

Webster Planning Board

Rules of Procedure

Adopted December 19, 2002 as "Meeting Procedures"

Amended April 17, 2008

Amended February 17, 2011

Amended and re-titled September 20, 2012

Amended September 19, 2019

1. **Authority** These rules of procedure, concerning the methods by which the Planning Board conducts its business, are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.
2. **Members and Alternates** Selection, qualification, term, and removal of members; and filling of vacancies shall conform to RSA 673.
 - 2.1 The Webster Planning Board (the "Board") consists of 5 members appointed by the Board of Selectmen ("BOS"), including one selectman serving as an ex-officio member, all with voting authority.
 - 2.2 The BOS may appoint up to 5 alternate members ("alternates") each of whom shall be available to serve in lieu of an absent or disqualified member other than the ex-officio selectman member.
 - 2.3 The BOS may appoint one additional alternate (the "selectman alternate") who shall be available to serve in lieu of only the ex-officio selectman member when he/she is absent or disqualified.
 - 2.4 Each newly appointed or reappointed member shall be sworn in and take an oath of office as required by RSA 42:1.
 - 2.5 Members and alternates must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member or alternate unable to attend a meeting should provide advance notice to the Chairman or the PB/ZBA Secretary as soon as possible prior to the meeting.
 - 2.6 Appointments and term expiration dates for members and alternate members shall be recorded by the Town Clerk.
 - 2.7 If a member or alternate other than the ex-officio member or his/her alternate vacates his/her position prior to completion of his/her designated term, the BOS shall, per RSA 673:12-II, appoint a replacement to serve the balance of that term. Per RSA 673:12-III, the Chairman may designate an alternate other than the ex-officio alternate to fill the vacancy until such time as a BOS appointment is made.
 - 2.8 All members, including the Chairman and all other officers, and any alternates serving in lieu of an absent or disqualified member should participate in the decision-making process and should vote to approve or disapprove all motions under consideration.
 - 2.9 Alternates are encouraged to attend all meetings to familiarize themselves with the workings of the Board, and be prepared to serve when needed. Alternate members not designated to serve in lieu of an absent or disqualified member may sit at the table; view documents; listen to testimony; actively participate; and interact with other board members, the applicant, abutters, and the public; except that they shall not make or second motions or vote.
 - 2.10 If any member finds it necessary to disqualify himself/herself from sitting on a particular matter, based on the criteria defined by RSA 673:14, he/she shall so notify the Chairman as

soon as possible, preferably before the discussion of or the public hearing on said matter begins. Any member may request a non-binding vote on whether or not such a disqualification is in order. Any disqualification shall be announced by either the Chairman or the member opting for disqualification.

- 2.11 If any member other than the ex-officio selectman member is absent or disqualified per Paragraph 2.8 above, the Chairman shall designate an alternate, if available, to serve in lieu of that absent or disqualified member.

3. Officers

- 3.1 At the regularly scheduled Board meeting in April of each year, the members shall elect by majority vote a member to serve as Chairman. They may similarly elect a Vice Chairman, a Secretary, and/or other officers. The ex-officio selectman member is not eligible to serve as Chairman or Vice Chairman. Each such election shall be for a term of one year. The incumbents shall be eligible for reelection.
- 3.2 The Chairman shall preside over all meetings and hearings, shall be responsible for preparation of an annual report, and shall perform other duties customary to the office.
- 3.3 The Vice-Chairman, if elected, shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
- 3.4 If both the Chairman and an elected Vice-Chairman are absent or disqualified, the Board members in attendance shall elect an Acting Chairman by majority vote.
- 3.5 If at any time during his/her one-year term, the Chairman or any other elected officer is unwilling or unable to continue in that office, the members shall elect a new member to serve for the balance of the vacated one-year term.

