

FRANCESTOWN PLANNING BOARD RULES OF PROCEDURE

The following Rules of Procedure are adopted in accordance with RSA 676:1.

1. OFFICERS

A Chairman and a Secretary shall be elected for a one-year term at the first meeting of the Board following the annual Town Meeting. The officers shall perform all duties required by law, regulation or custom and more specifically:

(a) The Chairman shall be responsible for maintaining communications with legal counsel and other agents or employees of the Board and for affixing his signature in the name of the Board. After consulting with the Secretary, the Chairman shall also assign responsibility for various administrative functions to the Secretary, to clerks for the Board or Town or to himself. Such tasks include the transmission of plats to the Register of Deeds, receiving and accounting for fees collected by the Board, reviewing and approving vendor bills or employee time sheets, preparation of general correspondence, posting of notices and filing.

(b) The Secretary shall be responsible for affixing his signature on final plats in the name of the Board, for assisting the Chairman in handling the administrative functions of the Board, and, in the absence of the minutes clerk, for recording and publishing Board minutes and for recording motions and decisions during meetings. The Secretary shall also preside in the absence of the Chairman.

(c) In the temporary absence of the Secretary, either the Chairman or acting Chairman shall appoint an acting Secretary for that meeting.

(d) The Board may also elect a Vice-Chairman who shall preside in the absence of both the Chairman and the Secretary.

2. ALTERNATES

(a) The Board shall appoint three alternates in accordance with applicable RSAs. Openings shall be posted in at least two public places for a minimum of two weeks and such notice shall specify the date on which alternates will be appointed. Applicants shall apply in writing.

(b) Alternate members shall serve, as needed, according to a rotational plan which shall begin, at the start of each new Board year, in alphabetical order. When service of an alternate is required, the Chairman will designate the alternate at the top of the list to serve. The name of the alternate so designated will then go to the bottom of the list. The following exceptions to this plan apply:

Once assigned to a particular case or project, an alternate will be called, out of order, to fill any subsequent vacancy on that case until the matter is resolved. Once being so called, the alternate's name will go to the bottom of the list.

If an alternate is absent from any meeting, the absentee's name shall be placed at the bottom of the rotational list for the next meeting.

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A Planning Board member should consider deferring to an attendant alternate member should the Planning Board member have missed more than one meeting of a particular case.

3. OUTSIDE SERVICES

One or more clerks may be employed to assist the officers and to conduct such other Board business as the Chairman may direct. The Board may also contract with planners, engineers, lawyers and other consultants for such services as it may require.

4. OFFICE HOURS AND PUBLIC ACCESS TO RECORDS

(a) The office of the Planning Board shall be the Lower Level Meeting Room of the Town Offices. The office will be open 15 minutes prior to the start of each Planning Board meeting on the first and third Tuesday of each month, provided that there is a meeting of the Board on that night.

(b) The public shall have access to all minutes, notices, and proposed changes to regulations or ordinances during normal business hours of the Town Offices. Access to Planning Board records may be arranged by appointment with either the Chairman or the Secretary. To facilitate public access, the Planning Board Chairman and Secretary, the head of the Completeness Review Committee and the secretary to the Board of Selectmen may be assigned keys to the Planning Board files.

5. MEETINGS

(a) The regular monthly meeting of the Board shall be the third Tuesday of each month and, unless otherwise determined by the Chairman, shall take place at 6:30 pm in the Town Offices Lower Level Meeting Room. A second meeting shall be held the first Tuesday of each month at the same time and place, unless otherwise determined by the Chairman. Other meetings may be scheduled by a vote of the majority of the Board. Emergency meetings shall be at the call of the Chairman.

(b) On-site inspections shall be made prior to the Board's regular monthly meeting at which an application will be considered unless otherwise determined by the Chairman of the Board.

(c) A quorum for all meetings of the Board shall be four members, including alternates sitting in place of members.

