

# BARNSTEAD PLANNING BOARD

P.O. Box 11  
CENTER BARNSTEAD, NH 03225

## RULES OF PROCEDURE<sup>1</sup>

### Authority

- (1) These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated Chapter 676:1.

### Members

- (1) Each newly elected (including re-elected) Member shall be sworn in and take an oath of office, as required by RSA 42:1.
- (2) The Planning Board Clerk, or the Board's Agent shall forward to the Town Clerk, for recording, the election and expiration dates of the terms of each Member of the Board.

### Alternates

Candidates for alternate members are required to attend three (3) Planning Board meetings before being considered for appointment. After the third meeting attended, the Board will ask general questions of the candidate prior to holding a vote on whether or not to appoint the candidate to the Board as an Alternate. Alternate member terms are three (3) years in length from their appointment. Alternates are expected to attend all meetings and work sessions. They are encouraged to participate in discussions.

### Employee

**Planning Board Clerk or the Board's Agent.**

The Planning Board Clerk, or the Board's Agent shall perform duties to assure that a full and accurate record is kept of the proceedings of each meeting, record the names of the Members present; keep a Sign-up Sheet for each meeting and hearing to record applicants/agents, abutters and members of the general public who attend each meeting and prepare such correspondence and fulfill such duties as the Chairman may specify.

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<sup>1</sup>All terms are defined in the Subdivision Regulations.

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### Officers

- (1) The Officers of the Board shall be as follows:

**Chair** – The Chair shall preside over all meetings and hearings; shall prepare, with the assistance of the **Planning Board Clerk, or the Board’s Agent**, an annual report, and shall perform other duties customary to the office.

**Vice Chair** – Vice Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters, which come before the Board in the absence of the Chair .

**Secretary** - The Secretary shall take the place of the Chair and the Vice Chair in the event of the absence of both of them.

- (2) The Officers of the Board shall be elected annually on the first (1<sup>st</sup>) Thursday in April by a majority vote of the Board Voting for Chair, Vice Chair and Secretary.

### Meetings

- (1) **Regular Meetings** – shall be held at the Barnstead Town Hall at 7:00 p.m. on the first Thursday of each month unless otherwise posted.
- (2) **Work Session Meetings**. - may be held at 7:00 p.m. at the Barnstead Town Hall on the third Thursday of the month unless otherwise posted.
- (3) **Special Meetings** – may be called by the Chair or, in his/her absence, by the Vice Chair, at the request of three (3) Members of the Board, provided public notice and notice to each Member is given at least forty-eight (48) hours in advance of the time of such meeting.
- (4) **Non-Public Session** – shall be held only in accordance with RSA 91-A: 3.
- (5) **Quorum** – a quorum for all meetings shall consist of four (4) Members, including Alternates sitting in place of regular Members.<sup>2</sup>  
If any regular Board Member is absent from a meeting or hearing, or disqualifies himself/herself from sitting on a particular application, the Chair shall designate one (1) 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 and the regular Member is

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<sup>2</sup>Note: RSA 673:10 requires that a majority of the Membership shall constitute a quorum necessary to transact business at any meeting.

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allowed no 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 II. He/she shall notify the Chair as soon as possible so that an Alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the Member before the beginning of the consideration of or the public hearing on the application. 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 himself/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, except as may otherwise be provided for under local Ordinance.

- (7) Order of Business\* - The order of business shall be as follows:

- (a) Call to order including Pledge of Allegiance
- (b) Roll call
- (c) Application under Consideration (in 65-day period)
- (d) Subdivision Application in design review
- (e) Minor Lot Line Adjustment - Application & Public Hearing (if accepted as complete)
- (f) Submission of Minor Subdivision – Application & Public Hearing (if accepted as complete)
- (g) Submission of Site Plan Review - Application & Public Hearing (if accepted as complete)
- (h) Submission of Major Subdivision – Application & Public Hearing (if accepted as complete)
- (i) Conceptual Consultations
- (j) Old Business
- (k) New Business
- (l) Public Input
- (m) Committee Reports
- (n) Correspondence
- (o) Approval of Minutes
- (p) Adjournment

\*The Chair, with consent of the Board, may for good reason change the order of business.

- (8) Motion - A motion, duly seconded, can be followed by discussion on the wording of the motion. The motion shall be carried out by an affirmative vote by a majority of the

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Members present.

