

**CITY OF WESTFIELD PLANNING BOARD
RULES OF PROCEDURE**

1.0 ADOPTION

Effective October 1, 2024, and most recently amended on March 17, 2026, these rules are established under Chapter 13, Article II, Section 13-26 of the Code of Ordinances and Chapter 40A, Section 9 of the Massachusetts General Laws (M.G.L.) and shall supersede all other procedural rules and policies previously adopted. These rules may be replaced, revised or amended at any time by a majority vote of the Planning Board, provided such changes shall not take effect until the next meeting following said vote. Any rule may be temporarily suspended only for good cause and upon an affirmative vote of 5 or more members. All Board members and assigned staff shall be bound by these rules.

2.0 MEMBERSHIP

2.1 OFFICERS AND DESIGNEES

The Planning Board shall annually elect a Chair, a Vice Chair and Clerk. The Vice Chair and Clerk position may be held by the same member. Elections shall be conducted prior to or on the first Tuesday of February, when officers' terms shall commence. In the case of no election being so conducted, current office holders may continue until the election is held.

The Chair shall call for and preside at the meetings of the Board. Alternatively, any three members of the Board, consisting of not more than one associate member, may call a meeting.

In the absence of the Chair, the Vice Chair shall preside. In the absence of both, the members present will select a Board member to preside over the meeting as Acting Chair. In the event that the Chair resigns or can no longer serve, the Vice Chair shall assume position of the Chair for the duration of the term, and the Board shall elect a new Vice Chair from among its members.

The Clerk, in consultation with the Chair, shall be responsible for processing applications, decisions, agendas and meeting minutes in the absence of Board staff.

The Chair and Vice Chair are individually authorized to sign bills/payment schedules.

The Board shall designate one member as Westfield Commissioner to the Pioneer Valley Planning Commission (selected annually) and one member as its representative to the Community Preservation Committee (3-year term).

The Board may designate one or two members, who are not associate members, to solely endorse 'ANR' plans, following the Board's approval of such plan. Notice of such designation, along with the names and signatures of all members, shall be provided annually to the Hampden County Register of Deeds and Recorder of the Land Court.

2.2 ASSOCIATE MEMBERS

Associate members may participate in discussion of all matters before the Board in the same capacity as any other member but may not serve as elected or acting Chair, Vice Chair or Clerk. Nor may associate members vote on any roll call matter unless he/she has first been designated as a voting member for such matter (replacing a vacancy or ineligible member). The Chair should announce such voting member designations at the opening of the meeting or subject public hearing.

In all cases, an associate member may not cause more than 7 votes to be cast any matter, whether by roll call or voice vote, and any such vote in excess of 7 shall be voided and not determinative of a Board action.

Except where context otherwise informs, the term 'member(s)' shall be inclusive of 'associate member(s)' throughout.

2.3 MEMBER EXPECTATIONS

Members are expected to stay abreast of hearing or meeting notice postings (the City website offers email/text notifications) and should come prepared to meetings, including prior review and analysis of applications, staff reports, meeting minutes and governing laws and regulations. Undertaking site visits/drive-bys on an individual basis may be helpful in providing a basis for discussion at the meeting.

Members should be familiar with the Massachusetts Zoning Act (M.G.L. Ch. 40A), Municipal Planning and Subdivision Legislation (M.G.L. Ch 41 Sec. 81A-81GG), Open Meeting Law (M.G.L. Ch. 30A Sec. 18-25), Conflict of Interest Law (M.G.L. Ch. 268A), the Westfield Zoning Ordinance, Stormwater Management Ordinance, Complete Streets Ordinance, Subdivision Rules and Regulations, the Master Plan and other municipal policies and procedures. Members should commit to continuing education efforts relative to developments and trends in land use and planning, which may be achieved through independent study, trainings and conferences (such as the Citizen Planner Training Collaborative; masscptc.org). Any educational sessions mandated by the State or City must be completed.

Members are expected to attend all Board meetings, and those repeatedly unable to meet this commitment should consider resigning. The Chair and Board staff should be notified as soon in advance as possible in the case of an absence.