(d) The Chairman, or the Chair's designee, shall prepare an agenda for every meeting and provide it to members at least 72 hours prior to the meeting date. The agenda shall clearly specify the order in which each matter of business is scheduled. The first agenda item after announcements shall be for the approval of minutes. Members who wish a particular matter to be discussed by the Board shall contact the Chairman to arrange for the matter to be scheduled on the agenda.

(e) If any member finds it necessary to disqualify himself from sitting on a particular case, he shall notify the Chairman as soon as possible so that alternates may be advised to prepare accordingly. The member disqualifying himself shall absent himself from the Board table during public hearings or deliberations on the case.

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(f) At the request of either an applicant or any land use board, the Planning Board may meet jointly with another land use Board when the subject matter is within the authority of both Boards. The Chairman of the Planning Board shall chair such a joint meeting and shall follow the rules of procedure of the Planning Board. Each Board will render its own decisions on matters within its jurisdiction.

(g) When an applicant has both a site plan and a subdivision application before the Board, the Board may publicize and hear both cases simultaneously.

(h) With the exceptions noted here, all votes shall be recorded roll call votes. Unless a member requests a roll call vote, a motion for adjournment shall be made by a hand vote or a collective voice vote.

(i) In the case of disagreement on parliamentary questions not specifically provided for in these rules, Robert's Rules of Order shall provide a guideline for resolution. While the decision on parliamentary questions shall be the Chairman's, the Board may overrule the Chairman by a majority vote.

(j) The Board shall not take any final action on a case under consideration after 10:00 PM unless, given unusual circumstances, there is a unanimous vote of the Board to override this provision on a case-by-case basis. In general, the Board will also attempt to avoid making any significant decision or policy statement after 10 PM.

6. PUBLIC NOTICE

(a) With the exception of an emergency, at least 24 hours public notice, excluding Sundays and legal holidays, shall be given for each public meeting, including onsite inspections by posting notice of the meeting, with agenda, in two public places in the Town.

(b) Appropriate notice shall be given for each public hearing required under RSA 675:7 or 676:4 at least 10 calendar days before the public hearing. The notice shall not include the day of posting nor the day of the public hearing. Notice of such hearings shall be on the town home web page and shall remain posted on this page until the end of the public hearing and shall be posted in at least two public places in the Town. When appropriate, written notice shall also be sent by certified mail to the required parties.

(c) Within 5 business days of any final decision on a subdivision or site plan review case, a Notice of Decision shall be placed on file in the offices of the Planning Board, the Town Clerk and the Board of Selectmen and shall be posted in at least 2 public places in the Town. The Notice of Decision shall include the reason for the action, the conditions of approval, if any, and those conditions, if any, which shall be subject to a subsequent compliance hearing. A copy of the Notice of Decision shall also be mailed to the applicant.

7. PUBLIC HEARINGS

The purpose of a public hearing is to give ample opportunity to be heard by all who have a legitimate interest and to bring to the Planning Board all relevant facts, information and opinions which may be of help and assistance to the Planning Board in a decision.

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The conduct of public hearings will be governed by the following guidelines:

- All comments shall be restricted to the subject of the public hearing as advertised.
- Be brief in your comments and refrain from being repetitive of the remarks made by previous speakers. The most effective and useful comments are those which focus directly on the issues under consideration and which may even offer possible solutions or alternatives.
- Homeowner's Associations/Large Groups are encouraged to designate a spokesperson to speak on its behalf.
- All speakers must be recognized by the Chair. Please direct comments to the Board, not to the audience or applicant, and give your courteous attention to other speakers, regardless of their views.
- The Chairman may limit the time for a given agenda item, as well as the time that each person testifying on a particular case may speak.

Procedures for Public Hearings:

The Chair will open the hearing, stating date and time, indicate how and when public notice was given, and shall:

- Introduce Members of the Board and Alternates seated;
- Introduce case, stating case number and brief particulars;
- Outline Public Hearing procedures as below;

Before any application for subdivision, site plan approval, lot line adjustment, or the like can be considered, it must first be accepted by the Board as complete or substantially complete for the purpose of hearing. The procedure for accepting an application as complete will be:

- Chair introduces Completeness Review Committee Chair who will present the report of the CRC.
- Discussion of deficiencies.
- Chair will entertain a Motion to accept the application as complete or complete for the purposes of hearing.
- Board votes on motion.

