

# **RULES OF PROCEDURE BOSCAWEN PLANNING BOARD**

ADOPTED: May 13, 2008

## **ARTICLE 1: AUTHORITY**

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated RSA 676:1, as amended.

## **ARTICLE 2: NAME**

The name of the Board shall be the "Boscawen Planning Board" as adopted at the Town Meeting of March 8, 1960.

## **ARTICLE 3: MEMBERS**

1. Regular Members: In accordance with RSA 673:2, the Planning Board shall consist of seven (7) members, hereinafter referred to as regular members. Six (6) members shall be appointed by the Select Board to serve a three (3) year term and one (1) member shall be an Ex-Officio voting member chosen by the Select Board from their membership.
2. Qualifications, term, removal of members, filling of vacancies, organization, meetings, and rules shall conform to RSA 673:2-17, as amended.
3. Alternate Members: The Select Board may appoint up to five (5) alternate members for a term of three (3) years each, which shall be staggered in the same manner as elected members. The Select Board may appoint an alternate Ex-Officio voting member.

## **ARTICLE 4: ORGANIZATION**

The Planning Board, at its first regular meeting following the annual Town Meeting, shall be called to order by the Chair of the previous year, if the Chair is still a member of the Board, or otherwise, by the Vice Chair or the regular member with the most years of membership. At this meeting, the Board shall organize for the election of one of its regular members as Chair, and one as Vice-Chair.

## **ARTICLE 5: LAND DEVELOPMENT REGULATIONS**

All sub-division and site plans submitted for consideration by the Board shall be noticed, accepted, reviewed, and approved, continued, or denied, in accordance with the Land Development Regulations adopted by the Planning Board in accordance with RSA 674, as amended.

**ARTICLE 6: DUTIES OF THE OFFICERS**

1. The Chair shall call the meeting to order, preside over deliberations and see that all proceedings are in accordance with the Town ordinances and the Laws of the State of New Hampshire. The Chair shall endeavor to ensure that all questions get fair and impartial consideration and that all members, abutters and the public have an opportunity to be heard and their opinions considered. The Chair shall also present a yearly report, appoint committees, and perform all other duties of presiding officer.
2. The Vice-Chair assumes the duties of Chair in the absence of the Chair.
3. In the absence of both the Chair and the Vice-Chair, a Chair pro-tem who is also a regular member shall be elected by the members present.
4. Should no member accept the position of Chair pro-tem, the meeting shall be continued to a time and date certain.

**ARTICLE 7: QUORUM**

1. Four (4) voting members constitute a meeting quorum, required to convene a meeting. Without a meeting quorum, there is no meeting and, therefore, no minutes.
2. A voting quorum, four (4) voting members, is also required on any issue on which the Board votes. A member not voting due to a conflict of interest is not part of the voting quorum for that particular vote.
3. Alternates, when appointed as voting members, shall count toward quorum requirements.

**ARTICLE 8: MEETINGS**

1. Regular meetings shall be held on the first Tuesday of the month, except on dates that conflict with State or National holidays, any form of government election, or other town event, as defined by the Board.
2. All meetings of the Board, as well as any committees of the Board, shall be open to the public in accordance with RSA 91-A, as amended. No vote, while in open session, shall be by secret ballot.
3. The Board may go into nonpublic session only for reasons allowed and, in the manner prescribed by RSA 91-A: 3, as amended. Motion to go into non-public session shall state the specific allowed exemption and be approved by roll call vote. No discussion, motions or votes will be entertained on any application or other matters before the Board except as allowed under RSA 91-A: 3, as amended.
4. Meetings may be postponed or canceled by the Chair, or, in his or her absence, the Vice-Chair, with the concurrence of three members of the Board.
5. Special meetings of the Planning Board shall be called by the Chair or in his or her absence the Vice-Chair, with the concurrence of three members of the Board. Site visits by the Board, as a group, are considered meetings of the Board.
6. Meeting Time, Place and Notice:
  - a. Meetings shall begin at 6:30 p.m.
  - b. All meetings shall be adjourned by ten p.m. except that a matter under consideration may be continued or terminated as determined by a majority vote.

- c. Agenda items not yet considered shall be deferred to either the next scheduled regular meeting or a special meeting.
  - d. Meetings will be held in the Town Municipal Complex.
  - e. The time and place of the meeting may be changed at any time by a 2/3 vote.
7. Notice:
- a. Public notice shall be published and posted in two public places and the public body's internet website for public hearings shall be given at least ten (10) days before the hearing, in accordance with RSA-91: A, as amended.
  - b. Public notice shall be published or posted in two public places and the public body's internet website at least 24 hours before the meeting, for meetings without public hearings, in accordance with RSA-91: A, as amended.
  - c. Members shall be given notice when meetings are postponed or canceled, or when special meetings are called, as soon as practical.

