

TOWN OF NEW BOSTON

PLANNING BOARD

RULES OF PROCEDURE

Adopted

April 25, 1995

Amended

April 30, 1996

October 28, 1997

May 9, 2000

July 24, 2001

December 10, 2002

August 10, 2004

June 12, 2007

July 24, 2012

April 9, 2013

July 23, 2013

May 14, 2019

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

Section	Title	Page Number
Section 1	Authority.....	1
Section 2	Powers and Duties of the Planning Board..	1
Section 3	Purposes.....	2
Section 4	Title and Administration.....	2
Section 5	Membership and Terms of Office.....	3
Section 6	Officers.....	5
Section 7	Standards of Conduct.....	7
Section 8	Authority of Planning Board Members and Staff.....	9
Section 9	Meetings.....	10
Section 10	Board Preparation for Meetings.....	13
Section 11	Applications.....	15
Section 12	Agenda Management.....	16
Section 13	Notice.....	18
Section 14	Public Hearings on Applications.....	19
Section 15	Public Hearings on the Adoption or Amendment of Ordinances, Regulations and the Master Plan.....	22
Section 16	Decisions.....	24
Section 17	Records and Minutes.....	25
Section 18	Joint Meetings and Hearings.....	26
Section 19	Site Walks.....	27
Section 20	Planning Department Staff.....	29
Section 21	Sub-committees.....	30
Section 22	Fees and Costs.....	32
Section 23	Board Finances.....	33
Section 24	Forms.....	34
Section 25	Severability Clause.....	34
Appendix 1	List of Amendments.....	35
Appendix 2	List of Planning Board Forms.....	37

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

Section 1 Authority

- 1.1 The Planning Board of the Town of New Boston shall be governed by the provisions of all applicable State statutes, Town regulations and these rules.
- 1.2 These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) Chapter 676:1, "Methods of Adopting Rules of Procedure", as amended.
- 1.3 As used in these Rules of Procedure, the term "Board" shall mean the Planning Board duly established by the legislative body of the Town of New Boston under the authority of NH RSA Chapter 673.

Section 2 Powers and Duties of the Planning Board

- 2.1 The New Boston Planning Board's primary responsibilities are to plan for the Town's future land use by:
 - a) adopting and updating a Master Plan;
 - b) adopting and updating a Capital Improvements Plan;
 - c) drafting, reviewing and recommending regulations, ordinances and amendments; and,
 - d) reviewing and ruling on new development proposals according to the Town's Zoning Ordinance, Subdivision, Site Plan Review, Driveway and Earth Removal Regulations.

Section 3 Purposes

- 3.1 The purposes of the Planning Board's Rules of Procedure are:
- a) to meet the requirements of RSA 676:1;
 - b) to highlight the multiple procedural requirements of the Planning Board outlined in RSA 673, "Local Land Use Boards", and to ensure that related Board operational requirements (for example, those described in RSA 676, "Administrative and Enforcement Procedures") are generally highlighted and properly implemented;
 - c) to ensure that Planning Board operations are commonly known and understood, for the benefit of New Boston's citizens, officials, the Planning Board (Board), and other Town Boards and Commissions, as well as applicants, representatives, abutters and all other interested persons or organizations; and,
 - d) to develop and promote consistency in Board actions.

Section 4 Title and Administration

- 4.1 These Rules may be cited as the Town of New Boston "Planning Board Rules of Procedure" or "Planning Board Rules".
- 4.2 These Rules shall be adopted by a majority vote of the members of the Board at a regular meeting of the Board.
- 4.3 These Rules shall be effective upon adoption by a majority vote of the Board. The Rules shall be signed by a majority of the Board and filed with the New Boston Town Clerk.
- 4.4 These Rules may be amended or rescinded in the same manner as the initial adoption.
- 4.5 These Rules shall be reviewed every three years at the same meeting as the election of officers, or as required by a statutory change.
- 4.6 Waivers or modifications to these Rules may be made by majority vote of the Board, when deemed appropriate for the pending issue. The justification for such waiver shall be noted in the minutes of the Board.

Section 5 Membership and Terms of Office

- 5.1 The Planning Board shall consist of five (5) regular members; four (4) of whom shall be residents of the Town of New Boston appointed by the Board of Selectmen. The fifth regular member shall be a Selectman designated by the Board of Selectmen as an ex-officio member with power to vote.
- 5.2 The term of the ex-officio member shall coincide with their term for the office of Selectman. The term of office of the other regular members shall be for three (3) years, or, as appointed to complete an unexpired term. The term of office shall commence upon appointment and after the Board member has been sworn in by the New Boston Town Clerk. Terms of office shall be staggered so that no more than two appointments occur annually, except when required to fill vacancies.
- 5.3 Selection, qualification, terms, removal of members, and filling of vacancies shall conform to RSA 673.
- 5.4 Alternate Board members may serve on the Planning Board in accordance with RSA 673:6.
- 5.5 Up to three (3) alternates who reside in the Town of New Boston may be appointed by the Board of Selectmen for three (3) year terms.
- 5.6 The Board of Selectmen may designate, or appoint if necessary, the alternate for the ex-officio member and only that designated/appointed alternate may serve in the absence of the ex-officio member.
- 5.7 Alternates should attend all meetings to familiarize themselves with the workings of the Board to be ready to serve whenever a regular member of the Board is unable to fulfill their responsibilities.
- 5.8 At Planning Board meetings, alternates who are not activated to fill the seat of an absent or disqualified member or who have not been appointed by the Chair to temporarily fill a vacancy, may participate with the Board in a limited capacity.
 - a) During a public hearing, alternates are seated in the alternates seating area. Alternates may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters and the public. Alternates shall not, however, make or second motions and shall not participate in any way during the Board's deliberations.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

