

**RULES OF PROCEDURE  
MARLBORO PLANNING COMMISSION**

Revised March 24, 2015

**SECTION I. Authorization**

The Marlboro Planning Commission shall be governed by all applicable state statutes, local laws and these rules. Planning Commissions are required by 24 V.S.A. 4461 to adopt rules of procedure and rules of ethics with respect to conflicts of interest. The Marlboro Planning Commission is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law 1 V.S.A. paragraphs 310-314. Meetings of the Marlboro Planning Commission must be open to the public at all times, except as provided in 1 V.S.A. paragraph 313. This policy setting forth rules of procedure shall apply to the Marlboro Planning Commission, and shall apply to all regular, special and emergency meetings of the Marlboro Planning Commission.

**SECTION II. Purpose**

The Marlboro Planning Commission is charged with the tasks of:

1. Overseeing the pattern of land use in the Town
2. Representing all members of the community in the planning process
3. Educating the public about the purpose of planning and specific recommendations to address local planning issues
4. Proposing courses of action related to planning efforts.
5. Preparing a Town Plan and amendments for consideration by the legislative body and review any amendments initiated by others;
6. Preparing and presenting to the legislative body proposed bylaws and making recommendations to the legislative body on proposed amendments to such bylaws.

**SECTION III. Membership**

- A. The Planning Commission shall have not fewer than three (3) nor more than nine (9) members. All members shall serve without compensation, but may be reimbursed by the municipality for necessary and reasonable expenses. At least a majority of the members of the Planning Commission shall be residents of the town. Not more than two elected or appointed officials, who are chosen by the Select Board, shall be non-voting ex officio members of the Planning Commission.
- B. Members of the Planning Commission shall be appointed and any vacancy filled by the Select Board of the Town of Marlboro. The term of each member shall be four (4) years. Any member may be removed at any time by unanimous vote of the Select Board. Any appointment to fill a vacancy shall be for the unexpired term.

**SECTION IV. Powers and Duties**

No single member of the Marlboro Planning Commission shall have authority to represent or act on behalf of the Marlboro Planning Commission unless, by majority vote, the Marlboro Planning Commission has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.

The Planning Commission may:

- A. Prepare a Town Plan and amendments for consideration by the legislative body and review any amendments initiated by others;
- B. Prepare and present to the legislative body proposed bylaws and make recommendations to the legislative body on proposed amendments to such bylaws;
- C. Administer bylaws adopted under subchapter 7 of Chapter 117, except to the extent that those



- functions are performed by a development review board;
- D. Undertake capacity studies and make recommendations on matters of: land development, transportation, economic and social development; historic and scenic preservation; the conservation of energy and development of renewable energy resources; and wetland protection.
  - E. Prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing and related codes and enforcement procedures and construction specifications for streets and related public improvements;
  - F. Hold public meetings and hearings;
  - G. Require from other departments and agencies of the town such available information as relates to the work of the Planning Commission;
  - H. In the performance of its functions, enter upon land to make examinations and surveys;
  - I. Participate in a regional planning program;
  - J. Prepare and present to the legislative body a recommended annual capital budget and future capital budget program for a period of not less than five years, as set forth in 24 VSA 4440, for action by the legislative body, as set forth under section 24 VSA 4443;
  - K. Retain staff and consultant assistance in carrying out its duties and powers;
  - L. Undertake comprehensive planning, including related preliminary planning and engineering studies;
  - M. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of Chapter 117.
  - N. Data gathered by the Planning Commission that is relevant to the geographic information system established under 3 V.S.A. 20 shall be compatible with, useful to and shared with that system.

#### **SECTION V. Quorum**

At any meeting of the Planning Commission, a quorum shall consist of a majority of the voting members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

#### **SECTION VI. Voting**

Motions made by members of the Marlboro Planning Commission require a second. The chair may make motions and may vote on all questions before the body. There is no limit to the number of times a member of the Planning Commission may speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will be entertained. Any member of the Planning Commission may request a roll call vote. Meetings may be recessed to a time and place certain.

At all meetings and hearings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter and the clerk shall so record in the minutes that no vote was cast by such member. The affirmative vote of at least a majority of the members of the Planning Commission, regardless of how many are present, shall be necessary for the adoption of any resolution or other voting matter.

#### **SECTION VII. Conflict of Interest**

- A. No Commission member shall participate or vote on any matter in which he or she has a personal or direct or indirect financial interest. The disqualified member shall not preside at the meeting or hearing, or be counted by the Commission in establishing the required quorum, but may participate in the hearing as a private citizen.

- B. The Planning Commission operates in accord with the Conflict of Interest Policy, as adopted by the Selectboard March 10, 2008 and as may be subsequently amended.

#### **SECTION VIII. Meetings**

##### **A. Annual Meeting**

The annual meeting of the Planning Commission shall be the first regular meeting following Town Meeting of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall come before the Planning Commission.

##### **B. Regular Meetings**

1. Regular meetings of the Planning Commission shall be held at the Marlboro Town Office at 5 P.M. on the second Tuesday of each month.
2. Regular meetings of the Commission shall consider all matters properly brought before the Commission without the necessity of prior notice thereof given to any members.
3. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

##### **C. Special Meetings**

1. Special meetings of the Planning Commission shall be called by the Chair or Vice-Chair and held at a time and place designated by the officer calling the same.
2. Notice thereof shall be communicated to all members of the Planning Commission not less than twenty-four hours in advance, unless previously waived, and to any person who has requested notice of such meetings.
3. A public notice shall be posted in or near the town offices and on the bulletin board outside the Post Office at least twenty-four hours in advance

##### **D. Emergency Meetings**

Emergency Meetings may be held without public announcement, without posting of notices, and without 24-hour notice to Planning Commission members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the Planning Commission.

