**This is a new template. A Combined Review Board will be an optional tool for municipalities to implement to take the place of the separate planning board/commission and zoning board of review. This bill also clarified that all planning boards and all zoning boards are permitted to have a set number of members and alternates, where previously special permission was needed to have alternate board members. The template language for this change is provided first, followed by the template language for a combined review board.**

**The Language in red is directly from state law and must be inserted as written, should the municipality decide to adopt the provision. The additional language in black represents optional sections for inclusion. Those sections are recommended for consideration by the municipality to accompany the required text and provide guidance to the applicant and municipality**.

**TEMPLATE SECTIONS FOR INSERTION INTO THE ZONING ORDINANCE**

**Planning Board or Commission when a Combined Review Board is not Established**

* 1. *Membership.***[[1]](#footnote-1)**

1. The planning [board/commission] shall consist of [five (5)] members and [two (2)] alternate members,**[[2]](#footnote-2)** appointed by [appointing authority] for a term of [NUMBER OF YEARS].**[[3]](#footnote-3)**
2. Any vacancy occurring in the membership of a planning [board/commission] shall be filled by the [appointing authority] for the remainder of the expired term.**[[4]](#footnote-4)** Any member of the planning [board/commission] may be removed from office by the [appointing authority] for due cause, following a public hearing.

**Zoning Board of Review when a Combined Review Board is not Established [[5]](#footnote-5)**

* 1. *Administration – Zoning board of review – Establishment and procedures.*
  2. The zoning board of review shall consist of five (5) members appointed by [appointing authority], each for a term of [number] years.**[[6]](#footnote-6)**
  3. The zoning board of review shall include [number] alternates for a term of [number] years.**[[7]](#footnote-7)** These alternate members shall sit and may actively participate in hearings.The first alternate shall vote if a member of the board is unable to serve at a hearing; the second shall vote if two (2) members of the board are unable to serve at a hearing; [the third alternate shall vote if three (3) members of the board are unable to serve at a hearing; and the fourth alternate shall vote if four (4) members of the board are unable to serve at a hearing].**[[8]](#footnote-8)** In the absence of an alternate member or members, the next numbered alternate [member/members] shall serve in the position of that [alternate/alternates]].
  4. A minimum of four (4) members, which may include alternates, shall form a duly constituted quorum.
  5. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning the matter.

**When Establishing a Combined Review Board [[9]](#footnote-9)**

* 1. *Administration – Combined review board.*

1. There is hereby established a combined review board in accordance with RIGL § 45-24-56.1. The combined review board shall have such powers, authority, responsibilities, and duties attributable to the zoning board or [planning board] as set forth in chapters 22, 22.2, 23, 24, 24.1, 32, and 53 of title 45 of the Rhode Island General Laws.**[[10]](#footnote-10)**
   1. *Membership*
2. The combined review board shall consist of [five (5)] members appointed by the [appointing authority], each for a term of [five (5)] years.**[[11]](#footnote-11)**
3. The combined review board shall include [two (2)] alternates to be designated as each respectively numbered alternate, each for a term of [five (5)] years.**[[12]](#footnote-12)** These alternates shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing; the second shall vote if two (2) members of the board are unable to serve at a hearing; [the third alternate shall vote if three (3) members of the board are unable to serve at a hearing; and the fourth alternate shall vote if four (4) members of the board are unable to serve at a hearing].**[[13]](#footnote-13)** In the absence of an alternate member or members, the next numbered alternate [member/members] shall serve in the position of that [alternate/alternates].
4. A minimum of four (4) members, which may include alternates, shall form a duly constituted quorum.
5. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning the matter.
6. Any vacancy of an unexpired term shall be filled [INSERT LOCAL PROCEDURE HERE].**[[14]](#footnote-14)**
7. Any member shall be able to be removed for due cause as follows [INSERT LOCAL PROCEDURE
8. The agenda for a meeting of the combined review board shall state clearly which matters are to be reviewed pursuant to its local and statutory authority as the combined review board.**[[15]](#footnote-15)**

1. There should be provisions identifying the appointing authority and staggering of terms (i.e., no more than 1/3 of the members of the board shall expire each year). These provisions are contained within prior versions of state law. [↑](#footnote-ref-1)
2. RIGL §45-22-3(a) requires that a planning board or commission consist of no less than five (5) members and provides for up to two (2) alternates. [↑](#footnote-ref-2)
3. RIGL §45-22-3(a) requires appointments to be made for terms of length that the terms of no more than one third (⅓) of the members of the board or commission expire each year. [↑](#footnote-ref-3)
4. Vacancies to the planning board or commission occurring after May 4, 1972 shall be filled in a manner prescribed by RIGL §45-22-3, except as provided in RIGL §45-22-1 in cities or towns operating under a home rule charter. [↑](#footnote-ref-4)
5. RIGL 45-24-56(b) states that where not provided for in the city or town charter, the zoning ordinance shall specify procedures for filling vacancies in unexpired terms of zoning board members, and for removal of members for due cause. [↑](#footnote-ref-5)
6. RIGL §45-24-56(b) requires that the length of terms for members of the zoning board of review to be specified in the zoning ordinance but shall not exceed five (5) years. [↑](#footnote-ref-6)
7. RIGL §45-24-56(b) provides for at least two (2) and up to four (4) alternates, each with a term to not exceed five (5) years. [↑](#footnote-ref-7)
8. As applicable, based on number of established alternate members. [↑](#footnote-ref-8)
9. RIGL § 45-24-56.1(a) requires that a combined review board “shall take the place of separate planning board/commission and zoning board in the municipality. [↑](#footnote-ref-9)
10. RIGL §45-24-56.1(a) specifies that if such board is authorized and appointed, it shall take the place of the separate planning board/commission and zoning board in the municipality. The board shall have the powers, authority, responsibilities, and duties attributable to the zoning board or planning board/commission (as set forth in chapters 22, 22.2, 23, 24, 24.1, 32, and 53 of title 45.) [↑](#footnote-ref-10)
11. RIGL §45-24-56.1(b) requires that a combined review board consist of at least five (5) members, and that the length of term for each member not exceed five (5) years. [↑](#footnote-ref-11)
12. RIGL §45-24-56.1(b) provides for at least two (2) or up to four (4) alternates, each with lengths of terms to not exceed five (5) years. [↑](#footnote-ref-12)
13. As applicable, based on number of established alternate members. [↑](#footnote-ref-13)
14. The law requires that the zoning ordinance specify procedures for filling vacancies in unexpired terms of members but does not specify how that shall be done. The municipality should insert their current procedure for doing so either by inserting the appropriate text or reference to existing text. [↑](#footnote-ref-14)
15. RIGL §45-24-56.1 specifies that nothing in the state law shall change or alter the application, procedure, voting, notice or other requirements set forth in the chapter governing the underlying application before the board. [↑](#footnote-ref-15)