PLANNING BOARD RULES OF PROCEDURE
TOWN OF LANCASTER

Authority:

1. These rules of procedure are adopted under the authority of New Hampshire's Revised Statutes Annotated **(RSA) 676:1**.

Purpose:

1. The purpose of the Planning Board shall be to plan for the orderly development of the Town of Lancaster, New Hampshire and to create, amend and administer any regulations that fall within their jurisdiction in accordance with the laws of New Hampshire.

Membership:

1. Composition: Pursuant to **RSA 673:2**, the Lancaster Planning Board shall consist of seven (7) members appointed by the Board of Selectmen, one (1) of whom shall be a Selectman or administrative official to serve as an "Ex-Officio Member" with the power to vote.

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

3. Ex-Officio Member: The ex-officio member shall have his/her own alternate appointed by the Board of Selectmen as required by **RSA 673:6,III**. The ex-officio Member shall not serve as chairperson in accordance with **RSA 673:9**.

4. Alternate Members: There may also be five (5) alternate members as appointed by the Board of Selectmen pursuant to **RSA 673:6**.

5. Student Representatives: There may be up to two (2) student representatives appointed by the Board of Selectmen. Student representatives shall be residents of the Town of Lancaster and enrolled in a High School curriculum. Terms shall be for one year, from July through June, and may be renewed by recommendation of the Planning Board and reappointment of the Board of Selectmen. Student representatives shall be seated with the Board during all public meetings/hearings and allowed to contribute as any other member, except they will have no voting authority and shall not be counted for establishing a quorum.

6. Newly appointed members, including those re-appointed, shall be sworn in and take an oath of office as required by **RSA 42:1**.

7. Members and alternate members of the Planning Board may only serve on other municipal boards or commissions as allowed by **RSA 673:7**.

Terms of office:

1. In accordance with **RSA 673:5 II** the term of office for Planning Board members shall be three years and staggered so no more than 3 appointments occur annually, except to fill vacancies. The terms of office for Planning Board Alternates shall be three years pursuant to **RSA 673:6,I(a)**. The term of an ex-officio member shall coincide with the term for the Selectman's office as required by **RSA 673:5**.

Designation of Alternate Members:

1. Whenever a regular member of the Board is absent or whenever a regular member disqualifies him/herself, the Chairperson shall designate an alternate, if one is present, to act in the absent member's place. The 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. If an alternate hears testimony at a public hearing, the alternate should continue to sit on the matter under consideration until the matter is completed; the regular member does not vote on the matter. If a vote does not occur until a subsequent meeting, the alternate member shall continue to sit on the matter at subsequent meetings even if the regular member is present.

Vacancies:

1. Pursuant to RSA **673:12**, vacancies in membership occurring other than through the expiration of a term of office shall be filled by the Board of Selectmen for the unexpired term.

Officers:

1. At a minimum, the officers of the Lancaster Planning Board shall be the Chairperson and the Vice-Chairperson. The Planning Board shall elect its Chairperson and Vice-Chairperson from the appointed members as provided in **RSA 673:8**. The Planning Board may create other officers as it deems necessary.

2. All officers shall serve for one year and shall be eligible for re-election as authorized by **RSA 673:9**. No officer shall serve more than five (5) consecutive years in the same office. If requested by a majority of the members present, voting for the choice of officers shall be by written ballot.

3. Chairperson: A Chairperson shall be elected annually by a majority vote of the Planning Board in the month of April. The Chairperson shall preside over all meetings and hearings; appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board. The Chairperson shall be a voting member. In order to minimize the appearance of undue influence over other Planning Board members, the Chairperson shall vote last on all matters under consideration.

4. Vice-chairperson: A Vice-chairperson shall be elected annually by a majority vote of the Board in the month of April. The Vice-chairperson shall preside in the absence of the

chairperson and shall have the full power of the Chairperson on matters which come before the Board during the absence or disqualification of the Chairperson. In the case that the Chairperson and the Vice Chairperson are absent or otherwise disqualified from voting, the Board members present at the meeting shall, by successful motion, choose a member to act as Chairperson.

5. Clerk: A Clerk shall be recommended by the Planning Board and appointed by the Board of Selectmen. The Clerk is not a voting member of the Planning Board. The Clerk shall maintain a record of all meetings, transactions and decisions of the Board and perform such other duties as the Board may direct by resolution. The Clerk shall prepare minutes in a format suitable to the Board. The Clerk shall be present at all meetings and may be removed from his/her duties for chronic tardiness or lack of attendance.

