

## **TOWN OF ANTRIM - PLANNING BOARD BY-LAWS**

Adopted January 17, 2008. Amended May 1, 2008; May 2011; July 21, 2011; July 5, 2012; Clerical Change September 18, 2014. Amended May 19, 2016; June 6, 2019; May 20, 2021; and April 20, 2023)

### **Section 1 Authority**

These By-Laws are adopted under the authority of New Hampshire Revised Statutes Annotated Chapter 676:1.

### **Section 2 Membership**

- 2.1 The Planning Board shall consist of six (6) elected members with the authority to vote, one (1) ex-officio member with the authority to vote and up to five (5) alternate members with no authority to vote except when filling in for an absent or disqualified elected member.
- 2.2 Selection, qualification, terms, removal of members, and filling of vacancies shall conform to RSA 673.
- 2.3 Alternate Board members shall be appointed by the Planning Board for a period of three years in accordance with RSA 673:6. In no case shall more than two alternates be appointed to sit for an absent or disqualified elected member.
- 2.4 Whether seated by election or appointment, all members should complete at least 6 hours of training within one (1) year of assuming office for the first time. All other members should complete at least three (3) hours of training per year. Training shall be as designed and furnished by the Office of Planning and Development or other qualified agency or individual(s). The planning staff shall maintain a record of training performed by the members.
- 2.5 Planning Board members serving on other town boards, commissions and committees shall do so in accordance with RSA 673:7.

### **Section 2.a Capital Improvements Committee**

- 2.a.1. Two members of the Planning Board shall be appointed annually at the organizational meeting (see 3.2) by the Chair to serve on the CIP Committee. All other members of the CIP Committee are appointed by the Select Board. The Committee elects its own Chair from the membership.
- 2.a.2. The Committee presents its final Plan to the Planning Board no later than November 1<sup>st</sup> prior to submitting it to the Select Board and Budget Committee.
- 2.a.3. The first CIP meeting of the year ought to be held no later than the second week in May.

### **Section 3 Officers**

- 3.1 The officers of the Board shall be as follows:
  - a. Chair. The Chair shall preside over all meetings and hearings; shall appoint committees of resident citizens which include one member or alternate member of the Board who shall act as Chair; and shall perform other duties customary to the office. Pursuant to RSA 673:9.II, the ex-officio member shall not serve as Chair.
  - b. Vice-Chair. The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence of the Chair.
  - c. Chair Pro Tem. In the event that the chair and vice chair are absent, or recused, a chair pro-tem shall be nominated and voted on by the members who are present.
  - d. Secretary. In the absence of Planning Department Staff, the Secretary will be responsible for the minutes of Board meetings.
- 3.2 The officers of the Board shall be elected annually at the first meeting after Town elections, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written

ballot. The meeting at which the officers are elected is intended to be an organizational meeting, and any other business conducted is at the discretion of the Board. The current chair will chair the meeting until a new chair is elected.

3.3 Each newly elected and re-elected member and alternate member shall be sworn in and take an oath of office as required by RSA 42:1.

3.4 The planning staff shall forward to the municipal clerk for recording the election and expiration dates of the terms of each Board member.

#### **Section 4 Board Finances**

4.1 The planning staff shall receive all funds on behalf of the Board, issue receipts for same, and see that such funds are properly recorded and transmitted to the Town Administrator.

#### **Section 5 Planning Department Staff**

5.1 The Planning Department staff shall consist of planning support personnel whose duties shall be as listed in the job descriptions for those positions on file in the Planning Department office, and as amended. The staff shall prepare the agenda for the Board's meetings, subject to the Chair's approval, to be available to the Board no less than three (3) days prior to the scheduled meeting. Additionally, this role is responsible for the recording and maintenance of the Board minutes; issuing notices of all meetings; recording the names of the members present; notifying applicants and abutters of hearings; and preparing such correspondence and fulfilling such duties as the Chair may specify.

5.2 Planning Department staff shall prepare a packet for each meeting that contains all information relevant to the meeting. This packet shall be provided to the Board members no less than three business days prior to the meeting.

