

Town of Washington Planning Board

Rules of Procedure

Adopted December 7, 1993
Revised August 2022

1.1 Authority

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

2.0 Members

- 2.1 The Washington Planning Board shall consist of four (4) elected members. The Board of Selectmen shall designate one (1) selectmen as an ex-officio member with power to vote.
- 2.2 Selectmen, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- 2.3 Five (5) alternate members may serve on the Planning Board as authorized by RSA 673:6, alternates have a 3-year term.
- 2.4 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.
- 2.5 The Secretary shall forward to the Town Clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.
- 2.6 Planning Board members wishing to represent the board on a committee or board outside of the jurisdiction of the Planning Board must receive a favorable vote at a regularly scheduled meeting of the board. Their membership on another board or committee “at large” is allowed without approval by the board.

3.0 Officers

- 3.1 The officers of the Board shall be as follows:
 - a. Chair: The Chair 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-Chair: The Vice-Chair 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. 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 members 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 Chair shall appoint a secretary pro tem to keep records of the meeting.

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

4.0 Meetings

4.1 Regular meetings shall be held at least monthly at the Town Hall and at 6:30 PM on the first Tuesday of each month. There must be a quorum physically present in the meeting space. Members unable to be physically present at a scheduled meeting shall be entitled to fully participate in the meeting by telephone or any other electronic means allowing real-time participation. The public present must also be able to hear all sides of a conversation as it occurs.

4.2 Special meetings may be called by the Chair, or in her/his absence, by the Vice-Chair, 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.

4.3 Executive Sessions shall be held only in accordance with RSA 91-A:3.

4.4 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 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.

In the event that the absent regular member arrives after being replaced, the member will join the meeting or hearing as a non-voting member for the duration of the meeting or hearing.

The alternate should continue as a voting member until the meeting or hearing on any matter is completed; the regular member does not vote on that matter.

In the event of an absence or disqualification by the ex-officio member the Select Board will appoint an alternate Select Board member to sit in

his/her place for the duration of the meeting or hearing. If no alternate ex-officio is named, the board will leave the seat vacant and proceed with the quorum at hand.

4.5 Disqualification: If any member finds it necessary to be disqualified or recuse her/himself 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 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 a question of disqualification or recusal shall be advisory and non-binding, and may not be requested by persons other than board members.

4.6 The Meeting Agenda shall include the following items:

- a. Call to order by Chair
- b. Roll call by the Secretary
- c. Minutes of previous meeting, approval
- d. Public Hearings on subdivisions/site plans, etc.
- e. New business
- f. Old/Unfinished business
- g. Report of officers and committees
- h. Reading of communications directed to the Board
- h. Other business - public comment
- i. Adjournment

4.7 A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. All present members shall vote on any motion, including the Chair. If requested by a member, voting shall be by roll call, which shall be recorded in the minutes.

5.0 Applications for Subdivision and Site Plan Review

- 5.1 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 shall sign and record the date of receipt.
- 5.2 Notice shall be give as required in RSA 676:4,1(d) 10 days before a completed application is submitted to the Board.
- 5.3 Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of submission.
- 5.4 The Board shall reject all applications not property completed.

6.0 Forms

- 6.1 All forms prescribe herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

7.0 Notice

- 7.1 Public notice of the submission of any public hearings on each application shall be given in the local newspaper and by posting on local bulletin boards at (i) Town Hall, (ii) Post Office not less than ten (10) calendar days prior to the date fixed for submission and consideration of the application.
- 7.2 Personal notice shall be made by certified mail to the applicant and all abutters not less than ten (10) calendar days prior to the date fixed for submission of the application to the Board.

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 in the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission and/or public hearing, each time the application is on the agenda.

8.0 Public Hearings

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

- 8.1 The Chair shall call the hearing in session, identify the applicant or agent and ask for the Secretary's report on the proposal.
- 8.2 The Secretary shall read the application and report on the manner in which public and personal notice was given.

- 8.3 Members of the Board may ask questions at any point during the presentation.
- 8.4 Any party to the matter who desires to ask a question of another party must go through the Chair.
- 8.5 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.
- 8.6 Each person who speaks shall be required to state her/his 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.
- 8.7 The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
- 8.8 Those in opposition to the proposal shall be allowed to speak.
- 8.9 Those neither in favor nor in opposition may speak.
- 8.10 Other parties such as representatives of town departments and other boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
- 8.11 The Chair 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.

9.0 Decisions

- 9.1 The Board shall render a written decision within 90 days of the date of submission of a completed application, subject to extension or waiver as provided in RSA 676:4.
- 9.2 The Board shall act to approve, conditionally approve, or disapprove.
- 9.3 Notice of decision will be made available for public inspection at the Town Hall bulletin Board within 72 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.

10.0 Records

- 10.1 The records of the Board shall be kept by the Secretary or recording secretary and shall be made available for public inspection during regular business hours at the Town Hall as required by RSA 676:3,II.

10.2 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 at the Town Hall within six (6) days of the public hearing as required in RSA 91-A:2, II.

11.0 Email

11.1 No “de facto” meetings or discussion of matters before the board shall be conducted through email. Email should only be used for information dissemination and announcements to board members. If the town provides email addresses for all members, these will be used for any Planning Board business. Any email sent or received by the Secretary on behalf of the board will be cc’d to all members for reference.

12.0 Joint Meetings and Hearings

12.1 The Planning Board may hold joint meetings and hearings with other “land use boards” such as the Board of Adjustment, and the Building Inspector. Each Board shall have discretion whether or not to hold such joint meeting or hearing. (RSA 676:2)

12.2 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.

12.3 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.

12.4 The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

12.5 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 Chair
- b. Introduction of members of both boards by Chair
- c. Explanation of reason for joint meeting/hearing by Chair.
- d. In 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 *her*/his proposal.
- e. Adjournment

12.6 Each board involved in a joint hearing makes its own decision, based on its criteria for the subject matter, which is within its jurisdiction.

13.0 Amendment

- 13.1 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.