

## Sample meeting procedures

### I. Call to order

**Chair** says “This is a meeting of the City of Newport Planning Board. As Chair, I call the meeting to order.” (bang the gavel) **Secretary**/staff note the time.

### II. Roll Call and Determination of Quorum

**Chair**/**Secretary**/staff call the roll and announces a quorum is present.

### III. Minutes of Preceding Meetings

**Chair**/**Secretary**/staff announce this section.

**Chair** calls for motion and second; after deliberation in accordance with rules, **Chair** calls for a vote; after successful vote to approve or continue, **Chair** announces vote; move onto the next item.

### IV. Communications

**Chair**/**Secretary**/staff announce this section.

Presentation from **Chair**/staff or sender; Board questions, Board discussion; **Chair** gavels as received.

### V. Business

**Chair**/**Secretary**/staff announce this section.

*(the Board reviews petitions and makes formal votes in this section. Examples of types of petitions and votes in their typical agenda order are listed below.*

*\*\*Note, any time a condition is proposed on a petition by staff or a Board member, the Chair should ask if the condition is acceptable to the applicant and if not, why. An applicant under review for an official act by the City has due process protections provided by the Fifth Amendment to the United States Constitution [notice, impartial arbiter, evidence, right to be heard])*

#### A. Miscellaneous Public Hearings

*(this could be for a Comprehensive Plan amendment, Land Development and Subdivision Regulations amendment, grant application, etc.)*

Presentation from **Chair**/staff or requester; Board questions, Board discussion; **Chair** says “The public hearing is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks.”; once public has been given ample opportunity to be heard, staff presents any written comments received prior to the meeting that was not presented orally; amendments to the document are made; additional opportunity for comment is given; **Chair** says “The public hearing is now closed.”;

Board takes any requested action in accordance with its rules; staff informs next steps; move onto next agenda item.

B. Demolition Public Hearing and Possible Action

staff introduce petition; applicant presents; Board asks applicant questions; Chair says “The public hearing is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks.”; once public has been given ample opportunity to be heard, staff presents any written comments received prior to the meeting that was not presented orally; Chair says “The public hearing is now closed.”; applicant given opportunity to rebut public; staff present report, noting any changes as a result of applicant or public testimony; Board asks staff questions; applicant given opportunity to rebut staff; Chair asks “Are there any comments or topics of discussion from Board members?,” after limited Board discussion, Chair calls for a motion and second on required findings as stated in Section 17.86.070 of the City of Newport Code of Ordinances:

1. The granting of a permit is not detrimental to the public health, safety, and general welfare of the community.
2. The proposed demolition of the structure is consistent with the goals and policies of the Comprehensive Land Use Plan.
3. The proposed demolition does not create land with constraints to development.
4. The proposed demolition does no harm to the character of the immediate neighborhood or area of the city.

After deliberation that explains the rationale of the Board's findings on each item in accordance with rules, Chair calls for a vote;

If findings are negative, Chair offers for applicant to withdraw petition or amend petition to return for affirmative findings;

If applicant withdraws, move onto the next agenda item.

If applicant requests to return with amended petition, Chair calls for motion and second on tabling the review of the petition. After a successful vote, move onto the next agenda item.

If findings are affirmative or applicant refuses to amend or withdraw following negative findings, Chair calls for motion and second to approve, approve with conditions, or deny; after successful vote, Chair announces vote; staff inform applicant of next steps; move onto the next agenda item.

C. Major Subdivision Master Plan Approval

*(note, Major Subdivision review has 3 stages of Planning Board review. Typically, the 3<sup>rd</sup> stage of approval is assigned to staff at the completion of the 2<sup>nd</sup> stage. For small projects,*

*the first two stages are often combined. \*\*A similar process is used for Preliminary Approval of a Major Subdivision and Preliminary Approval of a Minor Subdivision with a street creation or extension, except the phrase “public hearing” is utilized instead of “public comment.” See the previous section for the wording.)*

staff introduce petition; **applicant** presents; **Board** asks **applicant** questions; **Chair** says “The public comment is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks.”; once public has been given ample opportunity to comment, staff presents any written comments received prior to the meeting that was not presented orally; **Chair** says “ The public comment is now closed.”; **applicant** given opportunity to rebut public; staff present report, noting any changes as a result of **applicant** or public testimony; **Board** asks staff questions; **applicant** given opportunity to rebut staff; **Chair** asks “Are there any comments or topics of discussion from Board members?”, focusing on the 8 standards of review outlined in Rhode Island General Law § 45-23-30:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

After limited **Board** discussion, **Chair** calls for a motion and second on required findings outlined in Rhode Island General Law § 45-23-60:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

After deliberation that explains the rationale of the Board's findings in accordance with rules, **Chair** calls for a vote;

If findings are negative, **Chair** offers for **applicant** to withdraw petition or amend petition to return for affirmative findings;

If **applicant** withdraws, move onto the next agenda item.

