

TOWN OF ASHLAND 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 five members appointed by the Selectboard. The Selectboard 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 three [Warrant Article 4, March 12,1988] alternate members shall be appointed by the Selectboard, 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. Frequent unexcused non-attendance at meetings will be considered grounds for dismissal. [RSA 673:13 Removal Process]

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 Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.
9. Board members and alternates are encouraged to take advantage of land use training available from NH OPD (Office of Planning and Development), NHMA (New Hampshire Municipal Association) and other professional organizations.

OFFICERS

1. The officers of the Board shall be as follows:
 - a. **Chairman:** The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office.
 - b. **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.
 - c. **Board Secretary:** The Board Secretary shall work with the Land Use Boards Assistant to ensure that a full and accurate record of the proceedings of each meeting is kept. In the absence of the Board Secretary, the Chairman shall appoint a Secretary pro tem to keep records of the meeting.
2. The officers of the Board shall be elected annually during the month of May by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

ADMINISTRATIVE ASSISTANCE

1. The **Board Secretary** shall keep a full and accurate record of the proceedings of each meeting; record the names of the members present; and prepare such correspondence and fulfill such duties as the Chairman may specify.
2. The **Land Use Boards Assistant** shall support the Planning Board and the Zoning Board of Adjustment by assisting applicants, reviewing applications, preparing notices and

postings, providing legislative updates, and fulfilling such duties as the Chairmen of the Land Use Boards may specify.

MEETINGS

1. Regular meetings shall be held at least monthly at 6:30 PM on the FIRST WEDNESDAY of each month. Work sessions will be at 6:30 PM on the FOURTH WEDNESDAY of the month. Meetings will be held at the Conference Room in the Utility Building, 6 Collins Street, unless otherwise noted.
2. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three 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. Cancellation of meetings due to emergencies, weather conditions or other unforeseen circumstances shall be posted up to two (2) hours prior to the scheduled meeting at the meeting site and on the website.
4. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
5. 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 her/himself 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 regard to any matter under consideration on which the regular member is unable to act. The alternate shall continue until the matter is completed; the regular member does not vote on that matter.

6. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, she/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 beginning of discussion or the public hearing on the application begins.

During all deliberations and the public hearing on the matter, the member disqualified shall leave the Board table.

If uncertainty arises as to whether a Board member should disqualify her/himself, 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 the question of disqualification shall be advisory and non-binding and may not be requested by persons other than Board members.

(Note: Except as may otherwise be provided by local ordinance.)

7. Order of Business will be generally as follows:
 - a. Call to order by Chairman
 - b. Roll call by the Chairman
 - c. Minutes of previous meeting
 - d. Determine whether a Board member has a conflict of interest with an application
 - e. Determine whether an application constitutes a Development of Regional Impact
 - f. Consider completeness and acceptance of applications
 - g. Hearings on subdivision/site plans or considerations of any other application
 - h. Other business – public comment
 - i. Reading of communications directed to the Board
 - j. Report of officers and committees
 - k. Unfinished business
8. 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.
9. If there is a tie vote, then another motion should be discussed and worded in a way that would not result in a tie vote.
10. If there is a failed motion, the Board could try another motion to get a motion to pass.
11. 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 notices 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. Drive-by viewings by Board members are encouraged. A drive-by viewing is defined as a visit by a single member of the Board to a site from an adjoining public highway or other observation point that can be made without entering the property.

APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Land Use Assistant, the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.

2. Notice shall be given as required in RSA 676:4,1(d) 10 calendar days before a completed application is submitted to the Board.
3. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 calendar days of acceptance. An application sufficient for acceptance shall consist of a properly filled-out application form, all appropriate fees, a complete abutter list, letter of authorization (if needed) and a plan sufficient to reflect the intent of the proposal.
4. The Board shall reject all applications not properly completed.

FORMS

1. All forms prescribed herein, and revisions thereof, shall be adopted by resolution of the Board and shall become part of these rules of procedure.

