

# CAMBRIDGE PLANNING COMMISSION

## RULES OF PROCEDURE

Adopted: November 28, 2006

Most recently amended: \_\_\_\_\_

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 1.1 AUTHORIZATION & PURPOSE

The Town of Cambridge Planning Commission (hereinafter referred to as the Commission) has adopted these Rules of Procedure (hereinafter referred to as these Rules) for the purpose of supplementing state statute, notably Chapter 117 of Title 24 of the Vermont Statutes Annotated.

#### SECTION 1.2 AMENDING THESE RULES

These rules may be amended at any meeting by a two-thirds (2/3) vote of the Commission provided that such amendment has been publicly posted, presented in writing to each member of the Commission, and the Chair of the Selectboard at least seven (7) days prior to the public meeting at which the vote is taken.

#### SECTION 1.3 SUSPENDING THESE RULES

The Commission may suspend these rules by a two-thirds (2/3) vote of the Commission providing that the suspending of such rule is not in conflict with state law or with a fundamental principle of parliamentary law.

### ARTICLE II. MEMBERSHIP AND PERSONNEL

#### SECTION 2.1 APPOINTMENTS & TERMS

- A. The Commission consists of seven voting members, appointed by the Selectboard. At least six of the members of the Commission must be residents of the Town of Cambridge. The members of the Selectboard are, by statute, non-voting ex officio members of the Commission.
- B. The term of each member shall be for four years except that an appointment filling a vacancy shall be for the remainder of the term.
- C. Term years commence on April 1 and end on March 31.
- D. The starting terms have been staggered to ensure no more than 3 members are replaced or reappointed in any one year

#### SECTION 2.2 REMOVAL OF MEMBERS

The Selectboard may remove any member by a unanimous vote.

#### SECTION 2.3 FILLING COMMISSION VACANCIES

Vacancies shall be filled by the Selectboard at their next available meeting, for the unexpired term of a vacant seat.

SECTION 2.4 ATTENDANCE AT MEETINGS AND HEARINGS

- A. Attendance is required at all Commission meetings and public hearings. Commission members may request for an absence to be excused if, prior to the meeting, the chair is presented with a reasonable excuse for the anticipated absence. Absences may be excused after a meeting has been held only for emergency situations.
- B. Three (3) consecutive, unexcused absences from the Commission meetings or hearings shall be grounds for removal by the Selectboard.

SECTION 2.5 OFFICERS – ELECTION AND DUTIES

- A. The officers of the Commission shall consist of the Chair, Vice-chair, and a Clerk.
- B. The officers shall be elected at the first regular meeting after April 1<sup>st</sup>. A candidate must receive a majority vote of the Commission to be declared elected and shall serve a term of one (1) year, or until his or her successor takes office.
- C. The Chair shall preside at all meetings and hearings at which he or she is present, and shall direct the work of the Commission. The Chair shall set the agenda for the next meeting and forward to the Clerk for posting and distribution. The Chair shall receive and review all mail on a regular basis (at least once per week). Upon receipt of an Act 250 permit application, shall call for a public hearing on the proposal. The Chair shall submit a brief annual report to the Selectboard to report of the Commission’s activities for the year past and to present the Commission’s plans for the coming year. The chair retains the right to vote on all motions.
- D. The Vice Chair shall act in the absence of the Chair.
- E. The Clerk shall keep minutes of all meetings and hearings of the Commission and record any action taken by the Commission. The Clerk shall post public notices of the Commissions meetings and give notice to individual Commission members when necessary. All minutes and official papers (including Act 250 applications and evidence presented) shall be filed by the Clerk of the Planning Commission with the Town Clerk as a part of the public record.

**ARTICLE III. DUTIES & RESPONSIBILITIES OF THE PLANNING COMMISSION**

**SECTION 3.1 COMMISSION DUTIES & RESPONSIBILITIES**

The Commission is authorized, but not limited, to do the following:

- A. To prepare, maintain, and amend the municipal plan and any bylaws;
- B. To participate in the review of applications under Act 250;
- C. Review adjacent municipal plans, the regional plan, and state agency plans for compatibility with the Town of Cambridge Municipal Plan;
- D. Participate in regional planning programs;

- E. Retain staff and consultant assistance;
- F. Recommend codes and standards for construction; and
- G. Hold public meetings and hearings;

## **ARTICLE IV. MEETINGS & HEARINGS**

### **SECTION 4.1 REGULAR MEETINGS**

- A. Regular meetings of the Commission shall be held on the third Monday of every month at 6:30 PM at the Town Clerks Office until changed by resolution of the Commission.
- B. All regular meetings shall follow an agenda established by the chair (or vice chair in the absence of the chair). The agenda must be provided to any interested member of the public at least 24 hours in advance of the meeting.
- C. All meetings shall require a quorum of the Commission [four (4) members] in order to conduct business. Commission meetings must obey Vermont's Open Meetings Law.

