

HOLDERNESS PLANNING BOARD RULES OF PROCEDURE

A. AUTHORITY

1. These rules of procedures are adopted under the authority of NH RSA 676:1.
2. Subjects not addressed in these procedures shall be guided by NH RSA's.

B. MEMBERS

1. The Selectmen shall designate one of themselves as an ex-officio member and appoint 6 town residents as members.
2. The Selectmen shall appoint 3 residents of the town as alternate members. The Selectman may appoint an alternate ex-officio member to serve in the absence of the ex-officio member.
3. The terms of office for the members and alternates shall be three (3) years unless filling an unexpired vacant position. The terms shall be staggered so as to not have more than three open positions occurring annually.
4. The term of the ex officio member shall coincide with his/her term on the Board of Selectmen.
5. Alternate members shall have the same duties, responsibilities, and privileges as any other member of the Board except that they may not make a motion or vote on an application before the board unless named by the Chairman to replace a specific member who is absent or has disqualified himself. Alternate members cannot be seated at a meeting by the Chairman to fill a vacant position.

C. OFFICERS

1. The officers of the Board shall be as follows (an ex-officio member may not serve as an officer):

Chairman: The Chairman shall preside over all meetings and hearings. The Chair shall oversee preparation of the annual report, the annual budget, and guide the update of the ordinances, regulations, and planning materials. The Chair shall also endeavor to keep the Board members as educated as possible on local planning laws, and other matters.

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

Board Secretary: The Board Secretary shall work with the Administrative Assistant to ensure that a full and accurate record of the proceedings of each meeting is kept. The Chairman may appoint a Secretary pro-tem to keep records as necessary.

2. The Chairman, Vice Chairman and Secretary of the Board shall be elected annually from a slate of officers nominated by the ex-officio member. Others may be nominated from the floor. Election shall be by a majority vote of the board during the May monthly meeting by a majority vote of the Board.

D. STAFF

Administrative Assistant: This position is administrative in nature to the Board and shall include, but is not limited to, the following duties:

- Assist applicants through the application process
- Process applications which includes determining correct fees, processing fees to the Treasurer for deposit, creating an application file, reviewing the application and submitting a report to the board, and providing copies of each application to board members
- Prepare and post agendas and public hearing notices per statutory requirements
- Send abutter notices by certified mail (return receipt requested)
- Prepare and mail monthly packets to board members one week prior to the meeting
- Attend meetings and prepare and distribute minutes and Notices of Decisions
- Maintain files as needed
- Assist with technical advice in updating the zoning ordinance, master plan, and planning board regulations as needed

E. MEETINGS (The public may attend a public *meeting*, but does not have the right to speak except at the discretion of the Chair. The public may attend a public *hearing* and is invited to give testimony during the *hearing*.)

1. Regular meetings shall be held in the Town Hall at 6:30 PM on the third Thursday of the month, unless other wise noticed.
2. Special meetings may be called by the Chair, the Vice Chair or at the request of three members of the Board – provided that notice is given to each member and the public at least 24 hours in advance of the meeting. The notice shall specify the purpose of the meeting.
3. Non-public meetings shall only be held in accordance with RSA 91-A:3. All other meetings will be public.
4. Quorum: Four members, including alternates, shall constitute a quorum.
5. Disqualification:
 - a. If a member finds it necessary to be disqualified from a particular application, as provided in RSA 673:14 they shall notify the Chair as soon as possible. The disqualification will be announced by the Chair, or the member, prior to any discussion of the application taking place. The member shall leave the table until all discussion of the matter is concluded. Once disqualified, the member is disqualified for the entire application process.
 - b. If uncertainty arises as to whether a Board member should disqualify him/her self the Board may vote on the question of whether that member should be disqualified. Such request and vote should be made prior to, or at the commencement of, any required public hearing. The results of that vote shall be advisory only and non-binding, and may not be requested by other than Board members.
 - c. An applicant or other interested person may also request disqualification of a Board member, but that request must be made within the opening portion of the public hearing.

