

Raymond Planning Board



Rules of Procedure

ADOPTED
04/21/2005

LAST AMENDED
05/13/2010

ARTICLE I – AUTHORITY AND MEETING BASICS

1.100 AUTHORITY

These Rules of Procedure have been adopted under the authority of RSA 676:1.

1.200 MEETING DATE, TIME, AND PLACE

Planning Board meetings are held every Thursday unless otherwise designated by the Chairman. In the event of inclement weather, the Tuesday following the cancelled meeting shall serve as the makeup date, unless another date is specified. All Planning Board meetings shall start no earlier than 7:00 p.m. unless otherwise specified. All Planning Board meetings shall be held in the Media Center at Raymond High School, located at 45 Harriman Hill Road, unless otherwise specified.

1.300 MEETING SCHEDULE

Public hearings shall be scheduled for the first and third Thursday of each month unless otherwise designated by the Chairman. Work sessions shall be scheduled for the second Thursday of each month unless otherwise designated by the Chairman.

ARTICLE II – BOARD MEMBERSHIP

2.100 MAKEUP OF BOARD

Planning Board Members shall be elected per RSA 673:2(II). The Board shall consist of seven (7) Members, one (1) of which is to be a Selectman serving as an ex officio Member. The Board may appoint up to five (5) Alternate Members, as authorized by RSA 673:6(II).

2.200 TERM LENGTH

Planning Board Members shall be elected to terms of three (3) years pursuant to RSA 673:5(II). The ex officio Member will be appointed by the Board of Selectmen at the first Selectmen's meeting following the annual Town Election. Alternate Members shall be appointed to terms of three (3) years, which shall be staggered, in accordance with RSA 673:6(II). The Town Clerk shall record the appointment and expiration dates of the terms of each Member and Alternate Member.

2.300 OATH OF OFFICE

Each newly-elected Member, and newly-appointed Alternate Member must be sworn-in and take an Oath of Office in accordance with RSA 669:9 prior to being eligible to serve on the Board.

2.400 PROCESS FOR APPOINTMENT OF ALTERNATE MEMBERS

An announcement that the Planning Board is seeking Alternate Members will be made via print media; broadcasted on Raymond Community Television (channel 13 and/or 22); posted on the Town's web site (<http://www.raymondnh.gov>); and/or announced verbally by the Chairman at Board meetings. Such announcement(s) will be made until all five (5) Alternate Member positions have been filled.

Interested residents shall declare their interest in serving as an Alternate Member to the Chairman at a posted meeting of the Board. The prospective Alternate Member must attend three (3) Planning Board meetings prior to consideration for appointment as an Alternate Member. Once three (3) meetings have been attended, the prospective Alternate Member will be interviewed by the Board, and considered for appointment.

2.500 PROCESS FOR FILLING VACANT MEMBER SEATS

In the event that a Member's seat becomes vacant due to resignation or any other reason, the Board shall appoint a new Member to sit in the vacant seat until the next Town Election, at which time the remainder of the vacated Member's term shall be up for election, per RSA 673:12.

Alternate Members will be given first consideration when filling a vacant Member seat, and, whenever possible, a vacant seat will be filled by an Alternate Member before anyone else. Alternate Members will be considered for appointment to the Member's vacant seat first based upon seniority, then based upon the Alternate Member's attendance at posted meetings and site walks. In the case of multiple Alternate Members having been appointed on the same date, the Alternate Member with the better attendance record will be considered for appointment to the vacant Member's

seat. If another tiebreaker is needed, a coin flip shall determine which Alternate Member will be considered for appointment to the vacant Member's seat.

2.600 BOARD TRAINING WITH LEGAL COUNSEL

A training session with the Board's Legal Counsel will be scheduled within two (2) months of the annual Town Meeting.

2.700 INDIVIDUAL BOARD MEMBER TRAINING AND REFERENCE MATERIALS

Pursuant to RSA 673:3-a, it is recommended that any new Member of the Planning Board undertake six (6) hours of training within six (6) months of assuming their position on the Board for the first time.

The Community Development Department shall provide new Members with the following documents and reference materials, and recommends that new Members review them. The materials provided shall include but not be limited to:

- New Hampshire Planning & Land Use Regulation (RSA book)
- Town of Raymond Zoning Ordinance
- Town of Raymond Subdivision Regulations
- Town of Raymond Site Plan Review Regulations
- Town of Raymond Excavation Regulations
- Town of Raymond Floodplain Development Ordinance
- The Planning Board in New Hampshire – A Handbook for Local Officials (by the NH Office of Energy and Planning)

ARTICLE III – BOARD OFFICERS

3.100 PROCESS FOR ELECTING OFFICERS

During the first meeting following the annual Town Election, said meeting will be convened by the Community Development Director, who will then request nominations for the position of Chairman. The Community Development Director will then call for a vote on each person nominated in the order the nomination was received. This procedure will continue until a Member receives a majority vote. Once a Member has been elected as Chairman, said Member shall then conduct elections for the positions of Vice Chairman and Secretary, in the manner described above.

