

TUFTONBORO PLANNING BOARD RULES OF PROCEDURE

ARTICLE I. Authority

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1.

ARTICLE II. Mission

The Planning Board Mission is to promote the health, safety, convenience and general welfare of the population of the Town of Tuftonboro, to protect and conserve the rural and recreational value of property, to encourage the most appropriate use of land throughout the Town, and to promote the efficiency and economy in the process of development.

ARTICLE III. Membership

Membership of the Tuftonboro Planning Board shall be as outlined in NH RSA 673:2. As provided for in NH RSA 673:7, any appointed or elected member of the Board may also serve on any other board or commission, provided that such multiple memberships do not result in more than one member of the Planning Board serving on the same board or commission.

A. Member Terms

The Board shall consist of seven (7) members, (six (6) regular members and one (1) Board of Selectmen representative), who shall be residents of the Town of Tuftonboro. Terms of the regular members shall be for a period of three (3) years and so arranged that approximately one third of the member's terms expire yearly and the term of the Board of Selectmen Representative shall be for a period of one (1) year. Terms begin on July 1st and end on June 30th. All vacancies shall be filled as outlined in NHRSA 673:12, except that when filling a vacancy in a regular member position the Board shall appoint a replacement from those members serving as alternates.

B. Alternate Member

The Planning Board may appoint up to three (3) alternate members to the Board, as provided for by the local legislative body pursuant to RSA 673:6, to serve when a regular member of the Board is unable to fulfill her/his responsibilities. Alternate members of the Board shall join the regular members in all meetings, public hearings and discussions. When the alternate member serves in the absence of or disqualification of a regular member, the alternate member shall have full voting powers.

C. Board of Selectmen Representative

The Board of Selectmen shall choose one selectman to serve as an Ex Officio member to the Planning Board who shall have all the rights and privileges of a regular member except that they shall not be able to serve as chairperson of the Planning Board.

672:5 Ex Officio Member. – *"Ex Officio member" means any member who holds office by virtue of an official position and who shall exercise all the powers of regular members of a local land use board.*

ARTICLE IV. Officers

A. Election of Officers

The Planning Board shall elect by majority vote, from among themselves, officers, which may include a Chair and Vice-Chair.

B. Terms of Office

Officers shall serve a term of one calendar year and may be elected for successive terms. Officers shall be elected at the first meeting in July of each year and will remain in office until the first meeting in July of the succeeding year. A vacancy occurring otherwise than by the expiration of a term shall be filled for the balance of that term in the same manner as an original appointment.

C. Duties of the Chair

The Chair shall preside over all meetings and hearings, call the meeting to order and shall appoint any subcommittee found necessary to carry out the business of the Board and shall affix her/his signature in the name of the Board. The Chair will also appoint the leader of any such committee so established. The Chair serves as an active voting member of the Board and shall serve a term of one year and may be elected for successive terms and shall be elected at the first meeting in July of each year and will remain in office until the first meeting in July of the succeeding year. The Chair prepares a proposed budget for the upcoming year and files an annual report. The Chair may, with the majority concurrence of the Commission members, also recommend new members to the Selectmen.

D. Duties of the Vice-Chair

The Vice-Chair shall preside at all meetings of the Commission in the absence of the Chair and shall have all powers of the Chair in case of temporary absence or incapacity of the Chair. The Vice-Chair serves as an active voting member of the Board and shall serve a term of one year and may be elected for successive terms and shall be elected at the first meeting in July of each year and will remain in office until the first meeting in July of the succeeding year.

ARTICLE V. Meetings and Hearings

Regular meetings shall be held at 7:00 p.m. at a designated meeting place, on the first and third Thursday of each month. Other meetings may be held on the call of the Chairman, or by the Vice-Chairman in the absence of the Chairman, provided public notice and notice to each member is given at least 24 hours prior to such meeting.

A. Quorum

A quorum for all meetings of the Board shall be four members, including alternates sitting in place of members.

B. Disqualification

If any Board member finds it necessary to disqualify herself/himself from hearing a particular case, as provided in RSA 673:14, the member shall notify the Chairman as soon as possible so that an alternate may be requested to sit in the disqualified member's place. The disqualification shall be announced by either the Chairman or the member disqualifying herself/himself before the beginning of the public hearing on the case. The member disqualifying herself/himself shall remove herself/himself from the Board table during the public hearing and during all deliberation on the case.

C. Alternates

Prior to the start of a public hearing the Chairperson of the Board shall announce which, if any, alternate is to be appointed to sit as a voting member in place of a regular member. Alternates, once seated to hear an application as a voting member, shall continue serving as a voting member of the Board on said application until such time final action is taken on the application.

