

I Authority

- A. These Rules of Procedure are adopted in accordance with New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1: These rules are approved or amended by a majority vote of the Board at a regular meeting and filed with the Town Clerk.

II Officers

- A. A Chairperson, Vice-Chairperson and Secretary shall be elected annually in the month of April by majority vote of the Board members.
- B. The Chairperson (Chair) shall preside over all meetings and public hearings, appoint such committees from the Board members as necessary, and shall affix his/here signature in the name of the Board. The Chairperson serves as an active voting member of the Board.
- C. The Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full power of the Chairperson on matters that come before the Board during the absence of the Chairperson.
- D. The Secretary shall be responsible for keeping minutes of meetings and legal notice postings. The Secretary shall verify and review Board records that are maintained.
- E. All officers shall serve for one year and shall be eligible for re-election.
- F. The Board may employ a recording secretary who will work under the direction of the Chair and/or Secretary.

III Alternates¹

- A. Alternate members² serve whenever a regular member of the Board is unable to fulfill his/her responsibilities.
- B. The Chair shall seat Alternates as necessary to replace absent or disqualified Board members.³
- C. Alternates are expected to attend, participate in and contribute to all Board meetings.
- D. Alternates shall vote only when seated by the Chair to fill the vacancy of an absent or disqualified Board member.
- E. Alternates may not sit as substitutes for vacant Board positions.⁴
- F. Alternates may not sit as replacements for the Ex-officio member of the Board.
- G. For the purposes of compliance with State open meeting laws, Alternates shall be counted when determining if a quorum of Board members are present together.

IV Meetings

- A. Time and place:
 1. Regular meetings shall be held at 7:00 PM in the Madbury Town Hall on the first and third Wednesday of each month.

¹ Items C through G revisions adopted 11/3/10

² appointed in accordance with RSA 673:6

³ RSA 673:11

⁴ Adopted 5/21/08

- 2. Other meetings may be held on call of the Chair provided public notice and notice to each member is given at least 24 hours, excluding Sundays and legal holidays, prior to such meeting.
- 3. Normally, applications are heard and Public Hearings are held on the first Wednesday with the second meeting of the month being reserved for work sessions.

B. Quorum.

A quorum for all meetings of the Board shall be four members, including alternatives sitting in place of members.

C. Disqualification.

If any board member finds it necessary to disqualify himself from a particular case, as provided in RSA 673:14, such as a conflict of interest, he/she shall notify the Chair as soon as possible so that an alternate may be requested to sit in his/her place. The disqualification shall be announced by either the Chair or the disqualified member before the beginning of the Public Hearing on the application. The member disqualifying himself shall absent himself from the table during the public hearing and from all deliberation on the application.

D. Order of Business.

The routine order of business for regular meetings should include the following items.

- 1. Open meeting
- 2. Seating of Alternates
- 3. Approval of Minutes from previous meeting(s)
- 4. Review of correspondence.
- 5. Applications for Consideration/Public Hearings
- 6. Other new business
- 7. Old Business
- 8. Future meeting agendas
- 9. Adjournment

V Attendance

- A. The unexcused absence of a member from three (3) consecutive meetings or six (6) meetings in a twelve (12) month period may be considered neglect of duty and constitute grounds for removal by the Board of Selectmen⁵.

VI Voting Rules⁶

- A. The Zoning Ordinance requires a 2/3 vote of the entire Board for Waivers. If less than the full Board is present for a vote on a waiver, the Board shall offer the applicant the option of continuing the hearing and vote to another date and time in an effort to achieve full attendance.
- B. A tie vote on a motion to approve an application represents a failure to approve and therefore a rejection of the application.

VII Non-public Sessions.

- A. All deliberations on applications shall be held in public. Non-public sessions may be held in accordance with provisions of RSA 91-A:3.

⁵ RSA 673:13

⁶ Adopted as written rule 5/21/08

VIII Records

- A. The records of the Planning Board shall be kept in the Madbury Town Hall and made available for public inspection in accordance with statutory requirements.
- B. Decisions by the Board on applications before the Board shall be recorded and filed in accordance with RSA 676:3. Final written decisions will be placed on file and available for public inspection within 144 hours (6 days) after a decision is made.
- C. Minutes of meetings shall be recorded and maintained in accordance with RSA 673:17 (see RSA 91-A). Minutes of all public 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 144 hours (6 days) of the public meeting.