3.200 CHAIRMAN

A Chairman shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. The Chairman shall preside over all meetings; shall prepare, with the assistance of the Board's staff, an annual report; and shall perform other duties customary to the office. The Chairman shall be responsible for conduct and decorum of the meeting. The Chairman shall also have the responsibility to ensure all parties receive a full and fair hearing before the Board, and to ensure that the Rules of Procedure and applicable State Laws are adhered to.

3.300 VICE CHAIRMAN

A Vice Chairman shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. 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.

3.400 SECRETARY

A Secretary shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. The Secretary shall preside in the absence of both the Vice Chairman and the Chairman, and shall have the full powers of the Chairman on matters that come before the Board in the absence of both the Vice Chairman and Chairman. The Secretary shall also be responsible for keeping minutes during posted meetings for which the Planning Technician and Community Development Director are not present. Additionally, the Secretary, or a Member designated by the Chairman or Vice Chairman in the absence of the Secretary, shall take minutes and photographs during all site walks.

3.500 INELIGIBILITY OF HOLDING OFFICE

Neither the Ex Officio Member, nor any Alternate Members shall be eligible to hold office.

ARTICLE IV – AGENTS OF THE BOARD

4.100 BOARD STAFF

The Board may appoint other agents, as necessary, to perform duties for the Board. The following are designated agents of the Board:

- a. **Community Development Director** – Shall serve as the Chairman of the Technical Review Committee for the review of land use applications, and fulfill other duties as may be determined by the Planning Board.
- b. **Planning Technician** – Shall provide technical support, as needed, to the Technical Review Committee and Planning Board. The Planning Technician shall also take meeting minutes, issue notice for all meetings, and fulfill other duties as may be determined by the Planning Board.
- c. **Code Enforcement Officer; Public Works Director; Fire Chief; Assistant Fire Chief; Police Chief or their Designees** – Shall be members of the Technical Review Committee for the review of land use applications.

ARTICLE V – MEMBER RESPONSIBILITIES

5.100 ATTENDANCE

Board Members and Alternate Members should attend every scheduled meeting and site walk. If a Member or Alternate Member will be unable to attend, or will be tardy to a meeting or site walk, said Member or Alternate Member shall notify the Chairman, Community Development Director or Planning Technician as soon as possible. If notification is made, the Member can be granted an excused absence. Multiple unexcused absences shall be grounds for a request by the Board for resignation, though it is the sole discretion of that Member whether or not to resign.

5.200 DISQUALIFICATION OF MEMBER

If a Member becomes ineligible to serve on a specific case, per RSA 673:14, said Member shall notify the Chairman as soon as possible. The Chairman shall then designate an Alternate Member to serve in that Member's place. The ineligibility of a Member shall be announced prior to the start of the hearing. Any Board Member may request a non-binding vote of the Board on the ineligibility of another Member. This vote can only be requested by a Board Member; Alternate Members can not require such a vote.

5.300 REMOVAL OF MEMBERS

Board Members and Alternate Members may be removed for inefficiency, neglect of duty or malfeasance in office per RSA 673:13.

5.400 CODE OF ETHICS

Board Members and Alternate Members are subject to the Town of Raymond Code of Ethics.

ARTICLE VI – NOTICE FOR PLANNING BOARD MEETINGS

6.100 AGENDAS

Agendas for Planning Board meetings shall be posted in the Town Office Lobby and in the Display Case located outside the Recreation/Public Works Office Building. Agendas shall be posted no later than 24 hours prior to the scheduled meeting. Agendas shall also be distributed to Members and Alternate Members no later than the Monday prior to the next meeting, unless otherwise specified.

6.200 LEGAL NOTICES

Public hearings held by the Planning Board on applications for subdivision and site plan review shall be noticed in accordance with RSA 675:7 and RSA 676:4(l)(d).

Public hearings held by the Planning Board on applications for an excavation permit shall be noticed in accordance RSA 155-E:7. The three (3) locations for posting notice, as specified within RSA 155-E:7 shall be as follows: (1) the Town Office Lobby; (2) the Display Case located outside the Recreation/Public Works Office Building; and (3) the Safety Complex.