Once the application is accepted as complete, the Public Hearing will proceed according to the following guidelines:

- The Board will hear from the Applicant or the Applicant's Designee.
- Board Members will ask any questions of or ask for any additional clarification of the proposal from the applicant. (note: Board Members may ask questions at any point during the hearing)
- The Chair will ask for input from other town officials (i.e. conservation commission, road agent, etc)
- Discussion of waivers and approval or denial of same
- The Chair will invite the Public to ask questions or make comments. All speakers will be asked to identify themselves: name, address and relationship to the case for the record.
- The Chair will poll Board Members for comments.
- The Chair will invite any final comments from the Public.
- The Chair will invite any final comments from the Applicant.
- The Public Hearing will be closed.
- The Board will deliberate.
- The Chair will entertain a motion to approve or deny the application.

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- The Board will vote on the motion; the Chair will poll each member who will state their name for the record and vote in favor, opposed, or abstain.

8. MINUTES

- (a) It is expected that the minutes clerk will attend all meetings of the Planning Board, not including site walks, barring the rare unexpected circumstance.
- (b) The clerk will be responsible for recording and transcribing all minutes of Planning Board meetings.
- (c) On the occasion when the minutes clerk is not available, minutes taken by others will be sent to the minutes clerk.
- (d) If minutes require more than a single page, a footnote will indicate the page number, number of pages, and the meeting date.
- (e) Minutes shall be promptly recorded and are to be available for public inspection within 5 business days (RSA 91-A:2(II)); except for minutes of executive sessions, which fall under different guidelines (RSA 91-A:3).
- (f) Minutes shall be placed in the office of the Town Clerk as well as placed separately in the Planning Board's filing area within the above prescribed time period.
- (g) When, in order to meet the time requirements of (e) above, unapproved minutes are first recorded, they are, immediately after approval, to be replaced by a copy of corrected minutes in the files of the Town Clerk as well as the files of the Board.
- (h) The original typed minutes, along with notes of the clerk and one back-up copy, shall be stored separately in the Board's filing area. All meetings shall be taped, or equivalent. Tapes shall be stored with the written minutes and shall be retained for one year, or as long as a matter is pending before the Board whichever is longer.
- (i) Members shall review minutes prior to the meeting at which they are to be approved, and, unless otherwise determined by the Board, the reading of the minutes shall be waived.

9. APPLICATION PROCEDURE

Applications shall be handled according to provisions in the applicable subdivision or site development plan review regulations.

Consideration of applications and hearings thereon will be at the 3rd Tuesday meeting, unless otherwise determined by the Board.

10. COMMITTEES

- (a) **COMPLETENESS REVIEW COMMITTEE:** The Board shall establish a Completeness Review Committee which shall be responsible for pre-screening applications for completeness. The CRC Chair, or the chair's designee, shall present all applications and the findings of the committee, including all requests for waivers, at the start of each public hearing.

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(b)The Board may also establish other committees, whose members shall be chosen by a majority vote of the Board. The Board is encouraged to include members of the general public. Each committee shall choose its own chair.

11. FORMS

From time to time the Board shall designate official forms to be used and these forms shall either be appended hereto as part of these rules or attached as appendices to the applicable regulations.

12. AMENDMENTS

These rules may be amended at any meeting of the Planning Board by majority vote of those present and voting, provided that notice of the proposed amendment is given at one prior meeting and is included in the agenda for the meeting at which the amendment is to be made.

Adopted August 25, 1987; Amended March 7, 1989; Amended May 1,1990; Amended August 7, 2007; Amended May 1, 2012; Amended June 7, 2016; Amended March 15, 2022

THE FRANCESTOWN PLANNING BOARD