

2024 -- S 2991

LC005857

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO TOWNS AND CITIES -- LOCAL PLANNING BOARD OR COMMISSION

Introduced By: Senators Burke, and LaMountain

Date Introduced: April 16, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-22-1 and 45-22-3 of the General Laws in Chapter 45-22 entitled
2 "Local Planning Board or Commission" are hereby amended to read as follows:

3 **45-22-1. Establishment of a planning board or commission -- Home rule charter**
4 **exempt.**

5 (a) All cities and towns shall, by ordinance, establish a planning board or commission under
6 the provisions of this chapter. Any city or town operating under a home rule charter which provides
7 for the establishment of a planning board or commission may continue under the provisions of that
8 charter, except that the provisions of § 45-22-7, governing the formulation and adoption of a
9 comprehensive plan and the duties of a planning board or commission, apply to all cities and towns.

10 (b) Notwithstanding any other provision of the general laws, public laws or any special law
11 to the contrary regarding the same, including any home rule charter provision, a city or town may
12 establish, by ordinance, a combined review board pursuant to the provisions of § 45-24-56.1 which
13 shall have the authority, powers, requirements and duties set forth in this chapter, as well as in
14 chapter 23 of title 45, and chapter 24 of title 45 of a "planning board or commission" and "zoning
15 board."

16 ~~**45-22-3. Membership — Continuation of present membership**~~ **Membership.**

17 (a) ~~A~~ Unless the local ordinances allow for a combined review board as set forth in §§ 45-
18 22-1 and 45-24-56.1, a municipality shall provide for the creation of a planning board or
19 commission ~~consists~~ and the appointment of its members, including alternate members, pursuant

1 [to § 45-22.2-2, and for the organization of such board or commission. The board or commission](#)
2 [shall consist](#) of no less than five (5) members [and up to two \(2\) alternates](#), and appointments are
3 made for terms of a length that the terms of no more than one third (1/3) of the members of the board
4 or commission expire each year. Any vacancy occurring in the membership of a planning board or
5 commission shall be filled by the appointing authority for the remainder of the unexpired term. Any
6 member of a planning board or commission may be removed from office by the appointing
7 authority for due cause, following a public hearing.

8 (b) Vacancies to the planning board or commission occurring after May 4, 1972, shall be
9 filled in the manner prescribed in this section, except as provided in § 45-22-1 in cities or towns
10 operating under a home rule charter.

11 ~~(c) The Hopkinton town council has the right to appoint two (2) alternate members to the~~
12 ~~Hopkinton planning board and the Exeter town council may appoint two (2) alternate members to~~
13 ~~the Exeter planning board and the Richmond town council has the right to appoint two (2) alternate~~
14 ~~members to the Richmond planning board and the Barrington town council has the right to appoint~~
15 ~~two (2) alternate members to the Barrington planning board.~~

16 ~~(d) The mayor of Johnston shall have the right to appoint two (2) alternate members to the~~
17 ~~Johnston planning board.~~

18 SECTION 2. Section 45-24-56 of the General Laws in Chapter 45-24 entitled "Zoning
19 Ordinances" is hereby amended to read as follows:

20 **45-24-56. Administration — Zoning board of review — Establishment and**
21 **procedures.**

22 (a) ~~A~~ [Unless the zoning ordinance provides for a combined review board pursuant to §§](#)
23 [45-24-56.1 and 45-22-1, a](#) zoning ordinance adopted pursuant to this chapter shall provide for the
24 creation of a zoning board of review and for the appointment of members, including alternate
25 members, and for the organization of the board, as specified in the zoning ordinance, or, in cities
26 and towns with home rule or legislative charters, as provided in the charter. A zoning ordinance
27 may provide for remuneration to the zoning board of review members and for reimbursement for
28 expenses incurred in the performance of official duties. A zoning board of review may engage legal,
29 technical, or clerical assistance to aid in the discharge of its duties. The board shall establish written
30 rules of procedure; a mailing address to which appeals and correspondence to the zoning board of
31 review are sent; and an office where records and decisions are filed.

