

HOLYOKE PLANNING BOARD
OPERATIONAL RULES & REGULATIONS

(APPROVED 12/11/06)

INTRODUCTION

Every planning board should function according to a set of regulations duly adopted and made a part of the planning board's records. The planning board is a legally constituted body with important powers and duties which must be performed in a manner that will not detract from the dignity and stature of the board and its planning program.

Therefore, the Holyoke Planning Board has adopted the following regulations and appended several other appropriate documents in order to describe and guide it, and the general public, in the carrying out of its assigned work and duties.

ARTICLE I
PURPOSE AND AUTHORIZATION

1. The objectives and purposes of the planning board of the City of Holyoke are those set forth in Chapters 41 and 40A of the General Laws regarding planning, subdivision control and zoning.

2. Those additional powers and duties delegated to the Board by other statutes and by local laws include:

- a. (5.4.1) Special Permits for Multiple Principal Structures on a lot
- b. (6.1.7) Special Permits for a Reduction in Parking Requirements
- c. (6.4.4.3) Special Permits for an increase in size of Signs allowed
- d. (7.4.6) Special Permit for a Multi-family Structure or development
- e. (7.5.3) Special Permits for Flexible Development subdivisions
- f. (8.2.3) Special Permit for Water Resource Protection Overlay District
- g. (8.3.2.2) Special Permit Reduced Setbacks in a Shopping Center Zone
- h. (8.8.4) Special Permit for the Downtown Residential for lot size
- i. (10.0) *Site Plan Review

** not a Special Permit but follows Special Permit rules.*

ARTICLE II
OFFICIAL NAME

The Board shall be known as the "HOLYOKE PLANNING BOARD," the agency's official name.

ARTICLE III OFFICE AND RECORDS

The office of the Holyoke Planning Board shall be at One Court Plaza, Holyoke, MA 01040, the Holyoke Office of Planning & Development, where all the Board records are to be kept. Copies of all official documents, records, maps, etc. will be filed or recorded in the office of the City Clerk, or with the Hampden County Registry of Deeds, if required by appropriate laws.

ARTICLE IV MEMBERSHIP

The membership and terms of office shall be as specified in the above-stated General Laws authorizing the establishment of a Planning Board (Chap. 41). The Holyoke Planning Board shall consist of 5 members, and one Associate Member appointed by the Mayor for staggered 5 year terms. The Associate Member shall only be authorized to vote on Special Permit Applications. Members may be re-appointed for additional terms as they comply with the interview process.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1 - The officers of the Holyoke Planning Board shall consist of a Chairman, Vice-Chairman, and a Secretary.

Section 2 - The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call regular and special meetings, and generally perform other duties as may be prescribed by these regulations.

Section 3 - The Chairman shall be one of the Planning Board members. He/she shall have the privilege of discussing all matters before the Board and of voting thereon.

Section 4 - The Vice-Chairman shall act for the Chairman in his/her absence, and have the authority to perform the duties prescribed for that office. He/she shall be a Planning Board member.

Section 5 - The Secretary shall keep the minutes and records of the Planning Board with Planning Board Staff assistance. The Secretary shall be one of the Planning Board members. Meeting tape recordings shall be retained for 7 years.

ARTICLE VI ELECTION OF OFFICERS

Section 1 - An annual organization meeting shall be held on or about the fourth Tuesday of September, at which time officers shall be elected, and these regulations shall be reviewed for corrections and improvements. These actions shall be made a part of the minutes of the annual meeting. At least 3 members must be present before the election of officers can take place.

Section 2 - Nominations shall be made from the floor at the annual organization meeting and election of officers shall follow immediately thereafter.

Section 3 - The candidate receiving a majority vote from the entire membership of the Planning Board shall be declared elected and shall serve for one year, or until his/her successor shall take office.

Section 4 - No Chairman shall serve more than 2 consecutive terms. The preferred practice of the Board shall be to rotate elected officers (Chairman to member, Vice-Chairman to Chairman and Secretary to Vice-Chairman).