- b) During work sessions, miscellaneous business, or portions of meetings that do not include a public hearing, alternates may fully participate and may vote on administrative and procedural matters.
- 5.9 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.
- 5.10 Whether seated by election or appointment, all members should complete training within one (1) year of assuming office for the first time. Training shall be as furnished annually by the Southern N.H. Planning Commission, or as designed and furnished by the Office of Energy and Planning, and may be designed in a variety of formats, such as, web-based, distance learning, traditional classroom style, or self study. The Town will pay for attendance at the Office of Energy and Planning annual conference and the Municipal Law Lecture series for each interested Planning Board member. Other training opportunities for members may be funded by the Town depending on the available budget and shall be discussed by the Board on a case by case basis.
- 5.11 Recommendations regarding appointments for regular and alternate Planning Board members shall be submitted by the Planning Board to the Board of Selectmen for action. The Planning Board strongly suggests that an applicant for a Planning Board position attend at least one full Planning Board meeting before deciding to submit their application. (Section amended July 23, 2013.)

Section 6 Officers

6.1 The officers of the Board shall be elected from its regular membership annually at the first regularly scheduled meeting following the March Town Meeting, or, at the latest, by the first meeting in April, as the first order of business, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot. There is no limit to the number of terms the officers may serve.

6.2 The officers of the Board shall be as follows:

- a) Chair. The Chair shall preside over all meetings and hearings, designate alternates to replace absent or disqualified members, make such appointments as the Board may direct, and shall act for the Board on all matters not requiring a vote of the members. The Chair shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board.

The Chair shall be responsible for the conduct and decorum of the meeting or hearing, decide all questions of order and procedure, subject to these Rules and applicable State laws, provided that the Chair may be overruled by a majority vote of the Board. The Chair shall appoint any sub-committees found necessary to carry out the business of the Board. The Chair may present to the Board such matters as in the Chair's judgment require attention. At the request of any member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Board. The Chair shall sign all approved subdivision and site plans and other documents that require the Planning Board's endorsement.

- b) Vice-Chair. The Vice-Chair shall preside in the absence or disqualification of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence or disqualification of the Chair. (Section amended July 23, 2013.)

- c) Secretary. The Secretary shall countersign the Chair's endorsement of the Board's approval on plats and other documents as required. In the absence or disqualification of the Secretary, the Vice-Chair shall countersign the endorsement of the Board's approvals. The Secretary shall preside over the meeting in the absence or disqualification of the Chair and Vice-Chair. (Section amended July 23, 2013.)

6.3 The Board may create other officers as deemed necessary.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

- 6.4 Pursuant to RSA 673:9,II, the Selectmen's ex-officio member shall not serve as Chair.
- 6.5 Should none of the Board's officers be present, or all are disqualified, the member who has served the longest period on the Board shall serve as Acting Chair.

Section 7 Standards of Conduct

- 7.1 The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- 7.2 Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
- 7.3 To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public Planning Board decision must not participate in that decision. The private benefit may be direct or indirect; create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.
- 7.4 A Board member must not disclose or improperly use confidential information obtained in the course of their duties for financial gains or to further a personal interest.
- 7.5 Notwithstanding the above restrictions, a Board member who has an interest in a matter before the Board may, following disqualifying themselves from the Board, exercise their rights as a citizen and address the Board on the issue under review.
- 7.6 Ex parte communications (written or verbal communication from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board members should refrain from initiating ex parte communications on any application. Any requests or inquiries by Board members should be made during public hearings or through appropriate Town staff.
- 7.5 All Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may either by intention or inadvertence be in

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

violation of these standards, that member shall call that fact to the attention of the Board. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such vote shall be advisory and non-binding and not be requested by other than Board members.

Section 8 Authority of Planning Board Members and Staff

8.1 No action or statement by any Board member or officer, or any employee of the Planning Board or the Town of New Boston, shall bind the Town, absent a formal vote by the Board acting at a duly noticed hearing; and no applicant or person who has an interest in a matter before the Board is entitled to rely upon any statement or action. Statements or actions taken by Board members or employees outside of a regularly-scheduled and noticed hearing are informational only, and are designed to expedite the planning process and assist applicants and others with an interest.