6.300 LEGAL NOTICE OF ABUTTERS

All legal notices sent to abutters for public hearings before the Planning Board shall be sent via certified mail, return receipt requested.

6.400 ABUTTER RE-NOTIFICATION POLICY

An applicant shall be required to pay for the cost of abutter re-notification if:

- a. A public hearing is continued to a date more than 60 days from the current date;
- b. A public hearing is continued more than three (3) consecutive times.

ARTICLE VII – PLANNING BOARD MEETINGS

7.100 GENERAL PROVISIONS

- a. **QUORUM** – A quorum shall be the majority of the membership of the Planning Board, which may partially consist of any Alternate Members sitting in the place of regular Members.
- b. **MOTIONS** – A motion made, and duly seconded, shall only be carried by an affirmative vote of the majority of voting Members present. Voting Members may include any Alternate Members sitting in the place of regular Members.

7.200 SEATING OF ALTERNATE MEMBERS

The Chairman shall select an Alternate Member to sit in place of an absent, recused, or otherwise ineligible Member, on a rotating basis, as needed. Said Alternate Member shall remain seated as a Member of the Board until the regular Member can return to their seat. Only the Alternate Ex Officio Member may sit in place of the Ex Officio Member in his/her absence per RSA 673:11.

In the event an Alternate Member is chosen to sit in place of any absent Member during a public hearing, said Alternate Member shall remain seated in the place of any absent Member until the Board renders a final decision on the topic at hand.

7.300 ROLE OF ALTERNATE MEMBERS

Alternate Members may ask questions and otherwise participate in all discussions, except those from which they recuse. When not sitting as a Member, Alternate Members shall not make, second or vote on any motions.

7.400 DECORUM OF THE MEETING

The Planning Board has only those powers granted to it; it cannot usurp powers belonging to another Town body, or the Town as a whole (RSA 674:1). The Chairman is responsible for conduct and decorum of the meeting. All persons speaking should address only the Board, through the Chairman. The Chairman will not allow cross-witness arguments or cross-examination. Questions may be raised (e.g. abutter question to an applicant), but the questioner should address the Chairman; the Chairman will repeat the question in a manner which is impartial and seeks the type of information the Board needs to make its decision.

Board Members and Alternate Members will conduct themselves in a polite manner. Disagreements on positions are to be expected, but all Members and Alternate Members should interact with each other, applicants, expert witnesses and the public with respect. The Chairman may ask a Member or Alternate Member to refrain from negative behavior. The Chairman may request that a member of the public stop talking at once, and may request that the person leave the room. An applicant may be warned that the hearing in progress will cease and be continued to a later date.

7.500 CONDUCT OF PUBLIC HEARINGS

Public hearings shall be conducted in the following manner:

- a. The public hearing is called to order, and the legal notice is read aloud by the Chairman. The Chairman will announce which Members are absent and declare whether their absence is excused or unexcused. The Chairman will then announce which Alternate Member(s) will be seated as Members.
- b. Any Board Member or Alternate Member needing to make a disclosure, or needing to recuse from the hearing shall do so at this time.
- c. The List of Abutters is read by the Planning Technician. Any abutters present claiming not to have received notification, and whose claim is substantiated, may sign a form agreeing to waive the requirement that they be notified prior to the public hearing taking place. If the abutter is not present, declines to sign the waiver, or if an error is found after the meeting, then the required notice must be provided and the review process begun again. Any failure to notice should be corrected as soon as it is discovered, before the Board proceeds.
- d. The Board motions to accept the application as complete for review purposes.
- e. The Community Development Director gives his report to the Board.
- f. Presentation by the Applicant and/or Applicant's Agent(s).
- g. Determination of Regional Impact per RSA 36:55.
- h. Planning Board Member questions (no deliberation at this time).
- i. Planning Board Alternate Member questions (no deliberation at this time).
- j. Abutter questions and/or comments.
- k. Public questions and/or comments.
- l. Closing remarks by the Applicant and/or the Applicant's Agent(s).
- m. Public hearing closed by the Chairman.
- n. Deliberative session begins. Any recused Members must leave the room at this time.
- o. Planning Board action. The hearing may be continued to a date and time certain, the Board may approve, with or without conditions, or the

Board may deny with written reasons for the disapproval in accordance with RSA 676:3.

7.600 CONDUCT OF SITE WALKS

A site walk shall be considered a public meeting. Therefore, notice shall be required, as well as minutes taken, and the public shall be allowed to attend and observe. If the Applicant refuses site access to the Board, or to the non-Board public, then such action may be a basis for denial of an application without prejudice. Individual Board Members may visit a site with permission from an Applicant, so long as they are accompanied by a Town staff member, and as long as there is no quorum of the Board, the provisions of RSA 91-A do not apply.

