

**NEWTON**

**NEW HAMPSHIRE**

**RULES OF  
PROCEDURE**

**ADOPTED MAY 8, 1990**

**AMENDED APRIL 10, 2018**

**AMENDED DECEMBER 8, 2020**

# PLANNING BOARD

TOWN OF NEWTON, NEW HAMPSHIRE

## RULES OF PROCEDURE

### 1.0 Authority

The Newton Planning Board first adopted Rules of Procedure on April 10, 2018 by virtue of the authority stated in New Hampshire RSA 676:1 and are filed with the Newton Town Clerk for public inspection.

### 2.0 Membership

All prospective members and alternate members of the Newton Planning Board shall be residents of the Town of Newton (RSA 673:1). The Newton Planning Board shall consist of seven (7) members and up to five (5) alternate members unless that number shall be changed by the New Hampshire State Statute, or by the Town of Newton legislative body. Six members shall be elected by the residents of the Town for three-year terms. The seventh voting member of the Planning Board shall be chosen by the Newton Board of Selectmen, which shall designate one of themselves to serve as the ex-officio Planning Board member (RSA 673.2). The ex-officio member's term shall be determined by the Board of Selectmen in accordance with RSA 673.5.

### 3.0 Voting

#### **Regular Members**

All regular Planning Board members are entitled to vote at meetings and public hearings unless they have recused themselves as an abutter to the public hearing or for conflict of interest.

#### **Alternate Members**

Alternate members may participate in meeting deliberations and public hearings but are not entitled to vote unless they have been appointed as a voting member by the Chairman in the event of absence or recusal of a regular member.

Letters of application shall be presented to the Board by the Chairman, and the interested party encouraged to speak with them in person. The Board shall then discuss the party's suitability and appoint with a vote of the members.

#### **4.0 Officers, Employees, and their Duties**

In accordance with RSA 673:8, the officers of the Planning Board shall be a Chairman and a Vice Chairman, and they shall be elected annually at the first regularly scheduled meeting following Town Election so as to accommodate membership cycles. Officers shall be chosen by majority vote of those regular members present. All officers may be elected to succeed themselves (RSA 673:9).

##### **4.1 Chairman**

The Chairman shall conduct meetings and hearings, and designate alternates to replace absent members. The Chairman shall vote in all cases where he or she does not have a conflict of interest.

The Chairman's signature is sufficient for signing plans and relevant Board correspondence, with authorization from the Board.

##### **4.2 Vice Chairman**

The Vice Chairman shall act in the capacity of the Chairman, as and when the need arises. The Vice Chairman shall assist in the orderly conduct of Planning Board meetings, the execution of agendas, and the tracking of Planning Board commitments and responsibilities. In the absence of the Chairman, the Vice Chairman may sign plans and relevant Board correspondence, with authorization from the Board.

##### **4.3 Administrative Assistant (AA)**

In accordance with RSA 673:16, an Administrative Assistant may be employed to perform the administrative duties required of the Planning Board. The Chairman shall direct the Administrative Assistant's performance of the administrative duties and confer with the Vice Chairman to ensure continuity.

The Administrative Assistant shall ensure the safe-keeping of Board records and files, see that proper notice is given, attend to other administrative details, and shall keep minutes of any meeting to include a summary of the facts on which any decisions are based, and the decisions which are thereafter rendered. Each member's vote on a question shall be recorded when Board unanimity is not obtained.

#### **4.A Committees** (Adopted 8 December 2020)

The Board shall have the authority to appoint, upon the majority vote of its members, one or more Advisory Committees to assist it in the performance of its duties. The Board will designate the scope of issues that the committees may address.

In its appointment of any committee, the Board may, but is not required to, determine the term of the committee. At the first regularly scheduled meeting following the Town Election, the Planning Board may reappoint members to such committee.

Committee members shall be appointed by vote of the regular members of the Planning Board.

Committees shall have a no more than three Planning Board members, including both regular and alternate members. Committees may also include other persons who are not members of the Board.