Section 5 - Vacancies in membership shall be filled by regular appointment procedure as stipulated by the Mayor.

Section 6 - In accordance with G.L. Ch. 41 §81-P, the Planning Board may authorize any person, rather than a majority of the Board, to endorse on a plan the approval of the Board or to make any other certificate under the Subdivision Control Law. The Board shall transmit a written statement, signed by a majority of the Board, giving the name of the person(s) so authorized, to the Register of Deeds and the Recorder of the Land Court.

Section 7 - Resignations from the Planning Board shall be in written form and transmitted to the Mayor and to the Chairman, for action to find a suitable replacement.

Section 8 - A 2/3 majority of the sitting members of the Planning Board may, at any time, with due cause, vote "no confidence" in any sitting Board officer. If the officer receives a "no confidence" vote, a new election for his/her post will be held. If, as an outcome of the election, the officer is replaced, the new officer will fulfill the remainder of the outgoing officer's term.

ARTICLE VII MEETINGS

Section 1 - Regular meetings will be held on the second and fourth Tuesdays of each month at 6:30 p.m. in the 4th Floor Conference Room of the City Hall Annex, and at such other times and places as the Planning Board may designate, due to special reasons. The Planning Board Staff shall notify all members of the Board in writing, email and/or by telephone not less than 48 hours in advance of such meeting, and post notice in compliance with the Open Meeting Law. To accomplish this, agendas and other meeting materials will be delivered to the Planning Board no later than Friday, for the Tuesday meeting following. Meetings may be canceled by the Chairman due to insufficient agenda, inclement weather, or lack of a quorum. Room locations may also be changed by the Chairman. In the event of a conflict with a holiday, Election Day, or other events, a majority of members at any meeting may change the date and location of the next meeting. The Planning Board Staff shall notify the membership of the change not less than 48 hours in advance of each meeting by written communication or telephone.

Section 2 - Board Members shall come to a meeting prepared to review applications or to make informed decisions on matters before the Board. In order to assist members, Planning Board Staff will make the office and records available. Planning Board Staff shall prepare and mail an agenda to each member of the Board, together with appropriate explanatory notes and copies of correspondence and/or other material relevant to the agenda on the Friday preceding the meeting, if available.

Section 3 - A majority of the voting membership (3) of the Planning Board shall constitute a "quorum," and the number of votes necessary to transact business shall be a majority of those present and voting, except as otherwise provided by statute. Notice of a meeting shall specify the purpose of each meeting and no other business may be considered except by the unanimous consent of the Board.

Section 4 - All Planning Board meetings shall be open to the public when in session. Executive Sessions may be held upon an affirmative roll call vote of 2/3 of the members of the Board that are present and voting, taken at the public meeting, stating the reasons for the executive session, as defined in G.L. Ch. 39. Executive session may be held only for the purpose of discussing, deliberating, or voting on those matters which by general or special statute, or federal grant-in-aid requirements cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the City, or the reputation of any person. Attendance shall be taken at each meeting by the Planning Board Staff.

**ARTICLE VIII
ORDER OF BUSINESS**

Section 1 - Unless otherwise determined by the Chairman, the order of business at a regular meeting shall be:

- a. Call to order
- b. Any public hearing legally advertised for that date
- c. Operational items
- d. Project updates
- e. Other business
- f. Correspondence
- g. Approval of minutes of previous meeting
- h. Approval of Department Expenditure Sheet
- i. Upcoming Meeting Schedule
- j. Adjournment

Items for which there is public input shall be taken up first, whenever possible. The Board will adjourn the meeting no later than 10:00 p.m., unless decided by a vote of the majority of the Board.

Section 2 - A motion from the floor must be made and passed in order to dispense with any item on the agenda, or change the order of business.

Section 3 - No "new business" submitted for action to the Planning Board shall be voted upon unless it is submitted 5 days prior to a regular meeting date. No new information shall be heard regarding Site Plan Review unless it has been submitted 3 days prior to the scheduled meeting date. Provisions of this section may be waived by the unanimous vote of the members who are present.

