



**PLANNING BOARD**  
**RULES OF PROCEDURE**  
**Amended May 15, 2019**

## **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 (7) members. The Selectmen shall designate one (1) Selectman as an ex-officio member with power to vote. That Selectman (ex-officio member) can only be replaced with another Selectman (ex-officio member).
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 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. 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 Secretary 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 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:
  - a. 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.
  - b. 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.
2. The officers of the Board shall be elected annually during the month of March by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.
3. Secretary: The Land Use Administrative Assistant for the Town of Fremont shall act as Secretary and 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. In the absence of the LUAA, the Chairman shall appoint a secretary pro tem to keep records of the meeting.

## **MEETINGS**

1. Regular meetings shall be held at least monthly. Meetings will be held in the basement meeting room of the Fremont Town Hall unless otherwise noticed. (Meetings are typically held at 7:00 pm on the first and third Wednesdays of each month unless otherwise noticed.)
2. The Board shall not begin discussion of any new business after 9:00 pm, unless otherwise decided by a majority vote of the Board members.
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. As required by RSA 91-A, all meetings shall be open to the public.
5. Nonpublic Sessions shall be held only in accordance with **RSA 91-A: 3**.
6. 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 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. 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 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 her/himself, 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.

8. Order of Business shall be as follows:
  - a. Call to order by Chairman
  - b. Minutes of previous meeting
  - c. Continued business
  - d. Hearings on subdivision/site plans
  - e. Other business
  - f. Reading of communications directed to the Board

## **VOTING**

1. An affirmative vote by the majority of the Members present and voting is necessary to adopt a motion. Voting may be by voice vote, unless two or more members present and voting request a roll call.
2. In the case of a tie vote the meeting would be continued to allow time for another Member to be brought in to vote. If there is no other Member that can be brought in, then the Board shall begin deliberations again.

3. A vote to abstain is considered a non-vote and does not count as a vote. The abstaining Member does count as a Member present.
4. All voting results shall be recorded in the minutes.

## **APPLICATIONS (EXCAVATION, SUBDIVISION AND SITE PLAN REVIEW *or amendments thereof*)**

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 by the deadline as described in the Planning Board's Application Submission Deadline Calendar.
2. Notice shall be given as required in **RSA 676:4, 1(d)** at least ten (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 thirty (30) days of acceptance as required by **RSA 676:4I, (c) (1)**.
4. The Board shall reject all applications not properly completed.

## **NOTICE**

1. Public notice of the submission of public hearings on each application shall be given by advertisement in the local newspaper of general circulation in the Town of Fremont, and shall be posted in at least two (2) public places including the town web site for Site Plan Review and Subdivision (**RSA 675:7**), and three (3) public places for Excavation (**RSA 155-E: 7**), not less than ten (10) days prior to the date fixed for submission and consideration of the application to the Board.
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.

## **PUBLIC HEARINGS**

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 for the Secretary's report on the proposal.
2. The Chairman shall read the application and report on the manner in which public and personal notice was given.
3. The applicant or agent shall be called to present the proposal.
4. Members of the Board may ask questions at any point during 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 Board at each hearing. When appropriate, the Chairman may set a time limit on comments and questions from each individual during a Public Hearing.
7. 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.
8. 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.
9. 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 decision will be made available for public inspection at the Fremont Post Office, Town Hall and the Fremont web site 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. This may be done through a motion and 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.

## **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 of the Board, or Land Use 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**.

## **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 public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
4. The Planning Board chair 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 the particular matter.

## **AMENDMENT**

These rules of procedure may be amended by a majority vote of the members of the Board present provided that such amendment is read at a regular meeting of the Board immediately preceding the meeting at which the vote is to be taken.

The adopted or amended procedures shall be filed with the Town Clerk for public inspection, and shall be recorded at the Rockingham County Registry of Deeds.