

PLANNING BOARD
RULES OF PROCEDURE
ADOPTED MAY 19, 2020

AUTHORITY

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1.

MEMBERS

1. The Wolfeboro Planning Board shall consist of 7 voting members.
2. The Board of Selectmen shall designate one member of the Selectmen to serve as an ex-officio member with full voting rights and privileges.
3. Up to five alternate members may be appointed by the Planning Board, as provided for in RSA 673:6,II, to serve when a regular member of the Board is unable to fulfill her/his responsibilities. Alternates shall be appointed by the Board for staggered terms of three (3) years each. Alternates are encouraged to attend all meetings.

OFFICERS

1. A Chairman shall be elected annually by a majority vote of the Board in the month of April. He/she shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix her/his signature in the name of the Board. The Chairman serves as an active voting member of the Board.
2. A Vice-Chairman shall be elected annually by a majority vote of the Board in the month of April. The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board during the absence of the Chairman.
3. All officers shall serve for one year and shall be eligible for re-election.

MEETINGS

1. Regular meetings shall be held at 7:00 p.m. in the Meeting Room at a designated meeting place, on the first Tuesday of each month. Other meetings may be held on the call of the Chairman, or by the Vice-Chairman in the absence of the Chairman, provided public notice and notice to each member is given at least 24 hours, prior to such meeting excluding Sundays and legal holidays.
2. Quorum. A quorum for all meetings of the Board shall be four members, including alternates sitting in place of members.
3. Disqualification. If any Board member finds it necessary to disqualify herself/himself from hearing a particular case, as provided in RSA 673:14, the member shall notify the Chairman as soon as possible so that an alternate may be requested to sit in the disqualified member's place. The disqualification shall be announced by either the Chairman or the member disqualifying herself/himself before the beginning of the public

hearing on the case. The member disqualifying herself/himself shall remove herself/himself from the Board table during the public hearing and during all deliberation on the case.

4. Alternates. Prior to the start of a public hearing the Chairperson of the Board shall announce which, if any, is to be appointed to sit as a voting member in place of a regular member. Alternates, once seated to hear an application as a voting member, shall continue serving as a voting member of the Board on said application until such time final action is taken on the application.

Alternates not appointed to sit during a public hearing: An alternate may participate in the review, question, comment, and deliberation on an application but shall not vote on the application. Prior to any vote on an application the chairman shall announce who is voting on the application.

5. Order of Business. The order of business for regular meetings shall generally be as follows:
 - a. Introduction of Board members by the Chair
 - b. Public Hearings
 - c. Public Comments
 - d. Minutes of previous meeting
 - e. Communications and miscellaneous
 - f. Unfinished business
 - g. New business
 - h. Adjournment

(Note: Although this is the usual order of business, the Board may modify the agenda at any time.)

6. Non-public Sessions. All deliberations on applications shall be held in public. Non-public sessions may be held in accordance with the provisions of RSA 91-A.

APPLICATIONS/DECISIONS

1. Applications.
 - a. All applications for hearings before the Board shall be made on forms provided by the Planning and Development Office and shall be submitted to Staff not less than twenty (20) days prior to the scheduled meeting date. Submissions which fail to meet this requirement shall not be considered until the next regular meeting.
 - b. All applications must be accompanied by adequate plans and exhibits in accordance with the terms of the Zoning Ordinance, Site Plan Review Regulations and Subdivision Regulations.
 - c. Any application which does not include adequate plans and exhibits shall be deemed incomplete and the Planning Board shall notify the applicant of the determination and shall describe the information, procedure or other requirement

necessary for the application to be complete. The Planning Board shall have the authority to continue any acceptance meeting or public hearing on an application at said meeting/hearing to a time, location and date certain without further public notice.

- d. In the case of conversions or renovations of an existing structure, interior floor plans shall be furnished by the applicant.
- e. The Planner Review of all submitted applications shall generally be available at the Town Office by 12:00 Noon on the Friday before the Board's consideration of the application.
- f. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these Rules of Procedure.

2. Public Notice.

- a. Public notice of public hearings on each application shall be given in the local newspaper and shall be posted in two public locations not less than ten (10) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of the property including tax map identification, action desired by the applicant, provisions of the Zoning Ordinance concerned, the type of appeal being made and the date, time and place of the hearing.
- b. Personal notice shall be made by certified mail to the applicant, all abutters and any other party statutorily entitled to notice not less than ten (10) days before the date of the hearing. Said notice shall contain the same information as the public notice and shall be made on forms provided for this purpose.