4. Meetings

- 4.1. In order to comply with the with RSA 673:10-II requirement that the Board meet at least monthly. Absent a notice to the contrary, the Board shall meet in regular session at 7:00 pm on the 3rd Thursday of each month at the Town Office.
- 4.2 Additional meetings may be scheduled for special purposes or to deal with workload beyond what can be addressed in the regular monthly meetings. Such meetings may be called by the Chairman, by the Vice Chairman in the absence of the Chairman, or at the request of a majority of those members present. Any such meeting requires at least 48 hour notice. In the case of such additional meetings, the order of business may be abbreviated from that shown in Section 8 below if appropriate for the specific purposes of such meetings.
- 4.3 All Board meetings shall be posted in accordance with RSA 91-A:2-II.
- 4.4 Except as provided by RSA 91-A:3, all Board meetings shall be open to the public.
- 4.5 At least one week prior to each Board meeting, the Town-employed Planning-Board/Zoning-Board-of-Adjustment (PB/ZBA) Secretary shall supply to each member and alternate member a copy of the Draft minutes from the previous meeting, an agenda for the upcoming meeting, and any other documents deemed by the Chairman or the PB/ZBA Secretary to warrant review prior to the meeting. At the discretion of the Chairman, items may be added to the agenda subsequent to this advance distribution, except that no such additions shall violate the provisions of RSA 91-A.
- 4.6 Except as provided in RSA 91-A:2-III(b), a quorum of at least 3 of the 5 WPB members, or properly delegated alternate members, must be present in person in order to transact any business.

- 4.7 As allowed by RSA91-A:2-III, members may participate by telephone when in-person attendance is not practical and the reason therefor is stated in the meeting minutes. Such participation does not count towards quorum requirements.
- 4.8 If a quorum is not present at the scheduled meeting, the Chairman shall make an effort by telephone or other means to encourage the arrival in person of sufficient members and/or alternates to meet quorum requirements. If that effort is not successful, and unless the emergency conditions as defined by RSA 91-A:2.III(b) apply, the meeting shall be re-scheduled and re-noticed by the Chairman, Vice Chairman, or Acting Chairman

5. Meeting Minutes

- 5.1 Responsibility for preparing draft minutes of all Board meetings shall normally reside with the Town-employed PB/ZBA Secretary. If said PB/ZBA Secretary is not available, responsibility for meeting minutes shall reside with the Board Secretary if one has been elected or, absent that option, with a member or alternate member to whom the task is assigned by the Chairman.
- 5.2 The person preparing the minutes shall be responsible for making them factual, objective, and inclusive of summaries of all substantive inputs provided by Board members and any other duly recognized participants, all procedural issues addressed, all decisions made, the procedural context, and all actions taken during the meeting. A verbatim transcript, is neither required nor desired unless requested per Paragraph 5.3 below. The person preparing the minutes should exercise reasonable judgment in summarizing the substantive elements of the proceedings.
- 5.3 Any member may, during the course of a Board meeting, submit and/or read a written document and request that it be appended to the minutes of the meeting. Absent such submission and request, statements made during the meeting, even if clearly read from prepared text, shall be regarded as made from personal notes and subject to summarization at the discretion of the person preparing the meeting minutes.
- 5.4 The minutes prepared per Paragraph 5.2 above shall be regarded and clearly marked with a printed watermark as Draft minutes.
- 5.5 Draft minutes shall close with "Prepared by," followed by the signature and title of the preparer.
- 5.6 In order to comply with RSA 91-A:2-II, the PB/ZBA Secretary shall make the Draft minutes available to the public not more than 5 business days after the meeting. Copies shall be available upon request at Town offices, and promptly posted on the Town website.
- 5.7 The Board shall review the Draft minutes at a subsequent public meeting, may amend them at that time by majority vote, and may approve the original or amended minutes as Approved minutes by majority vote. Any amendments and reasons therefor shall be documented in the minutes of the meeting in which those amendments are approved.
- 5.8 Approved minutes shall be so identified with the word APPROVED as a printed watermark and shall close with either "Planning Board approved as written, [mm/dd/yyyy]" or "Planning Board approved as amended, dd/mm/yyyy", as applicable, followed by the signature and title of the elected Board Secretary if any, or by any other Board member acting on the authority of the Board..
- 5.9 Following Board approval, the Approved minutes shall be publicly available at the Town Office, posted on the Town web site, and added to the official files.

- 5.10 Any minutes document, Draft or otherwise, once made available to the public, cannot be changed and shall become a permanent part of the public record.
- 5.11 Unless or until the Board formally approves the minutes either as drafted or as amended, the Draft minutes as written shall serve as the official minutes of the meeting.

6. **Audio recordings**

The audio of all Board meetings, including public hearings held as part of those meetings, shall be digitally recorded. Digital recordings will be used for reference in writing the minutes. Those recordings will be kept at Town Hall until the written minutes are approved at a future meeting, at which time the tape will be erased. The minutes documents become a permanent part of the public record.