2.4 CODE OF ETHICS

The Planning Board requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, or sexual orientation, nor shall any member of the Board use profanity, insulting, threatening, or abusive language in the course of public debate or in testimony before any City Agency, Board or Commission. Furthermore, this code of ethics shall apply whenever a member is in any public setting representing the Board, whether explicitly or implicitly. These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Board. Jurisdiction rests with the Planning Board as a whole, and therefore any member may motion for a finding of a violation of this code.

2.5 CONFLICTS OF INTEREST

Members are responsible for determining when they might have a conflict of interest (generally regarded as a financial interest by them or their immediate family members) in any matter before the Board, and the State Ethics Commission should be consulted for advice. In the case of a *bona fide* or reasonable appearance of a conflict of interest, the member shall notify the Chair of his/her recusal from the subject discussion and should be dismissed from the room, except that he/she may sit with the audience and participate as a member of the public, provided the Board shall not afford any special or undue consideration to such member's position.

When a member or member's family member possess a unique personal interest in a matter that does not rise to the level of a disqualifying conflict of interest, he/she should first openly disclose such and confirm that he/she can act fairly and impartially on the matter.

3.0 MEETINGS

3.1 SCHEDULE

The Planning Board will meet on the first and third Tuesdays of each month at 6:00 pm in the Municipal Building (City Hall). Site or alternative meeting locations are allowed only with approval of the City Council. The Chair may cancel a regular meeting for good cause or allow for a reduced meeting frequency during summer months. Special meetings may be called at any other times. Executive sessions shall be governed by M.G.L. Ch. 30 Sec. 21, and if combined with an open session meeting, must be conducted after any posted public hearings. The Board will not meet on the same date that any City or State election is being held, nor in any case when proper notice under Open Meeting Law has not been given.

3.2 QUORUM

Four members of the Board, inclusive of associate members, shall constitute a quorum. Outside of a posted meeting, any such quorum shall not engage in any deliberative discussion (including via email or text) on a matter within the Board's jurisdiction, whether or not currently pending before it. Neutral distribution of materials or information in advance of an upcoming meeting agenda item may be acceptable, but it is preferable instead to forward such materials to Board staff for their dissemination to members and proper inclusion in the record file.

In the case of a matter requiring supermajority vote with less than 5 eligible members present, the matter shall be continued, without discussion, to a future date certain. With less than 7 eligible members present for such matter, the Board shall consider, without prejudice, an applicant's request to continue to when a full Board might be present.

3.3 PUBLIC PARTICIPATION

At the start of all regular meetings, public comment on any topic shall be afforded. On matters subject to a public hearing, the Chair may request that such comment be reserved until the hearing portion, where it can be properly considered. Members should not engage or deliberate on matters arising at public participation, except as such matter might be added to a future meeting agenda.

3.4 ORDER OF PUBLIC HEARINGS

Except as otherwise determined by the Chair, public hearings shall appear on the agenda first as continuances, in the order of the continuance being made, followed by new hearings, in the order the application was filed or referred. However, the Chair may amend the agenda order at the meeting for good cause or for convenience of the public. No new or continued public hearing shall commence after 10:00 pm, except to continue such matter without discussion.

3.5 MEETING MATERIALS

Public hearing applications shall be posted on the City website (cityofwestfield.org/applications), which shall be the primary format for distribution to the Board (all subsequently received or revised application materials might not be made available online). All other meeting materials shall, to the extent practical, be distributed electronically by staff to members, either by email or to the Board's share file.

3.6 HEARING FORMAT

During meetings at which the Board is considering applications for permits or approvals, the applicant shall be recognized for presentation, followed questions and comments by Board members, then Board staff and, in the case of public hearings, finally by questions and comments by abutters or other members of the public. Subsequent Board and staff comments and questions which arise may then be interjected at any time the Chair allows, and the applicant shall be given due opportunity to address all comments.

In presentations by abutters and the public, the Board shall grant wide latitude while reserving the right to redirect presentations which are not relevant or jurisdictional to the matters being discussed or are repetitive. Time limits may be set by the Chair whenever deemed necessary to facilitate discussion and deliberation in an orderly manner. The Board shall not close a public hearing until all interested parties present have had an opportunity to speak to the matter at least once. The Board or Chair, at their discretion, may allow public comment during its discussion on any other (non-hearing) agenda item.

At the discretion of the Chair, public comment may be invited generally or in three separate segments: those with a question of fact, those who wish to speak in favor, those opposed.