### **SECTION 4.2 PUBLIC HEARINGS**

- A. Public hearings are called as needed by the Chair or by vote of the Commission. Public hearings may be held in order to solicit comment on proposed town plans amendments, proposed bylaws, or to review ACT 250 applications.
- B. Public hearings must be warned in three public places at least fifteen (15) days in advance. Common locations are the Town Clerks Office, Hanley's Store, and at the Cambridge Village Market. Public hearings must also be printed in a newspaper of general circulation (*News and Citizen* or the *Transcript*) at least fifteen (15) days in advance of the hearing. Finally, a copy of the warning must be sent to the applicant (in the case of Act 250 hearings) and anyone else who has requested to be notified. The warning must include the date, place, and purpose of such hearing.
- C. The order of business for public hearings shall be:
  - a. Public to be heard
  - b. Public hearing(s) items
  - c. Approval of minutes of previous hearing(s)
  - d. Old business/ new business
  - e. Adjournment

### **SECTION 4.3 VOTING PROCEDURES**

- A. Quorum – In order to conduct a meeting or hearing, a quorum of the commission must be present, either in person or by telephonic conference call. A quorum consists of four (4) members.
- B. Majority vote required – Decisions on any matter before the Commission, except the amending or suspending of these rules as above in sections 1.2 and 1.3, shall require the concurrence of a majority of the members of the entire Commission, regardless of vacancies or disqualifications. A concurrence requires four (4) votes.

- C. All decisions of the Commission shall be put in writing and shall be binding when signed by the Chair (or Vice chair if Chair was not present at hearing) and Clerk.

## **ARTICLE V. REVIEW OF ACT 250 APPLICATIONS**

### **SECTION 5.1 RECEIPT OF ACT 250 APPLICATION**

- A. Act 250 “major applications” automatically trigger a hearing. Act 250 “minor applications” require a response within fifteen (15) days in order to request a hearing at the District Commission. As a result of the deadline, the chair should call an emergency meeting to review the application. The purpose of the meeting is to decide whether to request a District Commission hearing.
- B. As this is a meeting and not a hearing, the Commission does not need to evaluate the merits of the proposal or come to a decision on supporting or not supporting the project at this time.
- C. If the Commission elects to request a District Commission hearing on this project then the Planning Commission must also decide on a date and time for a local public hearing on the project. There should be sufficient time to warn the hearing (see Section 4.2) but not too long as the District Commission is required to open their hearing within 40 days.

### **SECTION 5.2 LOCAL HEARING ON APPLICATION**

- A. The purpose of this hearing is to review the application, receive comments from the applicant and public at large, and determine whether the Commission supports, supports with conditions, takes no opinion, has no opinion, or does not support the application.
- B. Hearings shall follow all requirements of Section 4.2 in addition to these procedures:
  - a. Open the hearing.
  - b. Record in the minutes all of the names of those present at the hearing.
  - c. Swear in all those who wish to participate in the hearing.
  - d. The applicant, if present, can present the application and present why it is in conformance with the town plan.
  - e. Members of the public may present testimony or evidence.
  - f. Questions by Commission members.
  - g. Close hearing.
  - h. Vote to enter deliberative session. (At this point the hearing is closed and everyone must leave. Only Commission members are permitted to be present).
  - i. Open deliberative session. (No minutes are taken during deliberative sessions).
  - j. Discussion of application. The Commission must evaluate the application based on its conformance with the Cambridge Municipal Plan.
  - k. Entertain motion that the Planning Commission supports, supports with conditions, takes no opinion, has no opinion, or does not support the application presented. ‘Supports with conditions’ means that in general the

commission supports the application but that some changes must be made, information clarified, or other minor point, which will not change the ability of the project to move forward. 'Has no opinion' means no consensus could be found (could not muster 4 votes). 'Takes no opinion' means that the Commission is ambivalent towards the application – it neither supports nor is opposed to the project. Takes no opinion is an action which requires a vote of a majority of the board.

- l. Draft 'findings of fact' and conclusions.
- m. Vote to approve findings and conclusions.
- n. Appoint a representative to attend the District Commission hearing. The commissioner shall represent the opinion of the board as identified in the findings and conclusions.
- o. Close the deliberative session.

### SECTION 5.3 FINDINGS OF FACT AND CONCLUSIONS

- A. Findings of fact and conclusions are required for any majority vote. The 'findings' are the evidence that supports the Commissions 'conclusion'.
- B. Each set of findings and conclusions shall be sent to the applicant and all interested persons who attended the hearing. The findings and conclusions shall also be posted at and recorded in the Town Clerks Office.

## **ARTICLE VI. ADMINISTRATION**

### SECTION 6.1 ANNUAL REPORTS

The Chair of the Commission must present an annual report to the Selectboard at the close of every year. This report should summarize the commission's activities for the year, including current issues, trends, and needs future action.

### SECTION 6.2 FUNDING & FINANCING

The Commission shall have the authority to request appropriations from the Municipality for its expenses. The commission shall have the authority to receive gifts, grants, or money from any sources for these purposes. Any funds from private, state, or federal sources that impose any obligation on the Municipality shall be accepted only by consent of the Selectboard.

### SECTION 6.3 RECORD KEEPING

- A. The Commission must keep a record of its business including all meetings, transactions, and decisions. The Records must be kept on file and available to the public.
- B. Act 250 applications, evidence, and hearing minutes along with the findings and conclusions must have accurate records kept.