7. **Voting Protocol**

- 7.1 Motions made and seconded by Board members and/or by alternate members serving in lieu of absent or disqualified members, shall, after due discussion, be voted upon.
- 7.2 The minutes shall reflect the vote of each member.
- 7.3 The results of each vote shall be determined by simple majority of the voting members present.
- 7.4 A tie vote means that no decision was reached, either to grant or to deny the motion. The motion may be resubmitted at a subsequent meeting but, unless the roster of eligible voters at said subsequent meeting is identical to that at the original meeting, the deliberation must begin anew, as if there had been no prior consideration of the matter.

8. **Order of Business** Board meetings shall generally be conducted in the following sequence, although departures from this sequence may be made if required to comply with the statutory time lines imposed by RSA 676:4-I.c(1), or if circumstances are deemed by the Chairman to so warrant. Subsequent sections of this document provide additional details where relevant.

- a. Opening of the meeting by the Chairman.
- b. Recording of attendance.
- c. Designation by the Chairman of an alternate to serve as a voting member in lieu of each absent or disqualified WPB member.
- d. Review of the minutes from any prior meetings for which minutes have not yet been approved.
- e. Reading of written communications directed to the Board.
- f. Conduct of any scheduled public hearings on subdivision proposals and/or site plan review applications, each followed by deliberation and an approve/disapprove decision or any other relevant action. Absent any decision to the contrary by the chairman or by majority vote, and except as noted above, hearings will be held in the order in which the relevant applications were received.
- g. The following matters, considered in the order in which the relevant applications were received:
 - Review of and accept/reject decisions on newly submitted subdivision applications. If decision is 'Accept', scheduling of public hearing.
 - Review of newly submitted voluntary merger and lot line adjustment applications, followed by approve/disapprove decisions if applications have been accepted.
 - Review of and accept/reject decisions on newly submitted site plan applications. If decision is "Accept", scheduling of public hearing.
 - Review of any other pending applications, such as for driveway permits, re-hearings, etc.
- h. Conceptual Discussions.
- i. Any other new business, within the limitations of RSA 91-A.

j. Adjournment

9. Acceptance of Applications

- 9.1 All applications to be submitted for Board subdivision approval, site plan review, lot line adjustment approval, or voluntary merger approval shall be presented to the Town's PB/ZBA Secretary by the applicant or an authorized representative on forms provided by the Board, at least 21 days prior to the Board meeting at which they will be submitted. The applicant shall be provided with a photocopy of the time-stamped application.
- 9.2 In the cases of subdivision, lot line adjustments, and site plan review applications, the PB/ZBA Secretary shall, by certified mail postmarked at least 10 days prior to the date at which an application is to be submitted to the Board, provide notice 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. The notice shall include a general description of the proposal that is the subject of the application and shall identify the applicant and the location of the proposal. (See RSA 676:4.I(d)(1).)
- 9.3 Notification per Paragraph 9.2 above is not required for voluntary mergers. (See RSA 674:39-a.)
- 9.4 Applications found by the Board to be complete and in proper form, with all required fees paid, shall be accepted as complete by majority vote.
- 9.5 Board acceptance of an application does not constitute Board approval of the application.
- 9.6 The Board shall reject all applications not properly completed and provide the applicant with an indication of what is needed to achieve completeness. (See RSA 676:4-I-c(1).)

10. Public Hearings

- 10.1 Public hearings are required for all subdivision applications, site plan reviews, and lot line adjustments not excepted under RSA 676:4-I-e(1). At those hearings, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, 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 subdivision regulations or the Board.
- 10.2 Public hearings shall be scheduled during Board meetings, and must not begin earlier than the scheduled times.
- 10.3 The PB/ZBA Secretary shall provide notice of public hearings in the same manner as prescribed in Paragraph 9.2 above.
- 10.4 The number of public hearings to be scheduled at any one Board meeting shall normally be limited to a maximum of 2 provided that such limitation does not violate statutory response time requirements. Except for that requirement, the Board at its sole discretion may alter this limit as it deems appropriate in order to keep the estimated duration of each meeting within practical bounds. Required hearings in excess of the number deemed manageable by the Board at a single meeting shall be deferred or continued to a later Board meeting. Any hearings beyond those that can reasonably be held during a single Board meeting shall be scheduled for the next regular Board meeting or, if required to comply with statutory response time requirements, at an appropriately scheduled special meeting.
- 10.5 The Chairman shall formally open each public hearing, shall state the subject of the hearing, shall identify the applicant or agent, shall describe the ground rules to be observed during the hearing, and shall state that the proceedings are being recorded.
- 10.6 After all interested parties have been given adequate opportunity to speak, the Chairman shall either close the hearing, subject to possible reopening per Paragraph 10.7 below, or continue the hearing to a specified time and date pending the submission of additional material or