#### **Section 6 Standards of Conduct**

6.1 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.

6.2 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.

6.3 To avoid conflict of interest or even the appearance of impropriety, any member who may receive a direct personal or financial gain from a public Planning Board decision on an application must not participate in that decision. An official with a conflict of interest must 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, outside of a public meeting or hearing, regarding the matter in question so as to attempt to influence the vote on said question. A recused Board member is permitted to attend public meetings and speak as a citizen during a public hearing.

6.4 A Board member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or to further a personal interest.

6.5 All Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members, either by intention or inadvertence, is in 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, or when uncertainty arises, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified, in accordance with RSA 673:14, II. Any such request and vote shall

be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by anyone other than Board members.

6.6 Disqualification. If any member finds it necessary to disqualify himself/ herself from sitting in a particular case or is unable to act in any particular case pending before the Board, as provided in RSA 673:14, they shall notify the Chair as soon as possible so that an alternate may be designated to sit in their place, as provided in RSA 673:11. The disqualification shall be announced by either the Chair or the member disqualifying himself/ herself before the beginning of the consideration of, or the public hearing on, the application. The member disqualifying himself/ herself shall leave the Board table during all deliberations and the public hearing on the matter. If uncertainty arises as to whether a Board member should disqualify himself/ herself, refer to section 6.5 of these By Laws.

6.7 Attendance.

6.7.1 Regular and alternate members are expected to attend all meetings, to the extent possible. In order that the Board is able to conduct business, it is important that at a minimum a quorum (four members) is physically present. A full board is especially important when there are complicated applications to process or amendments to the land use regulations.

6.7.1.1 If a member knows he or she will be absent, the Chair should be informed of this, so that arrangements can be made for a replacement.

## **Section 7 Meetings**

7.1 Regular meetings shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month and, unless stated differently in a published notice, will be held at the Town Hall Conference Room, beginning at 7:00 p.m. unless otherwise noticed.

7.2 Special Meetings and Work Sessions of the Planning Board may be called by the Chair, or at the 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. The notice shall specify the purpose of the meeting and be posted in two public places.

7.3 Non-Public Sessions shall be held only in accordance with RSA 91-A: 3.

7.4 Quorum. A quorum, including alternates sitting in place of regular members, is required in order for the Board to conduct any business. If any regular Board member is absent from a meeting or hearing, or disqualifies himself 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 by the Selectmen for the ex-officio member shall serve in place of that member.

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

- a. Call to order by Chair
- b. Roll call and designation of alternates to sit for absent members
- c. Minutes of previous meeting
- d. Review of documentation
- e. Conduct business on the agenda
- f. Report of officers and committees

7.6 All meetings of the Planning Board shall be concluded by 9:00 P.M., with any unfinished business being carried forward to the next regularly scheduled meeting unless a majority of the Board votes to extend the closing time of the subject meeting.

#### 7.7 Decorum.

- a. No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once.
- b. All remarks must be directed to the Chair, except during a public hearing, until the hearing is closed for deliberation.
- c. Members will speak only when recognized by the Chair.
- d. For purposes of deliberation the Chair may suspend any of the above rules.

### **Section 8 Agenda Management**

- 8.1 Planning staff shall prepare a draft agenda prior to each meeting that will be approved by the Chair.
- 8.2 The planning staff shall maintain a file for applications received for Planning Board consideration, kept in sequence of the time at which an application is received in the office.
- 8.3 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.
- 8.4 Information regarding an application pending before the Board must be submitted to the planning staff one week prior to the scheduled meeting at which the information is to be considered, unless waived by a majority vote of the Board.

### **Section 9 Forms**

- 9.1 All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these By-Laws.

