

TOWN OF PLAISTOW NEW HAMPSHIRE

2013

PLANNING BOARD RULES OF PROCEDURE



Chapter 225

RULES OF PROCEDURE

[HISTORY: Adopted by the Planning Board of the Town of Plaistow 6-5-1996; amended in its entirety 4-5-2006. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning -- See Ch. 220.

Site Plan Review -- See Ch. 230.

Subdivision of Land -- See Ch. 235.

§ 225-1. Authority.

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

§ 225-2. Members.

- A. The Plaistow Planning Board shall consist of a total of five members, four of whom shall be elected by the legislative body. The fifth member shall be a Selectman designated by the Board of Selectmen to act as an ex-officio member with power to vote.
- B. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673 and shall include, but not be limited to, the following circumstances:
 - 1) Training. Within 12 months of assuming office for the first time, any member is encouraged to complete at least six hours of training.
 - 2) Oath of office. Each newly elected or appointed member, including reelected and reappointed members, shall be sworn in and take an oath of office pursuant to RSA 42:1.
- C. Terms of elected board members.
 - 1) The term of a Selectman designated to serve ex-officio on the Planning Board shall coincide with his/her term as Selectman, if possible.
 - 2) The term of an elected member shall be three years.
- D. Appointment, number and terms of alternate members in accordance with RSA 673:6.

- 1) Up to five alternates for elected members may be appointed by the Planning Board and shall serve for staggered terms of three years.
- 2) One alternate for the Selectman serving as an ex-officio member of the Planning Board shall be appointed by the Board of Selectmen.

E. Service on other boards in accordance with RSA 673:7.

- 1) Planning Board members may serve on any other Plaistow board or commission, provided that such multiple memberships does not result in two Planning Board members, including alternates, serving on the same board or commission.

F. Vacancies in accordance with RSA 673:12.

Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled as follows:

- 1) For an elected member: By appointment by the remaining Board members until the next regular municipal election, at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.
- 2) For an appointed, ex-officio, or alternate member: By the original appointing or designating authority, for the unexpired term.

G. Attendance at Meetings and Excused/Unexcused Absences.

- 1) Planning Board members and alternates are expected to attend all meetings. However, in the event that they are unable to attend a meeting, a member of the planning staff should be contacted in person or by phone prior to 3:30 p.m. of the day of the meeting so that sufficient coverage can be ensured. If connected to the answering system, members should leave their name and status of attendance so that the message can be retrieved in a timely manner.
- 2) Any member not leaving such a message and who does not attend the meeting shall be considered unexcused and it shall be so noted in the minutes. The absence of a Board member from three unexcused consecutive meetings or from attendance at 65% of all regularly scheduled meetings in a calendar year without just cause will cause the Planning Board to consider requesting the removal and replacement of that member.
- 3) The Chair will have the authority to grant excused absences.

H. Removal in accordance with RSA 673:13. The Board of Selectmen at the request of the Planning Board hold a public hearing to remove a member or alternate member from service on the Planning Board upon written findings of inefficiency, neglect of duty, or malfeasance in office. A written statement shall be filed with the Town Clerk giving reasons for such removal.

§ 225-3. Organization.

A. Officers.

- 1) The officers of the Board shall be elected annually at the first meeting after Town Election by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.
- 2) The Planning Board shall elect a Chair and Vice-Chair from the elected membership and may create other offices, as it deems necessary. An ex-officio member of the Board shall not serve as Chair.
- 3) Any officer shall be eligible for reelection.

B. Administrative Staff.

- 1) The Planning Board, by majority vote, may define the duties and responsibilities services of nonmember personnel and/or consultants, as deemed necessary, to carry out all administrative work related to the proper and efficient implementation of Planning Board duties and obligations.
- 2) All personnel deemed necessary by the Planning Board shall be Town employees and as such will be part of the Town's personnel plan that defines supervisory roles, wages, benefits, hours of employment, and all other aspects of the employee's job.

C. Committee and Commission Memberships.

- 1) The Board shall make recommendations to the Board of Selectmen for two people to represent Plaistow as members of the Rockingham Planning Commission (RPC). The Board of Selectmen must then approve the recommendations made by the Board. RPCMembers Commissioners serve four-year terms and can be any resident of Plaistow.
- 2) The Board shall make recommendations to the Board of Selectmen for 1 person to represent Plaistow as a member of the Rockingham Planning Commission's Technical Advisory Committee (TAC) to RPC's Metropolitan Policy Committee (MPO). TAC members serve three-year terms and can be any resident of Plaistow.
- 3) The Board shall appoint a member to serve on the Capital Improvement Program (CIP) Committee in addition to the Chairman Chair of the Board or his/her designee. The Chairman Chair of the Board or his/her designee shall also serve as the Chairman Chair of the CIP Committee.