Section 9 Meetings

- 9.1 Regular meetings shall be held at least monthly at the Town Hall Conference Room, at 6:30 p.m. on the 4th Tuesday of each month. The Board customarily also meets on the 2nd Tuesday of each month. Should the volume of applications and other Board activity dictate, and during the summer months of June, July and August, the Board may vote to hold only the required monthly meeting on the 4th Tuesday.
- 9.2 All meetings of the Board shall be held in the Town Hall Conference Room, unless otherwise voted on by the Board and duly noticed as to the different meeting location.
- 9.3 Special Meetings and Work Sessions may be called by the Chair, or in the Chair's absence, by the Vice-Chair, or at the written request of three members of the Board provided public notice and notice to each member is given at least 24 hours in advance of the time of such meeting, excluding Sundays and legal holidays.
- 9.4 All meetings of the Board and its sub-committees shall be open to the public. Non-Public Sessions shall be held only in accordance with RSA 91-A:3.
- 9.5 Quorum. The Board has a membership of 5 regular members and 3 alternates. Therefore, a quorum for all meetings shall consist of 3 members including alternates sitting in place of regular members.
- 9.6 If any regular Board member is absent from a meeting or hearing, or disqualifies themselves from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member, and 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. Pursuant to RSA 673:11, only the alternate designated for the ex-officio member shall serve in place of that member.
- 9.7 Disqualification. If any member finds it necessary to disqualify themselves from sitting in a particular case, as provided in RSA 673:14, they shall notify the Chair as soon as possible so that an alternate may be requested to sit in their place. The disqualification shall be announced by either the Chair or the member disqualifying themselves before the beginning of the consideration of, or the public hearing on, the application. The member disqualifying themselves shall absent themselves from the Board table during all deliberations and the public hearing on the matter, and shall state for the minutes the reasons for the disqualification.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

9.8 If uncertainty arises as to whether a Board member should disqualify themselves, on the request of that member or on 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.

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

First monthly meeting, second Tuesday:

- a. Call to order by Chair;
- b. Workshop sessions, presentations by outside agencies, meetings with sub-committees/ departments/ boards/ commissions/ Town Engineer, etc;
- c. Public Hearings on subdivisions, site plans, or any other issues;
- d. Miscellaneous business**, including adoption of minutes; and
- e. Adjournment.

Second monthly meeting, fourth Tuesday:

- a. Call to order by Chair;
- b. Public Hearings on subdivisions, site plans, or any other issues;
- c. Workshop sessions, presentations by outside agencies, meetings with sub-committees/ departments/ boards/ commissions/ Town Engineer, etc;
- d. Miscellaneous business**, including adoption of minutes; and
- e. Adjournment. (Section amended July 23, 2013.)

** Miscellaneous business may also be taken up between scheduled hearings if there is enough time before the noticed start time of the next hearing.

9.10 A motion that is duly seconded shall be carried when a simple majority of members present are voting in the affirmative.

9.11 An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Board present may be counted to determine whether a quorum is present although they abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted.

9.12 The Chair shall vote in the same manner as any other regular member of the Board. Alternate members shall only vote when appointed to sit in the place of an absent or disqualified member, excepting that alternate members may vote on

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

administrative and procedural matters that are not part of a public hearing.

- 9.13 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted on the original question, or at the discretion of the Chair.
- 9.14 All meetings of the Planning Board shall be concluded at 10:00 P.M., or at the discretion of the Chair, with any unfinished business being carried forward to the next regularly scheduled meeting or an adjourned session, unless a majority of the Board votes to extend the closing time of the subject meeting.
- 9.15 A Planning Board member or members may participate in a meeting other than by attendance in person at the location of the meeting when attending in person is not reasonably practical, with advance permission of the Chair. The reason for participation from a location other than the location of the meeting shall be stated in the minutes.
- 9.16 Except in an emergency as defined by RSA 91-A,III(b), and as determined by the Chair, a quorum of the Planning Board shall be physically present at the location specified in the notice of the meeting.
- 9.17 Each member participating electronically or by other means must be able to simultaneously hear each other member and speak to each other member during the meeting. The member or members participating by phone or other electronic means shall be audible or otherwise discernible to the public in attendance at the meeting's location.
- 9.18 Any member participating electronically at a meeting shall identify all other persons present at the place from which the member is participating.
- 9.19 A member participating in a meeting by electronic means is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.
- 9.20 No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read or otherwise discern the meeting discussion contemporaneously at the meeting location specified in the meeting notice.

Section 10 Board Preparation for Meetings

- 10.1 Ten (10) days prior to the meeting, at the same time as public notice is made, a copy of the agenda is placed in the Board's bins located at the front entrance to the Town Hall.
- 10.2 By the end of the Friday before the Tuesday night meeting, materials for the Board will be placed in the Board's bins. These materials, prepared by Planning Department staff, include, but are not limited to, "cover sheets" for hearings on individual applications; background information from minutes, ordinances or regulations; copies of relevant materials submitted by the applicant, including plans, letters, memos, permits, studies, waiver requests and so on; a miscellaneous business agenda with relevant supporting information and documentation; copies of presentations that will be made at the meeting, if available.
- 10.3 Some materials may be too large to be copied to individual Board members. Those materials may either be placed in the "Read File" attached to the Board's bins for review, or may be available in the office for review. A notation to this effect will be made on the agenda and/or cover sheet, as necessary.
- 10.4 Additional pages of miscellaneous business may be produced up to and including the day of the meeting. The Board will determine whether or not any action will be taken on those items not received a week prior to the meeting date and will take matters under advisement for action at a future meeting should the Board deem it appropriate.
- 10.5 "Cover sheets" are documents prepared by Planning Department staff that are intended to pull together the various parts of an application into one report designed to assist the Planning Board in their consideration of the application. To this end, the cover sheet may list the chronology of an application; provide statutory references where appropriate; list the submitted items and dates of submission; indicate the time periods for Board action on an application; provide a report of the office plan review; indicate items requiring further research and/or documentation; point out areas and issues requiring the Board's consideration and discussion; indicate any past action by the Planning Board or other Board or committee with regard to the property; list correspondence received regarding an application; offer recommendations for further action by the Board; and offer suggested motions for approval or disapproval. Preparation of the cover sheet and the office plan review do not represent any opinion of the Planning Board as to the acceptability of the plans or application; they are only to verify that the standard details and issues are addressed in some manner for the Board to consider. There may be items discussed at the hearing that have not been mentioned as part of the checklist review and there may

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

be issues noted on the cover sheet that the Board deems immaterial.

