

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, 1-2-2019, 10-7-2020 and 6-01-2022. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning Ordinance - Chapter 220.

Site Plan Review Regulations - Chapter 230.

Subdivision Regulations - Chapter 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 the power to vote. For these Rules of Procedure, the term Board shall mean the Plaistow Planning Board.

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, as offered by NH state agencies.

(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 ex-officio Board members.

(1) The Board of Selectmen shall determine the term of an ex-officio member. (2)

The Board of Selectman may appoint an alternate for the ex-officio member.

D. Terms of elected and appointed Board members.

(1) The term of an elected member shall be three years.

(2) Appointment, number, and terms of alternate members shall be in accordance with RSA 673:6.

- (a) Up to five alternates for elected members may be appointed by the Board and shall serve for staggered terms of three years.

E. Membership Vacancies.

(1) Vacancies shall be filled 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:

- (a) 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.

- (b) For appointed, ex-officio, or alternate member: By the original appointing or designating authority, for the unexpired term.

F. Service on other boards.

(1) Service on other boards or commissions shall be in accordance with RSA 673:7. Board members may serve on any other Plaistow board or commission, provided that such multiple memberships do not result in more than two Board members, including alternates, serving on the same board or commission.

(2) Only one Board member or alternate may serve on another land use board or on the Conservation Commission.

G. Meeting attendance.

(1) Board members, Ex-Officio members, and alternates are expected to attend all meetings. However, in the event that they are unable to attend a meeting, the Planning Board Chair 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 Board to consider requesting the removal and replacement of that member. The Chair will have the authority to grant excused absences.

(3) Any Ex-Officio 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 an Ex-Officio 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 Board to recommend to the Board of Selectmen that they address the attendance record of the Ex-Officio. The Chair will have the authority to grant excused absences.

H. Removal of members.

(1) Removal of members shall be in accordance with RSA 673:13. The Board of Selectmen may at the request of the Board hold a public hearing to remove a member or an alternate member from service on the 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 Board shall elect a Chair and Vice Chair from the elected membership and may create other officers 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. Planning Staff.

(1) The Board by majority vote may define the responsibilities of any nonmember planning staff, as deemed necessary to carry out all administrative work related to the proper and efficient implementation of Board duties and obligations. All duties described will be covered by available personnel.

(2). All personnel deemed necessary by the Board shall be either contractors or Town employees who are part of the Town's personnel plan that defines supervisory roles, wages, benefits, hours of employment, and all other aspects of an employee's job, in accordance with RSA 37:6.

C. Committee and Commission Memberships.

(1) The Board shall make recommendations to the Board of Selectmen of a Commissioner to serve on the Rockingham Planning Commission (RPC) in accordance with RSA 36:46-III

(2) The Board shall make recommendations to the Board of Selectmen for one person to represent Plaistow as a member of the Rockingham Planning Commission's Transportation Advisory Committee (TAC) to RPC's Metropolitan Policy Committee (MPO). TAC members serve three-year terms and may be any resident of Plaistow.

(3) The Board shall appoint a member and an alternate member to serve on the Capital Improvements Program (CIP) Committee in addition to the Chair of the Board or the Chair's designee. The Chair of the Board or the Chair's designee shall serve as the Chair of the CIP Committee. A Board member or Board alternate member may serve on the CIP Committee as either a member or alternate member.

§ 225-4. Duties.

A. Chair of the Board. The Chair shall

- (1) Preside over all meetings and hearings;
- (2) Shall set the agendas with input from the planning staff;
- (3) Shall review and approve the annual Planning Board budget after consultation with the full Board;
- (4) Shall supervise the preparation of an annual report;
- (5) Shall appoint such committees as directed by the Board; (6) Shall affix his/her signature in the name of the Board;
- (7) Shall speak for, or appoint a designee to speak for the Board;
- (8) Shall perform other duties customary to the office.

B. Vice Chair of the Board. The Vice Chair shall preside over all meetings 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. Ensure a record of all meetings of the Board takes place and a draft made available to the Planning Staff in timely fashion such that the compliance with RSA 91-A can be maintained.