If **applicant** requests to return with amended petition, **Chair** calls for motion and second on tabling the review of the petition. After a successful vote, move onto the next agenda item.

If findings are affirmative or **applicant** refuses to amend or withdraw following negative findings, **Chair** calls for motion and second to approve, approve with conditions, or deny; after successful vote, **Chair** announces vote; staff inform **applicant** of next steps; move onto the next agenda item.

#### D. Minor Subdivision Preliminary Approval without a street extension or creation

*(\*\* A similar process is used for Subdivision Final Approval when not delegated to staff)*

staff introduce petition; **applicant** presents; **Board** asks **applicant** questions; **Chair** says "The public comment is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks. Comment is limited to x minutes and you may only speak once."; At **Chair's** discretion, public comment is gavelled closed by the **Chair**; staff presents any written comments received prior to the meeting that was not presented orally; **applicant** given opportunity to rebut public; staff present report,

noting any changes as a result of **applicant** or public testimony; Board asks staff questions; **applicant** given opportunity to rebut staff; **Chair** asks “Are there any comments or topics of discussion from Board members?”, focusing on the 8 standards of review outlined in Rhode Island General Law § 45-23-30:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

After limited Board discussion, **Chair** calls for a motion and second on required findings outlined in Rhode Island General Law § 45-23-60:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable

lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and

- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

After deliberation that explains the rationale of the Board's findings in accordance with rules, **Chair** calls for a vote;

If findings are negative, **Chair** offers for **applicant** to withdraw petition or amend petition to return for affirmative findings;

If **applicant** withdraws, move onto the next agenda item.

If **applicant** requests to return with amended petition, **Chair** calls for motion and second on tabling the review of the petition. After a successful vote, move onto the next agenda item.

If findings are affirmative or **applicant** refuses to amend or withdraw following negative findings, **Chair** calls for motion and second to approve, approve with conditions, or deny; after successful vote, staff inform **applicant** of next steps; move onto the next agenda item

#### E. Findings and Recommendation to the City Council Regarding a Zoning Amendment

staff introduce zoning amendment; **applicant** presents; Board asks **applicant** questions; **Chair** says "The public comment is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks. Comment is limited to x minutes and you may only speak once."; At **Chair's** discretion, public comment is gavelled closed by the **Chair**; staff presents any written comments received prior to the meeting that was not presented orally; **applicant** given opportunity to rebut public; staff present report, noting any changes as a result of **applicant** or public testimony; Board asks staff questions; **applicant** given opportunity to rebut staff; **Chair** asks "Are there any comments or topics of discussion from Board members?", focusing on the purposes of zoning outlined in Rhode Island General Law § 45-24-30:

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development that recognizes:
  - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
  - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

- (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
  - (iv) The values of unique or valuable natural resources and features;
  - (v) The availability and capacity of existing and planned public and/or private services and facilities;
  - (vi) The need to shape and balance urban and rural development; and
  - (vii) The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
  - (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
  - (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
  - (7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
  - (8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
  - (9) Providing opportunities for the establishment of low- and moderate-income housing.
  - (10) Promoting safety from fire, flood, and other natural or unnatural disasters.
  - (11) Promoting a high level of quality in design in the development of private and public facilities.
  - (12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.
  - (13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
  - (14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
  - (15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; after limited Board discussion, **Chair** calls for a motion and second on required finding of consistency with the Comprehensive Plan; after deliberation that explains the rationale of the Board's finding in accordance with rules, **Chair** calls for a vote;

If findings are negative, **Chair** offers for **applicant** to withdraw application or amend application to return for affirmative findings;

If **applicant** withdraws, move onto the next agenda item.

If **applicant** requests to return with amended petition, **Chair** calls for motion and second on tabling the review of the petition. After a successful vote, move onto the next agenda item.