Membership on any committee shall be at the discretion of the Board. The Board may also by majority vote of its members terminate any committee.

Each committee shall elect a Chair who is a member of the Planning Board.

All meetings of all committees shall be properly noticed in two places (one being the Town website) and held in a public space.

The Chair of each committee shall ensure that a member of the committee takes minutes of each meeting and that within the requisite timeframe (144 hours) copies of the minutes are provided for committee members, the Planning Board, and public inspection. The Planning Board Administrative Assistant shall receive and retain minutes from committees and distribute them as appropriate.

Committees shall report findings and recommendations to the full Board. Action will be taken by the full Board only after deliberation and requisite public hearings are held. These Rules of Procedure do not in any way delegate responsibilities that are prerogatives of the full Planning Board acting as a body of the whole.

#### **5.0 Minutes**

**Regular Minutes** - Minutes of all Public Hearings and Meetings will be transcribed and published by the Administrative Assistant for public review within 144 hours (5 days) and approved by the members of the Planning Board at their next scheduled meeting. All tapes of minutes will be erased once the minutes are approved. (RSA 91:A:2 II)

**Non-Public Minutes** - Non-Public minutes will be transcribed by the Administrative Assistant or other person designated by the Chairman and reviewed and initialed in

the lower right-hand corner of each page by the Chairman before being sealed and filed.

## **6.0 Conflict of Interest**

No member of the Planning Board shall participate in deciding, or shall sit upon the hearing of, any question which the Board is to decide if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if the member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties (RSA 673:14).

When uncertainty arises as to the application of the above to a Board member in particular circumstances, the Board shall, upon the request of that member, or another member, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to, or at, the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Planning Board members (RSA 673:14 II).

If a member is disqualified or unable to act in a particular case, pending before the board, the Chairman shall designate an alternate to act in his or her place. If the disqualified member is the ex-officio, the vacancy can only be filled with a Board of Selectmen appointee as required by RSA 673:11. The Chairman shall announce any disqualification before discussion in a public hearing begins. The disqualified member or alternate member shall then remove him/herself from the Board table until discussion or the hearing is completed.

## **7.0 Quorum**

A majority of the membership of the Newton Planning Board shall constitute a quorum necessary in order to transact business at any meeting of the Board. The Chairman shall designate an alternate member, if any member is absent, or disqualifies him/herself from sitting for a particular application. Only an alternate chosen by the Board of Selectmen shall sit in the place of the ex-officio member.

## **8.0 Training**

Planning Board members are strongly encouraged to avail themselves of any and all training opportunities which may arise for their own professional development. Newly appointed members are encouraged to attend the Law Lecture Sessions offered by the New Hampshire Municipal Association (NHMA) in the fall of the year.

## **9.0 Scheduling of Meetings and Hearings**

In accordance with RSA 673:10, the regularly scheduled Planning Board meetings shall be held at 2 Town Hall Road on the second and fourth Tuesdays of the month at 7:00 PM. Should the meeting lack a quorum, or need to be rescheduled due to inclement weather, holiday, or other circumstances, the new meeting date will be held as soon as possible, with the new date and time.

The yearly meeting calendar shall be adopted by the members of the Board after Town Meeting. Additional meetings may be scheduled as needs arise.

The Chairman may call special meetings, provided that at least forty-eight (48) hours notice shall be given each member before a meeting is held.

## **10.0 Non-Public Sessions**

The Planning Board may meet in non-public session, provided all the provisions of RSA 91-A:3 are met (RSA 673:17).

## **11.0 Order of Business**

- Call the meeting to order
- Salute to the Flag
- Designation of voting members
- The regular scheduled hearing agenda as presented by the Chairman
- Hearing of new or proposed ordinances, regulations, studies, periodic reviews, etc.
- Review and acceptance of minutes from previous meeting(s)
- Board correspondence and other business
- Other new business
- Adjournment

## **12.0 Submission of Applications and Notice of Public Hearing**

The applicant must submit any proposed plan to the Board in accordance with the approved submission of materials deadline and meeting schedule. Upon receipt of a completed application for subdivision or site plan review approval, the Board shall, at least ten (10) days prior to the next regular meeting date, notify the

abutters to the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted before the Board.