Duties and Responsibilities of Board members (student representatives, alternates and regular members):

1. To attend meetings on a regular basis.

    a. If any member, only regular or alternate, is absent for three consecutive regular meetings or five regular meetings in the course of a year, a letter shall be sent by the Chairman of the Planning Board to the Board of Selectmen to determine whether that member should be removed as provided by **RSA 673:13**. If determined the member should be removed, a public hearing shall be held by the Board of Selectmen and a written statement of reasons for removal shall be prepared.

2. To visit the site of proposals being considered by the board, subject to the public notice and publication requirements outlined in these rules of procedure and pursuant to **RSA 91-A:2,II**. This provision shall not prevent individual Board members from making informal visual assessments of sites which are the subject of present or future applications.

3. To vote on all motions except in those cases where the member has a conflict of interest or is disqualified for any cause.

4. To be familiar with Lancaster's Master Plan, Subdivision & Site Plan Regulations, Zoning Ordinance, other pertinent land use regulations and the enabling legislation of the State of New Hampshire.

5. To attend conferences, lectures, and classes which promote continuing education on matters of Board responsibility.

6. To act ethically and in accordance with State, Federal and local law on all matters under consideration.

Meetings:

1. The Planning Board shall hold at least one regular meeting in each month as required by

RSA 673:10. Regular meetings shall be scheduled on the second Wednesday of each month at 6:30 PM at the Lancaster Town Hall, unless otherwise noted. Regular meetings that do not include formal Board consideration of Applications for Subdivision or Site Plan Review, shall be noticed to the public in conformity with **RSA 91-A:2**. When such regular board meetings call for the formal consideration of Applications for Subdivision or Site Plan Review, public notice shall be made in conformity with **RSA 676:4**.

2. Special meetings may be called by the Chairperson, or by the Vice-chairperson in the absence of the Chairperson, or at the request of three members of the Board, provided public notice is given in conformity with **RSA 91-A:2** and that notice to each member is given at least 48 hours in advance. Special meetings where the Board will formally consider Applications for Subdivision or Site Plan Review shall be noticed in conformity with **RSA 676:4**.

Emergency meetings:

1. Emergency meetings may be called for by the Chairperson, or by the Vice-chairperson in the absence of the Chairperson, or at the request of three members of the Board, provided notice is given to the public in conformity with RSA **91-A:2**.

Executive session:

1. Executive sessions, also known as non-public sessions, shall be held only in accordance with **RSA 91-A:3**.

Quorum:

1. A majority of the membership of the Board shall constitute a quorum including alternates sitting in place of regular members. Four (4) members constitute a majority of the seven (7) member board.

Member Disqualifications:

1. If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, he/she shall notify the Chairperson as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairperson or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

2. If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or 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.

Order of Business:

1. Call to order by Chairperson.

2. Roll call by Chairperson or Clerk.

3. Approval of minutes of previous meeting(s).

4. Hearings on subdivisions/site plans with final hearings preceding preliminaries, preceding conceptuals.

5. Unfinished business.

6. Reading of communications directed to Board.

7. Other business, to include reports of officers and committees.

8. Adjournment.

Voting Procedure:

1. Decisions shall be made by a majority of those members present and voting (when a quorum exists). A motion, duly seconded, shall be carried by a majority vote in the affirmative. Votes of members present and voting shall be recorded. A tie vote does not constitute a majority vote in the affirmative.

2. With the use of alternates, a full seven (7) member board shall he seated whenever possible. When, due to unique circumstances, a board of less than seven members must be seated, and when the board that is seated is an even number of voting members, the Chairperson of the Board shall not vote so as to avoid a tie vote.

Records:

1. The records of the Board shall be compiled by the Clerk and made available for public inspection as required by **RSA 91-A:2** at the Town Office. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection no more than 5 business days after the meeting, except as provided in **RSA 91-A:2**.

Applications for Subdivision and Site Plan Review:

1. Applications for hearing before the Board shall be made on forms provided by the Board and shall be presented to the Clerk of the Board or the Board's agent who shall sign and record the date of receipt.

2. Notice shall be given as required in RSA **676:4**.

3. Completed applications shall be accepted by a majority vote of the Board and shall be scheduled for consideration within 30 days of submission.

Developments with Regional Impact:

1. Matters which are deemed to have Regional Impact as defined in **RSA 36:55** shall be noticed in accordance with **RSA 36:57**.

Forms:

1. All forms prescribed herein and revisions thereof shall he adopted by resolution of the Board and shall become part of these rules of procedure. Any checklist attached to an official form is considered a part of the application and must be completed by the applicant or his/her designee or the application shall be voted as incomplete by the Board.

2. At the minimum, forms must be:

    a. Signed by the applicant.

    b. Include the appropriate fee/payment.

    c. Include the seal of a licensed surveyor, architect, or other professional, if required.