D. Planning Staff

- 1) Ensure draft copies of Planning Board minutes are available to the public in compliance with RSA 91-A. Present the draft copies of minutes to the Board at the next possible Board meeting for corrections and/or approval.
- 2) Ensure draft and approved minutes are posted to the Town web site.
- 3) Work with the Chair to prepare agendas for Board meetings.
- 4) Post all agendas, meeting notices, and meeting cancellations in accordance with RSA 91-A:4. Deliver agendas, draft meeting minutes, and meeting materials to all Board members in time for an adequate review before the meeting, at least the Friday before each meeting, unless extenuating circumstances as determined by the Chair.
- 5) Notify the Chair of each application received and notify the entire Board of all correspondence and emails directed to the Board within a reasonable time frame.
- 6) Receive and time-stamp all applications for subdivisions, site plan review, minor site plans, condominium conversions, conditional use permits, lot line adjustments and any other permits requiring Board approval. Ensure all necessary components of applications are present for the Board to review including review comments from all applicable Town departments and committees as well the Board Review Engineer and/or the Board attorney as appropriate. 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.
- 7) Ensure that all abutter notifications and legal notices are submitted in the proper time frames for a scheduled public hearing.

- 8) Prepare correspondence as directed by the Chair or the Board.
 - (a) When directed by the Board, the Board may require the correspondence be reviewed and approved by the Board and/or Chair before the correspondence is sent.
 - (b) When directed by the Board and the correspondence is of a legal nature pertaining to a specific application, the Board may require the correspondence be reviewed and approved by the Board Attorney or other legal counsel as appropriate, before the correspondence is sent.
 - (c) When directed by the Chair and the correspondence states or implies a consensus, opinion, or decision by the Board, the Board shall review the correspondence before the correspondence is sent.
 - (d) No correspondence shall be sent until reviewed and approved by the Chair.
- 9) Keep records and files accessible and open to public inspection and provide information to the public regarding matters within the jurisdiction of the Board.
- 10) Make all arrangements for site walks when requested by the Board, legally notice the site walk as a Board meeting, and take minutes/notes about any observations or actions taken or assigned during the site walk. Present minutes in draft form at the next possible Board meeting for approval by the Board.
- 11) Perform all such other administrative and financial tasks as directed by the Board. Financial tasks include setting up, maintaining, and closing escrow accounts, impact fee account, construction bond accounts, and performance bond accounts. Some impact fee account activity may be shared with other Town departments. The Town Manager may also assign such tasks.
- 12) Make on-site inspections of subdivisions and/or site developments as deemed necessary by the Chair or the Board.
- 13) Shall ensure that the Master Plan is kept up to date by scheduling periodic reviews of Master Plan sections by the Board. When a section is found to be out of date, the Planning Staff shall make arrangements to get the section updated. The Planning Staff may prepare the update for Board review, may request the Board form a subcommittee to prepare the update or may make arrangements to hire a consultant to prepare the update.
- 14) Shall ensure the Capital Improvements Program document is kept up to date by working with the Town Manager, Department Heads, and Capital Improvements Program Committee.
- 15) Shall from time to time prepare training updates for Board members during regular Board meetings.

16) Shall keep up to date on changes in legislation that impact the Board and its procedures.

17) May be asked to participate in Board-related activities such as the Highway Safety Committee, the Energy Committee, and the MS4 Stormwater Task Force.

§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. When possible, agendas should be set so that the meetings can be adjourned no later than 9:00 p.m.

(1) Workshop Meetings.

- a. These meetings are typically held on the first Wednesday of each month.
- b. These meetings shall be set aside for training, master plan updates and discussion, site plan review regulations updates, subdivision regulations updates, zoning ordinance updates, and rules of procedure updates. They may also include deliberations on a public hearing that has been closed.
- c. Typically, public hearings are not scheduled during Workshop meetings, however the Chair may continue a previously scheduled public hearing to a Workshop meeting with the consensus of the Board.

(2) Public Hearing Meetings.