NOTICE

1. Public notice of the submission of and public hearings on each application shall be posted on the town website, posted at both the Town Office and the local Post Office, and may be given in a local newspaper (the *Record Enterprise* and/or the *Laconia Daily Sun*) not less than ten (10) calendar days prior to the date fixed for submission and consideration of the application. The date, time and place of the public hearing must be included on the notice. Posting requirements cannot count the day of the posting and the day of the meeting in the 10 days prior to the meeting.
2. Personal notice of the submission of and public hearings on each application shall be made by certified mail to the applicant, all abutters, holders of conservation, preservation, or agricultural restrictions and any professional whose seal appears on any plat not less than ten (10) calendar days prior to the date fixed for submission of the application to the Board.
3. The notice of submission of an application may be combined with the notice of the public hearing, by stating that, if the application is accepted as complete, it will be on the agenda of each Board meeting until a decision is made. The date of the public hearing must be included on the notice.

PUBLIC HEARINGS

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

1. The Chairman shall identify the applicant or the agent representing the applicant, shall read the application and report on the manner in which public and personal notice was given.
2. The Board shall determine whether the application is a development of regional impact (DRI) as per NH RSA 36:54-57.
3. The Board shall consider the completeness of the application, waivers (if any) and acceptance. An application sufficient for acceptance shall consist of a properly filled-out application form, all appropriate fees, a complete abutter list, letter of authorization (if needed), and a plan sufficient to reflect the intent of the proposal.
4. If the application is considered complete for consideration by a majority vote of the Board, the Chair opens the public hearing for the applicant to make their presentation.
5. Members of the Board may ask questions at any point during the presentation.
6. Any party to the matter who desires to ask a question of another party must go through the Chairman.
7. 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.
8. Each person who speaks shall be required to state her/his name and address and indicate whether she/he is a party to the matter or an agent or counsel to a party to the matter.
9. The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
10. Those in opposition to the proposal shall be allowed to speak.
11. Those neither in favor nor opposed may speak.
12. 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.
13. The Chairman shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time, and place of the continuation is made known at the adjournment.
14. Once the hearing is closed, the Board will deliberate and make a decision.

DECISIONS AND TIMELINES

1. The Board shall act to approve, conditionally approve, or disapprove an application.
2. The Board has 30 days to determine whether an application is complete and vote on its acceptance.
3. 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.
 - a. The written decision shall include specific written findings of fact that support the approval, conditional approval, or disapproval of the application.
 - b. If the application is approved with conditions, the Board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.
 - c. If the Planning Board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the Board may, in its discretion, deny the application without prejudice, allowing the applicant to resubmit the same or substantially similar application.
4. If the Board determines that the development is one of regional impact, the Planning Board's deadline to act on the application is extended by 30 days. Therefore, the Board has a total of 95 days (65 + 30) to act upon the application.
5. If the Planning Board does not act on the application within the 65-day period, then the governing body is required to approve the application. Failure of the governing body to approve the application allows the applicant to appeal to the superior court, which must act within 30 days and may order the municipality to pay the applicant's reasonable costs, including attorney's fees, if it finds that the governing body's failure to act was unjustified.
6. Notice of decision will be made available for public inspection at the Town Office within 5 business days after the decision is made, as required in RSA 676:3. Notice of decision will also be sent by certified mail to the applicant. If the application is disapproved, the Board shall provide the applicant with written reasons for this.

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 RSA 676:4, I(d), where it shall

consider whether or not to revise or alter its 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.

RECORDS

1. The records of the Board shall be kept by the Recording Secretary and shall be made available for public inspection at the office of the Town Clerk as required by RSA 91-A:4.
2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 5 business days after the meeting as required in RSA 91-A:2,II.
3. If a website is maintained, RSA 91-A:2,II-b (effective January 1, 2018) requires that approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed and copies requested.

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 Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. 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 Chair 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 proposal.
 - e. Adjournment

6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

REGIONAL PLANNING COMMISSION

1. The Lakes Region Planning Commission is a voluntary association of local governments dedicated to providing multiple regional planning services that enhance the overall living conditions and environment of the region.
2. As a member of the Lakes Region Planning Commission, Ashland is entitled to 2 voluntary representatives nominated by the Planning Board and appointed by the Selectboard.

AMENDMENT

1. The Board's Rules of Procedure may be amended by a majority vote of its members at a public meeting. The amended procedures shall be filed with the municipal clerk.

Reviewed: September 25, 2013

Reviewed: October 2, 2013

Reviewed: June 27, 2018

Reviewed: September 7, 2022

Adopted: November 6, 2013

Adopted: August 22, 2018

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