Alternates not appointed to sit during a public hearing: An alternate may participate in the review, question, comment, and deliberation on an application but shall not vote on the application.

D. Order of Business

The order of business for regular meetings shall generally be as follows:

- Public Comment
- Consideration of Minutes
- Scheduled Appointments / Public Hearings
- Action Items
- Discussion Items
- Other Business
- Informational Items
- Public Comment
- Adjournment

(Note: Although this is the usual order of business, the Board may modify the agenda at any time.)

E. Preliminary Conceptual Consultation/Review

Appointments for Preliminary Conceptual Consultation/Review shall be scheduled in accordance with RSA 676:4, II(b).

F. Applications for Subdivision and Site Plan Review

Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Administrative Secretary of the Board or Town Office Staff who shall record the date of receipt, not less than twenty-one (21) days prior to the scheduled meeting date. Submissions which fail to meet this requirement shall not be considered until the next regular meeting.

All applications must be accompanied by adequate plans and exhibits in accordance with the terms of the Zoning Ordinance, Site Plan Review Regulations and Subdivision Regulations. Any application which does not include adequate plans and exhibits shall be deemed incomplete and the Planning Board shall notify the applicant of the determination and shall describe the information, procedure or other requirement necessary for the application to be complete. The Planning Board shall have the authority to continue any acceptance meeting or public hearing on an application at said meeting/hearing to a time, location and date certain without further public notice.

All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these Rules of Procedure.

G. Public Notice

Public notice of the submission of and public hearings on each application shall be given in a local newspaper of general circulation and shall be posted in two public locations not less than ten (10) days prior to the date fixed for submission, consideration of the application and public hearing.

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.

H. Public Hearings

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

- The Chairman shall call the public meeting in session, identify the applicant and/or agent, the proposal and read the list of abutters.
- The applicant and/or her/his agent shall provide an overview of the application.
- The Planning Board shall act to accept the application.
- If applicable, the Planning Board shall act on waivers of the Subdivision or Site Plan Review Regulations.
- The Chairman shall call the public hearing in session.
- Members of the Board may ask questions at any point during the presentation.
- Any party to the matter who desires to ask a question of another party must go through the Chairman.
- 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.
- 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.
- 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.
- The Chairman shall indicate whether the hearing is closed or adjourned and continued pending the submission of additional material or information or the correction of noted deficiencies. Once the public hearing is declared closed, no further testimony will be allowed from the applicant or any other parties. However, to avoid the appearance of injustice, the Chair shall have the authority on a majority vote of the Board to reopen the hearing to allow such limited additional testimony as may in the Chair's judgment be thought necessary to clarify one or more questions that may have arisen during the Board's deliberations, provided that the applicant(s) and all interested parties are still present and in attendance. In the case of an adjournment and continuation, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

I. 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 or not 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.

J. Joint Meetings and Hearings

RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "land use boards". Joint meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards. The Planning Board Chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

K. Decisions

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. The Board shall act to approve, conditionally approve, disapprove/denied or defer its decision. A tie vote on any motion will cause the motion to fail.

The Notice of Decision shall be made available within 5 business days the decision is made, as required by RSA 676:3 and be forwarded to appropriate parties of interest in a timely manner. If the application is disapproved/denied or deferred, the Notice of Decision shall include the reasons therefore.

L. Non-public Sessions

Non-public sessions shall be held in accordance with the provisions of RSA 91-A:3.

ARTICLE VI. Records

The records of the Board shall be kept by the Administrative Secretary and shall be made available for public inspection at the Planning Board office as required by RSA 91-A:4.

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.

ARTICLE VII. Amendments to the Rules of Procedure

The Planning Board’s Rules of Procedure may be amended by a majority vote of its members. The Board shall hold a public hearing prior to the adoption of new rules or amendment of existing rules. Notice for the time and place of the hearing shall be in accordance with RSA 675:7.

ARTICLE VIII. Severability

If any provision or portion of the duly adopted Rules and Procedures shall be deemed to be unlawful, inappropriate, or not in compliance with current Town policies and procedures, the remaining provisions or portions of the current Rules and Procedures shall remain in place.

ARTICLE IX. Adoption

These Rules of Procedure supersede and replace, in entirety, any previous rules of procedure previously adopted and are hereby adopted by the Tuftonboro Planning Board at a lawfully called and posted meeting on the date specified below and are effective on and after that date.

Date of Adoption: March 8, 2018

***Revised: March 18, 2010
 February 3, 2011
 March 8, 2018***