- a. These meetings are typically held on the third Wednesday of each month.
- b. When necessary to continue a public hearing, the Chair shall continue the hearing to the third Wednesday of the following month.
- c. Under extenuating circumstances, the Chair may continue the public hearing to the first Wednesday of the following month with the consensus of the Board.
- d. The NH RSA 676:4(c)(1) states that the Board must determine whether an application is complete within 30 days from the date the application was delivered to the Board. For meetings with very long agendas the Chair should announce at the beginning of the meeting that no public hearings will be started after 9:00 p.m.
- e. The normal procedure for the Board is to make the determination of whether or not an application is complete and if so, immediately open the public hearing for the application. With a very long agenda, this could result in cases where not all of the applications would be heard for a determination of completion and a continuation of the hearing would result in failure of the Board to meet the 30-day criteria. In these cases, if

the Chair determines at 8:00 p.m. that not all the applications will be heard before 9:00 p.m., the Chair may change the order of the agenda such that a determination of completeness would be made for all applications before the Board before opening any of the public hearings.

- f. In cases where the Chair has determined that a change in the order of the agenda is appropriate and after all the applications have been reviewed for completeness, the Chair shall then open the next scheduled public hearing in the order presented in the agenda.
 - g. If a public hearing has begun before 9:00 p.m. and there is still active discussion after 9:00 p.m. the Chair may continue the public hearing to a time and date certain with the consensus of the Board and the applicant. This continuation shall be done on a case by case basis.
 - h. If there are more hearings on the agenda that have not yet been opened and it is after 9:00 p.m., the Chair shall open each of the hearings and immediately continue the hearing to a time and date certain.
- B. Special meetings. Special meetings may be called by the Chair, or in the Chair's 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.
- D. Cancellations. The Chair may make cancellations if unusual circumstances warrant a cancellation.
Reasonable effort shall be made to post a 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 ex-officio alternate designated by the Board of Selectmen may serve in place of the ex-officio 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 the member disqualifying himself/herself discovers such reason for disqualification. The disqualified member shall leave the Board table during all deliberations and public hearing(s) 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 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.

H. Personal Electronic Devices at Meetings

- (1). Use of electronic devices is subject to the Right-to-Know Laws as described in RSA 91-A. Therefore, use of any personal electronic devices during board meetings is prohibited. Exception: The Recording Secretary may use an electronic device to record the meeting.
- (2). All personal electronic devices will be placed in silent mode during board meetings, except if the Chair or Planning Director need to receive email or calls from abutters or the public during hearings.
- (3). In the event that a member needs to handle an emergency situation, they may excuse themselves from the table to do so.

§225-6. Procedures. A. Order of business.

(1) The order of business shall be as follows:

- (a) Call to order by the Chair
- (b) Roll call and confirmation of quorum
- (c) Minutes of previous meeting and vote by Board
- (d) Scheduled hearings on subdivision/site plans/amendment proposals
- (e) Scheduled discussions with the Board

(f) Board workshops

(g) Reading of communications directed to or from the Board

(h) Other business

(i) Adjournment by the Chair

(2) The Board may by vote at a regular meeting change the above order to better accommodate the public or the Board. The Chair may change the order of public hearings at his discretion.

B. Voting.

(1) All voting, whether Public session or Non-public session, shall be conducted in accordance with NHRSA 91-A.

C. Subdivision and site plan review. 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.

D. Public hearing. 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.

(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 open the public hearing, 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) The Chair will read all appropriate correspondence and then ask members of the public 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 meeting.

(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 Board shall chair all joint land use board meetings and public hearings when the subject matter involves the Board.

(5) Rules of procedure for joint land use board meetings shall be the same as those followed regularly by the 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 Chairs.

(c) Explanation by Board 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.

(6) Nothing in this section shall prevent the Board from meeting with other municipal entities, including the Board of Selectmen, School Board, Conservation Commission, and any others, as the 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 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 Board, 145 Main Street, Plaistow, New Hampshire 03865.

B. The Chair shall sign all approved subdivision, site plans, or amended plans on a media that is suitable for recording at the Rockingham County Registry of Deeds. Plans that were conditionally approved at a public hearing must have all conditions met before the plans will be signed.

C. Press releases issued shall correspond with the recorded minutes of Board meetings and shall be given to the press by the Chair or Planning Staff at the direction of the Chair. All such releases must conform to any policies established by the Town of Plaistow.

§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.