RULES OF PROCEDURE FOR RICHMOND PLANNING BOARD

Town of Richmond, NH

AUTHORITY

1. 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 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. Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as non-voting members.
4. Up to three 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 are not 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 and shall not participate in any way during the deliberations by the board. Upon the close of the public hearing alternates must remove themselves from the table and sit with the other members of the public unless they are sitting in place of another board member. 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 community 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/land use assistant 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 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.**
8. The Secretary/land use assistant shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.

OFFICERS

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

* 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.

* 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.

* Secretary: The Secretary shall Chair the meeting/hearing in the absence of the appointed Chairman or Vice Chairman. 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 above responsibilities may be delegated to the Land Use Assistant. In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting.

2. The officers of the Board shall be elected annually after the first regular scheduled meeting after Town Elections by a majority vote of the Board. If requested by a majority of those present, voting shall be done by written ballot.

MEETINGS

1. Regular meetings shall be held twice a month on the first and third Tuesday at the Taylor Van Brocklin Building. at 6:30 PM unless otherwise posted. Posting will be dated and posted at the Town Hall and on the Town Website.

2. Noticed hearings, scheduled during the regular Planning Board meetings (Zoning, Site Plan, etc.) will be called to order at 7:00PM.

3. 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 at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.

4. Nonpublic Sessions shall be held only in accordance with **RSA 91-A:3.**

5. 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 alternates shall have all the powers and duties of a regular member in regard 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.

6. Disqualification: 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 all deliberations and the public hearing on the matter.

   If uncertainty arises as to whether a Board member should disqualify him/herself, 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 nonbinding and may not be requested by persons other than board members.

   (NOTE: Except as may otherwise be provided by local ordinance.)

7. Order of Business shall be as follows:

(Agenda subject to change due to content)

Roll Call by Chairman and introductions of the board.

a. Public comment
b. Mail
c. New Business
d. Planning Board Minutes of previous meeting.
e. Old Business
f. Other
g. Attachments to the minutes

8. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be a roll call vote which shall be recorded in the minutes, except for Minutes and adjournment.

9. In order to give members notice that an amendment is on the agenda and the time to research and carefully consider the amendment before voting, proposed amendments to the Town of Richmond Rules of Procedure, Zoning Ordinances, Site Plan Review Regulations and Application Procedures, Subdivision Regulations, Excavation Regulations and Blasting and Heavy Construction Activities Regulations shall be presented to the Planning Board at an initial, regular meeting under new business and then read and discussed, amended, changed, and voted on at the next meeting at the discretion of the board.

PRELIMINARY CONSULTATION AND REVIEW:

1. Prior to the formal submission of a subdivision application, the proposed applicant, and/or his agent, may appear at a regularly scheduled meeting of the Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:

   a. Reviewing the basic concepts of the proposal.
   b. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance.
   c. Reviewing the Town's Subdivision Regulations as they may apply to this proposal.
   d. Guiding the Applicant relative to necessary state and local requirements.

2. Preliminary consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice as provided in Section 412. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Section 412.

3. Preliminary consultation shall be separate and apart from formal consideration under Section 409 and the time limits for acting under Section 409 shall not apply until a formal Completed Application is submitted.

APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Town Administrator or the Land Use Assistant who shall sign and record the date of receipt.

2. Notice shall be given as required in **RSA 676:4,1(d)(1)** 10 days before 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.

NOTICE

1. Public notice of the submission and of public hearings on each application shall be given on the town website and will be posted at both the Town Hall and Veterans Hall.
2. Town Hall not less than ten (10) days prior to the date fixed for submission and consideration of the application and public hearing. **RSA 676:4**
3. Notice must include date and location of submission and public hearing and may serve as both notice of submission and notice of public hearing.
4. If the application is accepted as complete and if stated in the initial notice, it remains on the agenda of each planning board meeting until a decision is made and a second notice is not required.
5. Personal notice shall be made by certified mail with returned receipt 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. Mail will be sent to the mailing address of the local property tax bill.

PUBLIC HEARINGS Subdivision and Site Plan Land Use

1. The Chairman shall call the meeting in session, identify the applicant or agent. The Secretary /Land Use Assistant shall read the application and report on the manner in which the public and personal notice was given.
2. The Board considers completeness, waivers (if any) and votes on acceptance. If the application is accepted as complete the chair opens the **public hearing** for the applicant to make the presentation. If the application is incomplete, the hearing will be continued to the next meeting.