- 10.6 Individual Board members may research and investigate general or specific factual issues between meetings, provided however, that if the research is with regard to a particular application, the member shall report all findings to the Board at the public hearing and the applicant shall be given meaningful opportunity to respond.
- 10.7 Email is used by Planning Department staff as a means to distribute information to the Board in a timely and efficient manner. For example, meeting agenda and minutes for approval are distributed to the Board via email. It may also be used to schedule last minute drive by inspections prior to a meeting and to send reminders of site walks or other events, and so on. No response is generally expected.
- 10.8 Email may be used by Board members to ask questions of Planning Department staff regarding scheduling or agenda items, to alert the department in the event that a member will be absent from a meeting and so on.
- 10.9 Email may be used by Board members to ask other Board members or Planning Department staff procedural questions or questions about ordinances or regulations that do not result in any discussions about particular applications or the merits thereof.
- 10.10 Email or other electronic discussions between meetings regarding a pending application in which a quorum of the Board is involved are prohibited. Such discussion may occur only at noticed public hearings.
- 10.11 Messages circulated to a quorum of the Planning Board via email shall be considered public records, in accordance with RSA 91-A.

Section 11 Applications

- 11.1 Applications for hearings before the Board shall be made on forms provided by the Planning Department and shall be presented to the Planning Coordinator, or other agent of the Board, who shall sign and record the date of receipt.
- 11.2 Applications shall be brought before the Board for their determination of completeness within 30 days of delivery to the Planning Department, or at the next regularly scheduled meeting.
- 11.3 The Board shall reject all applications not properly completed and shall render a written decision pursuant to RSA 676:3 describing the information, procedure or other requirement necessary for the application to be complete.

Section 12 Agenda Management

- 12.1 Planning Department staff, as assigned, shall maintain files for applications received for Planning Board consideration, kept in sequence of the time at which an application is received in the Planning Department.
- 12.2 Planning Department staff may offer their opinion as to whether or not an application appears to be complete, however, pursuant to State law, an application may only be "accepted" as complete by the Planning Board at a public hearing held by the Board.
- 12.3 The public hearing on the merits of an application shall immediately follow the acceptance of the application as complete by the Board, unless noticed otherwise.
- 12.4 Requests by an applicant to be placed on an agenda, other than a new application, must be received not less than fifteen days prior to the date of the meeting.
- 12.5 Every effort is made to schedule applications in the order of their receipt, providing, however, that applications continued from a previous meeting will take precedence over new applications, and the Planning Department staff reserves the right to schedule the agenda in order to make the most efficient use of the time available.
- 12.6 The Planning Board endeavors to remain on track with the timing of scheduled agenda items. The Planning Department staff assigns a time to each hearing before the Board. No hearing may start before its noticed time. It is entirely possible, however, that any given hearing may overrun its allotted time, particularly if it is a large or complicated subdivision or if the Board wishes to come to closure on an aspect of the discussion prior to adjourning. The Board makes every effort to extend the same professional level of review and discussion to each application and appreciates applicants', abutters' and others' understanding that their own issue will be dealt with in the same thorough manner.
- 12.7 If an agenda item is scheduled with a +/- notation it may begin within five (5) minutes either side of the noted time.
- 12.8 Miscellaneous Business is usually scheduled at the end of the agenda after the public hearings have been finished. However, Miscellaneous Business may also be taken up between scheduled hearings and other items if there is enough time before the noticed start of the next hearing.
- 12.9 Information regarding an application under consideration by the Board, or for inclusion on the Miscellaneous Business agenda,

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

must be submitted to the Planning Department one week prior to the Tuesday night meeting at which the information is to be considered. Information submitted after that day or at the hearing shall be taken under advisement and discussed at a time and place to be specified by the Board, unless waived by a majority vote of the Board.

Section 13 Notice

- 13.1 The Planning Board provides public notice in a number of different scenarios: for public hearings on applications the Board follows the requirements of RSA 676:4; for public hearings on the adoption and amendment of ordinances and regulations the Board follows the requirements of RSA 675:7; for special meetings the Board follows the requirements of RSA 91-A. (Section amended July 23, 2013.)
- 13.2 Public notice of the submission of, and public hearings on, each application, shall be given by posting not less than ten (10) days prior to the date fixed for submission and consideration of the application, at the following locations:
- Dodge's Store
 - Whipple Free Library
 - New Boston Post Office
 - TD Bank, New Boston Branch
 - Town Hall Foyer
 - Planning Department Counter
 - Town website
- 13.3 Personal notice shall be made by certified mail to the applicant, all abutters, holders of conservation, preservation, or agricultural preservation restrictions, 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.
- 13.4 Once the above required notices are given, no further notices are required, provided that, prior to the adjournment of the public hearing, the date, time and place of the adjourned session is publicly announced.
- 13.5 Public notice of public hearings on the adoption and amendment of ordinances and regulations shall be given by posting not less than ten (10) days prior to the date of the hearing at the locations listed in Section 13.2 above. Notice will also be published in the New Hampshire Union Leader legal advertisement section not less than ten (10) days prior to the date of the hearing.
- 13.6 No public or personal notice is required for informational sessions (Preliminary Conceptual Consultation, RSA 676:4,II,(a)), however, such sessions may occur only at formal meetings of the Board and are scheduled on the Board's regular agenda.