All comments shall be directed through the Chair. Attendees may not cross-examine the applicant, Board members or other speakers. If the Chair determines a hearing has become unruly, he/she may, after giving one warning, declare a recess and request a constable.

3.7 CONTINUANCES

Once a hearing has commenced, the Board may continue it indefinitely for good cause, provided any continuance shall be announced to a date certain. Unless otherwise specified with such continuance motion or announcement, the time and place of the continuance shall be 6:00 pm in City Hall Room 207 (Council Chambers).

In the case of the cancellation of a meeting for which a public hearing has been posted or previously continued, an administrative continuation may be made and noticed as follows, by descending precedence: by the Chair appearing at the specified time and place; by any one member in consultation with other members who may be present at the specified time and place; by a Board staff person appearing at the specified time and place; by a posting of a continuance notice at all entrances to and within the meeting room by the specified time; or, if City Hall is closed, by a posting of a continuance notice at the accessible/ramp entrance to the building and/or by use of the City Hall electronic message sign. Posting of notice via the City website should concurrently be made, provided sufficient advance knowledge of the cancellation permits.

Failure to so properly continue a hearing to a date certain shall require full re-notification/ advertising of the matter.

3.8 PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for elsewhere, the presiding officer and members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on *Robert's Rules of Order*.

All decisions resulting from a public hearing must be motioned and duly seconded prior to a vote being taken. Roll call votes must be taken for all special permits, site plan approvals, definitive subdivisions, matters of significant consequence or as called for by any voting member.

3.9 DELIBERATIONS

In matters of public hearings, after the hearing has been closed only eligible voting members may participate in deliberations. All other members should refrain from speaking, gesturing or otherwise influencing the voting contingent.

3.10 EX PARTE COMMUNICATION

In public hearing matters, members must, at any time outside of the open public hearing at the meeting, refrain from contact or substantive discussion with anyone on the matter, including social media, news coverage, other Board members, the applicant/representative, family members and the public. Members may contact Board staff at any time with procedural or technical questions, and staff shall avoid any implicit or explicit influence on the merits of the application (except at the public hearing).

Any such *ex parte* communication can result in a failure of procedural due process and is contrary to legal ethical principles. In the case *ex parte* influence or information is obtained, it must be disclosed at the hearing and made a part of the record (preferable) or excluded as a basis for the decision. Members may add their personal and institutional knowledge, but a decision must otherwise be based only on the evidence from the application materials and hearing testimony, and considering the established standards and findings necessary for approval. Due to their discretionary nature, special permits shall be afforded the highest degree of procedural due process.

3.11 MULLIN RULE

The City has adopted the Mullin Rule (M.G.L. Ch. 39 Sec. 23D) in the case a member misses only one public hearing session per application. Any members invoking the Mullin Rule should be cognizant of displacing otherwise eligible Associate Members. Prior to voting, a member invoking the Mullin Rule shall submit written certification to the Chair that he/she has viewed a live broadcast, full recording or transcription (not meeting minutes) of the missed hearing and examined all evidence received, and the Chair shall declare that the Mullin Rule is being used. Such certification is to be filed with the City Clerk, along with the subject Board decision.

No member is required to utilize the Mullin Rule, and any member absent or expected to be absent from a hearing should inform the Board as soon as possible that he/she intends or does not intend to invoke the Mullin Rule such that the Board and applicant may best plan hearing continuance and vote schedules. However, such notice shall not be binding.

3.12 FINAL BOARD ACTION

For any decision or approval requiring notice thereof to be filed with the City Clerk, such filing shall be considered the Board's final action on the matter. On other matters, final action shall be the subject vote or consensus noted on the matter, except where a successful motion to reconsider from the non-prevailing side is made or where the matter comes before the Board anew.

4.0 ADMINISTRATIVE MATTERS

4.1 FILING OF APPLICATIONS

The Planning Department shall establish application procedures and filing deadlines, which shall be at the minimum time in advance of a meeting that allows for reasonable processing and notice requirements. Such deadlines shall be posted on the City website.

To the maximum extent practical or permissible, application materials for the Board shall be provided only in digital format (one paper copy is required for the City Clerk, with reduced-size site plans preferred) and may be received electronically. The Board/Board staff reserves the right to require paper copies, full size plans, or the original signatures of any submitted document.