IX Joint Meetings

- A. When an applicant requests a joint meeting of 2 or more land use boards, such meetings are conducted in accordance with RSA 676:2

X Annual Report

- A. An annual report shall be prepared by the Chair, reviewed by the Board, and submitted for inclusion in the Annual Town Report.

XI General Application Requirements and Scheduling

- A. Normally, applications are heard and Public Hearings are held on the first Wednesday of the month.
- B. All applications for consideration by the Board shall be made on appropriate forms provided by the Board. Forms shall be available at the Town Office.
- C. Completed applications must be submitted to the Town Office by the first regularly scheduled meeting of the month in order to be considered at the first regularly scheduled meeting of the following month. Submissions that fail to meet this requirement will be considered at a later date determined by the Board.⁷

XII Public Hearing Notice⁸

- A. For any meeting for consideration of any application for which public notice is required pursuant to RSA § 676:4 I(d):
 - 1. The Board shall notify the applicant, abutters, professionals whose seals appear on the plat, and holders of restrictions under RSA § 477:45 by certified mail at least ten days prior to the date of the meeting; and
 - 2. Public notice shall be posted in two locations at least ten days prior to the date of the meeting. The public notice shall include the name of the applicant, description of the property, tax map identification, action desired by the applicant, and the date, time and place of the hearing.
- B. For any meeting for consideration of an amendment to the zoning ordinances, subdivision regulations, site plan review regulations or building regulations pursuant to RSA § 675:7:
 - 1. Public notice shall be published in a newspaper of general circulation in the municipality at least ten days prior to the date of the meeting; and
 - 2. Public notice shall be posted in two locations at least ten days prior to the date of the meeting. The public notice shall include a summary description of the proposed changes and a reference to the location where the detailed changes are available for inspection.

⁸ Adopted 21 October 2015

XIII Public Hearings shall be conducted according to this outline:

- A. The Chair opens the public hearing and explains procedures.
- B. The Chair explains that the reason for holding the hearing is to gain input from any persons potentially affected by the proposal
- C. The Chair shall read the official notice of Public Hearing.
- D. The applicant presents the proposal.
- E. Board members may ask questions of the applicant.
- F. All persons wishing to speak shall be required to identify themselves, provide their address and state whether they are a party to the application or an agent or counsel of a party to the application.
- G. All questions must be directed through the Chair. The public hearing is not intended to provide dialog between applicants and the public.
- H. Persons wishing to speak shall be allowed to do so in the following order:
 - 1. Abutters in favor of the proposal,
 - 2. Abutters opposed to the proposal,
 - 3. Anyone else who wishes to speak,
 - 4. Any written comments are read into the record,
 - 5. The applicant may speak in rebuttal,
- I. The Public Hearing may be continued to a date and time certain by Board approval of an appropriate motion. Such continuation at a properly noticed meeting is deemed sufficient public notice for the continued hearing.
- J. When all parties have been heard, and if no outstanding issues remain to be heard, the Chair may close the Public Hearing. The Chair announces that the Public Hearing is closed, and no further public testimony may be heard.

XIV Process For **Subdivision** Applications/Decisions

- A. Applications are handled in accordance with Subdivision regulations, especially Articles III and IV.
- B. Pre-Application (Optional) ¹⁰
 Prospective applicants are encouraged to consult with the Board early and informally during the development of their subdivision or site plans. This discussion must take place at a public Board meeting but notification of abutters and the general public is not required because the discussion is informal, no decisions are made and no approvals made or implied. The Board may identify concerns and issues related to the concepts and preliminary plans presented. The Board may make a visual inspection of the site at this stage.
- C. Application
 - 1. Subdivision applications requirements are enumerated in Subdivision Regulations Article IV.
 - 2. The Planning Board shall notify the Conservation Commission of all applications
 - 3. At the Planning Board meeting where public hearing notice has been legally given, the Board will review the application for completeness and vote to accept the application for consideration.¹¹
 - 4. If the application is not accepted, the Board may choose to
 - a. reject the application as incomplete, thereby terminating the application process OR
 - b. continue the hearing to a date and time certain to allow the applicant to amend the application.
 - 5. If the application is accepted, the Board may chose to
 - a. schedule a site walk at a date and time certain (as a continuation of the public hearing)
 - b. continue the public hearing on the application to a date and time certain,
 - c. conduct the public hearing on the application immediately
 - 6. The Board shall review the application to determine if it has regional impact. Applications with regional impact shall be referred to the Strafford Regional Planning Commission¹².
 - 7. Depending on the scale and scope of the subdivision, the application may be reviewed and comments sought from the Town¹'s Police Chief, Fire Chief, and Road Agent.