Section 14 Public Hearings on Applications

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

- 14.1 The Chair shall call the hearing in session. If any regular member disqualifies themselves, alternate members shall be designated in accordance with RSA 673:11.
- 14.2 The Chair shall read the public hearing notice, announce the purpose of the hearing, and outline hearing procedures. The applicant and/or their agent or representative may make a brief statement about the application and/or the submission items if they wish.
- 14.3 The Chair shall entertain a vote of the Board members to accept the application as complete and continue the public hearing or to reject the application as incomplete.
- 14.4 If the application is accepted as complete by a majority vote of the Board, the applicant and/or their agent or representative shall be called to present the application and briefly describe its purpose.
- 14.5 Members of the Board may ask questions through the Chair at any point during the presentation.
- 14.6 Those appearing from the audience may be allowed to speak in the following order: 1) direct abutters; 2) any person with a direct interest in the application; 3) other members of the public at-large; and, 4) other parties such as representatives of Town departments and other Town Boards and Commissions who have an interest in the proposal.
- 14.7 Each person who speaks shall be required to state their name and address for the record and to indicate their interest in the application.
- 14.8 The Chair shall have the discretion to limit the amount of time taken by each speaker and to decide whether a single person should be permitted to address the Board more than once. The Board generally allows some latitude in presentations, questions and testimony by members of the audience, reserving the right, however, to limit discussions that are not relevant to the matter at hand or that are repetitive of points previously made.
- 14.9 Any party to the matter who desires to ask a question of another party to the matter must go through the Chair.
- 14.10 Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

may testify as permitted by the Board at each hearing. Written correspondence received by the Board relative to the application shall be noted for the record and may be read in full or in summary.

14.11 The Chair may close the hearing to public input and enter into Board deliberations. During deliberations the Board reserves the right to ask such questions as are necessary to inform their discussions but no additional public input shall be allowed unless the public hearing portion is re-opened by majority vote of the Board.

14.12 The Chair 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 time of adjournment.

14.13 Adjourned Public Hearings

An adjourned public hearing shall follow the same procedures noted above for public hearings, except that, in place of a presentation from the applicant and/or their agent or representative, as noted in Section 13.4 above, the Board shall first be presented the answers to any questions or issues that arose at the previous hearing. Once the Board is satisfied with the information provided in response to the prior questions or issues, the applicant and/or their agent or representative may present any new information that may have been received since the last meeting.

14.14 Non-appearance

An applicant who does not appear, or is not represented by an authorized agent, or has not requested a continuation in writing, for a hearing that has been duly noticed shall not be automatically rescheduled for a later meeting. The non-appearance shall constitute grounds for a denial. It shall be the applicant's responsibility to re-apply and to follow all procedures and pay all fees necessary.

14.15 Request for adjournment

An applicant may request that a duly noticed public hearing be adjourned. This request must be made in writing and must be submitted not later than one week prior to the meeting at which the hearing was scheduled. The Chair shall open the scheduled hearing and read the request for adjournment. A majority vote of the Board is required to approve such a request and the date,

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

time and place of the adjourned hearing shall be announced so no further notice will be required.

Section 15 Public Hearings on the Adoption or Amendment of Ordinances, Regulations and the Master Plan

The conduct of public hearings on the adoption or amendment of ordinances, regulations or the Master Plan shall be governed by the following rules:

- 15.1 The Chair shall call the hearing in session. If any regular member disqualifies themselves, alternate members shall be designated in accordance with RSA 673:11.
- 15.2 The Chair shall read the public hearing notice and may read through the proposed ordinance, regulation or Master Plan amendments, providing, however, that if there are no audience members or interested parties present and/or the proposed ordinance, regulation or Master Plan amendments have been discussed at previous meetings of the Board, the Board may determine that reading the whole proposal is unnecessary and the Chair may move through the proposal in summary. Written copies of the proposal shall be available at the public hearing. If the proposal is part of the work of a sub-committee or is being presented by a Town Board, Commission, Department or Official, they shall be afforded the opportunity to make a presentation on the proposal to the Board.
- 15.3 Following the reading of the proposed ordinance, regulation or Master Plan amendment in detail or in summary form, the Chair will entertain questions from Board members, and then from others.
- 15.4 The Board will discuss any information or comments received from Town Counsel, Southern New Hampshire Planning Commission, the Town's Consulting Engineer, and other Boards, Committees, Commissions or Town Departments. (Section amended July 23, 2013.)
- 15.5 The Board will then discuss any changes proposed from that presented in the posted form of the proposal.
- 15.6 The Chair will close the public hearing and the Board will enter into deliberations on the proposal and any changes thereto.
- 15.7 Should substantive changes be proposed, the Board shall move to adjourn the hearing to an additional public hearing for purposes of notice and discussion of the changes.
- 15.8 If no substantive changes are proposed, the Board shall vote on the proposal. For Zoning Ordinance, Building Code, and Floodplain Development Ordinance amendments the Board shall vote to propose, propose as amended, or not propose that the amendment be put to ballot vote the following March. For regulation or Master Plan adoption or amendments the Board shall vote to adopt,

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

adopt as amended, or not adopt the proposed regulation or Master Plan or amendment.