##### **E. Electronic Attendance at Meetings**

A member of the Planning Commission may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call. If a quorum or more of the Planning Commission attend a meeting without being physically present at a designated meeting location, the following requirements shall be met:

1. At least 24 hours prior to the meeting, or as soon as practicable prior to any emergency meeting, the Planning Commission shall publicly announce the meeting and post notice of the meeting in or near the town offices and on the bulletin board outside the Post Office.
2. The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the Planning Commission, or at least one staff or designee of the Planning Commission, shall be physically present at each designated

meeting location.

**F. Meeting Procedure**

At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Attendance
2. Minutes of the preceding meeting
3. Communications
4. Old and new business
5. Adjournment

**Agenda:**

1. Each regular and special meeting of the Planning Commission shall have an agenda. Those who wish to be added to the meeting agenda shall contact the chair to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the town offices and on the bulletin board outside the Post Office. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on Marlboro's town website.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by two-thirds majority vote of the Planning Commission.

Unless addressed elsewhere in these rules, all meetings of the Planning Commission shall be conducted in accordance with Roberts Rules of Order.

**SECTION IX. Public Participation**

A. All meetings of the Marlboro Planning Commission are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.

B. At the beginning of discussion of each agenda item, but before any action is taken by the Planning Commission at each meeting, there may be 10 minutes afforded for open public comment. By two-thirds majority vote, the Marlboro Planning Commission may increase the time for open public comment and its place on the agenda.

C. Comment by the public or members of the Planning Commission must be addressed to the chair or to the Planning Commission as a whole, and not to any individual member of the Planning Commission or public.

D. Members of the public must be acknowledged by the chair before speaking.

E. If a member of the public has already spoken on a topic, he or she may not be recognized again

until others have first been given the opportunity to comment.

F. Order and decorum shall be observed by all persons present at the meeting. Neither members of the Planning Commission, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the Planning Commission and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.

G. Members of the Planning Commission and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:

1. Call the meeting to order and remind members of the applicable rules of procedure.
2. Declare a recess or table the issue.
3. Ask the disorderly person(s) to leave the meeting.
4. Adjourn the meeting until a time and date certain.

#### **SECTION X. Public Hearings**

The Planning Commission will hold public hearings when developing a Town Plan, or developing bylaws or amendments thereto.

##### **A. Notification**

1. Any public notice required for a public hearing shall be given in accordance with 24 VSA 4444 not less than 15 days prior to the date of the public hearing by:
  - a. the publication of the date, place and purpose of the hearing in the Brattleboro Reformer;
  - b. posting of the same information in 3 public places, one of which shall be in or near the town offices.
2. When a public hearing is recessed, its continuance shall not require public notification provided that the date, time, and place of the continuance is announced prior to recess.
3. Where a hearing is called concerning a plan or bylaw adoption, amendment, or repeal, the Board will:
  - a. publish and post, as provided not less than 15 days prior to the date of the public hearing either the full text of the proposed material, or a notice including:
    1. A statement of purpose;
    2. The geographic areas affected;
    3. A table of contents or a list of section headings;
    4. Identify a location where the full text may be examined; or
  - b. make reasonable effort to mail or deliver copies of the full text, or a concise summary of the text of the proposed material and the public hearing notice to each voter as evidenced by the voter checklist, and each landowner as evidenced by the grand list.
4. No defect in the form or substance of any public hearing notice under this chapter shall invalidate the adoption, amendment or repeal of any plan or bylaw. However the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required, or if the defect was the result of a deliberate or intentional act.

##### **B. Hearing Procedure**

1. Chair opens hearing by reading legal notice;
2. Chair reviews ground rules for public comment;
3. Presentation by Planning Commission;
4. Members of public comments and questions;
5. Chairperson:
  - a. closes public hearing, OR
  - b. Seeks motion of Commission members to recess (continue) hearing to date and time specific, stating reason for the recess.
6. If hearing is adjourned (closed):
  - a. Planning Commission enters deliberative session, OR
  - b. Takes up next agenda item, if any, and deliberates later at a special or regular meeting.

The members of the Planning Commission may ask questions at any time during the hearing.

**C. Site Visits**

1. Site visits are encouraged. Any member of the Commission, or the Zoning Administrator, may request a site visit.
2. Attendance at the site visit may include Commission members, the Administrator, and the public. A quorum of the Commission is not required. No public testimony shall be taken.

**SECTION XI. Officers and Subcommittees**

Officers of the Planning Commission shall consist of a Chair, Vice-Chair and Clerk, elected by the Commission at the annual meeting for a term of one year. The chair of the Planning Commission, or, in the chair's absence, the vice-chair, shall preside over all meetings. In the event the Clerk shall be absent from any meeting, the officer presiding shall designate an acting Clerk.

**A. Duties of Officers**

**1. Chair:**

The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure. Duties of the chair are:

- a. To preside at all meetings of the Commission.
- b. To call special meetings in accordance with these Bylaws.
- c. To sign official documents of the Commission.
- d. To see that all actions of the Commission are properly taken.
- e. To prepare the agenda for all meetings of the Commission.
- f. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
- g. To represent the Commission at all official meetings requiring attendance of member(s) of the Planning Commission and in his/her absence, designate and authorized-representative.

**2. Vice-Chair:**

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

**3. Clerk:**

- a. To keep the minutes of all meetings of the Commission.
- b. To give or serve all notices required by law or by these Bylaws.