Applications should be submitted at the Planning Department, who shall confirm completeness and file the requisite copy with the City Clerk (and Board of Health if required), who then shall solely establish the record filing date. For any Board application where a such certain filing date is sought, applicants may deliver application packages directly to the City Clerk as pursuant to Zoning Sec. 1-50.2 and 6-10.3 or the Subdivision Rules and Regulations. In all cases, an incomplete application package is considered a basis for delaying a meeting or hearing date and may be a basis for a denial of the permit or approval being sought.

4.2 RIGHT OF ENTRY ONTO PRIVATE LANDS

Planning Board applications shall require landowner's consent for the Board, or its agent, to enter upon and photograph the premises, as commensurate with the subject matter of the Board's jurisdiction, through and until project completion or closeout by the Board. Persons availing themselves of such entry should provide courtesy notice as appropriate.

4.3 APPLICATION FEES & COSTS

Fees for applications filed under the Zoning Ordinance are established by the City Council, who alone is authorized to grant a waiver of any such fee. Other fees, including applications made under the Subdivision Rules and Regulations, may be established by the Board, provided any such fees shall not be effective until 45 days after the Board votes to so adopt. Applications made by any municipal agency of the City of Westfield are fee-exempt. All deposited filing fees are non-refundable.

All costs for required legal notice publication (prepared by Board staff) and abutters lists are in addition to the fees for appearing before the Board and shall be paid by the applicant (or designated representative). Abutters lists should be prepared not more than 30 days before application submission. For applicants' convenience and with the subject fee collected, the Board may secure Westfield abutters lists directly from the Assessor.

4.4 POST-APPROVAL CHANGES AND PHASING

De minimis, or minor, changes to an approved site plan may be administratively allowed by (in descending order of discretion) the Board, the Chair and the City Planner/Assistant Director of Planning and Development. Such allowances must be sought prior to undertaking the change and approved of in writing. No change shall be approved as minor if it is inconsistent with any ordinance, standard, regulation or is undermining of the intent thereof; alters the character, function or off-site impacts of the site plan; is so substantive as to cause an average person familiar with the original approval to be taken aback, especially in appearance from the street/public or abutters' views; or would detrimentally impact or contradict matters of substance identified in the record of the original hearing. The Board likewise enjoys broad discretion over any interpretation of a permit or condition it has issued.

While any project phasing intent should be presented during the Board's initial review and referenced in its decision, the Board understands that the need to phase or reduce the scale of a project may arise post-approval. Such reduction may be allowed by administrative action if consistent with the above standards and implemented improvements are commensurate to the site and neighborhood impact, except that the stormwater management system should be developed as approved to accommodate full buildout. Initiating partial construction or use will not preserve the permit for future phases work beyond the normal lapse date (unless the permit or original plans explicitly describe or accommodate phased or future work).

Revisions, departures, reductions and phases that are not determined to be *de minimis* or appropriate will require an application filing and public hearing for either an amended or new approval. However, the Board shall not use such administrative determination as prejudice against the proposal and subsequent hearing.

4.5 STAFF DELEGATION

The City Planner and assigned clerical staff may act on behalf of the Board for administrative and non-substantive matters. Such matters include, but are not limited to, developing and posting meeting agendas and notices; accepting and scheduling public hearing applications and bringing other agenda items before the Board; drafting and processing decisions; executing administrative documents on behalf of the Board; representing the Board's interests before other City entities; recording meeting minutes; managing the Board's budget; accepting Board correspondence (which may or may not be determined to warrant dissemination); acting as custodian of the Board's files and responding to public records requests; reviewing, administering and/or approving, in writing, *de minimis* changes or conditions relative to issued permits (at his/her discretion, and thus not necessitating further Board deliberations); site inspections/ monitoring and the bringing of matters of permit non-compliance to the Board or Zoning Enforcement authority. In matters that may be substantive and are clearly beyond *de minimis* concerns, Board staff will consult with the Chair relative to a course of action or bring the matter before the full Board.

The Stormwater Coordinator, City Engineer and/or their designee may act as an agent of the Board in the administration and enforcement of the Stormwater Management Ordinance as pertaining to Board-issued permits.