- 15.9 The method of adoption, filing of documents, and reporting of adoptions or amendments shall be carried out in accordance with RSA 675.

Section 16 Decisions

- 16.1 The Board shall act to approve, conditionally approve, or disapprove, all completed applications, subject to extension or waiver as provided in RSA 676:4.
- 16.2 The Board shall render a written decision on all completed applications within 65 days of the date the application is determined to be complete, subject to extension or waiver as provided in RSA 676:4, I, (f), and shall make a copy of the decision available to the applicant.
- 16.3 Notice of the decision will be made available for public inspection during regular business hours within five (5) business days after the decision is made, as required in RSA 676:3.
- 16.4 If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.
- 16.5 Decisions relative to subdivisions, including all conditions of approval, shall be recorded with the plat by forwarding a certified copy of the Board's Notice of Decision to the Hillsborough County Registry of Deeds.

Section 17 Records and Minutes

Records

- 17.1 The records of the Board shall be kept in the Planning Department and shall be made available for public inspection at the Town Hall during regular business hours as required by RSA 676:3 II.
- 17.2 A member of the Planning Department staff, Planning Board member, or other authorized Town employee must be present at all times while the files are being inspected and shall make any copies requested. A fee for copies made shall be assessed in accordance with the Town's posted copy charge.

Minutes

- 17.3 Minutes of all 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 at the Planning Department during regular business hours within five (5) business days of the public meeting as required in RSA 91-A:2,II.
- 17.4 Minutes shall be distributed by email to the Board for their review. This distribution shall be noted on the Miscellaneous Business agenda. Approval of the minutes by the Board shall take place at the next meeting and shall be noted on the Miscellaneous Business agenda, except that the minutes may be approved at the meeting at which the distribution is noted if each Board member has had the opportunity to review them and is ready to approve.
- 17.5 The tape recordings or digital recordings of the Board's meetings shall be erased once the minutes are approved by the Planning Board.
- 17.6 A printed copy of the minutes shall be kept in perpetuity in the Planning Department.
- 17.7 Minutes shall only be posted to the Town's website following their approval by the Board.

Section 18 Joint Meetings and Hearings

- 18.1 RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "land use Boards" including the Zoning Board of Adjustment, and the Building Inspector, and each Board shall have the discretion as to whether or not to hold such joint meeting or hearing.
- 18.2 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.
- 18.3 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.
- 18.4 The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- 18.5 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 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 a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present the proposal; and,
 - e. Adjournment.
- 18.6 Each Board involved in a joint hearing makes its own decision, based on its criteria for the particular matter.

Section 19 Site Walks

- 19.1 A "site walk" is defined as a visit by the Board, or a member of the Board, and representatives of Town departments and other Town Boards and Commissions who have an interest in the proposal, to a location which is the subject of an application before the Board, where the visit is in the company of the owner, applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. (This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.)
- 19.2 A "drive by" is defined as a visit by the Board, or a member of the Board, to a location which is the subject of an application before the Board and which includes viewing the site from an adjoining public highway or other observation point that can be made without entering on the property. Drive bys are commonplace for items on the Miscellaneous Business agenda and for confirming compliance with administrative conditions not requiring further hearing by the Board. In the event that the item requiring inspection is not visible from the street, the Board may individually enter the site to view said item.
- 19.3 When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site walk by the Board.
- 19.4 When the Board schedules a site walk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
- 19.5 Attendance at site walks by members of the general public shall be with the property owner's permission only. Should permission not be granted, the Board's ability to discharge its duties under RSA 91-A may be compromised and any discussion, questions, or comments will be held until the next public hearing on the application.
- 19.6 A site walk is an opportunity for the Planning Board and others to visit a site and gather information through viewing the location in conjunction with prepared plans and asking questions of the applicant and/or their agent or representative. A site walk is not the venue for making decisions on an application. Any comments, motions or direction to the applicant should be made at the next hearing on the application.
- 19.7 Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk. Notes of all site walks shall, however, be made for the purpose of reporting the findings

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

of the site walk to Board members who may have been unable to attend.

Section 20 Planning Department Staff

- 20.1 The Planning Department staff may consist of a Planning Coordinator, a Planning Board Assistant and a Planning Board Clerk whose duties shall be as listed in the job descriptions for those positions on file in the Board of Selectmen's office, and as amended.
- 20.2 Additionally, a Recording Clerk may be hired for the purpose of taking and preparing the minutes of the Planning Board.