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¹⁰ Subdivision Regulations Article III Section 4
¹¹ Subdivision Regulations Article III Section 9
¹² RSA 36:54-57

XV Lot Line Adjustment Process

- A. Lot Line Adjustment applications requirements are enumerated on the application form as a checklist to be completed by the applicant.
- B. At the Planning Board meeting where public hearing notice has been legally given, the Board will review the application for completeness and vote to accept the application for consideration.¹³
- C. If the application is not accepted, the Board may choose to
 1. reject the application as incomplete, thereby terminating the application process OR
 2. continue the hearing to a date and time certain to allow the applicant to amend the application.
- D. If the application is accepted, the Board may chose to
 1. schedule a site walk at a date and time certain (as a continuation of the public hearing)
 2. continue the public hearing on the application to a date and time certain,
 3. conduct the public hearing on the application immediately
- E. The Board shall review the application to determine if it has regional impact. Applications with regional impact shall be referred to the Strafford Regional Planning Commission¹⁴.
- F. Depending on the scale and scope of the subdivision or site plan, the application may be reviewed and comments sought from the Town¹s Police Chief, Fire Chief, and Road Agent.

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¹³ Subdivision Regulations Article III Section 9

¹⁴ RSA 36:54-57

XVI Merger of Lots Process

- A. Voluntary Mergers of lots are processed in accordance with RSA674:39a. Applicants must present an application on the form provided by the Board and available at the Town office. Applicant(s) must identify the lots involved and the lot owner(s).
- B. Normally, applications are heard on the first Wednesday of the month. A public hearing is not required.
- C. The Board shall review the proposed merger for possible violation of ordinances created by the merger.
- D. If no violations are found to be caused by the merger, the Board is obligated to approve the merger.
- E. The Board shall record the merger with the Registrar of Deeds.
- F. The Board shall notify the applicant(s) and the Town Assessor by mail.

XVII Site Plan Review Process

- A. Applications must provide all material and information described in the Site Plan Review regulations.
- B. For Reviews required under the provisions for changes to nonconforming pre-existing uses¹⁵, the Board shall, as a matter of "judicial economy", establish that the applicant has a plausible claim to a nonconforming pre-existing use before accepting the application. (Validity of such claims will be determined by the Zoning Board of Adjustment as part of the Special Exception process.)¹⁶
- C. At the Planning Board meeting where public hearing notice has been legally given, the Board will review the application for completeness and vote to accept the application for consideration.¹⁷
- D. If the application is not accepted, the Board may choose to
 1. reject the application as incomplete, thereby terminating the application process OR
 2. continue the hearing to a date and time certain to allow the applicant to amend the application.
- E. If the application is accepted, the Board may chose to
 1. schedule a site walk at a date and time certain (as a continuation of the public hearing)
 2. continue the public hearing on the application to a date and time certain,
 3. conduct the public hearing on the application immediately
- F. The Board shall review the application to determine if it has regional impact. Applications with regional impact shall be referred to the Strafford Regional Planning Commission¹⁸.
- G. Depending on the scale and scope of the site plan, the application may be reviewed and comments sought from the Town's Police Chief, Fire Chief, and Road Agent

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¹⁵ Zoning Ordinance Article XIII, Section 1.C Paragraph B adopted 2/6/13

¹⁷ Subdivision Regulations Article III Section 9

¹⁸ RSA 36:54-57

XVIII Home Occupation Process¹⁹

- A. Home Occupation applications requirements are enumerated on the application form as a table of information to be completed by the applicant.
- B. At the Planning Board meeting where public hearing notice has been legally given, the Board will review the application for completeness and vote to accept the application for consideration.
- C. If the application is not accepted, the Board may choose to
 - 1. reject the application as incomplete, thereby terminating the application process OR
 - 2. continue the hearing to a date and time certain to allow the applicant to amend the application.
- D. If the application is accepted, the Board may choose to
 - 1. schedule a site walk at a date and time certain (as a continuation of the public hearing)
 - 2. continue the public hearing on the application to a date and time certain,
 - 3. conduct the public hearing on the application immediately
- E. Depending on the scale and scope of the subdivision or site plan, the application may be reviewed and comments sought from the Town¹'s Police Chief, Fire Chief, and Road Agent.

¹⁹ Adopted 5/21/08