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

1. The Chairman shall call the Public Hearing into session, identify the reason for the hearing and discuss the hearing's rules of conduct. A copy of the hearing rules of conduct will be provided to the public.
2. Members of the Board and Alternates may ask questions at any point during the presentation.
3. Each person who speaks shall be required to come to the podium/microphone; state their name and address then address the chair with their comments/ideas/concerns. They must indicate whether they are a party to the matter, an agent or counsel to a party to the matter.
4. The applicant or agent shall be called to present the proposal,
5. Any applicant, abutter, or person with a direct interest in the matter may testify in person or in writing. Other people may testify as permitted by the Board. Time is limited to two minutes
6. The Chair shall keep all comments to the matter at hand.
7. Chair may address the comment at that time, have a member of the board address or redress or may wait until the end of the meeting if many of the questions/comments are similar. All questions/comments must be germane to the subject; if not the Chair can state so and move on to the next question or comment.
8. Only the member of the public at the podium shall address the board, there will be no cross talk among the public.
9. Any party to the matter who desires to ask a question of another party must go through the Chairman.
10. Public may return to the podium to address any additional comments/ideas/concerns after all comments are heard. An additional two minutes may be allowed.

11. Other parties such as representatives of the 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 when the hearing is closed.
13. Once the hearing is closed, the board will deliberate and make a decision or continue the application pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known to the public 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.** If the planning board does not act on the application within that 65-day time period (unless the board has determined that the application is a development of regional impact, which give the board an additional 30 days), then the governing body (selectmen) is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at Town Clerk's Office within 5 business days after the decision is made, as required in **RSA 676:3.**
4. The decision shall include specific written findings of fact that support the decision located at the Town Clerk's office. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in **RSA 766:5** and **RSA 677:15**, unless the court determines that there are other factors warranting the disapproval.

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 **RSA 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**.

RECORDS

MINUTE PROCEDURES

1. Minutes to include:
   a Header: Specify "Meeting" or "Hearing" or limited "Non-Public", Location, Date, Time, status of minutes; (Draft, Final, Final as Revised).
   b Follow the agenda, if possible, but may be changed at any time during the meeting.
   c Include: Motion or suggestion of topic for discussion, brief bullet point of discussions items, final motion: by; seconded by; and vote.
   d Add appropriate attachments and scan to PDF.

2. Draft Minutes
   1. PDF file of draft minutes and printed copy must be submitted to Town Clerk and Selectman's secretary within 5 business days. (RSA 91-A:2, H). (These will be water marked DRAFT).
   2. Do not post the Draft Minutes on Town of Richmond Planning Board Minutes Page.
   3. Email PDF copy of draft minutes to Planning Board members or they may obtain copy from Town Clerk.
   4. Comment posted on Minutes page: "Draft minutes may be found at the Town Clerk during Office Hours."

5. File Format:
    - Meeting
        - Planning Board Minutes XX.XX.20XX Meeting Draft
        - Planning Board Minutes XX.XX.20XX Meeting Final
    - Hearing
        - Planning Board Minutes XX.XX.20XX Hearing Draft
        - Planning Board Minutes XX.XX.20XX Hearing Final
    - Non-Public Session (Post Final on Web Page only if voted to be made public
        - Planning Board Minutes XX.XX.20XX Non-Pub Draft
        - Planning Board Minutes XX.XX.20XX Non-Pub Final.

    - Add attachments to PDF scan, if attachments are included, complete file name line with Attach. Sample:
        - Planning Board Minutes XX.XX.20XX Meeting Final Attach

3. Final Minutes
    a. Final Minutes must be submitted to include PDF file to Selectman Secretary and Town Clerk for posting on the Town of Richmond Planning Board Minutes page and a printed copy of final minutes for records to the Town Clerk. (No Watermark)
    b. Email a PDF copy of the final minutes to Planning Board members or they may obtain a copy from the Town Clerk.

