

**Approved 06/2017**  
**Amended 06/2019**  
**Approved 08/01/2019**

**TOWN OF CARROLL  
PLANNING BOARD**

**RULES OF PROCEDURE**

**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 seven (7) members. The Selectmen shall designate one (1) 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 five alternate members may 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 other members of the public unless they are sitting in place of another member. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motion or votes that may be made. At all times, the chair shall fully inform the public 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 secretary or chairman 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 the oath of office as required by RSA 42:1.
8. The secretary shall forward to the municipal clerk for recording the appointment or election and expiration dates of the term 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 and shall perform other duties customary to the office or as deemed necessary by the Board at any given meeting. The Chairman may sign the secretary's pay sheets.
  - Vice Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have full powers of the Chairman on matters that come before the Board in the absence of the Chairman. The Vice-Chair may sign the secretary's pay sheets.
  - 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 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 meetings. The Secretary shall be hired by the Board and thereafter shall be a municipal employee per RSA 673:16
2. The Chairman and Vice Chairman of the Board shall be elected annually during the month of April by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

## **MEETINGS**

1. Regular meetings shall be held at least monthly at the Carroll Town Hall at 7:00 PM on the first Thursday of each month unless the meeting is rescheduled and posted per RSA 91-A.
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 at least 48 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. In the event the Chairman and/or Vice-Chair are unable to attend the scheduled meeting, the Board, with a quorum (to include alternates as needed) in place, may elect a meeting Chairman for the meeting and conduct such meeting with the full authority of the Planning Board.

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 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.

6. Disqualification: If any member finds it necessary to be disqualified 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 disqualification shall be announced by either the Chairman or the member before 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 non-binding 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:
  - a. Attendance recorded by Secretary
  - b. Call to order by Chairman
  - c. Pledge of Allegiance
  - d. Minutes of previous meeting(s)
  - e. Reading of communications directed to the Board

- f. Report of officers and committees
- g. Unfinished business
- h. Hearings on sub-division/site plans
- i. Other business

**(Decisions shall be made by a majority of those members present and voting (when a quorum exists). A motion, duly seconded shall be carried by an affirmative vote of a majority of the members present. Votes of members present shall be recorded in the minutes.)**

#### **APPLICATIONS FOR SUB-DIVISION 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 Secretary of the Board or the Board's agent who shall sign and record the date of receipt.

**Applications shall be filed as required in RSA 676:4, I(b) 21 days before the meeting at which the application is to be received by the Board.**

**When a completed application, which includes plats/maps, has been accepted, the Planning Board has 65 days to approve, conditionally approve or disapprove the application. This 65-day period starts the day after the decision was made to accept the application as complete. RSA 21:35**

2. **All plats/maps will be in the office at least 10 days before the meeting. All plats/maps will be color coded showing property lines, contours, wetlands, setbacks, existing buildings, proposed buildings and roads.**
3. The Board shall reject all applications not properly completed.
4. **THE BOARD'S APPROVAL OF A FINAL APPLICATION SHALL LAPSE IF ALL CONDITIONS OF FINAL APPROVAL HAVE NOT BEEN MET WITHIN NINETY (90) DAYS OF THE DATE OF FINAL APPROVAL. UPON REQUEST AND WHERE IT CAN BE SHOWN TO THE SATISFACTION OF THE BOARD THAT THE APPLICANT HAS DILIGENTLY PURSUED OTHER REQUIRED PERMITS, THE APPROVAL MAY BE EXTENDED FOR AN ADDITIONAL NINETY (90) DAYS TO A TOTAL OF ONE HUNDRED EIGHTY (180) DAYS FROM THE DATE OF FINAL APPROVAL. WHERE THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT A HARDSHIP EXISTS AND THAT CONDITIONS BEYOND THE CONTROL OF THE APPLICANT HAVE CAUSED THE DELAY, AN APPLICANT MAY REQUEST AND THE PLANNING BOARD MAY GRANT ADDITIONAL REASONABLE EXTENSION OF THIS TIME PERIOD UP TO A MAXIMUM TOTAL OF ONE YEAR FROM THE DATE OF FINAL APPROVAL.**

#### **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 in the Coos County Democrat or by posting at the Town Hall and on the Town website, not less than ten (10) days prior to the date fixed for submission and consideration of the application. In the event of an emergency or an extenuating circumstance, which prohibits the use of the Coos County Democrat, the Board, at its discretion, may vote to use another paper of general circulation.
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.

**(NOTE: RSA 676:4 PERMITS THE PLANNING BOARD TO COMBINE THE NOTICE OF SUBMISSION WITH THE NOTICE OF THE PUBLIC HEARING BY STATING THAT IF THE APPLICATION IS ACCEPTED AS COMPLETE, IT WILL BE ON THE AGENDA OF EACH PLANNING BOARD MEETING UNTIL A DECISION IS MADE. THE DATE OF THE PUBLIC HEARING MUST ALSO BE INCLUDED ON THE NOTICE. OTHERWISE, SEPARATE NOTICES MUST BE GIVEN TO THE APPLICANT AND ABUTTERS BY CERTIFIED MAIL FOR SUBMISSION, PUBLIC HEARING AND EACH TIME THE APPLICATION IS ON THE AGENDA.)**

## **PUBLIC HEARINGS**

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

1. The Chairman shall call the hearing in session and identify the applicant or agent.
2. The Chairman shall read the application. The Secretary shall 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 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 s/he is a party to the matter or an agent or counsel to a party to 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 65 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 decisions will be made available for public inspection at the Town Hall within 5 business days 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.

## **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 (RSA 677:15, I, statutory appeal period is 30 days). This may be done through a motion that specifies the reason 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**

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Selectmen's Office as required by RSA 91-A:4.
2. Minutes of the meetings including the names of the 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.

## **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.
3. A joint public hearing must be a formal 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 request permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal
  - e. Adjournment – Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

## **AMENDMENT**

1. The Board's Rules of Procedure may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendments of existing rules. Notice for the time and place of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the municipal clerk.
2. These Rules of Procedure shall be reviewed annually at the June meeting. At that time, any amendments made during the preceding year shall be incorporated into the body of the document under the appropriate heading.

