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**TOWN OF NEWPORT, NH**

**PLANNING BOARD RULES OF PROCEDURE**

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**TOWN OF NEWPORT, NH  
PLANNING BOARD RULES OF PROCEDURE**

**AUTHORITY**

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

**MEMBERS AND ALTERNATES**

1. The Planning Board shall consist of seven members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
3. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
4. Up to five alternate members shall be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a regular member of the Board is unable to fulfill his/her responsibilities.
5. At Planning Board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the Board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.
6. Members must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairman as soon as possible. Members, including the chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
7. Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Selectman's Office shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.

## OFFICERS

1. The officers of the Board shall be as follows:
  - Chairman: The Chairman shall preside over all meetings and hearings; shall ensure that all approved site plans and subdivision plans are duly recorded in the Sullivan County Registry of Deeds; shall ensure that all notices of decision are made available for public inspection at the Town Office of Planning and Zoning within 5 business days after the decision is made, as required in RSA 676:3 and shall perform other duties customary to the office.
  - Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have to exercise the full powers of the Chairman on matters that come before the Board in the absence of the Chairman and ensure that the records of the Board are maintained.
2. The officers of the Board shall be elected annually during the month of July by a majority vote of the Board and shall assume their respective positions immediately after the election.

## MEETINGS

1. Regular meetings shall be held at least monthly at the Selectmen's Room in the Town Office at 6:00p.m., usually on the second Tuesday of each month.
2. Special meetings may be called by the Chairman or, in his/her absence, by the Vice-Chairman, or at the request of four members of the Board, provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
3. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
4. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.

If any regular Board member is absent from a meeting or hearing, or disqualifies him/herself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member does not vote on that matter.

5. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Board members.

6. Order of Business shall be as follows:
  - a) Call to Order
  - b) Roll Call
  - c) Agenda Review
  - d) Continued Business
  - e) New Business
  - f) Minutes
  - g) Administration
  - h) Communications
    1. Board
    2. Public (Public participation shall pertain to topics within the purview of the Planning Board)
  - i) Adjourn
7. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by roll call which shall be recorded in the minutes.

### **OPEN MEETINGS, RECORDS**

1. Pursuant to RSA 673:17, the Planning Board shall hold its meetings and maintain its records in accordance with RSA 91-A.
2. The Vice-Chairman of the Board shall maintain the records of the Board by ensuring that all records of the Board are properly filed in the Town Office of Planning and Zoning (TOPAZ). The Chairman shall ensure that the records of decisions are made available for public inspection at TOPAZ 5 business days after the decision is made as required by RSA 673:6. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, a brief description of the subject matter discussed and final decisions. Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91 – A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception.
3. The Town Manager may authorize the hiring of a person who has professional clerical skills to duly record the minutes of each meeting on audio or video tape and in writing. The duly recorded written minutes of each meeting shall be considered the official record of the Planning Board and any other sources that are mandated by the Board may be used to corroborate the official record.

### **RECORDING EQUIPMENT**

1. As provided by RSA 91-A:2,II, any person shall be permitted to use recording devices, including, but not limited to tape recorders, cameras and videotape equipment at all meetings that are open to the public.
2. All video and/or audio recording equipment shall be placed so as not to interfere with the public meeting or hearing process.

### **PUBLIC HEARINGS**

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

1. The Chairman shall call the hearing in session, identify the applicant or agent, and ask for the

Planning Administrator's report on the proposal.

2. The Planning Administrator may provide an Administrative Review if any.
3. Members of the Board may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of another party must go through the Chairman.
5. 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.
6. Each person who speaks shall be required to state his/her name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant or agent shall be called to present the proposal.
8. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
9. The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

## **DECISIONS**

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at TOPAZ in the Town Office within 5 business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

## **RECONSIDERATION**

The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. This may be done through a motion that specifies the reasons for reconsideration. Upon successful passage of the motion, the Board shall schedule a public hearing, with notice as provided in 676:4, I(d), where they shall consider whether or not to revise or alter their original decision. Should the Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15, et seq.

## **JOINT MEETINGS AND HEARINGS**

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the Zoning Board of Adjustment, the Heritage Commission, or the Conservation Commission. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.

3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
4. The Planning Board Chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
  - a) Call to order by Chairman;
  - b) Introduction of members of both boards by Chairman;
  - c) Explanation of reason for joint meeting/hearing by Chairman;
  - d) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
  - e) Adjournment.
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

#### AMENDMENT

1. The Board's rules of procedure may be amended by a majority vote of its members provided such amendment is discussed at a public meeting. The amended procedures shall be filed with the Town Clerk.

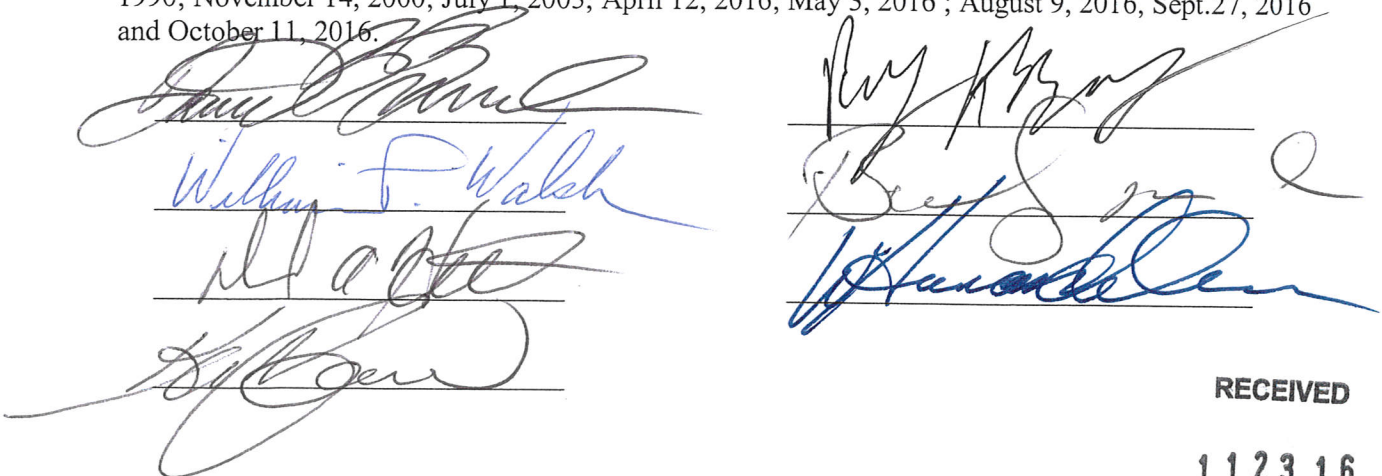
#### EFFECTIVE DATE

These rules of procedure shall take effect immediately upon adoption by the Board.

Add revision dates, and signatures here.

These rules were adopted by the Planning Board on September 12, 1989

These Planning Board Rules of Procedure were amended by a majority of the Planning Board on June 19, 1990; November 14, 2000; July 1, 2003; April 12, 2016; May 3, 2016 ; August 9, 2016, Sept.27, 2016 and October 11, 2016.



Handwritten signatures of Planning Board members and Town Clerk. The signatures are written in blue ink on a white background. The signatures are arranged in two columns. The left column contains four signatures, and the right column contains three signatures. The signatures are written over horizontal lines.

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