



## **PLANNING BOARD – RULES OF PROCEDURE TOWN OF ENFIELD, NEW HAMPSHIRE**

These Rules are adopted to ensure consistent and fair treatment of applicants and interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her work for the board, so that the public trust in municipal government will be preserved.

### **AUTHORITY**

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 seven members designated by the selectboard, including one selectboard member 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 five alternate members shall be appointed, 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 have not been 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. 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 Town of Enfield 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 and the Land Use and Community Development Administrator 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.
7. Each newly appointed (or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Land Use Administrator shall forward to the municipal clerk for recording the appointment and expiration dates of the terms of each member of the Board.
9. Members are expected to be physically present at meetings. Members may elect to participate remotely with good reason (eg- sickness, work related travel, family emergency). At least 24 hours notice of remote participation should be given to either the board chair or the Land Use and Community Development Administrator.

## OFFICERS

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

1. **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.
2. **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.
3. **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. The secretary may delegate any or all of his/her responsibilities to other board members or Town employee(s). In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting.

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.

## **LAND USE AND COMMUNITY DEVELOPMENT ADMINISTRATOR**

1. The Land Use and Community Development Administrator is an employee of the Town of Enfield. Recognizing that the individual in this position has many roles which, at times, may be in conflict with each other, the following guidelines are established for the relationship of the Administrator to the Planning Board.
2. The Land Use and Community Development Administrator serves in an administrative/staff capacity for the Planning Board. His/her duties may include, but are not limited to the following:
  1. Assisting applicants in the preparation and submission of applications for hearings before the Planning Board.
  2. Insuring that applications are complete with adequate supporting documents as required by the project.
  3. Distributing application and other meeting materials to Board Members in a timely manner.
  4. Posting hearing warnings and providing abutter notification as required by RSA 676:4,1(d).
  5. Assisting the Chair and Secretary in the efficient conduct of meetings and Public Hearings.
  6. Preparation of written decisions and other documents.

## **MEETINGS**

Regular meetings shall be held at least monthly. Meetings are scheduled at the DPW Facility, 74 Lockhaven Road at 7:00 pm on the second and/or fourth Wednesdays of each month as needed.

1. Special meetings may be called by the Chairman or, in his/her 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.
2. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
3. A site visit is considered a public meeting if a quorum of the board is present.
4. Meetings are subject to New Hampshire's Right-to-Know Law RSA 91-A
  1. E-mail correspondence among members can be considered an un-noticed public meeting.
    - I. One-way e-mails between the Administrator and board members are permissible, but the e-mail is considered a "government record" and may be subject to disclosure.
    - II. Replying to "all recipients" of an e-mail should be avoided.

5. Quorum: A majority of the membership of the Board (4 members) shall constitute a quorum, including alternates sitting in place of regular members.
6. If any regular Board member is absent from a meeting or hearing, or recuses him/herself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or recused 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.
7. Recusal: If any member finds it necessary to be recused 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 recusal shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The recused member shall leave the Board table during all deliberations and the public hearing on the matter. The recused member may participate in the proceeding with the same rights and limitations as any member of the public. If uncertainty arises as to whether a Board member should recuse him/herself, the Board shall vote on the question of whether that member should recuse. Request for a recusal vote may be made by a member or alternate, interested party or their representative or by a member of the Public in attendance. Vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of recusal shall be advisory and non-binding and may not be requested by persons other than board members.

Grounds for recusal include, but are not limited to the following:

- I. A direct or indirect personal interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister-in-law, business associate, employer, or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Board.
- II. A direct or indirect financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister-in-law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Board.
- III. A situation where a board member has publicly displayed a prejudgment of the merits of a particular proceeding before the board. This shall not apply to a member's particular political views or general opinion on a given issue.
- IV. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the board.

8. Order of Business shall be as follows:

- I. Call to order by Chairman
- II. Roll call
- III. Approval of the prior meeting minutes
- IV. Selectboard report
- V. Public Comment (Items not on agenda)
- VI. Hearings on subdivision/site plans
- VII. Reading of communications directed to the Board
- VIII. Unfinished business
- IX. New business
- X. Adjournment

9. The Chair may alter the order in which agenda items are taken up.

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

11. Voting shall be by roll call which shall be recorded in the minutes.

#### **APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

1. Applications for hearings before the Board shall be made in accordance with and subject to the Regulations in effect at the time of submission and shall be presented to the Zoning Administrator who shall sign and record the date of receipt.
2. All applications not properly completed may be rejected by vote of a majority of members present.

