



# Voting Requirements

## *Planning Program Board, Committee & Commissions*

To determine the number of votes it takes to carry a motion, the “rule” is that a majority of the votes cast by the members present and voting shall carry a vote (a quorum being present); unless, a larger vote is required by another statute or ordinance.

This guide outlines the votes required to pass motions for the Board, Committees, and Commissions supported by the Planning & Development Department’s Planning Program, including citations for the specified voting requirements where they exist.

A few notes on calculating votes:

- Abstentions: If a member abstains from a vote, they are counted towards the presence of a quorum, but not counted towards the number of members ‘present and voting’ when calculating the majority.
- Recusals: If a member is recused from a matter, they are not counted towards the quorum or the number of members present and voting.

### Planning Board

**7 members**

**Quorum = 4**

- Special Permits – 5 (two-thirds of full board)<sup>1</sup>
- Regulatory Agreements - Majority of members present & voting, a quorum being present <sup>2</sup>
- ANR Plans – 4 (Majority of the full Board)<sup>3 4</sup>
- Subdivisions – 4 (Majority of the full Board)<sup>2</sup>
- Zoning Amendment Recommendations – Majority of the members present and voting, a quorum being present

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<sup>1</sup> MGL 40A §9 “A special permit issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board, and a unanimous vote of a three member board.”

<sup>2</sup> [§168-5\(C\)](#) “No regulatory agreement may be executed by the Town Manager prior to an affirmative, majority vote by the Planning Board and the Town Council recommending the execution of the regulatory agreement.”

<sup>3</sup> MGL 41 §81L “Certified by [or endorsed by] a planning board”, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean, bearing a certification or endorsement signed by a majority of the members of a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.”

<sup>4</sup> The planning board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the board, giving the name of the person so authorized.



## Zoning Board of Appeals

**5 members, 3 alternates**

**Quorum = 3**

- Variances – 4<sup>5</sup>
- Special Permits – 4<sup>1</sup>
- Appeals – 4<sup>4</sup>
- Comprehensive Permits – 3 (Majority of full board)<sup>6</sup>

## Old Kings Highway Regional Historic District Committee

**5 members, 2 alternates**

**Quorum = 3**

- Majority of the members present and voting (a quorum being present)

"The concurring vote of a majority of the members of the Committee acting upon an application shall be necessary to make a determination in favor of the applicant on any matter upon which the Committee is required to pass under this Act. In the event of a tie vote, the certificate shall be considered denied unless the Committee votes to defer action until the next Committee meeting."

## Hyannis Main Street Waterfront Historic District Commission

**7 members, 3 alternates**

**Quorum = 4<sup>7</sup>**

- Certificates = 4 (Majority of full Commission)<sup>8</sup>

## Barnstable Historical Commission

**7 members, 1 alternate**

**Quorum = 4**

- Majority of members present and voting (a quorum being present)

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<sup>5</sup> MGL 40A §15 ¶4 The concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

<sup>6</sup> 760 CMR 56.08 Board Decisions. (a) The Board shall render a decision, based on a majority vote of the Board, within forty days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the Applicant.

<sup>7</sup> "Four members shall constitute a quorum." [§112-27\(G\)](#)

<sup>8</sup> "Certificates shall be issued upon a concurring vote of a majority of the members of the Commission." [§112-31\(G\)](#)