

TOWN OF CANTERBURY
PLANNING BOARD

RULES OF PROCEDURE AND BYLAWS

Pursuant to RSA 676:1, the Canterbury Planning Board adopts the following rules of procedure and bylaws, effective _____.

Article I. Scope and Purpose. These rules of procedure shall govern the Canterbury Planning Board's organization and its general rules of procedure. The Board's procedures for acting upon subdivision and site plan applications and plats shall be conducted as set forth in the respective regulations adopted by the Board. The procedures set forth in these rules of procedure shall be followed unless the Board determines otherwise by majority vote. If any rule of procedure conflicts with state law, the provision of state law shall govern. The intent of these rules is to establish regular operating procedures, but is not intended to prevent the Board from acting in such matter as it determines appropriate in any given instance. These rules of procedure shall take effect upon their adoption and shall supersede any prior rules of procedure or bylaws.

Commented [MC1]: This is a "waiver" provision that allows the board the flexibility to not follow a specific rule for a specific case.

Commented [MC2]: This also supports a waiver of a specific rule.

Article II. Membership and Organization

1. Members. The Canterbury Planning Board shall consist of seven members, six elected for staggered three-year terms and one ex-officio Selectman member annually designated by the Board of Selectmen. The Planning Board may also appoint not more than five alternate members to serve staggered three-year terms, per RSA 673:6.

2. Terms and Qualifications. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.

3. Oath. 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; N.H. Constitution, pt. II, art. 84.

4. Notification. The Secretary shall forward to the Town Clerk for recording the appointment or election and expiration dates of the terms of each member of the Board

5. Officers. (A) The officers of the Board and their duties shall be as follows:

(1) **Chair:** The Chair 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.

(2) **Vice Chair:** The Vice-Chair shall preside in the absence of the Chair; or as requested by the Chair, and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.

(B) The officers of the Board shall be elected annually as soon as practical after Town Meeting by a majority vote of the Board. In the absence of any officers, the Board may designate interim officers to act in their place.

Commented [MC3]: This would violate RSA 91-A:2,II

(C) The Board may appoint such other officers or create such committees at such times and for such terms as it deems appropriate.

Article III. Staff.

1. Secretary. The Board shall appoint a Secretary and may appoint such other staff or assistants as it deems appropriate within the limits of its annual appropriation.

2. Duties. The Secretary shall:

(A) Keep full and accurate records of each meeting, including the names of Board members, persons appearing before the Board, and a description of the subject matter;

(B) Notify applicants, abutters and the public of hearings and meetings as required by law or as designated by the Board;

(C) Prepare notices of decision for review and approval by the Board or its designee;

(D) Handle routine correspondence for the Board and prepare correspondence for officers as designated;

(E) Assure that all Planning Board records are open to public inspection in accordance with RSA 91-A.

3. Clerk/administrative tasks. The Board may appoint an individual to review applications for compliance with application requirements under the subdivision and site plan review regulations and to perform such other administrative tasks as may be designated by the Board, including final review of all plans for administrative compliance. The Board may designate the secretary to act in this capacity.

4. Board's Office Hours. The Board may request that the Selectmen's office assist the Board in providing information and records to the public.

Article IV. Meeting and Conduct of Business.

1. Regular Meetings. The Board shall meet regularly on the second and fourth Tuesday of each month at the Meeting House commencing at 7:00 p.m. or such other time as the Board may designate. The Board may decide to meet more or less

frequently as it determines, but shall hold at least one regular meeting each month. The Board shall usually conduct work sessions at its second regular monthly meeting and shall usually receive and accept applications, hold public hearings, and take action on applications at the first regular meeting of each month.

2. Special Meetings. Special meetings may be called by the Chair or in the Chair's absence, by the Vice-Chair, or at the request of three members of the Board. Public notice and notice to each member shall be given at least 24 hours in advance of the time of such meeting, except in an emergency when such notice as is practicable shall be provided. The notice shall specify the purpose of the meeting.

3. Non-public Sessions. Non-public 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. The number of members present to determine if a quorum is present shall include any alternates present and designated to act in the place of any absent member.

5. Alternates

(A) Participation of Alternates. Alternates are encouraged to attend all public meetings and to participate as non-voting members. RSA 673:6. Alternates shall sit at a portion of the table(s) identified as Alternates Area and shall be identified by name placards stating "name" and "alternate".

Alternates may not vote, make motions, second motions or participate in deliberative discussion (discussion after the motion is seconded) unless designated to serve in a member's place.

(B) **Designation of Alternates.** When a regular member is absent or disqualified from acting or otherwise does not act on a matter pending before the Board, an alternate shall be designated to act in the regular member's place in accordance with RSA 673:11.

Alternates shall be designated based on a rotation: alphabetical by last name. The alternate designated to serve shall have all the powers and duties of a regular member in regards to the matter for which the alternate is designated to act. The alternate shall continue to act in place of the regular member unless otherwise determined by the Board. Only the alternate designated by the Board of Selectmen may serve in the Selectmen's Representative member's place. If an alternate is absent or disqualified, the next alternate in rotation will be designated and further rotation will proceed without adjustment.

Commented [MC4]: I like this

Conflicts; Disqualification.

(A) Any member who finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, shall notify the Chair as soon as possible so that an alternate may be designated. This disqualification shall be announced by either the Chair

or the member before the discussion of the public hearing on the application begins. The member disqualified shall leave the Board table immediately.