The purpose of a site walk is to review the plan and/or specific aspects that can be better understood through observation. Questions should be limited to the plan and no deliberation shall take place. Planning Board Members, Staff, the Applicant and the public should stay in close proximity so that all questions can be documented in the minutes.

ARTICLE VIII – JOINT MEETINGS AND HEARINGS

8.100 PROCEDURE FOR HOLDING A JOINT MEETING OR HEARING

Pursuant to RSA 676:2, a joint meeting or hearing may be requested with other boards including but not limited to the Planning Board, Zoning Board of Adjustment, Historic District Commission, and Conservation Commission when the subject matter of the meeting or the requested permit is within the responsibilities of the boards convened.

It is recommended that the Planning Board, Zoning Board of Adjustment, Conservation Commission, Raymond Business and Economic Development Council and/or any other Board or Committee, at the discretion of the Planning Board, meet at least once a year to discuss necessary and/or possible amendments to the Zoning Ordinance, and to assess how the application review and hearing process works in the Community. In addition, joint meetings can provide the participating boards with an opportunity to hear the same presentation and, perhaps, get a more complete picture of what is being proposed. This procedure can also simplify and streamline the process for the applicant.

Joint meetings or hearings are subject to the following:

- a. An applicant seeking a local permit may petition two (2) or more land use boards to hold a joint meeting or hearing.
- b. Each board shall have the authority on its own initiative to request a joint meeting or hearing.
- c. Each board shall have the discretion as to whether or not to hold a joint meeting or hearing.
- d. Each board must adopt rules of procedure relative to joint meetings and hearings.

8.200 RULES OF PROCEDURE FOR JOINT MEETINGS OR HEARINGS

- a. The Planning Board Chairman shall chair such joint meetings or hearings unless it is not involved in the particular application. Where not involved, the Zoning Board of Adjustment (ZBA) Chairman shall chair the joint meeting. If the ZBA is also not involved, the appropriate agencies which are involved shall determine which Board shall be in charge.
- b. Procedures for joint meetings or hearings relating to testimony, notice of hearings, and filing of decisions shall be consistent with the procedures established for individual boards.
- c. Every local land use board shall be responsible for rendering a decision on the subject matter which is within its jurisdiction based on the criteria for that board.

8.300 PLANNING BOARD ORDER FOR JOINT MEETINGS AND HEARINGS

- a. Call to order by the Planning Board Chairman.

- b. Introduction of all participating boards and their members.
- c. Explanation of type and purpose of joint meeting or hearing, and review of procedural order to be followed (continue any procedures in Article VII, Section 7.500, if applicable).
- d. Presentation of proposal by the Applicant and/or Applicant's Agent(s).
- e. Questions to the Applicant from the each board. (Encourage boards to address separately the issues unique to each board).
- f. Questions to the applicant from the public directed through the Planning Board Chairman
- g. Closing remarks by the Applicant and/or the Applicant's Agent(s).
- h. Public hearing closed by the Planning Board Chairman.
- i. Land use boards' discussion
- j. Decisions (if applicable)
- k. Adjournment

ARTICLE IX – PLANNING BOARD DECISIONS

9.100 PROCEDURE FOR ISSUING DECISIONS

The Board shall act to approve, conditionally approve, or disapprove an application for subdivision or site plan review, within 65 days of the date of acceptance of the application by the Board, subject to extension or waiver as provided by RSA 676:4.

A written Notice of Decision shall be made available to the applicant, and made available for public inspection within five (5) business days of the vote, in accordance with RSA 676:3.

ARTICLE X – PLANNING BOARD RECORDS

10.100 RECORD KEEPING

The records of the Planning Board shall be kept by the Planning Technician and made available for public inspection at the Community Development Department Office.

10.200 MEETING MINUTES

Planning Board meeting minutes shall be open to public inspection not more than five (5) business days after the public meeting as required by RSA 91-A:2(II). After the meeting minutes have been approved by the Planning Board, the Planning Technician shall destroy all means employed to prepare the minutes. Any means utilized to prepare the minutes that are not destroyed shall be permanently retained and made available for public inspection per RSA 91-A.

ARTICLE XI – AMENDMENTS

11.100 PROCEDURE TO AMEND THE RULES OF PROCEDURE

These Rules of Procedure may be amended by a majority vote of the Members of the Planning Board, provided that any amendments are read at a regular meeting of the Board. Amended Rules of Procedure shall be placed on file with the Town Clerk.