing.

SECTION 6 – ELECTIONS

During the month of January of each year, the Board shall elect from its membership a Chairperson, Vice-Chairperson and Secretary.

A candidate for an office of the Board who received the majority vote shall be declared elected and shall serve for one (1) year or until his/her successor shall take office.

Vacancy in any officer position shall be filled immediately by regular election procedure. Newly elected officers shall serve the unexpired term until the next annual election.

SECTION 7 - TERM OF BOARD MEMBERSHIP

The term of the members shall be five (5) years. Any vacancy during the unexpired term of a member shall be filled by the town council for the remainder of the term.

SECTION 8 – COMMITTEES

Ad-hoc sub-committees shall be appointed by the Chairperson when necessary.

ARTICLE II: MEETINGS AND RULES

SECTION 1 – MEETINGS

Regular meetings will be held on the third Tuesday of each month at 6:00 pm in the Town Hall unless otherwise publicly advertised. The meetings will end at 10:00 p.m. unless voted to extend by a majority of members present at the meeting, except that at the Chair's discretion the meeting may be extended to conclude consideration of any specific item of business begun prior to 10:00 p.m. All work sessions shall adjourn no later than 10:00 p.m. unless extended in accordance with the above procedure.

Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested by a majority of Board members. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of the Board. All members of the Board shall be notified in writing not less than forty-eight (48) hours in advance of a special meeting.

The Chair may cancel or change the date of regular meetings for cause, including but not limited to absence of a quorum, absence of an agenda, meeting date falls on a holiday, inclement weather, public health emergency, or an extraordinary number of regular and special meetings during the preceding 90 days. Notice of such cancellation shall be given to the members at least 24 hours in advance, if possible. If a regular meeting is cancelled, that fact and the cause shall be addressed at the next Board meeting and set forth in the minutes of the Board.

SECTION 2 – QUORUM

A majority of the current membership of the Planning Board shall constitute a quorum at regular and special meetings. It is the official policy and expectation of the Planning Board to have its members regularly attend Board meetings. Regular attendance is vital to conduct the business of the Board, to have a quorum of the Board, to have informed Board members and quality participation, and to respect the time and interest of the public.

Members of the Board present for each agenda item shall be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively. Persons abstaining shall not be considered “members voting” in determining whether a question has been adopted. Members are expected to vote on matters before the Board, unless that member has recused himself/herself. Abstaining from a vote is discouraged, unless the issue pertains to business which took place when the member was absent.

An abstention from voting on an issue or agenda item shall not defeat a quorum.

SECTION 3 – RULES

All meetings shall be conducted in accordance with Robert's Rules of Order, modified to allow for full discussion and consistency with State Law, except where such are inconsistent with these procedures. The Board may adopt any procedural rules, not inconsistent with these procedures, deemed necessary to the discharge of its duties.

All meetings shall be open to the general public except where permitted to be closed under the Rhode Island Open Meetings Law (RIGL42-46-1, et seq).

SECTION 4 - DEADLINES FOR SUBMITTALS

Any proposal submitted by a member of the public or his/her representative must be received by the 15th day of the month to be considered for placement on the following month's Planning Board agenda. Staff will initially review each application for completeness and inform the applicant of any necessary documents that are outstanding or insufficient by the first day of the

following month. All supplemental documents must be received by the 7th day of the month in order to be confirmed for that month's meeting. These deadlines may be extended by agreement of both parties. Nothing herein obligates the Planning Board Chairman to place an item on an agenda if it will cause the meeting to run past the allotted 4-hour time frame.

Any item confirmed on an agenda that is deferred by the applicant's request less than 14 days in advance of the Planning Board meeting will be rescheduled for the second month following the original meeting date unless granted an exception by the Chair.

ARTICLE III: AGENDA - ORDER OF BUSINESS

SECTION 1 – AGENDA

The Chair shall coordinate with the Planning staff to prepare an agenda for each meeting and post such agenda in accordance with the requirements of the Rhode Island Open Meetings Law, (RIGL42-46-1, et seq.). No items shall be placed on the agenda unless all required documentations have been submitted. Items added to an agenda less than 48 hours prior to the meeting time shall be limited to discussion only. Any additions to an agenda must be approved by a majority of members present at the meeting and cannot include a subdivision, land development, comprehensive permit or site review of a variance or special use permit application.

The order of agenda items shall be as follows but may be changed at the discretion of the Chair.