### **Section 10 Public Meetings**

- 10.1 The Chair shall call the meeting into session. The Chair shall introduce the Board, request that applicants, abutters and all parties present sign the attendance sheet, and outline the procedures for conducting the public meeting and public hearings. The following protocol is to be followed:
  - a. Members of the Board may ask questions through the Chair at any point during the presentation by the applicant or his/ her agent.
  - b. Any party to the matter who desires to ask a question of another party to the matter must address the question to the Chair.
  - c. Each person who wishes to speak shall state their name, address, and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
- 10.2 The following procedure for a public meeting shall be followed:
  - a. Planning staff shall be asked to read the public notice.
  - b. Planning staff shall state the date of publication, notification to abutters and other parties and their response.
  - c. The Planning Board will receive the submitted application.
  - d. The planning staff will report if the application is sufficiently complete to consider acceptance.
  - e. The Board shall review the application for completeness.
  - f. The Board shall take a roll call vote to accept, not accept, or table the application.
  - g. If the application is accepted, the Chair will declare the public hearing on the matter open.
  - h. Upon completion of the taking of public input, the Chair shall declare the public hearing closed and reconvene the public meeting for the board to deliberate the merits of the

application. Additional public input during the public meeting is permitted only at the discretion of the Chair.

- i. Upon completion of the deliberation, the board shall take a roll call vote to approve, conditionally approve or disapprove the application.

## **Section 11 Public Hearings**

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

- a. The Chair shall call the hearing in session.
- b. The applicant will make a presentation of the proposal and take questions from the Board.
- c. Before opening the floor to public comment, the Chair may set a time limit for people wishing to speak. The Chair will not recognize a person to speak a second time until all others have had the opportunity to speak once.
- d. The Chair shall ask if there are any abutters who wish to speak in favor of the application.
- e. The Chair shall ask if there are any abutters who wish to speak in opposition to the application.
- f. The Chair shall ask if there are other interested parties who wish to speak either in favor or in opposition to the application.
- g. The Chair shall ask the applicant if he/she wishes to rebut comments of the abutters or other parties.
- h. Upon completion of comments from abutters and other parties, the Chair shall close the public hearing and reconvene the public meeting on the application.
- i. If the hearing is adjourned pending the submission of additional material or information, or the correction of noted deficiencies, all parties with an interest in the application will be allowed to present their comments on the additional material, information or corrections, in person or in writing, at the date, time, and place of the continuation made known at the time of adjournment, at the discretion of the Chair.
- j. If an agent is appearing before the Board and the applicant is not present at the meeting, the Board must have written authorization from the applicant stating that the agent has been appointed to represent the applicant at the hearing. If neither the owner of record, the applicant, nor a properly authorized agent is present at the hearing, the Board may vote to dismiss the application without prejudice, not to be refilled with the Board for a period of six (6) months.
- k. Applications are presented in the order in which they are listed in the public notice for the hearing; however, the Board, in its discretion, may decide by majority vote to hear, and deliberate upon and/or decide applications in a different order.

## **Section 12 Decisions**

- 12.1 The Board shall render a written decision within 65 days, or 95 days in the event of an application with regional impact, pursuant to RSA 676:4.
- 12.2 Notice of the decision will be made available for public inspection within 5 business days after the decision is made, as required by RSA 676:3.
- 12.3 Written notice of the Board's decision to approve or disapprove the application will be issued to the applicant. If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.
- 12.4 The Notice of Decision shall include written findings that support the decision, as well as any conditions attached to any approval. Failure of the Board to make specific findings of fact

supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, pursuant to RSA 676:3.

### **Section 13 Amendments to the Zoning Ordinance**

- 13.1 Any proposed amendment to the Zoning Ordinance shall be submitted to the voters in accordance with RSA 675:3.
- 13.2 At least one public hearing shall be held on the proposed amendment(s) prior to submission to the voters at Town Meeting.
- 13.3 After the public hearing, the planning board shall, by vote, determine the final form of the amendment(s) to be presented to the town which may include editorial revisions and textual modifications resulting from the proceedings of that hearing.
- 13.4 An additional public hearing shall be held if the proposal is substantially altered by the planning board after public hearing. (Typographical, grammatical and punctuation corrections shall not be considered to be substantial alterations).
- 13.5 Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice given at least 10 calendar days prior to the hearing as required by RSA 675:7.