**ARTICLE 9: MEETING ORDER**

- 1. At each regular meeting the order of proceedings shall normally be as follows:
  - a. Quorum check
  - b. Consideration of minutes of previous meeting(s).
  - c. Old Business
    - i. Continued applications
  - d. New Business
  - e. New Applications
  - f. Other Public Hearings
  - g. Other Business
  - h. Adjournment

The order of proceedings may be changed at the discretion of the Chair, or by majority vote of the Planning Board.

**ARTICLE 10: GENERAL PROCEDURES**

- 1. Alternates
  - a. Alternates shall be appointed by the Chair to retain, if possible, a seven (7) member quorum and seven (7) voting members at all times.
  - b. The Chair at the commencement of the discussion will appoint alternates to a matter that is to be voted upon. If more than one alternate is present at a meeting, they shall be appointed in a rotating order. Matters to be voted upon will include minutes, current applications, appointments, and other public matters. If an alternate present has previously voted on a matter, and that matter is continued to a future meeting, that alternate shall be assigned, if possible, to the matter when it is heard on a future date.
  - c. Alternates, when not appointed as voting members, shall be seated, and shall discuss issues as would other members.
  - d. Only the Select Board's alternate is permitted to replace the Select Board member, per RSA 673:11 & 12.
- 2. Conflict of Interest



- a. It is the responsibility of all members to disqualify themselves in the event of a conflict of interest in accordance with RSA 673:14 as amended, to step down, and not to participate in any discussion or other consideration in the matter.
  - b. It is also the responsibility of all members not to use disqualification as a method to avoid controversial issues.
  - c. If and when a member or alternate is disqualified or recused, they shall remove themselves from the Planning Board's table for that matter only and may then return once that matter has concluded. Those members may participate in the public hearing as a member of the public.
3. Voting
    - a. The Chairman, or member presiding, shall be a voting member of the Board, but shall be the last member to cast a vote.
  4. Appearance before the Planning Board is by application only. This may take the form of a written application as detailed in the Land Development Regulations, or in case where only an advisory opinion is sought, by contacting the Planning & Community Development Staff for scheduling on the agenda.
  5. The agenda for public hearings is closed twenty-one days before the regularly scheduled meeting, RSA 676:4, I (b) effective July 18, 2016. It may be closed sooner if, in the opinion of the Planning Board Staff, the length of the agenda and the subject matter is such that completion before 10:00 p.m. is unlikely. The agenda, showing the proposed order of public hearing presentations, shall be posted in a conspicuous place in or near the hearing location.
  6. All Applications and plans to be considered by the Board for acceptance shall first be prescreened by the Planning & Community Development Staff for conformance to acceptance standards. All accepted applications and plans to be further considered by the Board shall be reviewed by the Planning & Community Development Staff, for conformance with the ordinances and correctness of form and technical details. Only upon recommendation by Planning and Community Development Staff, and a determination by the Planning Board that the application is not of regional impact will the Planning Board consider a vote to accept the application as complete.
  7. Reports, surveys, studies, and other material requested by the Planning Board shall be submitted to the Planning and Community Development Staff not less than ten (10) business days prior to the meeting at which the information requested will be discussed. Staff shall, upon receipt, forward this information, along with any comments by staff, to all Board Members and Alternates no later than the close of business on the third business day. Material may be distributed electronically, if possible. Members and Alternates who do not have electronic capability shall be notified by phone to pick up the material.
  8. Non-appearance. An applicant who does not appear or is not represented at any meeting for which the applicant is listed on the agenda shall not be automatically rescheduled for a later meeting. The applicant may request, in writing, electronically or in person, a one-month continuance. The non-representation shall constitute grounds for denial. Following denial, it will be necessary for the applicant to take the initiative in requesting a new date and to follow all procedures and pay all costs necessary to do so.

9. Order of presentation during a public hearing on an application:
  - a. The Chair opens the public hearing and explains what procedures will be followed.
  - b. The applicant or representative shall make his or her presentation.
  - c. The Planning Board shall have the first opportunity to voice questions or concerns.
  - d. Abutters will then be provided an opportunity for comment, with appropriate responses by the applicant or the Planning Board.
  - e. Letters will not be read into the record, but the Board members will be given the document, and a succinct overview will be allowed.
  - f. The general public will then be provided an opportunity for comment, with appropriate responses by the applicant or the Planning Board.
  - g. The Planning Board retains the right to ask questions throughout the hearing, and to request information and opinion from town staff.
  - h. At the discretion of the Chair, no person shall be allowed to ask more than one question until all persons have had an opportunity.
  - i. All questions, comments and responses shall be directed to and through the Chair.
  - j. The Public Hearing shall remain open until all information has been presented.
10. Utilization of Town Counsel Policy
  - a. Policy shall be reviewed, and form completed by Chair as shown in the Policy for Appointed Officials.

#### **ARTICLE 11: FORMS**

All forms, checklists, and similar materials for use by applicants shall be created by the Planning and Community Development Staff to best meet the needs of the Board and its regulations. These materials, themselves, are adopted by the Board.

#### **ARTICLE 12: RECORDS**

Minutes shall be taken, and records shall be kept by the Recording Secretary, in a manner that best meets the Board's needs and regulations and all appropriate state statutes. All records shall be available to the public in accordance with RSA-91: A, as amended. Recordings of meetings for the purpose of recording minutes shall be retained until the appeal period has passed and the minutes have been finalized.

