

TOWN OF MIDDLETOWN
PLANNING BOARD
RULES OF PROCEDURE

Adopted December ____, 2021

PREAMBLE

The purpose of these Rules of Procedure is to establish uniform procedures for the transaction of business coming before the Middletown Planning Board. These Rules are adopted pursuant to R.I.G.L. § 45-23-51 and Section 32.46 of the Middletown Code of Ordinances (the “Code”), authorizing the Planning Board to adopt such rules.

Unless otherwise provided herein, all terms used have the definitions assigned by the Code. To the extent a definition is inconsistent with the Code, the definition of the Code shall prevail. Nothing herein shall be construed to contradict or amend the Code, nor shall these procedures be construed to contradict the application or interpretation of any applicable law.

RULES

1. The Board will generally hold its regular meeting on the second Wednesday of each month, or on such other day as the Board may determine. Special meetings shall be held at the call of the Chairman or on the written request of three members of the Board.
2. The Board will post an Agenda prior to any meeting at least forty-eight (48) hours prior to the meeting, in accordance with R.I.G.L. § 42-46-6.
3. Applications for minor and major subdivisions, as well as applications for Development Plan Review, must be submitted to the Planning Department at least three weeks prior to any meeting in order to be considered for inclusion on the agenda for the said meeting. All such applications must contain all materials required by the applicable submission checklist in order to be placed on the agenda. Current application forms and checklists can be found on the Town’s website.
4. Applications for administrative subdivisions may be made at any time for review and approval by the Administrative Officer. Applications may be placed on the agenda for the next scheduled Planning Board meeting at the discretion of the Administrative Officer, or if specifically requested by the applicant, provided that a complete application is submitted and received prior to publication of the meeting agenda.
5. Applications will be placed on the agenda in the order in which complete applications are received.
6. Any application included on the agenda and continued at the applicant’s request for a cumulative period totaling at least six (6) months shall be removed from the agenda and considered tabled until such time as the Board is notified that the applicant is prepared to proceed. Any costs related to the need to readvertise and/or renotify abutters for a public

hearing shall be borne by the applicant. Absent good cause shown, any application included on the agenda and continued at the applicant's request or tabled for a cumulative period totaling at least twelve (12) months shall be removed from the agenda and shall be considered withdrawn without prejudice.

7. The Board consists of a Chair, Vice-Chair, Secretary, and four other members. For any meeting to be held, four members of the seven-member Board must be present to constitute a quorum.
8. Any action of the Board must be approved by a majority of the members present and voting, except that approval of an application for subdivision or land development project requires a majority vote of the current Planning Board membership.
9. No member may vote on any matter in which said member has an interest or conflict; during the hearing on any item to which a member has an interest or conflict, said member shall recuse and step down from the dais until the hearing on said item is complete.
10. The Board may hear Agenda items in any matter it so chooses.
11. On each application requiring a public hearing, the Board will hear from the applicant first, and then from any formal objectors. Applicants and formal objectors must either be self-represented or represented by an attorney.
12. Following presentations of the applicant and any formal objectors, the Board will open the hearing for public comment. Any member of the public with standing may be heard.
13. After closing the public hearing, the Board will hold discussion on the application. Following discussion, on motion of any member, duly seconded, a voice-vote for approval of the application with or without conditions, shall be held.
14. The Secretary of the Board will cause minutes of all meetings to be taken and maintained.
15. Robert's Rules of Order shall govern the Board in all instances in which they are applicable and in which they are not inconsistent with these rules, the Code or applicable law.
16. During any meeting, any agenda items not reached before 9:00 pm will be continued to the next regular monthly Planning Board meeting, or to a special meeting if so scheduled.