4.6 HIRING OF OUTSIDE CONSULTANTS

Under its authority granted by M.G.L. Ch. 40A Sec. 9 and Chapter 13, Article II, Section 13-26 of the Code of Ordinances, the Board may impose upon an applicant reasonable fees for the employment of outside consultants. Selection of any such consultant shall be made at an open meeting of the Board and at its discretion.

Exercise of this rule shall normally be reserved for projects that are highly complex or likely to have a specialized or significant impact and which cannot be adequately reviewed by, or lie outside the expertise or availability of City staff. Applicants should provide all relevant, required and requested information and analyses necessary for the Board's review, such that any outside consultant's work may be limited to the review of submitted materials.

Minimum qualification shall be an educational degree related to the field at issue or three or more years of practice in said field. Any appeal to the selection of a consultant by claim of conflict of interest or lack of qualification may be made to the City Council and filed with the City Clerk and Planning Board within 14 days of such selection. In accordance with M.G.L. Ch. 44, Sec. 53G, the City Council shall act on the matter within one month following the date of filing, or the Board's decision shall stand.

In accordance with M.G.L. Ch. 44, Sec. 53G, funds dedicated for such expenditures shall be deposited in a special account and expended by the Board only on matters connected to its responsibilities under the law and this rule. The Board shall direct the City Treasurer to refund excess or unused funds paid by the applicant, together with any accrued interest, in a timely manner.

Extended project review time required for solicitation, selection, execution and consideration of the work of outside consultants, or for any related appeal, shall be not be considered grounds for claim of undue delay of action by the Board.

5.0 POLICIES AND INTERPRETATIONS

5.1 SPECIAL PERMITS

While the zoning ordinance sets down broad guidelines to be considered, it is not possible to foresee all the circumstances that might influence the acceptability of each special permit request. Therefore, the Board must have vested in it discretionary power to weigh each project's overall effect on the surrounding areas, the general benefit to the City and the property rights of the landowner. The Board will view these uses as potentially beneficial projects but has no obligation to approve as if they were by-right uses, nor is it bound by former decisions or similar proposals. Given the inherent uniqueness of each site and situation, no claim of precedent may be invoked.

5.2 WATER RESOURCE PROTECTION DISTRICT REVIEW

By-right uses in the underlying district which become special permit uses only due to the overlaying Water Resource Protection District ('aquifer') are not to be weighed against the general special permit discretionary standards (Zoning Sec. 1-50.6), but rather only by the criteria established by the Water Resource Protection District.

5.3 INFILL/LOT SIZE AVERGING

The infill ordinance (Zoning Sec. 4-20.2) alone does not permit a dwelling use not otherwise allowed in the subject district (such as a two-family dwelling being constructed in a single-family district). Decimals in calculated averages may be rounded either up or down in favor of the applicant as follows: feet to the next whole foot, acreages to the next 1/100th of an acre, and densities to the next 1/10th of dwelling units per acre.

5.4 COMPLETE STREETS

In accordance with the Complete Streets Ordinance, the Board will consider the safety and accommodation of all users and modes (motorists, cyclists, pedestrians) in reviewing site plans and land use matters before it.

5.5 FRONTAGE WAIVERS

The Board will not approve a frontage waiver unless a zoning variance has first been granted.

5.6 DEFINITIVE SUBDIVISION ENDORSEMENTS

Definitive plans may be signed by associate members, provided at least 4 full members have also signed.

5.7 SUBDIVISION PERFORMANCE GUARANTEES

A surety bond or irrevocable letter of credit from a local bank are acceptable as performance guarantees, provided no expiration date is allowed, or if a term is specified, it must state that it automatically renews for successive terms unless a 60-day advance notice of expiration is given to the Planning Board by certified mail. The Board may properly draw upon the performance guarantee if the applicant has not provided an alternative acceptable method of security sufficiently before such expiration.

5.8 SHADE TREES

Shade or large-growing trees are those characteristically over thirty 30 feet in height when fully grown, providing a canopy and shading effect. To satisfy the intent of zoning standards, such trees (retained or proposed) are to be spaced at or averaging not more than 50 feet along a frontage and are not less than 2" caliper at the time of planting. The Board may allow a departure from these standards on a case-by-case basis, when unique conditions exist.

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WESTFIELD CITY CLERK



William Carellas, Chair

3/17/26

Date