32 (b) The zoning board of review shall consist of five (5) members, ~~each to hold office for~~
33 ~~the term of five (5) years; provided, that the original appointments shall be made for terms of one,~~
34 ~~two (2), three (3), four (4), and five (5) years, respectively.~~ [A zoning ordinance shall provide for](#)

1 the length of term of each member, but shall not exceed five (5) years. The zoning board of review
2 shall also include at least two (2) or up to four (4) alternates to be designated ~~as the first and second~~
3 ~~alternate members~~ as each respective alternate, their terms to be set by the ordinance, but not to
4 exceed five (5) years. These alternate members shall sit and may actively participate in hearings.
5 The first alternate shall vote if a member of the board is unable to serve at a hearing ~~and~~, the second
6 shall vote if two (2) members of the board are unable to serve at a hearing; if there is a third
7 alternate, such alternate shall vote if three (3) members of the board are unable to serve at a hearing;
8 and if there is a fourth alternate, such alternate shall vote if four (4) members of the board are unable
9 to serve at a hearing. In the absence of ~~the first~~ an alternate member or members, the ~~second~~ next
10 numbered alternate member or members shall serve in the position of ~~the first alternate that~~
11 alternate or alternates. A minimum of four (4) members, which may include alternates, shall form
12 a duly constituted quorum. No member or alternate may vote on any matter before the board unless
13 they have attended all hearings concerning that matter. Where not provided for in the city or town
14 charter, the zoning ordinance shall specify procedures for filling vacancies in unexpired terms of
15 zoning board members, and for removal of members for due cause.

16 (c) ~~Notwithstanding the provisions of subsection (b), the zoning board of review of the~~
17 ~~town of Jamestown shall consist of five (5) members, each to hold office for the term of five (5)~~
18 ~~years; provided, that the original appointments shall be made for terms of one, two (2), three (3),~~
19 ~~four (4), and five (5) years respectively. The zoning board of review of the town of Jamestown shall~~
20 ~~also include three (3) alternates to be designated as the first, second, and third alternate members,~~
21 ~~their terms to be set by the ordinance, but not to exceed five (5) years. These alternate members~~
22 ~~shall sit and may actively participate in hearings. The first alternate shall vote if a member of the~~
23 ~~board is unable to serve at a hearing; the second shall vote if two (2) members of the board are~~
24 ~~unable to serve at a hearing; and the third shall vote if three (3) members of the board are unable to~~
25 ~~serve at a hearing. In the absence of the first alternate member, the second alternate member shall~~
26 ~~serve in the position of the first alternate. No member or alternate may vote on any matter before~~
27 ~~the board unless they have attended all hearings concerning that matter. Where not provided for in~~
28 ~~the town charter, the zoning ordinance shall specify procedures for filling vacancies in unexpired~~
29 ~~terms of zoning board members, and for removal of members for due cause.~~

30 (d) Members of zoning boards of review serving on the effective date of adoption of a
31 zoning ordinance under this chapter are exempt from the provisions of this chapter respecting terms
32 of originally appointed members until the expiration of their current terms.

33 (e) The chairperson, or in his or her absence, the acting chairperson, may administer oaths
34 and compel the attendance of witnesses by the issuance of subpoenas.

1 ~~(f) Notwithstanding the provisions of subsection (b), the zoning board of review for the~~
2 ~~town of Little Compton shall consist of five (5) members, each to hold office for the term of five~~
3 ~~(5) years. The zoning board of review for the town of Little Compton shall also include three (3)~~
4 ~~alternates to be designated as the first, second and third alternate members, their terms to be set by~~
5 ~~the ordinance, but not to exceed five (5) years. These alternate members shall sit and may actively~~
6 ~~participate in the hearings. The first alternate shall vote if a member of the board is unable to serve~~
7 ~~at a hearing; the second shall vote if two (2) members of the board are unable to serve at a hearing;~~
8 ~~and the third shall vote if three (3) members of the board are unable to serve at a hearing. In the~~
9 ~~absence of the first alternate member, the second alternate member shall serve in the position of~~
10 ~~the first alternate. No member or alternate may vote on any matter before the board unless they~~
11 ~~have attended all hearings concerning that matter. Where not provided for in the town charter, the~~
12 ~~zoning ordinance shall specify procedures for filling vacancies in unexpired terms of zoning board~~
13 ~~members, and for removal of members for due cause.~~

14 ~~(g) Notwithstanding the provisions of subsection (b), the zoning board of review for the~~
15 ~~town of Charlestown shall consist of five (5) members, each to hold office for the term of five (5)~~
16 ~~years. The zoning board of review for the town of Charlestown shall also include three (3) alternates~~
17 ~~to be designated as the first, second, and third alternate members, their terms to be set by the~~
18 ~~ordinance, but not to exceed five (5) years. These alternate members shall sit and may actively~~
19 ~~participate in the hearings. The first alternate shall vote if a member of the board is unable to serve~~
20 ~~at a hearing; the second shall vote if two (2) members of the board are unable to serve at a hearing;~~
21 ~~and the third shall vote if three (3) members of the board are unable to serve at a hearing. In the~~
22 ~~absence of the first alternate member, the second alternate member shall serve in the position of~~
23 ~~the first alternate. No member or alternate may vote on any matter before the board unless they~~
24 ~~have attended all hearings concerning that matter. Where not provided for in the town charter, the~~
25 ~~zoning ordinance shall specify procedures for filling vacancies in unexpired terms of zoning board~~
26 ~~members, and for removal of members for due cause.~~