- d. The disqualified member has all the rights and privileges of any other person attending the meeting in that they may address the issue from the floor at the discretion of the Chair.
- 6. Order of Business;
 - a. Call to order
 - b. Roll call by the recording secretary (at this time the Chair may appoint alternates as voting members)
 - c. Review of previous meeting minutes
 - d. Informational requests (held separate from public hearings)
 - e. Public Hearings
 - f. Other business
 - g. Adjournment
- 7. Motions may be made by any member of the Board. Once seconded the motion may be questioned and discussed as the Chair allows.
- 8. If voice votes are not unanimous, a second roll call vote shall be taken and shall be recorded in the minutes
- 9. The Chair may make, second, and vote on motions.
- 10. Tie votes shall be taken as no action. They shall neither affirm nor deny an application. The Board may make further motions to act on this matter. The Chair may continue the action until a later meeting. Should a further meeting result in another tie vote the application shall be deemed to be denied, due to the lack of a majority affirmative vote.
- 11. Video and/or audio recordings of Board meetings may occur as long as they do not disrupt or interfere with the normal proceedings.
- 12. Site visits: A site visit by a quorum of the board shall be conducted as a public meeting per RSA 91:A-2 with all appropriate public notice and minutes.
 - a. Site visits shall be for the purpose of viewing lot conditions, boundaries, and structures and gathering information. The public may attend a site visit but may not participate in discussion except at the discretion of the Chair.
 - b. The land owner has the right not to allow the public or the Board on the property. However, the land owner should be apprised that a lack of information which could have been provided by a Site Visit may result in a denial of the application.
 - e. Drive-by viewings by Board members are encouraged. A drive-by is defined as a visit by a member of the board to a site from an adjoining public highway or other observation point that can be made without entering on the property.

E. APPLICATIONS

- 1. Applications shall be made on forms approved by the Board and shall be submitted to the Town office no less than twenty-seven days prior to the meeting.
- 2. Forms shall be reviewed annually and changes approved by a vote of the Board. Fees shall be reviewed annually and proposed changes recommended for approval to the Board of Selectmen.
- 3. If the application and the required payment are submitted within the posted time frame, notice of a Public Hearing will be made in accordance with RSA 676:4, I .

4. Public Hearings will be held as early as possible in the process to allow for knowledge of the issue by others, and abutters in particular, and for the Board to receive possible outside input regarding the issue. This may appear to some to prolong a process but it is felt that this is better than unanticipated complications surfacing near the end of an issue. Remaining information required for a complete application will be identified for the applicant.
5. An application sufficient for acceptance for consideration by the Board shall consist of a properly filled out application form, all appropriate fees, a complete abutter list, and a plan sufficient to reflect the intent of the proposal. An application accepted for consideration by a majority vote of the Board shall be scheduled for action within thirty (30) days of acceptance. In most cases this board will consider a vote on the application at the same meeting that it is accepted for consideration.
6. The Board shall not accept applications not properly completed. The Board may vote to continue the meeting until a set date for the application to be completed.
7. Once the application is accepted, the Board will within 65 days, act on the application. No decision on an application shall be made before a public hearing is held. The Board may request an application be continued beyond the 65 day time frame and shall explain to the applicant that refusal of a continuance may result in denial of the application. The 65 day time frame is waived upon written agreement by an applicant for a continuance.
8. Informational requests shall be just that – informational. Neither the Board nor the applicant shall take anything said as being approval or denial. The applicant must be forewarned that anything said by the Board is said in a free unstructured meeting and not to be construed in any way as permissive towards an application. Informational requests do not have to be noticed as long as they are held separate from a regular public hearing.

F. MEETING & ABUTTER NOTICE

1. Public notice of hearings shall be posted in the Plymouth Record Enterprise or in the Laconia Citizen as needed, the bulletin boards at the Post Office and at the Town Hall, and on the Holderness website www.holderness-nh.gov, not less than ten (10) days prior to the hearing. RSA 676:4 requires one or the other notifications. The Planning Board will endeavor to do both.
2. Notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days prior to the date of the public hearing.
3. Originals of all agenda items shall be made available for review at the Town Hall. Copies may be made by request.

G. PUBLIC HEARINGS

The conduct of public hearings will be as follows:

1. The chair shall open the public hearing, identify the applicant and any agents representing the applicant.
2. A report on the proposal shall be given by the applicant or agent.