§ 225-4. Duties and Responsibilities.

A. Chair of the Board.

- 1) The Chair shall preside over all meetings and hearings; shall supervise the preparation of an annual report; shall appoint such committees as directed by the Board; shall affix his/her signature in the name of the Board; and shall perform other duties customary to the office.

B. Vice-Chair of the Board.

- 1) The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.

C. Recording Secretary.

- 1) Ensures a written record of all meetings of the Board takes place and provides a draft copy to the Town Planner in a timely fashion such that the compliance with RSA 91-A can be maintained.

D. Town Planner.

1) **Professional Support:**

- a. Serves as professional staff support for activities of Planning Board, Town Manager and other Departments and Committees as needed.
- b. Provides supervision to the Recording Secretary and ensures draft copies of Planning Board minutes are available to the public in compliance with RSA 91-A. Presents the draft copies of minutes to the Planning Board at the next possible Planning Board meeting for corrections and/or approval. Ensures approved minutes are posted to the Town web site.
- c. Prepares and posts all agendas, meeting notices, and meeting cancellations in accordance with RSA 676:4.
- d. Prepares packets containing all pertinent documentation including agendas, draft meeting minutes, meeting materials and staff report to all Board members in time for an adequate review for the bimonthly meetings.
- e. Receives and processes an extensive variety of requests for information in person, via email and by telephone regarding Planning Board and Planning Department related questions.

- f. Receive applications for subdivisions, site plan review, minor site plans, condominium conversions, conditional use permits, lot line adjustments and any other permits requiring Planning Board approval. Ensure all necessary components of applications are present for Planning Board review including review comments from all applicable Town departments and committees. Such departments and committee may include, but not be limited to, the following: Police Department, Fire Department, Water Department, Highway Department, Highway Safety Committee, Town Manager, Building Department, and Health Officer.
 - g. Schedules site inspections/site walks and accompanies Board Members to site inspections/site walks, as needed.
 - h. Reviews and monitors development of plans and projects in progress for technical completeness and for conformance to zoning, site review and subdivision regulations.
 - i. Effectively handles correspondence between Town and Planning Board appointed Engineers and Attorneys, Developers, Engineers, RPC and other agencies.
 - j. Prepares Notices of Decision and records plans at the County Registry of Deeds.
 - k. Coordinates and participates in plan reviews, pre-construction meetings, and site inspections with Planning Board Engineer and Code Enforcement Officer.
 - l. Prepares correspondence as directed by the Chair or the Board.
 - m. Responds to inquiries from the public and private organizations.
 - n. Establishes and maintains Planning Board and other project files.
- 2) **Master Plan, CIP, Zoning Ordinance and Regulations:**
- a. Prepares updates to the Town's Master Plan.
 - b. Prepares updates to the CIP and provides administrative support to the CIP Committee including preparation of (CIP) agendas, correspondence, takes and transcribes minutes and maintains the CIP narrative.
 - c. Coordinates spreadsheet and budget analysis of CIP with Town Manager.
 - d. Prepares annual updates to the Zoning Ordinance, Zoning Map, Subdivision / Site Review Regulations and administers them accordingly.

3) **Legal Requirements:**

- a. Coordinates legal matters with Town and Planning Board legal counsel to ensure that all legal issues and requirements are administered properly and met.
- b. Informs Planning Board and other staff of legal changes in the area of land use law.

4) **Support of Other Committees and Meeting Attendance:**

- a. Attends meetings of Conservation Commission, Recreation Commission, Selectmen, Highway Safety Committee, Plaistow First Committee, Economic Development, and others as needed.
- b. Serves as the Board's liaison between the Planning Board/Planning Department and municipal departments, Rockingham Planning Commission (RPC) and other State Agencies.

5) **Budget and Financial Responsibilities:**

- a. Assists in the development and administering of Planning Board annual operational budget.
- b. Monitors site and subdivision development escrow and bonding requirements with the Town Treasurer and town appointed Engineer.
- c. Monitors site and subdivision development impact fee accounts with Town Treasurer and Building Inspector.
- d. Prepares monthly and annual reports for recording of revenue with Town Treasurer.