3. If any of the three required items above are deemed to be incomplete by the Clerk or the Planning Board designee, the matter will NOT be placed on the agenda and the matter will not be scheduled for formal consideration by the Planning Board until such time as these deficiencies are corrected.

Notice:

1. Public notice of the submission of, and public hearings on, each application shall be placed in a paper of general circulation and posted in two public places, preferably the Lancaster Town Office and Weeks Memorial Library as required in **RSA 676:4**. Posting of the notice may also be placed on the Town of Lancaster's website.

2. Personal notices shall be made in accordance with **RSA 676:4**.

Public Hearings:

1. The conduct of public hearings shall be governed by the following rules:

2. The Chairperson shall open the hearing by calling the hearing "in session." The Chairperson shall identify the applicant or agent. The Chairperson or Clerk shall read the application and report on the manner in which public and personal notice was given.

3. The Chairperson shall inquire as to the status of members to vote on the matter and shall seat alternates in the place of regular members in the case of disqualification. All members sitting shall be qualified to vote on the matter under consideration before the hearing shall proceed.

4. The applicant or agent shall make a brief statement of the purpose of the hearing.

5. Members of the Board may ask questions at any point during the hearing.

6. Any party to the matter who desires to ask a question of another party must go through the Chairperson.

7. Any applicant, any abutter or any person with a direct interest in the matter may testify in person, by agent, or in writing. Other persons may testify as permitted by the Board at each hearing. Each person who speaks shall be required to state his/her name and address and indicate whether he/she is a party to the matter or an agent or counsel to a party to the matter.

8. Those appearing in favor of the proposal may speak.

9. Those appearing in opposition to the proposal may speak.

10. The applicant, and those in favor of the proposal, may rebut.

11. Those in opposition to the proposal may rebut.

12. Those neither in favor nor in opposition may speak.

13. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.

14. The Chairperson 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 adjournment.

Decisions:

1. Pursuant to **RSA 676:4** the Board shall render a decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver.

2. The Board shall act to approve, conditionally approve, or disapprove.

3. Notice of decision shall be mailed to the applicant. It will be made available for public

inspection at the Lancaster Town Office during regular business hours within 5 business days after the decision is made as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the applicant with written reason(s) for the disapproval.

Inter-municipal Joint Meetings and Hearings:

1. The Planning Board may hold joint meetings and hearings with other land use boards including the Board of Adjustment, the Historic District Commission and the Building Inspector. Each board shall have the discretion whether or not to hold such joint meeting or hearing as provided in **RSA 676:2**. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairmen of the two boards. 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.

2. The Planning Board shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

Rules of Procedure:

1. The rules of procedure for joint meetings and hearings shall be the same as these rules of procedure except that the order of business shall be as follows.

    a. Call to order by Chairperson.

    b. Introduction of members of both boards by Chairperson.

    c. Explanation of reason for joint meeting/hearing by Chairperson.

    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 his/her proposal.

    e. Adjournment.

2. Each board involved in a joint public hearing makes its own decision, based upon its criteria for the particular matter.

Intra-municipal Joint Meetings and Hearings:

1. The Planning Board shall hold joint meetings and hearings with local land use boards from other municipalities when so petitioned by an applicant whose proposal involves land affected by the municipalities' boundaries as provided in **RSA 674:53**. The joint meetings or hearings shall be held throughout the application process. Each board may, however, meet separately to confer and take final action upon the application, but may not condition final approval upon the receipt of information not previously requested at a joint meeting or hearing.

2. Each involved land use board attending the joint meeting(s) or hearing(s) shall not have less than a quorum of its members present and the members in attendance shall have the authority of the full board over that application, All members present shall comprise the full Board(s) throughout the entire application process. Each land use board shall be responsible for rendering a decision on the subject matter within its jurisdiction.

3. The board members present at such a joint meeting(s) or hearing(s) shall select an interim chairperson from among the members present, who shall prescribe rules of procedure, subject to alteration by the members present, but consistent with **RSA 676**.

4. Joint meetings and hearings shall be held in the municipality with the greatest number of acres affected by the proposal.

5. All such joint meetings and hearings shall comply with the provisions of **RSA 674:53**.

Separability:

1. If any portion of these Rules of Procedure shall be held to be invalid, such holding shall not invalidate any other provision contained herein. Whenever a provision of these Rules of Procedure is found to be in conflict with Site Plan Review Requirements, Subdivision Requirements or State Law, the stricter provision, or the provision which imposes the greater requirement, shall control, subject to requested and Board approved waiver.

Amendment:

1. The Rules of Procedure may be amended at a regular meeting by a majority vote of the members of the Board present provided a quorum is seated. The amended procedures shall be filed with the municipal clerk.

Adopted: 12/13/88
Amended: 5/25/04
8/14/13
5/08/19