information or the correction of noted deficiencies. In the latter instance, additional notice is not required if the date, time, and place of the continuation are explicitly stated prior to adjournment.

- 10.7 A public hearing that has been closed may be re-opened at the discretion of the chairman or by majority of the Board if additional information warranting further opportunity for public comment comes to light.
- 10.8 Following closing of the hearing, the Board will evaluate all public input made during the hearing, and take whatever action they deem appropriate.
- 10.9 Possible Board actions include approval, approval with conditions, disapproval, and continuation of the hearing to allow additional studies or data collection.

11. Subdivision Applications and Approvals

- 11.1 Following acceptance of a subdivision application, unless not required per Paragraph 11.2 below, and unless subject to the constraints imposed by Paragraph 10.3 above, a public hearing on the proposed subdivision will be scheduled in conjunction with the next regularly scheduled Board meeting.
- 11.2 As allowed by RSA 676:4-III, the Board may review a proposal for a minor subdivision creating not more than 3 lots for building development purposes, or for a proposal not creating lots for building development purposes, immediately following acceptance of the application. Any abutter may be heard on the proposed action. A hearing will be scheduled at the discretion of the Board or at the request of abutters or other interested parties as defined by RSA 676:4-III. If no hearing is deemed necessary by the Board, the abutters, or the other interested parties, the Board may issue a decision immediately following review of the proposal.
- 11.3 The Board may approve, approve with conditions, or disapprove the proposed subdivision.
- 11.4 Approval conditions will typically include, but may not be limited to, setting of boundary markers, submission of two final Mylar plats and one final paper plat of the subdivision, and walking of the bounds by one or more Board members. The intent of the 'walking of the bounds' requirement is to provide assurance that the submitted plat accurately describes the boundary markers and other significant features of the property.
- 11.5 Subdivision approval shall take the form of one or more Board approval signatures on the two Mylar plats delineating the subdivision, one retained in the Town files and one filed with the Merrimack County Registry of Deeds.

12. Voluntary Merger Applications and Approvals

Per RSA 674:39-a, voluntary mergers require neither public hearings nor notice to abutters, and shall be approved immediately following acceptance of the application except when a merger would create a violation of then-current ordinances or regulations. A notice of the merger, endorsed by the Board, shall be filed for recording in the Registry of Deeds.

13. Lot Line Adjustment Applications and Approvals

- 13.1 Board deliberations and decisions on minor lot line adjustments (as defined by RSA 676:4-I-e(1), normally will immediately follow application approval, but may at the sole discretion of the Board be deferred to a subsequent meeting if problems or questions become evident.
- 13.2 Per RSA 676:4-I-e(1), minor lot line adjustments do not require public hearings but any abutter may be heard on the proposed action.
- 13.3 Lot line adjustment approval shall take the form of one or more Board approval signatures on two Mylar plats delineating the subdivision, one retained in the Town files and one filed with the Merrimack County Registry of Deeds.

14. Notification of Assessing Officials

The PB/ZBA Secretary shall advise the Town's assessing officials of all approved subdivisions, voluntary mergers, lot line adjustments, site plan approvals, and any other matters potentially affecting assessments.

15. Preliminary Conceptual Discussions

- 15.1 A property owner contemplating a possible application to the Board may, upon request, make a conceptual presentation of a proposed action to the Board.
- 15.2 The ensuing discussion shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. (See RSA 676:4-II(a).)
- 15.3 A formal plot survey is not required for a conceptual discussion, but the presentation to the Board should include a dimensioned sketch and any other documentation needed to adequately describe the proposed action.
- 15.4 Any such conceptual discussion shall be informal and non-binding on either the applicant or the Board.

