



PLANNING COMMISSION

MEMORANDUM

TO: Charlestown Town Council

FROM: Jane Weidman, Town Planner

DATE: July 3, 2024

RE: Draft Charter Amendments Questions and Revisions, #9 Part 14 Article LIII Planning Commission § C-172 Establishment and Organization; July 9, 2024 Public Hearing

The Charlestown Planning Commission discussed the proposed charter amendments, specifically that related to the membership and terms of the Planning Commission members, at their June 12th special meeting. The amendment is to be considered at the July 9th public hearing prior to being accepted for a vote by Charlestown residents in the November election. Following discussion, the Planning Commission voted 5 to 0 to send this memo prepared principally by Chair Ruth Platner regarding the length of terms and the election of the commission members. Ms. Platner will be in attendance at the hearing to further explain why this amendment #9 should be removed from consideration.

The Charlestown Planning Commission is a seven-person body with five voting members and two alternate members. Alternate members actively participate in all meetings and vote in the absence or recusal of a full member. Alternates ensure that there is always a quorum as complete applications are typically required by state law to be voted on within 60 to 90 days and lack of a quorum could result in an approval by default.

Full members are elected to six-year staggered terms and alternate members are elected to two-year terms. This results in elections with at least three, and more regularly four, openings on each ballot, every two years in Charlestown. If the terms for full members are reduced to four years, this will result in elections with at least four but possibly five open positions. This can lead to the replacement of the majority of voting members in one election.

Whether elected or appointed, planning boards and commissions in Rhode Island are required to consist of at least five members with terms of a length such that only a minority (less than one-half) are replaced in any one year, whatever the length of their term. This is very important to provide continuity in the review of land development and subdivision applications, which can be

in active review during the time period before and after an election, or at the time of an appointment (term expiration).

To ensure that a majority is not replaced in any year, a five-member body must have terms of at least five years. Because elections only occur every two years, the term length in Charlestown must be a power of two, such as four or six years.

However, four-year terms do not ensure that no more than a minority can be replaced in one election year. In other words, since the two alternate positions are always on the ballot every election, among the five full member positions no more than two should be open in any one election. While the four-year term will result in three of the five full member positions open in at least every other election (as made clear in the amended language in § C-172), the six-year term will ensure that there will be at least three full members that hold their seat every two years.

Therefore, the six-year term for full members of the Charlestown Planning Commission is necessary to ensure continuity in review of applications and planning projects.

Rhode Island municipalities use different membership numbers and terms to achieve the requirement that a majority of a planning board or commission is not replaced in any one year. The following towns' charters provide these examples:

- Exeter has 5 members and 5-year terms
- West Greenwich has 5 members and 5-year terms
- North Kingstown has 6 members and 6-year terms
- Coventry has 9 members and 5-year terms
- South Kingstown has 7 members and 3-year terms

None of the above towns have alternate members.

Charlestown's over 40-year practice of a seven-person Planning Commission with two alternate seats open and one or two voting seats open each election allows for up to four new faces on the Commission, preserves continuity for applications that cross an election, and complies with the requirement that a majority of voting members not be replaced in any one year. Seven members who are encouraged to speak and participate provide for a mix of experience and perspective and the inclusion of alternates works to guarantee a quorum.

cc Planning Commission