3. Members of the Board may ask questions at any time, at the discretion of the Chair.
4. Any applicant, abutter, or person with a direct interest in the matter, as determined by the Board, may testify in person or in writing. Other persons may testify as permitted by the Board. All questions from the public shall be directed to the Chairman.
5. The applicant, those in favor of the proposal, those in opposition, and those neither for nor against, shall be allowed a reasonable amount of time to speak. The chair will endeavor to restrict duplications of statements and speakers will be encouraged to avoid replication of statements by other speakers. Speakers are encouraged to address issues and specifics to the regulations and not address sentiments.
6. Other parties such as representatives of town departments and other boards and commissions who may have an interest in this proposal shall be allowed to present their comments in person or in writing. All written statements submitted by a member of the public shall be read into the record at this time.
7. The Chair shall indicate whether a hearing is closed, or continued, pending the submission of additional material, or information, the correction of noted deficiencies or to schedule a site visit. In the case of a continuation, additional notice need not be given if the date, time, and place of the continuation are announced at a public meeting.

H. DECISIONS

1. The Board shall act to approve, conditionally approve, or deny each application within sixty-five (65) days of acceptance of the application. A tie vote shall neither approve nor deny an application. The application may be continued to the next meeting for further action. Should the application receive a second tie vote it shall be considered *as* denied.
2. Notice of decision will be made available at the Town Hall within five (5) business days after the decision is made as required by 676:3. If the application is not approved the Board shall provide the applicant with written reasons for disapproval.
3. The Administrative Assistant shall write a Notice of Decision based on the motion in the deliberation of the application with review by the Chair.

I. EMERGENCY SEPTIC PLANS, BOUNDARY LINE ADJUSTMENTS, & LOT MERGERS

These may be signed by the Chair, Vice Chair, or Secretary without Board actions if they meet town requirements. It is recommended that all of these actions be brought to the Board for their knowledge either before or after the signing. Abutters of Boundary Line Adjustments must be notified in accordance with RSA 676:4, I (e)(1).

J. WETLANDS

State wetlands applications will be reviewed by the Administrative Assistant and processed to the Board for review as necessary.

K. RECORDS

1. The records of the Board shall be kept by the administrative assistant. These shall be available for public inspection at the Town Hall as required by RSA 91-A:4.

2. Minutes of the meetings shall include the names of the Board members, persons appearing before the Board, a brief description of the subject matter, and reflect all decisions made. The minutes shall be open to public inspection within 5 days of the public meeting as required by RSA 91-A:2, II. These minutes are labeled as DRAFT and serve as the official copy until modified, if necessary, and voted as approved by the Board. Copies of both draft and approved minutes will be given to the Town Clerk.

L. AMENDMENTS TO THE ZONING ORDINANCE

In early July of each year the Chairman shall circulate a notice to all land use boards and Selectman soliciting written comments and proposed amendments to the current Zoning Ordinance. Suggestions will be submitted to the Planner. The Planner will collect the suggestions and submit them all to the Planning Board 1 week prior to their August monthly meeting. Those boards and commissions will have the opportunity of their July and August monthly meetings to develop language for the changes they have proposed.

The draft language should be submitted to the Planner 2 weeks prior to the September Planning Board meeting. The Planning Board will review the submitted suggestions along with their own proposed changes at their September meeting. Following this meeting and before the first public hearing, the draft amendments should be presented to the Selectman for their comments by a representative of the Planning Board. At this point the proposed changes should be reviewed by Town Counsel for general content. The Planning Board will schedule a Public Hearing during their November monthly meeting for any zoning changes which they would like to propose for the town warrant.

If at the November meeting, the Planning Board would like to make substantial changes to the proposed zoning amendments, a second Public Meeting will be scheduled for the month of December. A draft of the warrant article should be reviewed by the Town Counsel with attention given to wording. Any revisions recommended by Town Counsel will be reviewed at the December monthly meeting. All proposed zoning changes will be submitted to the Town Clerk in final form for the town warrant and Town Report by January 15th.

M. AMENDMENTS TO THESE RULES OF PROCEDURE

These Rules of Procedure may be amended by a majority vote of the members of the Board.