6) **Assessing Assistance and Geographic Information System (GIS) Support:**

- a. Provides updates to Assessor on approved Planning Board applications.
- b. Works with GIS system including mapping production.

7) **Training and Education:**

- a. Attends courses, seminars and conferences if needed to maintain knowledge of current State RSA's, zoning issues and computer skills as applicable.

§225-5. Meetings.

A. Regular Meetings.

Regular meetings shall be held at the Plaistow Town Hall at 6:30 p.m. on the first and third Wednesdays of each month.

B. Special Meetings.

Special meetings may be called by the Chair or, in his/her absence, by the Vice-Chair, or at the request of three members of the Board, provided notice is given to each member at least 48 hours prior to the time of such meetings and is posted in two appropriate public places at least 24 hours prior to such meetings, excluding Saturdays, Sundays and legal holidays.

C. Non-Public Sessions.

Non-public sessions shall be held in strict conformance with Chapter 91-A (Access to Public Records and Meetings) of the New Hampshire Revised Statutes Annotated. (Also see §225-6. Procedures).

D. Cancellations.

The Chair may make cancellations if unusual circumstances warrant a cancellation. Reasonable effort shall be made to post notice of the cancellation in two public places, including or in addition to the Town Hall.

E. Quorum.

A majority of the membership of the Board shall constitute a quorum and shall include alternates sitting in place of regular members.

F. Appointment of Alternates; Absence of Regular Member.

Whenever a regular member is absent, the Chair shall designate an alternate, if one is present, to act in the absent member's place. Only the alternate designated by the Board of Selectmen to serve in place of the ex-officio member shall replace that member. Alternates shall have all the powers and duties of regular members regarding any matter under consideration on which the regular member is unable to act.

G. Disqualification of Regular Member.

- 1) No member shall participate in deciding any question or sit upon the hearing of any question in which that member has a direct personal or financial interest in the outcome that differs from the interest of other citizens. The member shall disqualify himself/herself, pursuant to RSA 673:14, and shall notify the Chair as soon as possible in order to facilitate his/her replacement by an alternate. The Chair or the

member who has disqualified himself/herself shall announce the disqualification before discussion or public hearing on the question being considered takes place, or as soon as such reason for disqualification is discovered by the member disqualifying himself/herself. The disqualified member shall leave the Board table during all deliberations and public hearing on the matter.

- 2) When uncertainty arises as to the application of Subsection G(1) above, the Board shall, upon the request of that member or any other member of the Board, vote on the question of whether that member should be disqualified. Such request shall be made prior to or at the commencement of a hearing or an action resulting in a Board decision on the matter. The vote shall be made a matter of record, shall be advisory in nature, and shall not be requested by persons other than Board members.
- 3) The Chairman Chair shall designate an alternate, if one is present, to take the place of a member who has disqualified himself/herself from deliberations on a matter before the Board.

§225-6. Procedures.

A. Order of business.

- 1) The order of business shall be as follows:
 - a. Call to order by Chair.
 - b. Roll call and Confirmation of Quorum.
 - c. Minutes of Previous Meeting(s) and Vote by Board.
 - d. Scheduled Hearings on Subdivision/Site Plans/Amendment Proposals and/or Workshop Items.
 - e. Reading of Communications Directed to or From the Board.
 - f. Report of Committees/Subcommittees. [Rockingham Planning Commission (RPC) and Capital Improvements Program Committee (CIP)]
 - g. Other Business
 - h. Adjournment.

Note: The Board may, by vote at a regular meeting, change the above order to better accommodate the public or the Board.

A. Voting.

1) Public Session.

All public session motions made and duly seconded shall be carried by an affirmative vote of a majority of non-disqualified members present. Voting results shall be recorded in the minutes. Names of members abstaining or voting in the negative shall also be recorded in the minutes.

2) Non-Public Session.

- a. A motion to enter non-public session must be made and duly seconded in public session. Voting shall be done by a roll call vote and recorded in the public session minutes. Motion carries with an affirmative vote of non-disqualified members present.
- b. All non-public session motions made and duly seconded shall be carried by an affirmative vote of a majority of non-disqualified members present. Voting results shall be recorded in the minutes of the non-public session.
- c. Motions to seal the minutes of a non-public session must be made and duly seconded while in the non-public session. A roll call vote must be taken on such a motion and must be recorded in both the Non-public session minutes and the Public session minutes where the motion to enter a non-public session was made. An affirmative vote of a majority of members present in the non-public session will carry to vote to seal. The motion to seal the minutes shall specify the period of time the minutes are to be sealed.
- d. Vote to adjourn the non-public session. Motions to adjourn the non-public session must be made and duly seconded in the non-public session. A roll call vote must be taken on such a motion and must be recorded in both the non-public session minutes and the public session minutes where the motion to enter a non-public session was made.

