

**Bylaws and Rules of Procedure for the
Central Business Architecture, Conservation Commission, Historical Commission,
Planning Board, and Zoning Board**

Section One: Shared Procedures for All Boards

§1.1 Appointing Authority and Board Composition

The Mayor makes all board appointments, subject to City Council confirmation. Board composition is determined by the City of Northampton Administrative Code.

§1.2 Permit Applications:

The Office of Planning and Sustainability shall post applications and instructions for all permits on-line, in accordance with the procedures in the applicable statutes, ordinances, regulations, and board requested filing requirements.

§1.3 Records at the Office of Planning & Sustainability

The Office of Planning & Sustainability serves as staff/agent/record keeper for the Planning Board, Zoning Board, Central Business Architecture Committee, Conservation Commission, and Historical Commission (collectively referred to here as ‘Board’) and maintains all official records in accordance with public record requirements.

§1.4 Procedure for Adopting & Amending By-laws

These By-laws and Rules of Procedures shall be adopted and subsequently amended at any regular meeting by a majority vote of the applicable Board, provided that any original proposal or amendment shall have been proposed at a regular meeting immediately preceding that during which a vote is taken, and further provided that all members are mailed, emailed, or otherwise provided copies of the proposal. The rules remain in effect unless and until amended.

§1.5 Notice of Board Meetings and Public Hearings

Planning & Sustainability staff shall email or otherwise deliver notice of all regular meetings to board members and post such notices with the City Clerk in accordance with public meeting requirements. Notice of hearings shall be advertised as required by law. Boards shall meet at times and dates with adequate frequency to meet statutory deadlines.

§1.6 Conduct of Public Hearings

Public Hearings, which may take place during regularly scheduled meetings, will be advertised in accordance with the applicable statutory and regulatory requirements. At the public hearing:

1. The Chair will announce that it is time for a Public Hearing, the subject of such hearing, and the procedure to be followed.
2. The applicant, their representatives, and/or planning staff will present the matter, any issues that have to be addressed, the relevant sections of law and regulations, any pertinent new information, and any relevant documentation.
3. Board members may ask questions or make comments or ask staff to report on the application,
4. The public will be invited to testify and make relevant comments or questions directly to the Board.

5. After public comment, the Chair will then allow the applicant and project staff to respond to any issues/questions, with all letters received on the matter entered into the record.
6. The Chair will call for Board discussion and questions. Only the Chair may recognize speakers and shall refer questions to the appropriate persons.
7. At any point, the Board may vote to close, postpone, or continue a public hearing, to a time, place and date certain, with a majority vote of the board.
8. Any documents that are presented to a board must be provided to board staff in paper and electronic form to be part of the public record.

§1.7 Public Participation

During a regular meeting outside of public hearings, members of the general public may participate during the public comment period or other times as determined by the Chair and only upon the invitation of the Chair or invitation of a Board member and consent of the quorum. If the Chair determines that a meeting or Public Hearing is becoming too disorderly to properly conduct business, the Chair may request a motion for a recess or eject unruly participants pursuant to the General Laws, if such motion receives the vote of a majority of the quorum.

§1.8 Quorum, Attendance, and Voting

A majority of the authorized membership in person or, when authorized by statute, remotely, of the Board will constitute a quorum and must be present to conduct a meeting. Any Member who misses more than three consecutive meetings, should consider resigning from the Board.

Except as otherwise stated by statute, ordinance, or regulation, the majority of the quorum is required for a passing vote.

§1.9 Purpose and Intent

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the boards staffed by the Office of Planning & Sustainability to allow each board to carry out its duties and responsibilities. Where there appears any conflict between these Rules and any law, city ordinance, or subdivision regulations, the law, ordinance, and regulations shall govern. The Chair, subject to override by the majority of the board, may clarify any unclear standard or suspend specific rules to the extent not inconsistent with statutes, regulations, and other authority.

§1.10 Election of Officers and Appointment to Committees and Other Roles

The board shall elect a Chair and Vice Chair, by a majority of the quorum at the first meeting in January of each year or such other time as the board determines. Standing committees and representatives to other organizations shall be appointed at this meeting. Vacancies will be filled in the same manner at the next meeting of the board following receipt of a notice of vacancy

§1.11 Chair and Vice Chair Powers and Duties

The Chair shall preside at meetings, add items to the agenda as necessary, call special meetings, represent the Board in certain matters, and have the power to appoint board members to standing and special committees. The Chair may vote on all matters coming before the Board and may participate in debate. The Vice Chair shall carry out the functions of the Chair in the Chair's absence.

§1.12 Board Signatures

The Boards have recognized and accepted the provisions of MGL C110G regarding electronic signatures, and its members may execute documents either with electronic signatures or wet ink signatures. Both will carry the same legal weight and effect.

§1.13 Employment of Outside Consultants Charged to Permit Applicants

The Zoning Board, Planning Board, and Conservation Commission may determine a need to employ outside consultants to provide technical advice so the board can properly review an application. Whenever possible the board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of consultant fees by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee in accordance with M.G.L. c. 44, § 53G for the employment of outside consultants chosen by the Board alone.

A review fee may be imposed only if:

1. The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Board.
2. The Board finds that an adequate review cannot be performed by city employees/contractors.
3. The work is in connection with the applicant's specific project.
4. All written results and reports are made part of the record before the Board.
5. The applicant is provided five business days' notice and opportunity to submit written comments relative to the invitation for bids or requests for proposals.
6. The applicant is provided five business days' notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract.
7. The applicant is provided five business days' notice and the opportunity to file an appeal of the selection of the outside consultant with the City Council. Such appeal shall include extensions on the necessary statutory timeline for rendering a decision. Grounds for said appeal are limited to written claims, with documentation, that the consultant selected has a conflict of interest or does not possess the minimum required qualification in accordance with M.G.L. c. 44, § 53G. If the City Council does not act within thirty days the board's decisions shall stand.
8. Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten days of receiving written notification of the execution of a contract with a consultant, the board may deny the permit.