1. Call to Order
2. Roll Call and Determination of Quorum.
3. Administrative Matters – such as continuation of agenda items etc.
4. Consent Agenda – including approval of minutes
5. Regular Agenda – including public hearings
6. Reports & Special Items
7. Comments – from Board Members & Planning Staff
8. Adjournment

SECTION 2 – PUBLIC HEARINGS

All hearings of the Planning Board shall be conducted under Roberts Rules of Order. Public hearings for amendments to the comprehensive plan or preliminary hearings for subdivisions, land developments and comprehensive permits shall be recorded digitally and/or by licensed stenographer. Transcripts of each hearing are not required except in the case of an appeal of the Planning Board's decision. Digital recording and/or stenographic record may also be made of informational hearings and other proceedings the chair deems of high importance.

Each individual, including board members, attorneys, experts, applicants, or members of the general public shall be recognized by the chair before being authorized to speak on the record. Exhibits for the record shall be submitted in hard copy and digitally (when possible) and numbered sequentially by the Secretary. The clerk shall keep a record of all exhibits.

Interruptions of a recognized speaker are prohibited except by the chair or acting chair. Questions directed to a speaker and or expert shall be made through the chair who may/may not require a response based on relevance to the topic of the hearing. Cross-examination of an expert by anyone other than the Board shall be governed by the Chair at his discretion.

All hearings shall be closed by a vote of the membership in attendance and deliberations are restricted to only that information placed on record before the close of the hearing. A decision by the planning board to approve any land development or subdivision application requires a vote for approval by a majority of planning board members present at the time of the vote. A

decision by the planning board to approve a variance or special-use permit pursuant to any adopted unified development review regulations requires a vote for approval by a majority of the planning board members that were present at the public hearing at which the request was heard.

In addition to hearings required by law, the Board may at its discretion hold public workshops or special meetings when it decides such meetings will be in the public interest. Notice of public hearings shall be published at least once in the official newspaper of the town according to the Rhode Island Open Meetings Law. Notice of public workshops and special meetings shall be posted in accordance with Article II, section 1 above and the Rhode Island Open Meetings Law.

If two consecutive continuances/deferrals are requested by the applicant and granted by the Chair, a first-class mailing specifying the new date of the hearing shall be sent at the applicant's expense to all property owners within the abutter radius at least 14 days prior to the hearing date. An affidavit certifying to such mailing shall be submitted to the Clerk of the Board prior to the day of the Public Hearing.

ARTICLE IV: MEETINGS AND VOTES

SECTION 1 – VOTES

All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any Comprehensive Plan amendment, Comprehensive Permit, land development or subdivision application or any proposal for which a public hearing is required shall require the concurring vote the members present at the time of the vote.

To take action on any issue other than noted above, shall require the affirmative vote of a majority of members present at the meeting.

When the vote on a question is evenly divided, the question shall not pass.

SECTION 2 - CONFLICT OF INTEREST

The Rhode Island Code of Ethics governs the activities of elected officials, appointed officials, and public employees in State and Municipal Government. As such, each member of the planning Board should familiarize him/herself with the Code.

No member of the Board shall participate in the decision of the Board upon any matter in which that member has a personal or financial interest as described in the Rhode Island Code of Ethics and Regulations. However, such recusal shall not limit said member as an interested citizen, from participation in the discussion, which precedes the decision of the Board upon any matter in which that member has a personal or financial interest. The Chair shall explain this publicly when a Board member who has recused himself or herself requests to speak. Board members shall disclose publicly if the member has currently engaged or has any financial relationship to an engineer, architect or other professional consultant who is appearing before the Board and state whether he or she can participate and make an objective decision; a Recusal Form shall be submitted in such instances.

If a member wishes to recuse him/herself from discussion and voting related to a particular issue, or to disclose a relationship to an issue without recusing him/herself, the member shall notify in writing the presiding officer of the Planning Board. This notification shall take place prior to, or at the time of the meeting in which the issue is to be addressed. The written notification shall be filed with the Planning Clerk/Assistant and entered into the record of the meeting.

ARTICLE V: AMENDMENTS

SECTION 1 – PROCEDURES

A positive vote of the membership present at the time is required to amend these Rules of Procedure. The proposed amendment must be advertised at a regular Planning Board meeting and placed on the agenda of a subsequent meeting. Adoption /amendment of these rules shall be forwarded to the Town Council for official receipt and placement on file.

AMENDED: November 19, 2024