If findings are affirmative or **applicant** refuses to amend or withdraw following negative findings, **Chair** calls for motion and second to forward a positive recommendation, forward a positive recommendation with conditions, or forward a negative recommendation; after successful vote, staff inform **applicant** of next steps; move onto the next agenda item.

F. Finding of Consistency/Conformance with the Comprehensive Plan

staff introduce petition; **applicant** presents; Board asks **applicant** questions; **Chair** says "The public comment is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks. Comment is limited to x minutes and you may only speak once."; At **Chair's** discretion, public comment is gavelled closed by the **Chair**; staff presents any written comments received prior to the meeting that was not presented orally; **applicant** given opportunity to rebut public; staff present report, noting any changes as a result of **applicant** or public testimony; Board asks staff questions; **applicant** given opportunity to rebut staff; **Chair** asks "Are there any comments or topics of discussion from Board members?"; after limited Board discussion, **Chair** calls for a motion and second on a finding of consistency/conformance with the Comprehensive Plan; after deliberation that explains the rationale of the Board's finding in accordance with rules, **Chair** calls for a vote; after a successful vote, **Chair** announces vote; staff inform **applicant** of next steps; move onto the next agenda item.

G. Development Plan Review

staff introduce petition; **applicant** presents; Board asks **applicant** questions; **Chair** says "The public comment is now open. If you would like to speak, please approach the podium, state your name and address for the record and state your piece. I may allow questions to be answered at my discretion, and will not allow personal attacks. Comment is limited to x minutes and you may only speak once."; At **Chair's** discretion, public comment is gavelled closed by the **Chair**; staff presents any written comments received prior to the meeting that



was not presented orally; **applicant** given opportunity to rebut public; **staff** present report, noting any changes as a result of **applicant** or public testimony; **Board** asks **staff** questions; **applicant** given opportunity to rebut **staff**; **Chair** asks “Are there any comments or topics of discussion from Board members?”; after limited **Board** discussion, **Chair** calls for a motion and second on 5 required findings outlined in Section 17.88.030 of the City of Newport Code of Ordinances:

- 1.The granting of the approval will not result in conditions inimical to the public health, safety or welfare;
- 2.The granting of the approval will not substantially or permanently injure the appropriate use of property in the surrounding area or zoning district;
- 3.The plans for the development comply with the requirements of the zoning ordinance and subdivision regulations, Titles 12, 13 and 15 of the Codified Ordinances of the City of Newport governing public services, streets, sidewalks and public places, parking, buildings and construction as well as laws, ordinances, rules and regulations governing stormwater management. An applicant may seek waivers and modifications of the requirements of the subdivision regulations and variances from the requirements of the zoning ordinance pursuant to provisions authorizing the same.
- 4.The plans for the development are consistent with the comprehensive plan; and
- 5.Conditions, restrictions or required site improvements required to meet these guidelines are incorporated in the written approval or guidelines.

After deliberation that explains the rationale of the **Board’s** findings in accordance with rules, **Chair** calls for a vote; after a successful vote, **Chair** announces vote; **staff** inform **applicant** of next steps; move onto the next agenda item.

#### H. Other items (e.g. Consideration and Possible Action)

(Presentation from **Chair**/**staff** or requester; **Board** questions, **Board** discussion; **Chair** says “If members of the public would like to speak on this agenda item, please approach the podium, state your name and address for the record and state your piece. I may limit the length of your testimony, allow questions to be answered at my discretion, and will not allow personal attacks.”; **staff** presents any written comments received prior to the meeting that was not presented orally; **Board** takes any requested action in accordance with its rules; **staff** informs next steps; move onto next agenda item.

### VI. Presentation and Discussion of Reports

**Chair/Secretary**/**staff** announce this section.

*(\*\*note, no action items are taken in this section other than votes to continue, table, or accept)*

#### A. Chair’s Report

*(\*\*note, guidance from the Attorney General Open Government Division advises that this is not specific enough and specific items to be discussed should be listed. Additional items can be listed for informational purposes during the meeting with a majority vote of the Board)*

**Chair** reports specific topics of interest, in accordance with what is listed on the agenda.

B. Other Reports

Other Board members report specific topics of interest, in accordance with what is listed on the agenda.

C. Staff Report

staff report specific topics of interest, in accordance with what is listed on the agenda.

VII. Adjournment

**Chair/Secretary/staff** announce this section.

**Chair** calls for a motion and second to adjourn; after deliberation in accordance with rules, **Chair** calls for a vote; after successful vote, meeting is over. **Secretary/staff** note the time.