### **Section 14 Records**

- 14.1 The records of the Board shall be kept at the Planning Department office and shall be made available for public inspection at the Town Hall as required by RSA 91-A:4.
- 14.2 Minutes of all meetings including the names of Board members, the names of members who made or seconded any motions, persons appearing before the Board and a brief description of the subject matter shall be available for public inspection within five (5) business days of the public meeting as required in RSA 91-A:2, II. These minutes are considered to be draft minutes and will not become final until approved by the Board at a regularly-scheduled meeting.
- 14.3 The Board may record meetings via Zoom or some other platform or technology. These recordings are not considered official and will only be kept until the written minutes are approved.

### **Section 15 Joint Meetings and Hearings**

- 15.1 RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "Land Use Boards" including the Board of Adjustment, the Historic District Commission, the Conservation Commission, 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.
- 15.2 Joint business meetings with another local land use board may be held at any time when called jointly by the Chair of the respective boards, or by petition of an applicant seeking a local permit as provided in RSA 676:2.
- 15.3 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.
- 15.4 The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- 15.5 The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these By-Laws except that the order of business shall be as follows:
  - a. Call to order by Chair
  - b. Introduction of members of both boards by the Chair
  - c. Explanation of reason for joint meeting/hearing by the Chair

- d. Open the public hearing
  - e. 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 proposal.
  - f. Questions from the Boards
  - g. Public input
  - h. Close the public hearing
- 15.6 Each board involved in a joint public hearing shall make its own decision, based upon its criteria for the particular matter, in accordance with RSA 676:2, III.

#### **Section 16 Site Walks**

- 16.2 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.
- 16.3 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, and meeting minutes will be taken.
- 16.4 Attendance at site walks by members of the general public shall be with the property owner's permission only.

#### **Section 17 Amendment**

- 17.1 These By-Laws may be amended by a majority vote of the members of the Board provided that such amendment is adopted at a regular meeting of the board. Amendments to the By-Laws shall be placed on file with the Town Clerk.
- 17.2 These By-Laws shall be reviewed once a year within three (3) months after Town Meeting to note any changes recommended by the NH Office of Planning and Development.

#### **Section 18 Severability Clause**

- 18.1 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 By-Laws.

#### **Section 19 Waiver Clause**

- 19.1 The Planning Board may, by a majority vote of its members present, waive any portion of these Rules of Procedure.

#### **Section 20 Definitions**

- 20.1 ALTERNATE MEMBERS: Means members (up to five) that may be appointed by the Planning Board. Alternate Members may participate in all meetings, but may only vote when filling in for an absent or disqualified member.
- 20.2 CAPITAL IMPROVEMENTS COMMITTEE: Means the Committee, appointed by the Select Board, that is responsible for the annual preparation of a long-term budget for capital expenses.
- 20.3 CONFLICT OF INTEREST: Means when a member has a direct personal or pecuniary interest in the outcome of a case that differs from the interests of other citizens. The direct benefit may constitute a material personal gain or provide an advantage to relatives, friends, groups or associations that hold a significant share of the member's loyalty.
- 20.4. ELECTED MEMBER: A member of the Planning Board that is elected by ballot vote at the annual Town Meeting.
- 20.5 PUBLIC HEARING: Means the portion of a regular meeting of the Planning Board during which the public, applicants and other interest parties are allowed to speak.

- 20.6 PUBLIC MEETING: Means any meeting of the Planning Board at which a quorum of the membership is present.
- 20.7 QUORUM: Means a majority of the regular membership that is necessary in order for the Board to conduct any business. In the event of any vacancy, a quorum shall constitute a majority of the serving members.
- 20.8 SITE WALK: Means a visit by the Planning Board to a location that is the subject of an application before the Board and involves going onto the property that is 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 onto the property.)
- 20.9 EX OFFICIO MEMBER: Means a member of the Select Board who holds regular membership on the Planning Board.