

# Town of Richmond, R.I. Planning Board



## A Citizens' Guide to Public Hearings before the Planning Board

*If you own property near land that is proposed for development, you might receive a notice telling you that the Planning Board has scheduled a public hearing on the application. This guide is designed to help you understand the procedure for public hearings and your role in the approval process.*

### Why does the Planning Board conduct public hearings?

State law says that whenever an applicant seeks approval of a subdivision or land development project, the Planning Board must hold a public hearing on the application. The issues addressed at these public hearings involve property rights and are often complex, and the decision is subject to appeal. Following the proper procedure helps insure that public hearings are conducted fairly and according to state law.

### What happens at a public hearing?

The purpose of a public hearing is to give everyone an opportunity to ask questions, express their views, and, if they wish, to offer evidence to support their views.

An agenda is posted for each Planning Board meeting at least 48 hours in advance. The agenda is posted on the town's website: <http://www.richmondri.com/AgendaCenter>. The board follows the order of business on that agenda unless by a majority vote the board alters the order in which matters will be considered.

Public hearings often take more than one meeting to finish. If that happens, the public hearing also will be included on an agenda for a later meeting.

The chairperson of the Planning Board calls each meeting to order and introduces each new matter on the agenda. The chairperson is in charge of running the meeting. He or she has the authority to take



any measures necessary to control the meeting, including removing disruptive people. Board members and others speak only when recognized by the chairperson.

## How is a public hearing conducted?

A public hearing usually is conducted this way:

- The Planning Board chairperson will explain the purpose of the hearing, and will announce the “ground rules.”
- The board will vote to open the public hearing.
- The applicant will make a presentation, usually at least 15 to 20 minutes long, describing the development proposal. The applicant must prove that the proposal complies with the town’s ordinances and regulations. Professionals, including surveyors and engineers, will explain plans and other documents they have prepared.
- The chairperson will ask the town staff (the town planner, the town solicitor, or the public works director) if they wish to clarify any issues. They may identify and discuss technical issues and explain possible alternatives.
- Board members will ask questions of the applicant’s professionals.
- The chairperson will then open the hearing to the public for questions or comments.
  - People who want to speak will be asked to do so one at a time. Each person who speaks must state his or her name and address for the record.
  - The chairperson may limit each person’s questions to 3 to 5 minutes, depending on the size of the audience or the length of the agenda. Everyone who has not spoken will be recognized before anyone is permitted to speak for a second time.
  - Professionals such as engineers or lawyers who represent owners of property near the proposed development might address the board.
  - If a photograph, map, chart, or other exhibit presented to the board by an objector, it will be retained for the record.
  - Questions and comments should not be repetitive or irrelevant.
  - Spontaneous comments from the audience, personal attacks, or unruly behavior such as booing, cheering, or applause are not permitted.
- After everyone in the audience has had a chance to speak, the chairperson will give the applicant an opportunity to respond to the public comments.





You can find Planning Board meeting agendas on the town's website:  
<http://www.richmondri.com/AgendaCenter>

At this point, either of these things could happen:

If the Planning Board is satisfied that it has received all the information it needs to make a decision, and all of its questions have been answered, the chairperson will call for a motion and a vote to close the public hearing.

If the Planning Board has asked the applicant to provide additional information, or if the board has asked town staff to provide information, the Planning Board will vote to resume the public hearing on another specific date.

*Everyone who wishes to speak at a public hearing will have a chance to do so. If more people wish to speak than can be accommodated in one evening, the Planning Board will vote that evening to resume the public hearing on another specific date.*

## What happens after the public hearing is closed?

State law requires the Planning Board to issue a written decision on each application within a certain number of days. Usually, the town planner and other town staff prepare a draft decision for the Planning Board's review.

After the public hearing closes, Planning Board members discuss the evidence presented at the public hearing. The discussion often involves conditions board members feel should be placed on approval of an application. That discussion helps the town planner prepare the draft decision.



A vote on the application usually does not occur until the planning board has had a chance to review the final draft decision. The vote may take place at the end of a public hearing or it may take place a few weeks later.

## **The Planning Board**

The Richmond Planning Board meets on the second and fourth Tuesday of each month at 7:00 p.m., usually in the Town Council chamber at Richmond Town Hall. All of the board's meetings are public.

Public hearings and review of development applications usually take place at the first meeting of the month. At the second meeting of the month, the board usually discusses ordinance or regulation revisions and other policy matters.

The seven Planning Board members are volunteers who serve without pay. Most are not planning professionals; they bring a variety of skills and experience to their duties. They work with the assistance of the town planner, who determines whether applications are complete, meets with developers, reviews plans in detail, and prepares draft decisions.

Approval of a development application is based on whether the plans comply with the regulations—not on whether the Planning Board thinks the town needs more development or if the Planning Board thinks a particular site is a good place for development.

If an applicant's land is zoned for the proposed use, and the plans meet all the requirements for development in the land development and subdivision regulations, the Planning Board has no legal authority to deny the application.

**DISCLAIMER:** The statements in this guide are for information purposes only, and are not intended to substitute for the information and advice you would receive from your own lawyer.