Notice to the general public shall also be given at the same time by posting in two public places in Town and published in a local newspaper of general circulation (RSA 675:7).

### **12.1 Formal Consideration Requirements**

The Board shall begin formal consideration of an application within 30 days after submission of the completed application, and, at a public hearing, shall determine whether the application is complete in accordance with the Newton Subdivision and Site Plan Review Regulations.

### **12.2 Required Action on the Application**

The Board shall act to approve, conditionally approve, or disapprove an application within 65 days after accepting jurisdiction of the plan, subject to extension or waiver as provided in RSA 676:4. Failure to do so will allow the applicant to seek statutory remedies available to him or her under RSA 676:4.

## **13.0 Procedure for Hearing the Agenda**

### **13.1 Order on the Agenda**

Applicants shall be scheduled in the order of the receipt of their applications, providing, however, that plans continued from a previous meeting will take precedence over new ones.

### **13.2 Call to order** for each application hearing by the Chairman.

### **13.3 Presentation of the Plan**

The applicant or a recognized agent shall present the plan to the Board (RSA 676:4). If the Board, through its administrative review has determined that the plan represents a completed application, it shall proceed with a public hearing for it within 30 days following the applicant's submission. If the Board finds that the plan meets all applicable town and state requirements, the Board shall vote to accept the plan for review (take Jurisdiction), at which time the "65-day clock" will begin. If the Board determines the plan to be incomplete, the Board shall not take jurisdiction, and the applicant shall be advised as to what is required to make it complete.

### **13.4 Oral Presentation of the Plan**

At the first public hearing on the proposal, the applicant shall present his or her plan to the board.

### **13.5 Inspection by Abutters and Other Interested Parties**

Once the Board has accepted the application as complete, abutters and interested parties will be allowed to come forward for a brief period to look at the plan during the course of the meeting.

### **13.6 Discussion**

Once presentation of the plan has been completed by the applicant and/or applicant's representative, Planning Board members shall have the opportunity to ask questions of the applicant, and if desired, to state reasons for support of, or reasons for opposition to the plan.

When the Board members have completed their inquiries, the Chairman shall ask whether there be any abutters who wish to address any issues regarding the plan. Each person shall then be recognized, giving his/her name and address for the record, and permitted to address questions and comments through the Chairman.

At this time the applicant will have an opportunity to withdraw his application should he so choose. Once all questions and comments have been answered, the Chairman shall close the public hearing to allow the Board to deliberate. The Board shall conclude with a decision or give reasons to recommend the applicant request a hearing to be continued to a specific

date and time. The Chairman shall then announce to the public the agreed date and time for the continued public hearing.

### **13.7 Decisions**

The Board shall decide to approve, conditionally approve or disapprove the plan. Motions to take any action on the plan shall state the reasons, or findings, upon which the motion is based. The denial of a plan shall be accompanied by a verbal explanation stating the specific reasons for the denial, and the statutes, ordinances, or regulations, which have not been met.

All decisions shall be announced verbally by the Chairman at the meeting and should be placed on file with the Board's records. They shall be made available for public inspection within 144 hours after the decision is made, as required by RSA 676:3.

### **13.8 Revision of Plan**

Substantial revision of the plan by the applicant, other than in response to requests from the board, will be treated as a new application and necessitate withdrawal by the applicant or denial of the original plan.

### **14.0 Decisions Final**

The decisions of the Board shall become final on the date the decisions are made, and duly recorded in the official minutes by the Administrative Assistant.

### **15.0 Rules of Procedures Revisions**

These rules of procedure may be revised by first posting such revisions, along with the usual postings of agenda and business, followed by a majority vote of the members present at a regularly scheduled meeting. (RSA 676:1)

### **16.0 Final Posting of Rules and Procedures**

These rules of procedure, once enacted, shall be filed with the Newton Town Clerk, and will be available for public inspection. (RSA 676:1)