#### **FORMS**

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

#### **BOARD PACKETS:**

The Administrator shall provide a board packet to each member and alternate at least five (5) business days prior to a scheduled meeting. The packet shall be provided electronically and by US mail.

1. The board packet shall contain, at a minimum, the following:
  - I. Notice for the upcoming meeting
  - II. An agenda for the upcoming meeting

- III. Draft minutes of the previous meeting(s).
- IV. Application and all supporting materials submitted for each public hearing scheduled.
- V. Hardcopy maps and plats shall be provided in the size submitted.
- VI. Reports, communications, or other documents supporting agenda items

## **PUBLIC HEARINGS**

1. 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 the board to accept the application as complete.
  2. The Chairman shall ask if there have been any ex-parte communications and if any member needs to recuse him/herself.
  3. The applicant or representative shall be invited to present the details of his/her plan and must physically attend the meeting.
  4. Members of the Board may ask questions following the presentation.
  5. Any party to the matter who desires to ask a question of another party must go through the Chairman.
  6. 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 Chairman at each hearing.
  7. Each person who speaks shall be required to state his/her 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. The Chairman shall recognize members of the public who wish to speak for or against the application.
  9. The Chairman shall recognize all members of the public who wish to speak before allowing additional rounds of comments from the public.
  10. The Chairman may limit the time allowed for each member of the public to comment as long as all members of the public are recognized.
  11. 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.
  12. 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 written decision shall contain sufficient information, so it is possible to determine the basis for the Board's decision.
3. Information to be incorporated in the decision shall include, but not be limited to, the following:
  - I. The relevant section(s) of the Zoning, Subdivision or Site Plan Ordinance(s) which effect the application.
  - II. The facts, as presented by the applicant and other parties, which were considered by the Board in reaching its decision.
  - III. Whether or not the facts presented conform to the relevant section of the Ordinance(s).
  - IV. The Board shall act to approve, conditionally approve, or disapprove.
  - V. Notice of decision will be made available for public inspection at the Planning Office within 5 business days after the decision is made, as required in RSA 676:3.

## **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 676:4, I(d), where they shall consider whether to revise or alter their 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 Land Use and Community Development Administrator and shall be made available for public inspection at the Planning Office 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 (ZBA), 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 Chairman 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:
  - I. Call to order by Chairman
  - II. Introduction of members of both boards by Chairman
  - III. Explanation of reason for joint meeting/hearing by Chairman
  - IV. 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/her proposal
  - V. Adjournment.

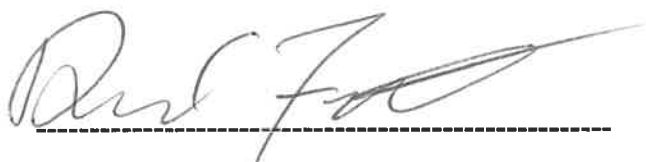
Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.



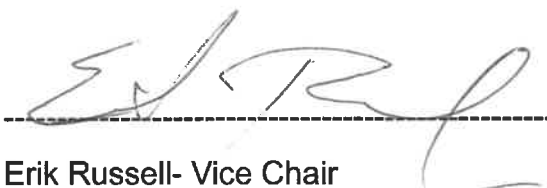
## ADOPTION AND AMENDMENT

The Board's Rules of Procedure shall be reviewed, and re-adopted or amended by majority vote, annually following the election of officers at the organizational meeting. They may be amended at any time by a majority vote of its members. The readopted or amended Rules of Procedure shall be filed with the municipal clerk.

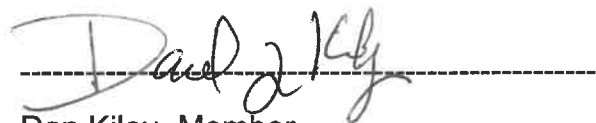
Adopted this 22<sup>nd</sup> day of September, 2021 by the Planning Board of Enfield, New Hampshire.



David Fracht- Chair



Erik Russell- Vice Chair



Dan Kiley- Member



Kurt Gotthardt- Member



Phil Vermeer- Member



Linda Jones- Member



Kate Plumley Stewart- Member and Selectboard Rep.