### Applications

- (1) Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the **Planning Board Clerk, or the Board's Agent**; who shall sign and record the date of receipt.
- (2) The procedure for checklist review of a submitted application is as follows:
  - (a) All Applications made to the Planning Board shall be submitted to the Board at least thirty (30) days prior to the date of the meeting at which the Applicant or his Agent wishes to appear.
  - (b) Once an application has been received it is available for review by the Planning Board members and interested members of the public. All department heads, conservation commission and/or historical society will also be notified, and a response is requested within ten (10) days of notification. If no response is received the Board will proceed with the application assuming there is no input.
  - (c) Application and plans will be reviewed by the Planning Board for conformance with the requirements of these regulations. Applicants will be notified of any deficiencies, which must be corrected in order to be placed on a Planning Board Agenda for Planning Board acceptance and formal consideration.
  - (d) After such notice, the Applicant may revise the plan(s).
  - (e) The Planning Board will accept a completed application only at a public meeting of the Planning Board.
- (3) Notice shall be given as required in RSA 676:4, I(d), no less than ten (10) clear days before a completed application is submitted to the Planning Board.
- (4) Applications shall be accepted as complete by majority vote of the Planning Board and shall be scheduled for consideration within thirty (30) days of submission.
- (5) The Planning Board shall reject all applications not properly completed and shall notify the applicant of the areas of the application that need to be completed or corrected
- (6) All Correspondence, submissions of or additions and changes to any application and all submissions of information made to the Planning Board Office will be date stamped and initialed by the **Planning Board Clerk, or the Board's Agent**. on the actual date received. It shall not be considered unless these actions are completed. This

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includes any returned submissions for non conformance or as being deemed incomplete.

### **Forms**

All forms prescribed herein and revisions thereto shall be formally adopted by the Planning Board and shall become part of these Rules of Procedure.

### **Notice**

- (1) Public notice of the submission of and hearings on each application shall be given in newspapers of local circulation and/or by posting at the Barnstead Town Hall (inside and outside), the Barnstead Parade Post Office, and the Center Barnstead Post Office not less than ten (10) days prior to the date fixed for submission and consideration of the application.<sup>3</sup>
- (2) Personal notice shall be made by certified mail to the applicant, the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board at least ten (10) clear days prior to the date of the meeting at which the application will first be heard.<sup>4</sup>

### **Procedures on Applications at Public Meetings**

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

- (1) The Chair shall call the Board to order and open the public meeting, stating the name of the applicant or agent.
- (2) The Chair 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 to be recognized through the Chair, at any point during the presentation.

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<sup>3</sup>Note: RSA 676:4 requires the public notice to be given by either publication or posting. The Board may do one or the other. or both so long as the Rules of Procedure are consistent with the subdivision and non-residential site Plan Review Regulations.

<sup>4</sup>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.

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- (5) The Board shall vote on whether the applicant has submitted all materials necessary for the Board to make an informed decision on the application. A positive vote means the application has been “accepted as complete.” The Board may vote to accept with conditions.
- (6) After an application has been accepted as complete, the Chair shall immediately open the matter for Public Hearing.

### **Procedures On Applications at Public Hearings**

**(1)**[(7)] Each person who appears shall be required to state his/her name and address and indicate whether he/she as a party to the matter or an agent or counsel to a party to the matter.

**(2)**[(8)] 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. A time limit of no more than three (3) minutes per person per subject is to be implemented by the Chair or his/her designated representative. Repetitive discussions, questions and testimony by the same individual or another individual will be curtailed by the Chair at his/her discretion or when asked to do so by a board member.

**(3)** [(9)] Any party to the matter who desires to ask a question of another party to the matter must go through the Chair. Answers to these questions should be limited to three (3) minutes, unless, at the discretion of the Chair, permission to explain in more detail is necessary.

**(4)** [(10)] Other parties such as representatives of Town Departments and either Town Boards and/or Commissions who have an interest in the proposal shall be allowed to present their comments either in person or in writing.

**(5)** [(11)] The Chair will facilitate all such public hearings in a manner of strict conduct, directing before opening each hearing, that interruptions, comments, side conversations or arguments from any party attending the hearing will not be tolerated. Persons who do may be asked to leave the hearing. Those wishing to address the subject will be taken in turn as recognized by the Chair. The Chair may recess or close any hearing due to conduct by individuals at his/her discretion.

**(6)** [(12)] The Chair shall indicate whether the hearing is closed or recessed pending the submission of additional material or information, or the correction of noted deficiencies. In the case of recessed hearings, additional notice is not required if the date, time and place of the continuation is made known at the recess of the hearing.

### **Decisions**

- (1) The Board shall render a decision on all completed applications within sixty-five (65)

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days of the date of acceptance by vote of the Board of a completed application.

- (2) The Board shall act to approve, conditionally approve, or disapprove subject to extension or waiver, as provided in RSA 676:4.
- (3) Notice of decision will be made available for public inspection within one hundred-forty four (144) hours 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.

### **Records**

- (1) The records of the Planning Board shall be kept by **the Planning Board Clerk, or the Board's Agent** and shall be made available for public inspection at the Town Hall in the Planning Board office as required by RSA 676:3, II.
- (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 of the public meeting as required in RSA 676:3, II.
- (3) Any and all recordings and rough notes taken at the time of the meeting shall be destroyed after the final minutes have been approved by the Board unless a request for copies of such recordings and notes has previously been made by any interested party.