Section 21 Sub-committees

- 21.1 The Planning Board shall, when deemed necessary, appoint sub-committees to include at least one member of the Board, or alternate member of the Board. The membership and length of time that the sub-committee will be in effect may vary depending on the issue being investigated by the sub-committee.
- 21.2 All sub-committee members must be residents of the Town of New Boston.
- 21.3 The Planning Board member of the sub-committee shall attend at least one sub-committee meeting per calendar quarter and shall report to the Planning Board on the progress of the sub-committee on a regular basis.
- 21.4 The sub-committee shall operate under the authority and direction of the Planning Board. The sub-committee's projects shall be authorized and approved by the Planning Board before initiation. All proposals from the sub-committee shall be approved by the Planning Board before public hearing or review. All proposals from the sub-committee shall indicate the sub-committee members in favor, opposed to and abstaining from the vote on the proposal.
- 21.5 The sub-committee shall have no voting rights on the Planning Board, nor any legal authority within Town government. The sub-committee shall be a working task force and advisory body that is an extension of the Planning Board. The sub-committee's goals, functions and activities exist so long as approved by the Planning Board.
- 21.6 Any action or decision by the sub-committee can be overturned by a simple majority of the Planning Board.
- 21.7 The sub-committee members shall appoint a Chair. Other officers, e.g. Vice-Chair and Secretary, may be appointed by the sub-committee members as they deem appropriate.
- 21.8 Agenda for the meetings of the sub-committee shall be posted in accordance with RSA 91-A:2,II. (Section amended July 23, 2013.)
- 21.9 Sub-committee meeting minutes shall be delivered to the Planning Department within five (5) business days of the meeting to be available for public inspection during regular business hours as required by RSA 91-A:2,II.
- 21.10 The Planning Department will be available to assist sub-committees with posting notices, making photocopies, distributing information and so on.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

21.11 The Planning Board will be available to hold public input gathering sessions on any sub-committee proposals. Said sessions must be requested by the sub-committee and the Planning Board must approve same prior to scheduling at a Planning Board meeting.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

Section 22 Fees and Costs (Section amended 5/14/19.)

PLANNING BOARD FEES		
SUBDIVISION APPLICATION FEES		
Application Fee		
	Prelim/Conceptual/Info Session Discussion	\$50/request
	Minor Subdivision	\$50/lot
	Major Subdivision	\$100/lot
Secretarial Fee		
	Minor Subdivision	\$75/app
	Major Subdivision up to 9 lots	\$100/app
	Each additional group of 1 - 10 lots	\$250 increments
Plan Review Fee		
	Minor Subdivision	\$50/app
	Major Subdivision	\$100/app
The plan review fees are based on an average plan review in each category; multi-sheet plans and those with Stormwater Management Plans, for example, take longer to review. Any review over four hours shall be billed at \$25/hour.		
Certified Letter Fee		\$10/letter
NON-RESIDENTIAL SITE PLAN REVIEW (NRSPR) APPLICATION FEES		
Application Fee		
	Prelim/Conceptual/Info Session Discussion	\$50/request
	Minor & Major - Building	\$0.05/s.f. or \$25 whichever is greater
	Minor & Major - Land only	\$0.01/s.f.
Secretarial Fee		
	Minor Site Plan	\$50/app
	Major Site Plan	\$100/app
Plan Review Fee		
	Minor Site Plan	\$50/app
	Major Site Plan	\$100/app
The plan review fees are based on an average plan review in each category; multi-sheet plans and those with Stormwater Management Plans, for example, take longer to review. Any review over four hours shall be billed at \$25/hour.		
Certified Letter Fee		\$10/letter
CONDITIONAL USE PERMIT (CUP) APPLICATION FEES		
	Application Fee	\$50/app
	Plan Review Fee	\$50/app
	Certified Letter Fee	\$10/letter
The Conditional Use Permit fees listed above are for those CUP applications submitted as standalone application. CUPs submitted as		

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

part of a subdivision, site plan review or other application will be subject only to the \$50 Application Fee.		
DEADLINE EXTENSION OF APPROVAL CONDITIONS FEES		
Subdivision/Site Plan Review/CUPs/Other Planning Board Applications		
	First Extension	\$50/request
	All Subsequent Extensions	\$100/request
MODIFICATION OF APPROVAL CONDITIONS FEES		
Subdivision/Site Plan Review/CUPs/Other Planning Board Applications		
	All Modification Requests	\$100/request + \$10/letter certified letters when required
COMPLIANCE HEARING FEES		
Subdivision/Site Plan Review/CUPs/Other Planning Board Applications		
	Minor Applications	\$25/app
	Major Applications	\$50/app
	Certified Letter Fee	\$10/letter
SCENIC ROAD HEARING FEES		
	Application Fee	\$50/app
	Secretarial Fee	\$150/app
	Letter Fee	Current cost of 1 st class stamp
	Newspaper Advertising Fee	Cost of newspaper notice; balance due prior to commencing work
DRIVEWAY PERMIT FEES		
Refer to Driveway Regulations		
	Road Entry/Proposed Driveway/Common Driveway/Secondary Driveway/Relocation of Existing Driveway	\$75/app Includes up to 2 inspections by Road Agent, 1 st review for placement, then final inspection. Additional inspections will be billed at the discretion of Road Agent.
	Paving Only/Temporary Driveway	\$25/app includes final inspection

NOTES:

- These fees do not include legal, engineering or other costs associated with the use of outside consultants as required by the Planning Board.