Section 4 - Proponents requesting public hearings or meetings before the Board shall make an appointment with the Planning Board Staff prior to submission of applications. A completed application and all required documentation, as outlined in the Site Plan Rules and Regulations and Subdivision Regulations shall be submitted to the Board, through the Planning Board Staff prior to meeting with the Board.

**ARTICLE IX
PUBLIC HEARINGS & INFORMATIONAL MEETINGS**

Section 1 - The Board may hold informational meetings, in addition to the required legal public hearings, and/or meetings when it decides that such hearings and/or meetings will be in the public interest.

Section 2 - All public hearings prescribed by law shall be held in accordance to the requirements set forth for such hearings in:

- G.L. Ch. 40A - Zoning

G.L. Ch. 41 - Planning & Zoning
G.L. Ch. 39 §23b - Open Meeting Law
Other State Laws as appropriate

Section 3 - The matter before the Planning Board shall be presented in summary form by a member of the Planning Board designated by the Chairman, or by a Planning Board Staff member. Parties-in-interest shall have the privilege of the floor.

Section 4 - A stenographer shall take testimony, or it shall be recorded by a sound-recording device at each legal public hearing in which the right to appeal lies to the Superior Court. Proceedings of the hearing shall be incorporated into the minutes for all the Planning Board meetings to be a permanent part of these records.

ARTICLE X CONDUCT OF PUBLIC HEARING

Section 1 - The Chairman of the Planning Board shall preside at the public hearing. In the event of his/her absence, the Vice Chairman or a duly appointed board member shall act as presiding officer.

Section 2 - The Chairman shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.

Section 3 - The Chairman shall describe the method of conduct of the hearing and the rules of procedure in effect for the hearing. Comments shall be limited to the subject advertised for hearing.

Section 4 - The Chairman shall first call for the proponents to make a presentation of their project. The Chairman may allow questions by the Board first, then the public at the end of the presentation.

Section 5 - The Chairman shall then allow those in favor of the project to speak, followed by those opposed to the project. Both shall be given equal opportunity to comment. The order is reversible or opportunities to speak may be alternated, the discretion of the Board prevailing. Whichever the case may be, each group shall make its presentation clearly and briefly.

Section 6 - It shall be made clear to the attendees that all questions and comments must be directed through the Chairman.

Section 7 - All persons recognized shall approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing each person shall give his/her name and address. The Chairman may rule redundant statements out of order and may set a reasonable time limit on presentations. A "sign in sheet" may be declared mandatory to allow persons to speak and use of a microphone

may be mandatory.

Section 8 - The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly, unmanageable, or of excessive length. Unruly and profane and abusive language shall not be tolerated.

Section 9 - The hearing shall be conducted only for the purpose of taking testimony to be considered in Board deliberations during the regular meeting of the Planning Board. If a general consensus of the meeting is desired, the Board may provide properly identified sheets on which the attendees may signify in writing their opinion as either in favor or opposed to the question before the public hearing.

Section 10 - All expenses associated with any public hearing, as stated within the Zoning Ordinance, in which the Board is required to hold by law, shall be borne by the applicant.

ARTICLE XI COMMITTEES

Section 1 - Standing Committees of the Planning Board may be appointed at any regular meeting, (following that of the Board's election of officers,) by the Chairman. The duties of each standing committee shall be described by the Board as the need for such committee investigation arises.

Section 2 - Standing Committees shall be appointed for one year and shall consist of 3 members. Vacancies shall be filled immediately by the Chairman. The Chairman shall terminate the Standing Committee once it has performed its functions and has reported to the Planning Board.

Section 3 - Special Committees may be appointed by the Chairman for purposes and terms which the Board approves.

ARTICLE XII ANNUAL REPORT

The Planning Board Staff shall draft the Annual Report per the fiscal year, and submit it to the Board for their review and approval by the Annual Meeting. The Annual Report of the Board shall be submitted to the City Council and Mayor by September 30th.