(B) this from pdf reviewed by council but not in available word document:

If uncertainty arises as to whether a Board Member should be disqualified, 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 shall be made prior to or at the commencement of any required public hearing. A vote of on a question of shall be advisory and non binding, and may not be requested by persons other than board members.

6. Order of Business. The usual order of business shall be as follows:

- a. Call to order by Chair
- b. Roll call by the Secretary
- c. Designation of Alternates
- d. Minutes of previous Meeting/s
- e. Unfinished business/public comment
- f. Hearings on subdivision/site plans
- g. Consideration of acceptance of new applications
- h. Reading of communications directed to the
- i. Board
- j. Report of officers and committee
- k. Other business/public comment
- l. Adjournment/recess

7. Manner of Acting. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present and voting. Voting for final action on all applications shall be recorded in the Minutes.

8. Subdivision and Site Plan Review Procedures. The Board's procedures for acceptance, notice, hearing, decision-making, and notices of decision shall be governed by the respective provisions of the subdivision and site plan review regulations, provided that:

- (A) Notice of Design. Any decision which approves or disapproves an application shall be issued in written form **(As requested by council)** that contain specific written findings of fact. In the case of a disapproval or approval with conditions, the written decision shall incorporate the reasons for disapproval, or the conditions and the final form thereof shall be subject to approval by the Chair or the Board's designee for that application. Written decisions shall be made available within 5 days of the decision or vote during the Town Clerk's regular hours as required by RSA 676:3.

Commented [MC5]: FYI, this is required by RSA 676:3

(B) The first meeting at which the board considers a site plan or subdivision application shall be to determine completeness only.

Commented [MC6]: RSA 676:4,(d)(1) would allow us to notice the completeness and public hearing at the same date. I understand the board wishes not to do this.

(C) Acceptance of Applications. Applications may be accepted by the Board when submitted in accordance with state law and the applicable regulations. Unless otherwise determined by the Board, the administrator/secretary shall review all applications for compliance with submission requirements and only those applications deemed to comply with such requirements shall be submitted to the Board.

(D) All applications and supporting materials shall be submitted digitally no less than 21 days before the subject meeting. Plats shall be submitted digitally, and five (5) full-size hard copies shall be available at the Town Office no less than 21 days before consideration of completeness. Any waiver request shall be requested on the Planning Board request form. Assistance can be requested from the Planning Board staff, the Planning Board Associate, for digital submission. All application materials and supporting documents shall be distributed to board members by the Planning Board staff within a reasonable time before consideration of completeness.

(E) Notice. All notices of Board proceedings shall be provided as required by law. Except when newspaper publication is required by law or the Board, public notice shall be given by posting at the Sam Lake House and another public place in town (ex. Canterbury Country Store bulletin board). Notices of Board proceedings may be combined as allowed by law.

(F) Public Hearings. Unless otherwise required by the regulations or by the Board, the conduct of public hearings shall be governed by the following rules:

1. The Chair shall open the hearing, identify the applicant or agent, generally describe the application and ask for any administrative report on the application.
2. 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 hearing.
4. Any person who desires to ask a question shall pose the question through the Chair.
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.
6. All persons who speak shall identify themselves, including their name and address, and whether they are a party to the matter or an agent or counsel to a party to the matter.

7. Generally, the order of presentation shall be: a) the applicant or agent; b) those appearing in favor of the proposal; c) those in opposition; d) those neither in favor nor in opposition. The Chair shall determine when rebuttal or questions will be allowed and may impose limits upon testimony to prevent argumentative or repetitive testimony.
8. Other non-Board members, such as representatives of Town Departments and Boards and Commissions, may submit comments in person or in writing.
9. The Chair shall indicate whether the hearing is closed or adjourned, pending the submission of additional material or information, or recessed to a specified date, time and place, in which case additional notice shall not be required in accordance with state law.
10. Forms. The Board may adopt such forms as it deems appropriate to facilitate its work and all matters for which such forms exist shall be filed with the Board using such forms or reasonable facsimiles thereof.
11. Joint Meetings and Hearings.
 - (A) The Board may hold joint meetings and hearings with other Town land use boards and officials including the Board of Selectmen, Zoning Board of Adjustment, the Historic District Commission, and the Building Inspector. In so far as practicable, the Planning Board's rules of procedure shall apply to any such joint hearing, and the Planning Board Chair shall preside as required by RSA 676:2. Unless otherwise determined, the Chair shall determine the manner in which each Board's members will participate to facilitate the conduct of the business.
 - (B) Joint business meetings with another town land use board may be held at any time when called jointly by the chairs of the boards.
 - (C) 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 and notice thereof shall conform to state law and the applicable regulations.
12. **Proceedings Affecting Other Governmental Units.** The Board shall comply with applicable statutes by providing notice to the appropriate board or official of any municipality or agency of county, state or federal government which may be directly affected by a matter pending before the Board as required by state law. Any written or oral testimony received as a result of such notice shall be accompanied by identification of the individual and a statement as to whether the testimony is provided in an official or personal capacity.

Article V. Amendments. These rules of procedure may be amended by a majority vote of the members of the Board provided that notice of the intent to adopt the amendment is

provided at the prior meeting of the Board or in a notice sent to each Board member at least 10 days before the meeting at which action is proposed to be taken upon the amendment. Copies of any adopted amendments shall be filed with the Town Clerk.

Original adopted by Canterbury Planning Board, new date.

Draft for board discussion ? vote began in April 2024.