16. Site Plan Reviews

- 16.1 Site Plan Reviews shall be conducted in accordance with the then-current *Town of Webster Site Plan Review Regulations*.
- 16.2 Except as noted in Paragraph 16.3 below, the required public hearing for a site plan review shall be scheduled for the next regular Board meeting following the meeting at which the application is accepted, subject to the provisions of Section 10 of this document.
- 16.3 If the applicant so requests and time permits proper notification, the Board will schedule expedited consideration, holding the required public hearing and conducting the subsequent Board deliberation immediately following application approval. However, the Board shall retain the right to postpone such an expedited public hearing and/or their decision if unanticipated questions become evident.

17. Joint Meetings or Hearings

- 17.1. In accordance with RSA 676:2, the Board may hold joint meetings and hearings with the Zoning Board of Adjustment and/or the Conservation Commission, and/or the Life Safety Code enforcement Officer. (All of which are hereinafter described as the 'participating entities'.) Each of these participating entities shall determine independently whether or not to participate in such a joint meeting or hearing.
- 17.2 Such joint meetings with may be held at any time when called jointly by the chairmen of the respective participating entities.
- 17.3. Joint meetings or hearings shall be conducted in accordance with relevant portions of the rules of procedure described herein and any similar procedures adopted by the other participating entities. Any required coordination or procedural conflict resolution shall be the responsibility of the chairs of the participating entities.
- 17.4 The Planning Board chair shall chair all joint meetings and public hearings when the subject matter is within the purview of the Planning Board. (Ref. RSA 676:2.)
- 17.5 Any such joint meeting or hearing shall be limited to hearing testimony by an applicant, Q & A exchanges with the applicant by the members of the participating boards, and the hearing of comments from the public.
- 17.6 Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

18. Approval/Disapproval Decisions on Applications

- 18.1 Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve,

conditionally approve, or disapprove within 65 days per RSA 676:4-I-c(1), subject to extension or waiver as provided in RSA 676:4-I-f.

- 18.2 If the application is disapproved, the Board shall provide the applicant with written reason for the disapproval.
- 18.3 Notice of decision shall be made available for public inspection at the Town Office within 5 business days after the decision is made, as required by RSA 676:3.

19. Revocations of Recorded Approval

Approvals, once filed, may be revoked only under the circumstances listed in RSA 676:4-a or as follows:

- During the period after a vote for conditional approval but before the conditions precedent have been fulfilled, the board can modify or revoke the conditional approval (at least before the developer has in good faith invested substantially in installing improvements or otherwise), if it becomes apparent that the vote was erroneous
- The board, on its own or by request of an applicant or interested party, can reconsider a decision because of a mistake (at least before the developer has in good faith invested substantially in installing improvements or otherwise), but this must be within the 30-day appeal period after final approval.

20. Use of Town Counsel

- 20.1 The Board may, from time to time, deem it appropriate to seek legal guidance or advice re matters pertaining to Board activities. It is expected that, before turning to Town Counsel for such advice, reasonable efforts will be made, when appropriate, to research the topic or question through State statute, consult a State agency, talk to a counterpart in another community, or contact the Local Government Center.
- 20.2 Any question proposed for submission to Town Counsel shall be in writing and Board approved by majority vote of those members present at the meeting in which the question is proposed.
- 20.3 Except as noted in Paragraph 20.5 below, the Chairman shall, at a meeting of the BOS, seek that board's approval for submission of Board-approved questions to Town Counsel.
- 20.4 Following BOS approval, the Chairman shall submit the question, in written form and including a request for a written opinion, to Town Counsel.
- 20.5 If the Chairman deems there to be a level of urgency such that waiting for a BOS meeting and approval is ill-advised, he/she may submit the question to Town Counsel without BOS approval, but shall report the reasons for that action to both the Board and the BOS at their respective next meetings.
- 20.6 Any in-person meeting or telephone conversation involving the Board and Town Counsel shall include at least two Board members, one of whom is either the chairman of the meeting in which the Board approved submission of the question prompting the meeting or his designee.

21. Records

All records pertaining to Board matters shall be retained in files maintained by the PB/ZBA Secretary and shall be made available for public inspection at the Town Office as required by RSA 91-A:4.

22. Forms

Copies of all forms used in support of the matters herein considered shall be appended to this document.

23. Amendment

These Rules of Procedure may be amended by a majority vote of Board members. The amended procedures shall be filed with the Town Clerk.