

Town of Stoddard  
Planning Board  
Rules of Procedure  
Adopted November 3, 2009  
Amended July 7, 2015

Authority

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

Members

1. The Planning Board shall consist of 6 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.
    - a. How an Alternate will be chosen:
      1. A citizen may volunteer to be nominated or be nominated by any board member with discussion to follow.
      2. Motion made that the person be an Alternate with discussion to follow.
      3. Vote by the board (see page 3, #7 "voting").
    - b. How and when may an alternate participate in meetings of the board?:
      1. When a Planning Board member is absent the Chairman SHALL designate an Alternate to sit as a board member as a matter of good practice.
      2. The alternates will be given a number (1, 2...). An alternate shall be designated in a rotating order so that each alternate serves as a board member.
      3. The secretary will keep a list of alternates and when the alternates have served.
    - c. How and when a non-voting alternate may participate in meetings of the board.
      1. A non-voting alternate to the Planning Board may participate in any and all deliberations and discussions of the board.
- 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 43:1.
4. The Secretary shall forward to the town clerk for recording, the appointment/election and expiration dates of each member of the board.
  5. All new members will receive a brief introduction to responsibilities of board members.

Officers

1. The officers of the Board shall be as follows:

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.

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.

Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the member present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting. The Secretary is a paid employee of the Town of Stoddard. In the absence of the Chairman and the Vice-Chairman, the Secretary will assume the Chairman's duties.

2. The officers of the Board shall be elected annually during the month of June by majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

#### Meetings

1. Regular meetings shall be held at least monthly at the Town Hall at 7:00 PM on the First (1<sup>st</sup>) 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 three (3) members of the Board provided public notice and notice to each member is given at least forty-eight (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 major of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular member. The definition of the word "shall": Historically, shall referred to obligations, while will referred to personal volition. In legal terms this is upheld. "He shall" means he is obligated to.

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 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 Secretary as soon as possible so that an alternate may be requested to fill in 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.

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.

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

6. Order of Business shall be as follows:
  - a. Roll Call
  - b. Introduction Statement: Thank you for attending the Stoddard Planning Board meeting. We would like to remind the public that we are a volunteer board; doing the best we can to serve the Town of Stoddard. That being said we are now going to open this meeting.
  - c. Correspondence
  - d. Minutes of Previous Meeting(s)
  - e. Public Rudimentary Questions
  - f. General Business
  - g. Subdivision applications
  - h. Site Plan Review
  - i. Other Business
  - j. Secretary's Cumulative hours
  - k. Adjourned
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, if requested and such vote will be recorded in the minutes.

#### 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 Secretary of the Board or the Board's agent who shall sign and record the date of receipt with 15 clean days prior to a scheduled meeting.
2. Notice shall be given as required in RSA 676:4,1(d) 10 days before a completed application is submitted to the board.
3. Completed applications shall be accepted by a majority vote of the Board and shall be scheduled for consideration within thirty (30) days of acceptance.
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 given to the Keene Sentinel or by posting at both the Town Clerk's Office, the Town Hall and the Stoddard Post Office not less than ten (10) days prior to the date fixed for submission and consideration of the application.

*(Note: RSA 676:4 permits the planning board to combine the notice of submission 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 planning board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission, public hearing and each time the application is on the agenda.)*

## 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 Secretary's report on the proposal.
2. The Secretary shall read the application and report on the manner in which public and personal notice was given.
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 he/she is a party to the matter or an agent or counsel to a party to the matter. No one is allowed to speak for a second (2<sup>nd</sup>) time until all, who desire to be, are heard a first (1<sup>st</sup>) time.
7. The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak,
8. Those in opposition to the proposal shall be allowed to speak.
9. Those neither in favor nor in opposition may speak.
10. 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.
11. 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 the Town Clerk's Office, the Stoddard Town Hall, the Stoddard Post Office and on the Official Stoddard Town Web Site (stoddardnh.org) within 120 hours 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.

*(Note: Any person affected by this decision has a right to appeal this decision. If you wish to appeal, you must act within 30 days of the date of this notice. The details concerning the necessary procedures for making an appeal are covered in the New Hampshire Statutes, RSA 677. You are required to follow the steps outlined in the Statute. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35)*

#### Records

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Office of the Planning Board to the Office of the town Clerk as requires by RSA 676:3,11.
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 one hundred twenty (120) hours of the public meeting as required in RSA 91-A:2,II. Any proposed change in the emailed minutes should be sent to the Secretary, not to all board members. Changes will be dealt with at the next meeting. Distribution of the information via email is okay, discussion or change is not.

#### 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 or Code Officer. 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 hearing when 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, but not simultaneously, unless separate secretaries are used for each board.

#### Amendment

1. These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the Town Clerk.