Each review fee shall be deposited in a special account established by the municipal treasurer pursuant to M.G.L. c. 44 § 53G.

1. Funds from the special account may be expended only for the purposes described in Section 5.1 above, and in compliance with the Uniform Procurement Act, M.G.L. c. 30B, § 1-19.
2. Within sixty days of completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest (if any).

Section Two: Northampton Planning Board

§2.1 Chair and Vice Chair Additional Powers and Duties

Prior to the commencement of a Special Permit or Site Plan Public Hearing only (does not include Subdivision hearings or actions on Comprehensive Plans), the Chair shall designate Associate Planning Board member(s), on a rotating basis, to sit in the event that any board member is absent, unable to act, or has a conflict of interest. When acting on any permit, there shall not be more than seven Board members voting on any Site Plan or Special Permit application.

§2.2 Associate Members: Powers and Duties:

Associate Members shall be designated to sit on the Board by the Chair, as outlined above. Associate members may participate as non-voting members in any other matters before the Board. Associate members are not allowed to vote on any permit requiring Subdivision Approval, or on approvals of components of Master/Comprehensive Plans, or to serve as Chair or Vice Chair.

§2.3 Approval Not Required Signatures for the Planning Board

The Director and Assistant Director of Planning & Sustainability are authorized to sign Approval Not Required (ANR) surveys, after a quorum of the Planning Board votes to have the ANR plans endorsed.

Section Three: Northampton Zoning Board

§3.1 Associate Members Powers and Duties

The Chair of the Board shall designate an associate member to sit on the board in case of the absence, inability to act or conflict of interest on the part of any board member. In the event of a vacancy on the Board, the Chair may designate an associate member to act as a member of the Board until someone is appointed to fill the unexpired portion of the vacated term. Associate members may participate in any discussion of bylaws and other procedural matters. It is expected that Associates members attend all board meetings and take part in the board discussions even when not authorized to vote on a matter before the board.

§3.2 Zoning Administrator

The Zoning Administrator shall be either a full member or an associate member of the Zoning Board and serve on a rotating basis at Zoning Administrator Hearings to review Findings that are authorized by Zoning to be heard before the Zoning Administrator

§3.3 Comprehensive Permit under MGL 40B

These rules establish procedures for applications to the Zoning Board of Appeals for Comprehensive Permits (under MGL. c.40B and 760 CMR 31.02) to facilitate the development of affordable housing. These rules shall be read in conjunction with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00, the Guidelines for Local Review of Comprehensive Permits, published periodically by the Executive Office of Communities and Development.

1. The application for a Comprehensive Permit shall consist of:
 - A. Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. An applicant proposing to construct or rehabilitate four or fewer units may submit a sketch, which need not have an architect's signature, of the items required by this paragraph and paragraph (c) below. All structures of five or more units must have site development plans signed by a registered architect;
 - B. A report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. This may be combined with that required in paragraph (a), above;
 - C. Preliminary architectural, scaled drawings for building plans including typical floor plans, typical elevations and sections, and identifying construction type and exterior finish, signed by a registered architect;
 - D. A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
 - E. Where a subdivision of land is involved, a preliminary subdivision plan;
 - F. A preliminary utilities plan showing the proposed location and types of sewage water and drainage facilities including hydrants;
 - G. Documents showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01, specifically that the applicant is a public agency, a non-profit organization, or a limited dividend organization, the applicant controls the site, and the project is fundable under a low and moderate income housing program; or is a local initiative proposal eligible for a Comprehensive Permit pursuant to 760 CMR 45.04 and Northampton's adopted local Initiative Plan, including documents showing that the project will be affordable for a minimum of 99 years
 - H. A list of requested exceptions to local codes, ordinances, and regulations, including the zoning ordinance, subdivision regulations, and wetlands protection ordinance.
2. The Board shall hold a public hearing on the application within thirty days of its receipt. It may request the appearance at the hearing of such representatives of local officials as it considers necessary or helpful in reviewing the application. In making its decision, the Board shall take into consideration the recommendations of local officials.
3. The Board shall render a decision, based on a majority vote of the Board, within forty days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the applicant. The hearing is deemed terminated when all public testimony has been received and all information requested by the Board has been received.
4. If a subdivision of land is involved, the Board must render a decision on the basis of the information in the record. No construction is permitted until a Definitive Subdivision Plan has been submitted to and approved by, with reasonable conditions, the Board. Definitive Subdivision Plans shall be prepared and submitted in accordance with the Planning Board's "Rules and Regulations Governing the Subdivision of Land in the City of Northampton,"

except when the Board has granted waivers of those regulations. The Zoning Board, not the Planning Board, is the permit granting agency.

5. The Board may approve a Comprehensive Permit on the terms and conditions set forth in the application, approve a Comprehensive Permit with conditions with respect to height, site plan, size, shape or building materials, plans easements, and filing requirements that do not render the construction or operation of such housing uneconomic, or deny a Comprehensive Permit as not consistent with local needs.

Adoption History:

Planning Board adopted (Sections 1 and 2):

Zoning Board adopted (Sections 1 and 3):

Conservation Commission adopted (Section 1):

Central Business Architecture Committee adopted (Section 1):

Historical Commission adopted (Section 1):