**ARTICLE XIII
PUBLIC RELATIONS**

Section 1 - The Chairman, or a duly appointed Board member, and a member of the Planning Board Staff shall act as public relations or publicity liaison for the Planning Board. His/her duties include the preparation of all news releases to be distributed to the communications media. All information shall reflect the general policies of the majority of the Board as adopted. Where members speak as individuals they must make it clear they are speaking for themselves only. The Board may censure any member not making that distinction.

Section 2 - All meetings of the Planning Board shall be posted 48 hours in advance of the date and at the location provided by the City Clerk for such notices. Meeting notices shall also be posted on the City's Website when available. All meetings shall follow procedures outlined in the Open Meeting Law especially as regards "Executive Sessions."

**ARTICLE XIV
PLANNING BOARD STAFF**

Section 1 - The Board shall budget for and hire a combination of full-time and part-time staff to provide day to day department support.

Complete job descriptions on file in the Personnel Office

Section 2 – The Chairman shall be responsible for ensuring that the Director provide an annual performance review for the Planning Board Staff.

Section 3 - All matters relating to the Planning Board Staff that require the Chairman's approval shall be reviewed and discussed by the Board. These matters may include, but are not limited to, step increases, performance reviews and reprimands.

AMENDMENTS

These regulations may be amended by majority vote of the entire voting membership of the Planning Board, but only after the proposed amendment has been presented in writing and discussed at the Board meeting.

**ARTICLE XV
PROCEDURAL REQUIREMENTS**

On all matter of parliamentary procedure not provided for in these rules or by law or ordinance, *Robert's Rules of Order* shall govern.

Attachment A
Votes Required For Approval

<i>Application Type</i>	Minimum Number of Votes Required to Act Favorably	Time Limit Within Which to File a Decision
Site Plan	4 members	Decision must be filed within 90 days after the close of the Public Hearing.
Special Permit	4 members	Decision must be filed within 90 days after the close of the Public Hearing.
Minor Site Plan Change	3 members	No specific time limit (not a Public Hearing)
Preliminary Subdivision	3 members	Notice to City Clerk must be submitted within 45 days after the plan has been filed. (Time can be mutually extended by the Board and the Applicant. Plan is deemed approved if the Board fails to act within the proper time limit and notice to City Clerk and applicant.)
Definitive Subdivision	3 members	Notice to City Clerk must be filed after 90 days (Preliminary Plan)/135 days(No Preliminary Plan). (Time can be mutually extended by the Board and the Applicant. Plan is deemed approved if the Board fails to act within the proper time limit and notice to City Clerk and applicant)
Subdivision Waivers	3 members	
Zoning Amendment	3 members	Recommendation must be submitted to City Council prior to them taking action. If no recommendation is filed, the City Council can take action 21 days after the hearing.
Miscellaneous Decisions (Acceptance/Release of Bonds, Extensions of Time, etc.)	3 members	No specific Time limit.

Attachment B
Planning Board Fees

Application Fees:

ANR Fee:	\$50
Site Plan Review:	\$100
Subdivisions:	
Preliminary	\$100 \$10 per lot
Definitive	\$150 \$20 per lot

Publication Fees:

Subdivision Regs.	\$20
Zoning Ordinance	\$20
Zoning Map	\$10
Master Plan	
Open Space Plan	

Maps:

Ward Map	\$5
Census Tract Map	\$5
Topographic Maps	\$5
Base Map	\$10
8.5X11	\$5 + .50 per layer
11X17	\$10 + .50 per layer
18X24	\$15 + 1.00 per layer
24X36	\$20 + 1.00 per layer
36X44	\$25 + 1.00 per layer

CD-Rom of all public Holyoke GIS files \$250

Mapping for City Depts. will be a free service as the Planning Department determines the breadth and scope of work to be performed. If work should exceed reasonable time and materials the Department may require Depts. to provide such materials as paper and/or print/plotter cartridges.

Customized sizes will also be considered by the Planning Dept. and negotiated as such. Mapping fees can go up to, but not exceed \$75.00.