4. Town of Richmond Minutes Website
    a. All documents should be printed out, then scanned to a PDF file for security.

5. The records of the Board shall be kept by the Secretary or Land Use Assistant and shall be made available for public inspection at the Town Clerk's Office as required by **RSA 91A:4.**

JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other " land use boards" including but not limited to the Zoning Board of Adjustment (ZBA), the Zoning Compliance Office, Conservation Commission, and the Agricultural Commission. Each board shall have discretion whether or not to hold such joint meeting or hearing **(RSA 676:2).**
2. Joint business meetings with other local land use boards may be held at any time when called jointly by the chairmen of those 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:
    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

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

"LETTER FROM THE PLANNING BOARD" TO THE ANNUAL TOWN REPORT

"Letter from the Planning Board" for publication in the Annual Town Report must be reviewed no later than the last Planning Board meeting in December with final approval no later than at the first meeting in January. The town administrator must receive the final, approved letter no later than January 15.

ADOPTION OF BOARD PROCEDURES

The Board's Rules of Procedure may be amended by a majority vote of its members. The amended procedures shall be filed with the Town Clerk's Office RSA **676.1**

AMENDMENTS TO THE MASTER PLAN AND ZONING ORDINANCE

Zoning Ordinances or amendments must be enacted or amended by ballot vote of the majority of voters present and voting. The Master Plan is approved by a majority of the Planning Board members.

Zoning Ordinances or Amendments may be initiated in three distinct ways:

1. The Planning Board may propose an amendment.
2. The Board of Selectman may propose an amendment.
3. 25 or more voters can petition for an amendment.

When an amendment is proposed by the Selectman **RSA 675:3** or by voter petition **RSA 675:4,** the Planning Board may not make any substantive changes; however, a notation must appear on the ballot stating whether the Planning Board approves or disapproves of the proposed amendment.

The Planning Board must hold a public hearing for Zoning Amendments or Ordinances or review of Master Plan revisions.

1. The board shall hold a public hearing on these matters pursuant to **RSA 675:7**, as follows:
   a. The Notice shall be served 10 days prior to the hearing (day of posting and day of hearing not included).
   b. Notice will be posted on the town website, Town Hall, Veteran's Hall.
   c. Hearings will be held at 7:00 PM at the Veteran's Hall
   d. Notice will be sent to anyone who owns property in Richmond and requests to be notified of zoning amendment hearings at no cost, notice may be electronic or first-class mail.
   e. If the zoning amendment would change a boundary of a zoning district or change minimum lot sizes or permitted uses in the district and the notice will impact 100 or fewer properties, notice must be sent by first class mail to owners impacted by proposed amendment.
   f. Any notice sent via first class mail will be sent to the address used for mailing local property tax bills.

2. If, after the public hearing, the board makes substantive changes to the proposed zoning amendment, a second hearing must be held not less than 14 days apart. Note: changes may be made to the Master Plan based on public comment but does not require a second hearing.

3. After the public hearing, the planning board must, by vote, determine the final form of the ordinance, amendment or amendments to be presented to the voters.

4. Final wording of the proposed zoning amendment must be provided to the Town Clerk no later than the fifth Tuesday before the annual or special meeting.

PUBLIC HEARINGS Master Plan, Zoning Ordinance or Regulation Revision

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

1. The Chairman shall call the meeting in session, identify the reason for the hearing, give a short presentation on proposed updates or changes and discuss the hearing's rules of conduct. A copy of the hearing rules of conduct will be provided to the public.
2. Each person who speaks shall be required to come to the podium/microphone; state their name and address then address the chair with their comments/ideas/concerns.
3. Time is limited to two minutes.
4. Public may return to the podium to address any additional comments/ideas/concerns after all comments are heard. An additional two minutes may be allowed.
5. Chair may address the comment at that time, have a member of the board address or redress may wait until the end of the meeting if many of the questions/comments are similar.,. All questions or comments must be germane to the subject; if not the Chair can state so and move on to the next question or comment.
6. Only Any party to the matter who desires to ask a question of another party must go through the Chairman
7. the member of the public at the podium shall address the board, there will be no cross talk among the public.
8. The Chair shall keep all comments to the matter at hand
9. The Chair shall indicate when the hearing is closed

Updating Zoning Ordinance or Regulation Documents.

Per State RSA 675:3 I: 1the Board is authorized to make non-substantive, clerical corrections to the Zoning Ordinances and/or other Regulations, including typographical errors, formatting inconsistencies and renumbering provided such corrections do not alter the intent or substance of the ordinance as adopted by the legislative body