### **Joint Meetings & Hearings**

- (1) RSA 676:2 provides that the planning Board may hold joint meetings and hearings with other "Land use Boards" (such as the Zoning Board of Adjustment, the Historic District Commission, the Building Code Board of Appeals, or the Building Inspector) and each Board shall have the discretion as to whether or not to hold such joint meeting or hearing.
- (2) Joint business meetings with another local land use Board may be held at any time when called jointly by the Chairs 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:

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- (a) Call to order by Chair.
  - (b) Introduction of Members of both Boards by Chair.
  - (c) Explanation of reason for joint meeting/hearing by Chair.
  - (d) In the case of 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) After an application has been accepted as complete, the Chair shall immediately open the matter for Public Hearing.
  - (f) Each person who appears shall be required to state his/her name and address and indicate whether he/she as a party to the matter or an agent or counsel to a party to the matter.
  - (g) 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. A time limit of no more than three (3) minutes per person per subject is to be implemented by the Chair or his/her designated representative. Repetitive discussions, questions and testimony by the same individual or another individual will be curtailed by the Chair at his/her discretion or when asked to do so by a board member.
    - (h) Any party to the matter who desires to ask a question of another party to the matter must go through the Chair. Answers to these questions should be limited to three (3) minutes, unless, at the discretion of the Chair, permission to explain in more detail is necessary.
  - (i) Other parties such as representatives of Town Departments and either Town Boards and/or Commissions who have an interest in the proposal shall be allowed to present their comments either in person or in writing.
  - (j) The Chair will facilitate all such public hearings in a manner of strict conduct, directing before opening each hearing, that interruptions, comments, side conversations or arguments from any party attending the hearing will not be tolerated. Persons who do may be asked to leave the hearing. Those wishing to address the subject will be taken in turn as recognized by the Chair. The Chair may recess or close any hearing due to conduct by individuals at his/her discretion.
  - (k) The Chair shall indicate whether the hearing is closed or recessed pending the submission of additional material or information, or the correction of noted deficiencies. In the case of recessed hearings, additional notice is not required if the date, time and place of the continuation is made known at the recess of the hearing.
  - (l) Adjournment
- (6) No communication regarding a hearing shall be conducted via e-mail. This would be considered a meeting.
- (7) Communication with counsel cannot be shared via e-mail. This violates attorney client privilege.

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### **Site Visits**

- (1) A Site Visit is a visit by the Planning Board, or by one or more members of the Board, together with the applicant or the applicant's agent, to a location, which is the subject of an application before the Planning Board. The applicant may waive the right to have either his agent or himself present.
- (2) When the Board schedules a site visit for the Board members, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
- (3) When the Board deems it necessary for the adequate consideration of application, the Board shall request the applicant's permission to make a Site Visit. If such a request is not granted, the application may be denied by majority vote of the Board without further hearings.

### **Standards of Conduct**

- (1) The primary obligation of the Planning Board is to serve the public interest, and members should conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- (2) To avoid conflict of interest or the appearance of any impropriety, a member having a personal interest, financial or otherwise, in any application before the Board shall be disqualified from participating in the consideration or decision on that application. "Personal interest" shall include, without limitation, being a relative of an applicant or being the owner or lessee of property abutting the property that is the subject of an application.<sup>5</sup>
- (3) No official decisions, verbal or written, from any Officer, Board Member, Alternate or Clerk/Agent of the Planning Board will be forwarded to any party on any subject without approval of the Board.
- (4) No Board member shall write, post, or link to any social media site regarding an on-going or potential application that may come before the Board. Doing so will suggest an already bias opinion towards the matter being presented.

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<sup>5</sup>See RSA 673:14.

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**Amendment**

- (1) These Rules of Procedure may be amended after a public hearing by a majority vote of the Members of the Board.

Adopted by a majority vote of the Barnstead Planning Board at their meeting of January 19, 1989 held at Barnstead Town Hall. Revised by a majority vote of the Barnstead Planning Board at their meeting of December 5, 2013. Further revised by the Planning Board following a public hearing at their meeting of January 7, 2016.

Certified By: \_\_\_\_\_  
Nancy Ann Carr, Chairman

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Elaine Swinford, Vice-Chairman

\_\_\_\_\_  
Karen Schacht, Secretary

\_\_\_\_\_  
David Kerr, Selectmen's Representative

\_\_\_\_\_  
Dana Frenette, Member

\_\_\_\_\_  
Katherine Preston, Member

\_\_\_\_\_  
David Allen, Member

\_\_\_\_\_  
Christopher Carazzo, Alternate

\_\_\_\_\_  
Sharen Hodgdon, Alternate

\_\_\_\_\_  
Bruce Grey, Alternate

Witness: \_\_\_\_\_