B. Procedures on Subdivision, Site Plan Review and All Other Applications.

- 1) All procedures for subdivision and site plan approval shall take place as defined in Land Subdivision Control Regulations and Nonresidential and Multi-Family Site Development Plan Regulations of the Town of Plaistow.¹

C. Public Hearings.

The conduct of a public hearing shall be governed by the following rules:

- 1) Members of the Board may ask questions at any point during the presentation

¹Editor's Note: See Ch. 235, Subdivision of Land, and Ch. 230, Site Plan Review, Art. I, Nonresidential and Multifamily Site Plans.

- 2) Any party to the matter who desires to ask a question of another party must go through the Chair.
- 3) Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
- 4) Other parties, such as representatives of Town departments and other boards and commissions who have an interest in the proposal, shall be allowed to comment in person or in writing.
- 5) Persons who speak shall be required to state their name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
- 6) The Chair shall call the hearing in session, identify the applicant or agent seeking Board approval or the nature of an amendment to current regulations being proposed.
- 7) The Chair or anyone else so designated by the Chair may present a report on the application, proposal, or discussion.
- 8) The applicant or agent or sponsor of an amendment shall be called upon to present the proposal.
- 9) At the completion of the applicant's or applicant's agent's presentation, the Chair will ask the Board members if they have questions, concerns, or comments about the application or proposal being presented.
- 10) After the Board members have asked their questions and made their comments and concerns known to the applicant or the applicant's agent, the Chair will read any letters submitted regarding the specific application or proposal. Letters will only be read when the sender has been properly identified in the letter. The letter must contain a name and address, along with a statement to indicate whether the sender is a party to the matter or an agent or counsel to a party of the matter.
- 11) After all appropriate correspondence has been read by the Chair, members of the public will be asked for their questions, concerns and comments. Everyone present will have an opportunity to speak.
- 12) The Chair shall indicate at the end of the hearing whether the hearing is "closed" or "continued." Closure or continuation shall depend on whether there is a need for submission of additional material or information or for the correction of noted deficiencies. In the case of a continuation, additional notice shall not be required if the date, time, and place of the continuation is announced at the time of continuation.

E. Joint Meetings.

- 1) Pursuant to RSA 676:2, the Board may hold joint meetings and hearings with another land use board.
- 2) Joint meetings may be held at any time when called jointly by the chairs of two land use boards, subject to appropriate legal notice.
- 3) A joint public hearing must be a formal public hearing when the subject matter is within the responsibilities of the boards convened.
- 4) The Planning Board shall chair all joint land use board meetings and public hearings when the subject matter involves the Planning Board.
- 5) Rules of procedure for joint land use board meetings shall be the same as those followed regularly by the Planning Board, with the following exception regarding the order of business:
 - a. Call to order by Chair.
 - b. Introduction of members of each board by their respective Chair.
 - c. Explanation by Chair of reason for joint meeting/hearing.
 - d. In the case of a public hearing relative to a requested permit or application for a plat approval, or both, presentation by the applicant of the proposal under consideration.
 - e. Nothing in this section shall prevent the Planning Board from meeting with other municipal entities, including the Board of Selectmen, School Board, Conservation Commission, and any others, as the Planning Board may deem appropriate. Such meetings shall be conducted according to procedures determined by mutual agreement between the boards.
 - f. Meetings with other municipalities. The Planning Board may meet with boards and/or representatives of other municipalities or other public agencies at such locations and according to such terms as may be mutually agreeable and convenient.

§225-7. Communications.

- A. All correspondence shall be directed to the Chair of the Planning Board, Town Hall, Plaistow, New Hampshire.
- B. All approved subdivision and site developments shall be signed by the Chair.

- C. Press releases issued shall correspond with the recorded minutes of Board meetings and shall be given to the press by the Town Planner, Chair, or Vice-Chair at the direction of the Chair.

§225-8. Amendments.

These rules may be amended by majority vote of the members of the Board, provided that such amendments are read at two successive meetings and immediately precede the vote to be taken.