3. Public Meeting and Hearing. The conduct of public meeting and hearings on an application shall be governed by the following rules:

- a. The Chairman shall call the public meeting in session.
- b. The applicant and/or her/his agent shall provide an overview of the application and address any outstanding comments from the Planner Review.
- c. The Planner shall address any further outstanding items from the Planner Review or comments on the applicant and/or her/his agent's presentation.
- d. The Planning Board shall act to accept the application as complete.
- e. The Chairman shall call the public hearing in session.
- f. Members of the Board may ask questions at any point during the presentation.
- g. Each person who appears shall be required to state her/his name and address and indicate whether he or she is a party to the case or an agent or counsel of a party to the case.
- h. Any party to the case who wants to ask a question of another party to the case must do so through the Chairman, but only at the discretion of the Chairman.
- i. The Planning Board will hear any evidence that pertains to the facts of the case or how the facts relate to the provisions of the municipal zoning ordinance and state zoning law.

- j. The Chairman, with the approval of the Board, may place reasonable time limits on all speakers. A five (5) minute limit is suggested.
- k. Continuation of a public hearing will require the Planning Board to announce the place and date of the next meeting at the end of the first meeting; no additional legal notices will be necessary.
- l. The Chairman shall declare the public hearing closed when there is no further testimony either for or against the application. Once closed, no further testimony will be allowed from the applicant or any other parties. However, to avoid the appearance of injustice, the Chair shall have the authority on a majority vote of the Board to reopen the hearing to allow such limited additional testimony as may in the Chair's judgment be thought necessary to clarify one or more questions that may have arisen during the Board's deliberations, provided that the applicant(s) and all interested parties are still present and in attendance. The Board may continue the public hearing to a subsequent meeting if all interested parties are not still present and not in attendance notice shall be given of the continuance.

The Board has the authority to reopen the hearing at the next Board meeting if the Board feels that reopening the hearing is necessary because the applicant and/or any interested party has departed. Notice shall be required and the cost of said notice shall be the responsibility of the applicant.

- 4. Decisions. The Board shall decide all cases in a timely manner after the public hearing. The Board will approve, approve with conditions, disapprove, or defer its decision. The notice of the decision or deferral will be made available within 5 business days as required by RSA 676:3 and be sent in a timely manner to appropriate parties of interest. If the application is denied or deferred, the notices shall include the reasons therefore. A tie vote on any motion will cause the motion to fail.

RECORDS

The records of the Board shall be kept by the staff of the Planning and Development Office and made available for public inspection in accordance with statutory requirements.

- 1. Final written decisions will be placed on file and available for public inspection within 5 business days after the decision is made. (RSA 676:3)
- 2. Minutes of all meetings including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting. (RSA 91-A:2 II)

AMENDMENTS

These Rules of Procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at the meeting preceding a vote.

JOINT MEETINGS

1. RSA 676:2 provides that the Planning Board may hold joint meetings or hearings with other "land use boards", including but not limited to the Zoning Board of Adjustment or the Historic District Commission, and each Board shall have discretion as to whether or not to hold a joint meeting with any other land use board.
2. Joint meetings with any other land use board may be held at any time when called jointly by the Chairman of the two boards.
 - a. The joint public hearing must be a formal public meeting or hearing on an application to both boards regarding the same subject matter.
 - b. RSA 676:2 requires that the Planning Board Chairman shall chair the joint hearing.
 - c. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other board, shall be followed.
 - d. The other board shall concur in these conditions.

MISCELLANEOUS

1. Applications may only be withdrawn by the applicant, prior to the public hearing on the application, unless voted otherwise by the Board.
2. If the application is withdrawn, the applicant will be allowed to resubmit the application and pay for reasonable costs (copying, legal, review, and postage, etc.).
3. Correspondence.
 - a. All correspondence shall be directed to the Chairman of the Planning Board, Town Office, PO Box 629, Town of Wolfeboro, New Hampshire 03894.
 - b. All documents or communications from the Board shall be signed by the Chairman of the Board or her/his designee.
 - c. In the absence of the Chairman, for any reason, the elected Vice-Chairman shall act in her/his place.
 - d. All press and radio releases shall be made as they are recorded within the minutes of the Board meeting and/or from the official records.
 - e. No single Board member, except the Chairman, shall issue press releases without the consent of the majority of the Planning Board.
4. Annual Report. An annual report shall be prepared by the Chairman and submitted to the governing body.