#### **ARTICLE 13: SIGNATURES**

Site plans and subdivisions, approved by vote of the Board, or conditionally approved by vote of the Board and having the conditions met in accordance with RSA 676:4 (I) (i), as amended, shall be signed by the Chair. Unless specifically noted in the motion to approve, Chair is authorized to sign all approvals out of meeting. In the event that the Chair is unavailable, the Vice Chair will sign. If both are unavailable, any regular member of the Board may sign.



## **ARTICLE 14: JOINT MEETINGS**

In accordance with RSA 676:2, as amended, joint meetings may be held with one or more land use boards. The joint meeting may be held by petition of an applicant seeking a permit from each of the land use boards when the permits are all related to the same development or subdivision or by request of any of the land use boards.

1. The land use boards may be two or all of the following:
  - a. The Agricultural Commission
  - b. The Conservation Commission
  - c. The Planning Board
  - d. The Zoning Board of Adjustment
2. Planning Board shall grant any request for a joint meeting with any other land use board upon findings that:
  - a. The subject matter is within the jurisdiction of the Planning Board;
  - b. A joint meeting would most likely be more efficient than separate meetings of the land use board;
  - c. A date and time can be found that is satisfactory to all land use boards proposed to be involved.
3. The meeting order at each joint meeting shall normally be as described in Article 9, except:
  - a. Quorum checks: The Chair of the Planning Board shall determine that the Planning Board has a quorum and then request all other boards present to determine whether a quorum exists.
  - b. The Chair of the Planning Board will preside.
  - c. Business shall be limited to matters of interest mutual to all land use boards present.
  - d. All deliberations shall be conducted in a joint fashion until such time that the Boards are ready to vote on the matter at hand. The Chair of the Planning Board shall then determine the sequence of voting action required by each Board present in conformance with all applicable laws and then request action of each Board present in the order so determined. The Chair of each respective board will then assume control and conduct all deliberations and procedures necessary to reach a vote of that Board. Upon concluding the voting procedure satisfactorily, the Chair of the Board that assumed control for this purpose shall return control of the meeting to the Chair of the Planning Board.

## **ARTICLE 15: AMENDMENTS**

These rules of procedure may be amended by a majority vote at a public meeting of the Planning Board. A public hearing is not required.

**Amended on June 9, 2010:** Article 11 – remove the word “not” from the last sentence.

**Amended on September 13, 2011:** Article 9, numbers 4, 5 & 6 and Article 11 – Planning and Zoning Secretary was replaced with Planning Board Staff. Article 12-0 Planning and Zoning Secretary was replaced with Planning Board Recording Secretary. Added the Agricultural Commission to Article 14, number 1 and re-lettered.

**Amended on July 11, 2017:** Planning Board Staff was replaced with Planning & Community Development Staff throughout the document, Article 6: Duties of the Officers #4 – Should no member accept the position of Chair pro-tem, the meeting shall be continued to a time and date certain, Article 8: Meetings #1-Change 2<sup>nd</sup> to 1<sup>st</sup>, #6a-Change 7:00 to 6:30, Article 10: General Procedures #5-Change from 20 to 21 days per RSA 676:4,I(b), #6 – Change CNHRP to CNHRPC, #6 – Delete “As found in section 7 below”, #7 – Change 5 days to 10 days,#7 – Replace “on the following business day” to “on the third business day”, #7 – Remove “Material arriving after the five day deadline will be held until the next meeting”,#9a – Capitalize “C” in Chair, #9d – Remove apostrophe in “Abutters”, #9i – Change “evidence” to “information”, #9i – Remove “After closing the hearing, if additional information is supplied by the applicant or requested by the Board, the hearing shall be reopened for abutter/public comment”, Article 11: Forms, Change Planning Board Staff to Planning & Community Development Staff, Article 12: Records, Remove “Planning Board” and “or the Secretary’s agent”.

**Amended on: May 4, 2021:** Board of Selectmen replaced with Select Board throughout the document, *Article 8, Meetings:* Spelling updates. Added public bodies website, *Article 10, General Procedures:* Alternate procedures were updated, 2. C. Conflict of Interest added; 6 & 8. removed the last sentences on each, 9. Order of presentations, a. added, e. added the handling of letters, i. all is directed by the Chair; *Article 12 Records:* and minutes have been finalized.

**Amended on: January 2, 2024:** *Article 10, General Procedures:* Addition of *Utilization of Town Counsel Policy.*

Loren J. Martin, Chair  
Barbara Randall, Vice-Chair  
Edward J. Cherian, Jr.  
Gary Tilman  
Roberta Witham  
Josh Crawford  
Lorrie J. Carey, *Ex-Officio*  
Bill R. Bevans, *Alt Ex-Officio*

 Date: 2-6-24

**Planning Board  
Boscawen NH**

Adoption Certification:  Date: 2/7/24  
(Town Clerk)

