

RSA 676:1 Method of adopting Rules of Procedure. Every local land use board shall adopt rules of procedure concerning the method of conducting its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with city, town, village district clerk or clerk for the county commissioners for public inspection.

**RULES OF PROCEDURE  
PLANNING BOARD  
TOWN OF ACWORTH, NEW HAMPSHIRE**

**Authority**

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 seven (7) 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. 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.
4. The Secretary shall forward to the municipal clerk for recording the appointment / selection and expiration dates of the terms of each new member of the Board.

**Alternates**

1. The Planning Board may appoint up to 5 alternate members for terms of 3 years each (RSA 673:7). Alternates may sit with the Board and participate in any discussion as nonvoting members pursuant to rules adopted under RSA 673:6V.
2. Alternates may not serve on any other municipal board or commission already having one or more Planning Board members (RSA 673:7).
3. If less than 7 regular members are present 20 minutes after Call to Order, the Chairman may appoint alternates who are present as full voting members for that particular meeting, up to a total of 7 voting members. Appointment shall be in order of seniority.
4. Selection, qualification, term, removal of alternates and filling of vacancies shall conform to RSA 673.

**Officers**

1. The officers of the Board shall be as follows:
  - a. Chairman shall preside over all full Board 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. 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 Chairman shall appoint a secretary pro tem to keep records of the meeting.

d. Committees and subcommittees of the Board may elect their own officers by majority vote.

2. The officers of the Board shall be elected annually during the month of March by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot. This meeting shall be chaired by the incumbent chair, vice-chair, secretary, or Board of Selectmen representative, in that order. The newly elected or reelected officers of the Board shall then forthwith assume their duties.

### **Meetings**

1. Regular meetings shall be held at least monthly at the Town Hall Offices, Acworth, New Hampshire, at 7 PM on the last Wednesday of each month, or other duly noticed time.

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 24 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.

5. Disqualifications: 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 discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during 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 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 by Chairman
- b. Roll call by the Secretary
- c. Minutes of previous meeting
- d. Reading of communications directed to the Board
- e. Report of officers and committees
- f. Unfinished business
- g. Hearing on subdivision/site plans
- h. Other business - public comment
- i. Adjournment

7. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the

members present. Voting shall be by voice affirmation unless roll call voting is requested and shall be recorded in the minutes.

### **Application for Subdivision and Site Plan Review**

1. Applications for hearings before the Board shall be made on forms determined by the Board and provided by the Town. Applications shall be brought or mailed by the applicant to the Administrative Assistant to the Board of Selectmen at Town Hall, who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA. 676:4j(d) 10 days before a public hearing and 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 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  
at a minimum in a local newspaper of general circulation or by posting at both the Acworth Post Office and the South Acworth Post Office not less than ten (10) days prior to the date fixed for submission and consideration of the application.
2. Personal notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days prior to the date fixed for submission of the application to the Board.
3. Personal notice shall be made by certified mail to owners of land on which the cutting of trees and/or the destruction of stone walls is being reviewed by the Board in a public hearing under RSA 231:158 (Effect of Designation as Scenic Roads). Such notice shall be made not less than ten (10) days prior to the hearing and shall include the date, time and subject of the hearing, and the fact that the recipients' property will be considered.

### **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 or Chairman 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 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 her/his name and address and indicate whether she/he is a party in the matter or an agent or counsel to a party in the matter.
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 90 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 (location) 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.

### **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 Board in the Town Hall as required by RSA 676:3, II.
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 144 hours of the public meeting as required in RSA 91-A:2 II.

### **Joint Meetings and Hearings**

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the 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. A joint public hearing must be a formal public hearing when the subject matter 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. 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
5. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

**Harassment and Breaches of the Peace**

- 1. Disorderly conduct (as defined in RSA 644:2) during any Planning Board public meeting or hearing “is a misdemeanor if the offense continues after a request by any person to desist; otherwise, it is a violation”. The Chairman or any other person present may declare such conduct out of order if sufficiently disruptive to the conduct of business, and request police assistance if needed.
- 2. These Rules of Procedure reflect the Planning Board’s adherence to Town Policy Regarding Violence or Intimidation (adopted 4-4-05).

**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 municipal clerk.

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