27 ~~(h) Notwithstanding the provisions of subsection (b), the zoning board of review for the~~
28 ~~town of Scituate shall consist of five (5) members, each to hold office for the term of five (5) years.~~
29 ~~The zoning board of review for the town of Scituate shall also include three (3) alternates to be~~
30 ~~designated as the first, second, and third alternate members, their terms to be set by the ordinance,~~
31 ~~but not to exceed five (5) years. These alternate members shall sit and may actively participate in~~
32 ~~the hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing;~~
33 ~~the second shall vote if two (2) members of the board are unable to serve at a hearing; and the third~~
34 ~~shall vote if three (3) members of the board are unable to serve at a hearing. In the absence of the~~

1 ~~first alternate member, the second alternate member shall serve in the position of the first alternate.~~
2 ~~No member or alternate may vote on any matter before the board unless they have attended all~~
3 ~~hearings concerning that matter. Where not provided for in the town charter, the zoning ordinance~~
4 ~~shall specify procedures for filling vacancies in unexpired terms of zoning board members, and for~~
5 ~~removal of members for due cause.~~

6 ~~(i) Notwithstanding the provisions of subsection (b), the zoning board of review of the~~
7 ~~town of Middletown shall consist of five (5) members, each to hold office for a term of five (5)~~
8 ~~years. The zoning board of review of the town of Middletown shall also include three (3) alternates~~
9 ~~to be designated as the first, second, and third alternate members, their terms to be set by ordinance~~
10 ~~but not to exceed (5) years. These alternate members shall sit and may actively participate in the~~
11 ~~hearing. The first alternate shall vote if a member of the board is unable to serve at the hearing; the~~
12 ~~second alternate shall vote if two (2) members of the board are unable to serve at the hearing; and~~
13 ~~the third alternate shall vote if three (3) members of the board are unable to serve at the hearing. In~~
14 ~~the absence of the first alternate member, the second alternate member shall serve in the position~~
15 ~~of the first alternate. No member or alternate may vote on any matter before the board unless they~~
16 ~~have attended all hearings concerning that matter. Where not provided for in the town charter the~~
17 ~~zoning ordinance shall specify procedures for filling vacancies in unexpired terms of zoning board~~
18 ~~members and for removal of members for due cause.~~

19 ~~(j) Notwithstanding the provisions of subsection (b), the zoning board of review of the city~~
20 ~~of Cranston shall consist of five (5) members, each to hold office for a term of five (5) years. The~~
21 ~~zoning board of review of the city of Cranston shall also include four (4) alternates to be designated~~
22 ~~as the first, second, third, and fourth alternate members to be appointed for a term of one year.~~
23 ~~These alternate members shall sit and may actively participate in all zoning hearings. The first~~
24 ~~alternate shall vote if a member of the board is unable to serve at the hearing; the second alternate~~
25 ~~shall vote if two (2) members of the board are unable to serve at the hearing; the third alternate~~
26 ~~shall vote if three (3) members of the board are unable to serve at the hearing; and the fourth~~
27 ~~alternate shall vote if four (4) members of the board are unable to serve at the hearing. In the absence~~
28 ~~of the first alternate member, the second alternate member shall serve in the position of the first~~
29 ~~alternate. No member or alternate may vote on any matter before the board unless they have~~
30 ~~attended all hearings concerning that matter. Where not provided for in the city charter, the zoning~~
31 ~~ordinance shall specify procedures for filling vacancies during the unexpired terms of zoning board~~
32 ~~members and for removal of members for due cause.~~

33 ~~(k) Notwithstanding the provisions of subsection (b), the zoning board of review for the~~
34 ~~town of Barrington shall consist of five (5) members, each to hold office for a term of five (5) years.~~