- Should any application be denied as incomplete, the application fee, or a portion thereof, is the only refundable portion of the fees. The secretarial and certified letter fees are not refundable.

Section 23 Board Finances

23.1 The Planning Coordinator or Planning Board Assistant, under the Planning Coordinator's supervision, shall receive all funds of the Board, issue receipts for same, and see that such funds are properly recorded on the Town books. The Coordinator shall present an itemized accounting of receipts and expenditures in the annual report.

Section 24 Forms

24.1 All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

Section 25 Severability Clause

25.1 If any provision herein shall be held to be invalid, for any reason, by a court of law, such holding shall not invalidate any other provisions contained in these Rules of Procedure.

Appendix 1 List of Amendments

For full amendments please see files kept in the Planning Department.

Rules of Procedure were adopted by the New Boston Planning Board on the 25th day of April, 1995.

Amendment #1—Adopted 4/30/96. Officers, Section 2.2, deleted "during the month of March", and inserted "at the regular meeting in March, held on the 4th Tuesday, or, at the latest, by the first meeting in April as the first order of business,"; Membership, added new Section 3.2.

Amendment #2—Adopted 10/28/97. Fees and Costs, added a new Section 15.6.

Amendment #3—Adopted 5/9/00. Changed the order of Sections 2 & 3. Added new Sections 2.1, 2.2, 2.3. Added "by the Planning Board" in Section 2.5. Added "or alternate member of the Board" and a new second sentence to Section 3.1,a. Deleted Section 3.1,d. Treasurer. Added new Sections 4 & 5. Added new Section 6b. Deleted "7:30 p.m." and inserted "7:00 p.m." in Section 7.1. Added new Section 7.3. Added new fourth sentence to Section 7.4. Added "Miscellaneous business" as Section 7.6,c. Changed "Other" to "Miscellaneous" in Section 7.6,e. Reworded Section 7.7 for grammatical accuracy. Added new second sentence to Section 7.9. Moved second sentence of Section 8.4 to become new Section 8.2. Added "or at the next regularly scheduled meeting" to Section 8.2. Reworded Section 8.3 for grammatical accuracy. Added requirement for decisions on incomplete applications to Section 8.4 and moved second sentence to become Section 8.2. Added new Section 9.4. Updated Section 11.1 re: posting locations. Reworded Section 13.1 for statutory accuracy. Reworded Section 15.4 for grammatical accuracy. Added new Section 16. Added new Sections 18 & 19. Deleted Section 20.6.

Amendment #4—Adopted 7/24/01. Amended Section 3.1 to delete requirement of Chairman appointing sub-committees. Added new section 21, Sub-committees.

Amendment #5—Adopted 12/10/02. Amended Section 13.3 to include the correct number of hours for production of notices of decision. Amended Section 20.5 to increase the certified letter fee to \$7.00 each, and to increase the newspaper notice fee to \$40, balance to be paid before final approval. Amended the Checklists for Site Plan Review, Preliminary and Final Subdivision per recent regulation amendments. Adopted the Checklist for Personal Wireless Service Facilities. Amended the Subdivision and Site Plan Review Application forms to include the increased certified letter fee. Adopted the Standard Planning Board notes for subdivision plans, including a new note re: sprinkler systems.

NEW BOSTON PLANNING BOARD
RULES OF PROCEDURE

Amendment #6-Adopted 8/10/04. Added Section 10.2, regarding road bond estimate form.

Amendment #7-Adopted 6/12/07. Various changes to checklists and application forms.

Amendment #8-Adopted 6/24/12. Rules of Procedure rewritten to the extent that a detailed comparison would be impracticable. See Planning Department for list of changes.

Amendment #9-Adopted 4/9/13. Updated Fees and Costs. Update Conditional Use Permit Application Form and Checklist.

Amendment #10-Adopted 7/23/13. Specified different procedures for second and fourth meetings. Corrected instances of Chairman vs. Chair and typographical errors.

Amendment #11-Adopted 5/14/19. Updated Fees and Costs.

Appendix 2 List of Planning Board Forms

The Planning Board's application forms and checklists are available from the Planning Department and online at www.newbostonnh.gov.

- Subdivision Application Cover Sheet
- Application for Subdivision Review
- Application Checklist and Waiver Request for Final Subdivision Review
- Application Checklist and Waiver Request for Preliminary Subdivision Review
- Non-Residential Site Plan Review Application Cover Sheet
- Application for Site Plan Review
- Application Checklist and Waiver Request for Site Plan Review
- Application for Conditional Use Permit
- Application Checklist and Waiver Request for Conditional Use Permit
- Application for Conditional Use Permit for Groundwater Resource Conservation District
- Application for Conditional Use Permit for Non-Conforming Lots
- Standard Planning Board Notes for Subdivision Plans
- Application Checklist and Waiver Request for Stormwater Management Plans and Individual Stormwater Management Plans
- New Boston Individual Storm Water Management Plan - Procedure Sheet - Subdivision Design Level
- New Boston Individual Storm Water Management Plan - Procedure Sheet for use at the Building Application Level

Applications for Earth Removal Operations are adopted under the Earth Removal Regulations.

Applications for Driveway Permits are adopted under the Driveway Permit Regulations.