1 ~~The zoning board of review for the town of Barrington shall also include three (3) alternates to be~~
2 ~~designated as the first, second, and third alternate members, their terms are to be set by ordinance~~
3 ~~but not to exceed five (5) years. These alternate members shall sit and may actively participate in~~
4 ~~the hearing. The first alternate member shall vote if a member of the board is unable to serve at the~~
5 ~~hearing; the second alternate shall vote if two (2) members of the board are unable to serve at the~~
6 ~~hearing; and the third alternate member shall vote if three (3) members of the board are unable to~~
7 ~~serve at the hearing. In the absence of the first alternate member, the second alternate member shall~~
8 ~~serve in the position of the first alternate. No member or alternate may vote on any matter before~~
9 ~~the board unless they have attended all the hearings concerning that matter. Where not provided for~~
10 ~~in the town charter, the zoning ordinance shall specify procedures for filling vacancies in unexpired~~
11 ~~terms of zoning board members, and for removal of members for due cause.~~

12 ~~(f) Notwithstanding the provisions of subsection (b), the zoning board of review for the~~
13 ~~town of South Kingstown shall consist of five (5) members, each to hold office for a term of five~~
14 ~~(5) years. The zoning board of review for the town of South Kingstown shall also include three (3)~~
15 ~~alternates to be designated as the first, second, and third alternate members, their terms to be set by~~
16 ~~ordinance but not to exceed five (5) years. These alternate members shall sit and may actively~~
17 ~~participate in the hearing. The first alternate shall vote if a member of the board is unable to serve~~
18 ~~at the hearing; the second alternate shall vote if two (2) members of the board are unable to serve~~
19 ~~at the hearing; and the third alternate shall vote if three (3) members of the board are unable to~~
20 ~~serve at the hearing. In the absence of the first alternate member, the second alternate member shall~~
21 ~~serve in the position of the first alternate. No member or alternate may vote on any matter before~~
22 ~~the board unless they have attended all hearings concerning that matter. Where not provided for in~~
23 ~~the town charter, the zoning ordinance shall specify procedures for filling vacancies in unexpired~~
24 ~~terms of zoning board members, and for removal of members for due cause.~~

25 SECTION 3. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby
26 amended by adding thereto the following section:

27 **45-24-56.1. Administration -- Authority to establish a combined review board.**

28 (a) A zoning ordinance may provide for the creation of a combined review board and for
29 the appointment of members, including alternate members as set forth herein, and for the
30 organization of the board, as specified in the zoning ordinance. Such board, if authorized and
31 appointed, shall take the place of separate planning board/commission and zoning board in the
32 municipality. The board shall have the powers, authority, responsibilities, and duties attributable to
33 the zoning board or planning board/commission as set forth in chapters 22, 22.2, 23, 24, 24.1, 32,
34 and 53 of title 45. A zoning ordinance may provide for remuneration to the board members and for

1 reimbursement for expenses incurred in the performance of official duties. The board may engage
2 legal, technical, or clerical assistance to aid in the discharge of its duties. The board shall establish
3 written rules of procedure; a mailing address to which appeals and correspondence are sent; and an
4 office where records and decisions are filed.

5 (b) The combined review board shall consist of at least five (5) members. A zoning
6 ordinance shall provide for the length of term of each member, but shall not exceed five (5) years.
7 The board shall also include at least two (2), or up to four (4) alternates to be designated as each
8 respectively numbered alternate, their terms to be set by the ordinance, but not to exceed five (5)
9 years. These alternate members shall sit and may actively participate in hearings. The first alternate
10 shall vote if a member of the board is unable to serve at a hearing; the second shall vote if two (2)
11 members of the board are unable to serve at a hearing; if there is a third alternate, such alternate
12 shall vote if three (3) members of the board are unable to serve at a hearing; and if there is a fourth
13 alternate, such alternate shall vote if four (4) members of the board are unable to serve at a hearing.
14 In the absence of an alternate member or members, the next numbered alternate member or
15 members shall serve in the position of the alternate or alternates. A minimum of four (4) members,
16 which may include alternates, shall form a duly constituted quorum. No member or alternate may
17 vote on any matter before the board unless they have attended all hearings concerning that matter.
18 The zoning ordinance shall specify procedures for filling vacancies in unexpired terms of board
19 members, and for removal of members for due cause.

20 (c) The agenda for a meeting of a combined review board shall state clearly which matters
21 are to be reviewed pursuant to its local and statutory authority as the planning board.

22 (d) Nothing herein shall change or alter the application, procedure, voting, notice or other
23 requirements set forth in the chapter governing the underlying application before the board.

24 SECTION 4. This act shall take effect on January 1, 2025.

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LC005857
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- LOCAL PLANNING BOARD OR COMMISSION

1 This act would provide amendments to the membership provisions of planning boards and
2 commissions and would enable municipalities to establish "combined review boards" to replace
3 separate planning and zoning boards.

4 This act would take effect on January 1, 2025.

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LC005857
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